

**From:** [ellroyferris@proton.me](mailto:ellroyferris@proton.me)  
**To:** [Paul Svilans](#)  
**Subject:** Paul: secret McKenzie recording  
**Date:** Saturday, 15 March 2025 2:54:25 AM  
**Attachments:** [ScreenRecording\\_03-14-2025 23-44-49 1.mov](#)

---

Pls acknowledge receipt.  
All the best

#### Transcript

...you about um Danielle and Emma, like trying to tell you, and again, I know you won't burn me so do not tell Dean please or Monique, or anyone that I've told you this, you know the fact that they've actively, like briefing us on his legal strategy, in respect of you. Like

this, and yeah we're not learning, like we anticipated most of it, one or two things now we know which is helpful but the point, the reason I told you that was to say like, you know, we've got this and, and they're not hostile to you, despite your worst fears. They're not.

And I've told you that so many times now, as well. And I had to tell you that extra bit to sort of prove it in your mind.

Yeah and maybe that's what has to happen like so...

But I shouldn't, I shouldn't tell you. I've just breached my fucking ethics in doing that, like this is where like, this has put me in a shit position now, like if Dean knew that and Peter knew that, I'd get my ass fucking handed to me on a platter.

Well, that's where I say you know you've got to trust me as well and I've not done anything-

I know, I know so

Well I do, that's why I've told, that's why I've told you but it's not, I wouldn't tell anyone else.

I haven't told anyone, like no one else I'd tell this, no one knows about the police investigation. It's a sensitive ongoing police investigation, phone taps, task force, there's a new, there's a whole new task force has been stood up in Brisbane. An entire new task force. There's police living in his apartment block under assumed identities, as we speak.



















## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 10/06/2021 4:40:00 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:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 10/06/2021 4:42:12 PM AEST

A handwritten signature in blue ink that reads "Sia Lagos".

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.





## Affidavit

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**  
Applicant

**Emma Roberts**  
First Respondent

**RS Group Australia Pty Ltd (ACN 152 427 597)**  
Second Respondent

Affidavit of: **Ben Roberts-Smith**  
Address: 140-142 Horton Parade, Maroochydore QLD 4558  
Occupation: General Manager Seven Brisbane/Regional Queensland  
Date: 10 June 2021

### Contents

No.	Details	Paragraph	Pages
1.	Affidavit of Ben Roberts-Smith sworn 10 June 2021	1-33	1-8
2.	Annexure BRS-1 being an ASIC search of RS Group Australia	4	9-18
3.	Annexure BRS-2 being a domain name search	6	19-22
4.	Annexure BRS-3 being copies of emails dated 16 December 2020 between myself, Mr Veale and Ms Roberts	15	23-26
5.	Annexure BRS-4 being a tax invoice from Crazy Domains dated 16 December 2020	16	27-28
6.	Annexure BRS-5 being a Part VIIIA Financial Agreement	17	29-80
7.	Annexure BRS-6 being copies of the Outlines of Evidence of Ms Roberts and Ms Scott	20	81-106
8.	Annexure BRS-7 being a copy of a Notice to Produce	21	107-109
9.	Annexure BRS-8 being copies of emails relevant to the Notice to Produce	22	110-131

A handwritten signature in black ink, appearing to be "Ben Roberts-Smith", written over a horizontal line.

11

No.	Details	Paragraph	Pages
10.	Annexure BRS-9 being screenshots of my RS Group Australia email account	24	132-136
11.	Annexure BRS-10 being a copy of an affidavit of Peter Bartlett	25	137-145
12.	Annexure BRS-11 being a screenshot of my RS Group Australia email account.	26	146-147
13.	Annexure BRS-12 being an account log from Crazy Domains	27	148-149
14.	Annexure BRS-13 being an article in The Sydney Morning Herald	31	150-153

I Ben Roberts-Smith, General Manager Seven Brisbane/Regional Queensland of 140-142 Horton Parade, Maroochydore in the State of Queensland, say on oath:

1. I am the Applicant.
2. Unless otherwise stated, the facts in this affidavit are matters within my own knowledge.
3. Nothing in this affidavit is intended to waive any legal professional privilege. To the extent that any part of this affidavit may be construed as a waiver of privilege, I withdraw and do not rely upon that part of the affidavit.

#### **RS Group Australia domain name account and RS Group email hosting account**

4. On 11 August 2011, the Second Respondent (RS Group Australia Pty Ltd ACN 152 427 597) was incorporated. Myself, the First Respondent, Emma Roberts (previously known as Emma Roberts-Smith and who is my former wife) and Mr Adam Veale, my accountant, are directors of the company. An ASIC search of RS Group Australia dated 22 April 2021 is annexed and marked **BRS-1**. The ASIC extract confirms that each of myself, Ms Roberts and Mr Veale remain directors of RS Group Australia.
5. From 2012 to 2018, I engaged in public speaking engagements. RS Group Australia was the vehicle through which my public speaking business income and expenses were accounted for.
6. On or about 19 December 2012, the RS Group Australia domain name [www.rsgrupaustalia.com](http://www.rsgrupaustalia.com) (**RS Group Australia domain name**) and RS Group Australia email hosting account (**RS Group Australia email hosting account**) were registered by Mr Veale with Crazy Domains, a domain name register in Australia, Europe, India and the Middle East. Annexed and marked **BRS-2** is a copy of a domain name search for RS Group Australia confirming it is registered with Crazy Domains.





7. As directors of the company, each of Ms Roberts, Mr Veale and myself have always had access to the RS Group Australia domain name account and the RS Group Australia email hosting account. The RS Group Australia email hosting account enables each of the three directors to perform functions as account administrators such as opening and closing individual RS Group Australia email accounts. It also enables an administrator to access any individual RS Group Australia email account and read the emails sent to and from that account without the need to input the password for the individual RS Group Australia email account.
8. Each director has their own individual RS Group Australia email account, namely:
- (a) [ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com) (my RS Group email);
  - (b) [emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com) (Ms Roberts' RS Group email); and
  - (c) [adam@rsgrouppaustralia.com](mailto:adam@rsgrouppaustralia.com) (Mr Veale's RS Group email).
9. From 2012 to 2018, I predominantly used my RS Group Australia email to conduct my public speaking engagements and for some personal correspondence. However, following the publication of a series of articles by Fairfax Media Publications Pty Ltd, The Age Company Pty Ltd and The Federal Capital Press of Australia in June 2018 and August 2018 (being the subject of Federal Court of Australia Proceedings NSD 1485, 1486 and 1487 of 2018 "**the defamation proceedings**"), I ceased receiving requests for public speaking engagements (for commercial purposes) and RS Group Australia lost its only form of income. RS Group Australia no longer carries on any trading activity.
10. Since the end of 2018 to on or around 20 April 2021, I had predominantly used my RS Group Australia email account for personal use including but not limited to:
- (a) corresponding with my legal advisers concerning the defamation proceedings and the Afghanistan Inquiry conducted by the Inspector-General of the Australian Defence Force; and
  - (b) corresponding with persons associated with my employer.
11. The email communications between myself and my legal advisers referred to in paragraph 10 above were and are confidential and included legal advice. The email communications between myself and persons associated with my employer were confidential.
12. I ceased using my RS Group Australia email account on or around 20 April 2021 because I suspected that Ms Roberts was accessing my emails as further described in paragraphs 21 and 22 below.

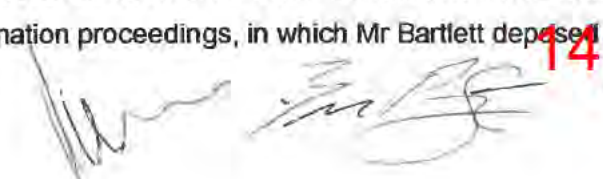


### **The marital breakdown**

13. On or about 20 January 2020, I separated from my then wife, Ms Roberts.
14. Prior to 20 January 2020, I was aware that Ms Roberts accessed my RS Group email from time to time and read emails that had been sent to that account. I did not object to Ms Roberts doing so on the basis that she maintained the confidentiality of any communications between:
  - (a) myself and my lawyers;
  - (b) myself and persons associated with my employer,and did not divulge them to anyone else.
15. On 16 December 2020, I received an email from Mr Veale concerning the expiry of the RS Group Australia domain name. I responded via email to Mr Veale stating I was content for the RS Group Australia domain name and emails to be cancelled. I forwarded that email correspondence to Ms Roberts at her email account milldot22@gmail.com. Annexed and marked **BRS-3** are copies of the emails dated 16 December 2020 between myself, Mr Veale and Ms Roberts.
16. On or about 16 December 2020, I received a telephone call from Ms Roberts requesting that the RS Group Australia domain name account and RS Group Australia email hosting account remain active, and that she would pay the cost of the annual registration fee. Annexed and marked **BRS-4** is a tax invoice from Crazy Domains dated 16 December 2020 showing payment of the registration fee on a MasterCard ending "3592" which is a credit card in the name of Ms Roberts.
17. On 23 February 2021, Ms Roberts and I entered into a Part VIIIA Financial Agreement. Annexed and marked **BRS-5** is a copy of that financial agreement. Ms Roberts was represented by Mr Jason Murakami in relation to the financial agreement.
18. I assumed that Ms Roberts did not continue to access my RS Group Australia email account after the date of the Part VIIIA Financial Agreement. On or about 20 April 2021, as further described in paragraphs 21 and 22 below, I became aware that Ms Roberts had been accessing my emails stored in my RS Group Australia email account and divulging those communications without my consent to MinterEllison, who are representing the Respondents in the defamation proceedings.

### **Ms Roberts' involvement in the defamation proceedings**

19. On 15 March 2021, the Respondents served an affidavit of Mr Peter Bartlett of MinterEllison, solicitors for the Respondents in the defamation proceedings, in which Mr Bartlett deposed

Handwritten signatures and a red number 14.



to an intention by the Respondents to call Ms Roberts and Ms Danielle Scott, a close friend of Ms Roberts, as witnesses for the Respondents in the defamation proceedings. That affidavit was read in court during an interlocutory application in the defamation proceedings before Justice Besanko on 7 April 2021.

20. On 12 April 2021, the Respondents in the defamation proceedings served an Outline of Evidence on behalf of Ms Roberts setting out some of the evidence Ms Roberts intends to give for the Respondents at the trial. The Respondents also served an Outline of Evidence on behalf of Ms Scott. Annexed and marked **BRS-6** is a copy of the Outlines of Evidence of Ms Roberts and Ms Scott (without attachment "L" to Ms Scott's Outline which comprises approximately 80 pages). The Outlines of Evidence of Ms Roberts and Ms Scott were annexed to an affidavit of Peter Bartlett of MinterEllison sworn on 22 April 2021, which was read in court during an interlocutory hearing on 28 April 2021.

#### **Unauthorised use of my RS Group Australia email correspondence**

21. On 19 April 2021, the Respondents in the defamation proceedings served a Notice to Produce addressed to myself. Annexed and marked **BRS-7** is a copy of the Notice to Produce. The Notice to Produce sought the following:
- (a) Draft chapters of my book;
  - (b) Email correspondence between myself and Persons 5, 29, 32, and 35 (being pseudonyms assigned to witnesses in the defamation proceedings) and copies of attachments to any emails;
  - (c) A statement provided by Person 36 in 2013 and July 2017;
  - (d) A request by myself to Person 36 in or about July 2017 to provide the statement referred to in (c) above;
  - (e) Email correspondence between myself and the SAS Association.
22. On or about 20 April 2021, following receipt of the Notice to Produce, I undertook a search of my email accounts, including my RS Group Australia email account. During the search, I located the following in my RS Group Australia email account:
- (a) two emails dated 15 October 2017 and 22 April 2018 attaching copies of a draft manuscript, being the documents sought in paragraph 1 of the Notice;
  - (b) two emails dated 3 November 2018 and 3 July 2019 between myself and Person 29 with attachments, being the documents sought in paragraphs 2 and 3 of the Notice;



(c) emails dated 13 August 2017 and 3 September 2017 between myself and Person 36, being the documents sought in paragraphs 4 and 5 of the Notice; and

(d) an email dated 20 March 2021 from the SAS Association, being the document sought in paragraph 6 of the Notice.

Copies of those emails and attachments are annexed and marked **BRS-8**. The emails have been redacted to prevent any disclosure of material that is considered Sensitive Information for the purposes of the orders made under section 38B of the *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth) which govern the defamation proceedings. I have not included the draft manuscripts attached to the emails of 15 October 2017 and 22 April 2018 due to their size.

I observed during the search that every document in the Notice to Produce was in my RS Group email account and it is my belief that Ms Roberts had accessed my account because as a Director, Ms Roberts can access the RS Group Australia email hosting site. As an administrator, a person can, if they wish, see any email in any RS Group Australia email account without needing any password.

23. The documents sought by the Notice to Produce were emails and/or attachments to emails sent to and/or from myself using my RS Group Australia email account and that those documents were not recorded or stored anywhere other than in that email account.

24. Upon a further review by myself of my RS Group Australia email account on 20 April 2021, I observed the following:

(a) all emails prior to 13 February 2018 had been deleted from my inbox;

(b) all emails prior to 14 February 2017 had been deleted from my sent items;

(c) all emails prior to 22 April 2021 had now been deleted from my deleted items;

(d) three emails in my email inbox had been "flagged", including an email from the my Senior Counsel, dated 19 April 2021 sent in relation to the defamation proceedings.

Annexed and marked **BRS-9** are screen shots of my email account showing the above. The screenshot of the email from my Senior Counsel has been redacted for legal professional privilege. I did not delete all the emails from my inbox, sent items or deleted items prior to the dates mentioned, nor did I flag the emails referred to above.

25. On 22 April 2021, the Respondents served a third affidavit of Mr Bartlett, in which Mr Bartlett deposed to communications between representatives of my lawyers, Mark O'Brien Legal and Ms Roberts in relation to the preparation of the Outline the Evidence it is anticipated Ms Roberts will give for the Respondents at the trial. Annexed and marked **BRS-10** is a copy of

  16




that affidavit without annexures PLB-6 and PLB-7, being a further copy of the Outlines of Evidence of Ms Roberts and Ms Scott.


26. Upon a review of my RS Group Australia email account on 30 May 2021, I observed that all emails prior to 24 May 2021 had now been deleted from my deleted items. Ms Roberts met with the Respondents' solicitors in Sydney on 24 May 2021. Annexed and marked **BRS-11** is a screenshot of the RS Group Australia email account.
27. Annexed and marked **BRS-12** is an account log from Crazy Domains recording logins to the RS Group Australia email hosting account from 23 February 2021 to on or about 31 May 2021. Logging on to RS Group Australia email hosting account enables a person to access the email account of another RS Group user. The account log does not record which RS Group Australia email account was accessed on these occasions. The account log records that the first time the RS Group email hosting account was accessed in 2021, was on 28, 29 and 30 March 2021, shortly after the Respondents had indicated they intended to call Ms Roberts and Ms Scott as a witnesses, but prior to any Outlines of Evidence being served on their behalf. The last login to the RS Group email hosting account was on 24 May 2021.
28. To my knowledge, Ms Roberts and Ms Scott have used Virtual Private Networks (VPNs). A VPN gives a user online privacy and anonymity by creating a private network from a public internet connection. VPNs disguise a user's internet protocol (IP) address and physical location so his/her online actions are difficult to trace. To my knowledge Ms Roberts has resided in Brisbane, Queensland since January 2021 and Ms Scott resides in Cairns, Queensland.
29. The only time I have accessed the RS Group Australia email hosting account in the past two or more years was on or around 20 April 2021. I typically accessed my RS Group Australia email account without logging on to the RS Group Australia email hosting account.
30. I am aware that on 2 May 2021, Monica Allen, a solicitor acting for me in these proceedings, logged into the RS Group Australia email account using the password provided to her by myself. That login is recorded as located at Sydney, New South Wales.
31. Since 12 April 2021, there have been numerous media articles published by the Respondents in the defamation proceedings asserting that Ms Roberts will give evidence against me. Annexed and marked **BRS-13** is a copy of an article entitled "*Very serious criminal conduct': Ben Roberts-Smith faces allegations of two more crimes*" published by the Sydney Morning Herald on 17 March 2021.



Sworn by the deponent  
at Sydney  
in New South Wales  
on 10 June 2021  
Before me:

)  
)  
)  
)  
)

  
\_\_\_\_\_  
Signature of deponent

  
\_\_\_\_\_  
Signature of witness

Paul Svilans

Mark O'Brien Legal

Level 19, 68 Pitt Street

Sydney New South Wales 2000

An Australian Legal Practitioner within the  
meaning of the Legal Profession Uniform Law



**Certificate Identifying Annexure**  
**"BRS-1"**

No. NSD. 1485, 1486, 1487 of 2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

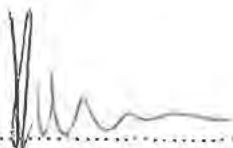
Applicant

**Emma Roberts and Anor**

Respondents

This is the annexure marked "BRS-1" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**19**

[Form approved 01/08/2011]

**ASIC Data Extracted 22/04/2021 at 08:48**

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

**- 152 427 597 RS GROUP AUSTRALIA PTY LTD -**

<b>ACN (Australian Company Number):</b>	152 427 597	<b>Document No.</b>
<b>ABN:</b>	81 152 427 597	
<b>Current Name:</b>	RS GROUP AUSTRALIA PTY LTD	
<b>Registered in:</b>	Western Australia	
<b>Registration Date:</b>	02/08/2011	
<b>Review Date:</b>	02/08/2021	
<b>Company Bounded By:</b>		

**- Current Organisation Details -**

<b>Name:</b>	RS GROUP AUSTRALIA PTY LTD	<b>1E7980491</b>
<b>Name Start Date:</b>	14/12/2011	
<b>Status:</b>	Registered	
<b>Type:</b>	Australian Proprietary Company	
<b>Class:</b>	Limited By Shares	
<b>Sub Class:</b>	Proprietary Company	

**- Company Addresses -**

<b>- Registered Office</b>		<b>2E0689145</b>
<b>Address:</b>	SUITE 6 40 CEDRIC STREET STIRLING WA 6021	
<b>Start Date:</b>	03/07/2014	

<b>- Principal Place of Business</b>		<b>2E2145543</b>
<b>Address:</b>	885 ILKLEY ROAD ILKLEY QLD 4554	
<b>Start Date:</b>	15/07/2015	

**- Company Officers -**

**Note:**

A date or address shown as UNKNOWN has not been updated since ASIC took over the records in 1991. For details, order the appropriate historical state or territory documents, available in microfiche or paper format.

\* Check documents listed under ASIC Documents Received for recent changes.

[Director](#)

**Name:** BENJAMIN ROBERTS-SMITH 2E2145543  
**Address:** 665 ILKLEY ROAD ILKLEY QLD 4554  
**Birth Details:** 01/11/1978 PERTH WA  
**Appointment Date:** 15/06/2012  
**Cease Date:** //

**Name:** EMMA LEA ROBERTS-SMITH 2E2146332  
**Address:** 665 ILKLEY ROAD ILKLEY QLD 4554  
**Birth Details:** 02/02/1975 BRISBANE QLD  
**Appointment Date:** 15/06/2012  
**Cease Date:** //

**Name:** ADAM WADE VEALE 2E2246870  
**Address:** 29 BLAIR STREET KARRINYUP WA 6018  
**Birth Details:** 21/01/1978 PERTH WA  
**Appointment Date:** 02/08/2011  
**Cease Date:** //

#### Secretary

**Name:** ADAM WADE VEALE 2E2246870  
**Address:** 29 BLAIR STREET KARRINYUP WA 6018  
**Birth Details:** 21/01/1978 PERTH WA  
**Appointment Date:** 02/08/2011  
**Cease Date:** //

#### **- Share Structure -**

##### Current

**Class:** ORDINARY 1E7622796  
**Number of Shares Issued:** 100  
**Total Amount Paid / Taken to be Paid:** \$100.00  
**Total Amount Due and Payable:** \$0.00

#### **Note:**

For each class of shares issued by a company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

#### **- Share/Interest Holding -**

### Current

#### **- Holding -**

<b>Class:</b>	ORD	<b>Number Held:</b>	100	2E2246870
<b>Beneficially Owned:</b>	No	<b>Fully Paid:</b>	Yes	

#### **- Members -**

<b>Name:</b>	ADAM WADE VEALE
<b>Address:</b>	29 BLAIR STREET KARRINYUP WA 6018
<b>Joint Holding:</b>	No

#### **- External Administration Documents -**

There are no external administration documents held for this organisation.

#### **- Charges -**

There are no charges held for this organisation.

#### **Notes:**

On 30 January 2012, the Personal Property Securities Register (PPS Register) commenced. At that time ASIC transferred all details of current charges to the PPS Registrar. ASIC can only provide details of satisfied charges prior to that date. Details of current charges, or charge satisfied since 30 January 2012 can be found on the PPS Register, [www.ppsr.gov.au](http://www.ppsr.gov.au). InfoTrack may cap documents for on-file searches to 250.

#### **- Document List -**

#### **Notes:**

- \* Documents already listed under Registered Charges are not repeated here.
- \* Data from Documents with no Date Processed are not included in this Extract.
- \* Documents with '0' pages have not yet been imaged and are not available via DOCIMAGE. Imaging takes approximately 2 weeks from date of lodgement.
- \* The document list for a current/historical extract will be limited unless you requested ALL documents for this extract.
- \* In certain circumstances documents may be capped at 250.

Form Type	Date Received	Date Processed	No. Pages	Effective Date	Document No.
484	06/08/2015	06/08/2015	2	06/08/2015	2E2246870
484	Change to Company Details				
484A1	Change Officeholder Name or Address				
484A2	Change Member Name or Address				
484	15/07/2015	15/07/2015	2	15/07/2015	2E2148332
484A1	Change to Company Details Change Officeholder Name Or Address				
484	15/07/2015	15/07/2015	2	14/07/2015	2E2146262
484A1	Change to Company Details Change Officeholder Name Or				



# Address

484	15/07/2015	15/07/2015	2	15/07/2015	2E2146061
484A1	Change to Company Details Change Officeholder Name Or Address				
484	15/07/2015	15/07/2015	2	15/07/2015	2E2145543
484	Change to Company Details				
484C	Change of Principal Place of Business (Address)				
484A1	Change Officeholder Name or Address				
484	26/06/2014	26/06/2014	2	25/06/2014	2E0689145
484B	Change to Company Details Change of Registered Address				
484	13/06/2014	14/07/2014	4	13/06/2014	1F0535015
484	Change to Company Details				
484B	Change of Registered Address				
484C	Change of Principal Place of Business (Address)				
484A1	Change Officeholder Name or Address				
484A2	Change Member Name or Address				
484	27/06/2012	27/06/2012	2	15/06/2012	1E8486652
484E	Change to Company Details Appointment or Cessation of A Company Officeholder				
205	14/12/2011	14/12/2011	2	14/12/2011	1E7980481
205A	Notification of Resolution Changing Company Name				
201	02/08/2011	02/08/2011	3	02/08/2011	1E7622796
201C	Application For Registration as a Proprietary Company				

## - Company Contact Addresses -

### - Contact Address for ASIC use only

Address: SUITE 6 40 CEDRIC STREET STIRLING WA 6021  
 Start Date: 23/06/2014

\*\*\* End of Document \*\*\*

## Risk Data

### Summary

Court Actions:	0
Payment Defaults:	0
ASIC Published Notices:	0
Mercantile Enquiries:	0
Critical ASIC Documents:	0
Credit Score:	579
Credit Enquiries - Last 5 Years:	4
Credit Enquiries - Last 12 Months:	2

## Credit Report

### Court Actions

Plaintiff	Action	Action Amount	Action Date	Nature of claim	Proceeding #	Location
-----------	--------	---------------	-------------	-----------------	--------------	----------

There are currently no court actions registered.

Court action information is supplied to CreditorWatch by the courts. We rely on the courts to provide up to date and accurate information and therefore CreditorWatch cannot guarantee that all actions are included. This report includes action information from the Magistrates courts in NSW, QLD, SA, VIC, and WA.

### Payment Defaults

Default Posted By	Document Type	Amount Outstanding	Date Added	Payment Due Date	Part Payment Made	Default Settled
-------------------	---------------	--------------------	------------	------------------	-------------------	-----------------

There are currently no defaults registered.

### ASIC Published Notices

Date	Title
------	-------

There are currently no ASIC Published Notices registered.

### Registered Mercantile Enquiries

Enquiry Date	Mercantile Agent
--------------	------------------

There are no mercantile enquiries registered.

## Credit Score

The score is a statistically based score indicating an entity's credit worthiness. The score ultimately ranks entities based on their riskiness and is designed to assist you in making more informed and consistent credit decisions.

The score is based between 0 and 850 index points with a higher score considered lower risk while lower scores are deemed to be riskier entities. It should be used in partnership with your internal credit procedures and policies.

**Credit Rating Grade: C1**

**Risk Level: Neutral**

**Credit Advice for C1 rating:** Entity currently has the aptitude to meet credit commitments. Unfavourable business, financial, or economic conditions may impair ability to meet financial commitments. Extend terms and monitor ongoing payment behaviour.

Entity has a 3.00% chance of failure within the next 12 months



## Historical Credit Scores



## Recommendations

### Credit Rating Risk Category Recommendation

A1, A2, A3	Very Low	Entity has a very strong aptitude to meet credit commitments. Extend terms within consideration.
B1, B2	Low	Entity has a strong aptitude to meet credit commitments. Unfavourable economic conditions may lead to a weakened capability to meet financial commitments. Extend terms within consideration.
B3, C1	Neutral	Entity currently has the aptitude to meet credit commitments. Unfavourable business, financial, or economic conditions may impair ability to meet financial commitments. Extend terms and monitor ongoing payment behaviour.
C2	Acceptable	Entity has an adequate aptitude to meet credit commitments. Unfavourable business, financial, or economic conditions will likely impair the capacity or willingness to meet financial commitments. Extend terms, closely monitor ongoing payment behaviour.

### Credit Rating Risk Category Recommendation

C3	Borderline	Entity is vulnerable and the aptitude to meet credit commitments is dependent upon favourable business, financial, and economic conditions. Trade with caution, closely monitor and consider your payment terms.
B1, B2, B3	High	Entity is currently highly vulnerable. COD trading highly recommended.
E	Impaired	Entity is currently highly vulnerable to non-payment and default. Trading eligibility must be considered.
F	Default	Entity has become insolvent or does not have the ability to trade

score v.28/05/20a

Please note that the score and recommendation should be used in partnership with your company's internal credit procedures and policies. The score should not be used as the sole reason in making a decision about the entity.

## Credit Enquiries

Entity has 4 credit enquiries within the last 5 years.

Entity has 2 credit enquiries within the last 12 months.

### Credit Enquiries (Last 12 Months)



### Ordered by Industry (Last 12 Months)

Industry	Number of Enquiries
Professional, Scientific and Technical Services (M)	2
TOTAL ENQUIRIES	2

### Ordered by Date (Last 12 Months)

Industry	Date
Professional, Scientific and Technical Services (M)	22-04-2021
Professional, Scientific and Technical Services (M)	01-05-2020

Report Date: 22-04-2021 08:48:08

Phone 1300 50 13 12 | Email [admin@creditorwatch.com.au](mailto:admin@creditorwatch.com.au)

(creditor)watch  
26  
Page 3/4

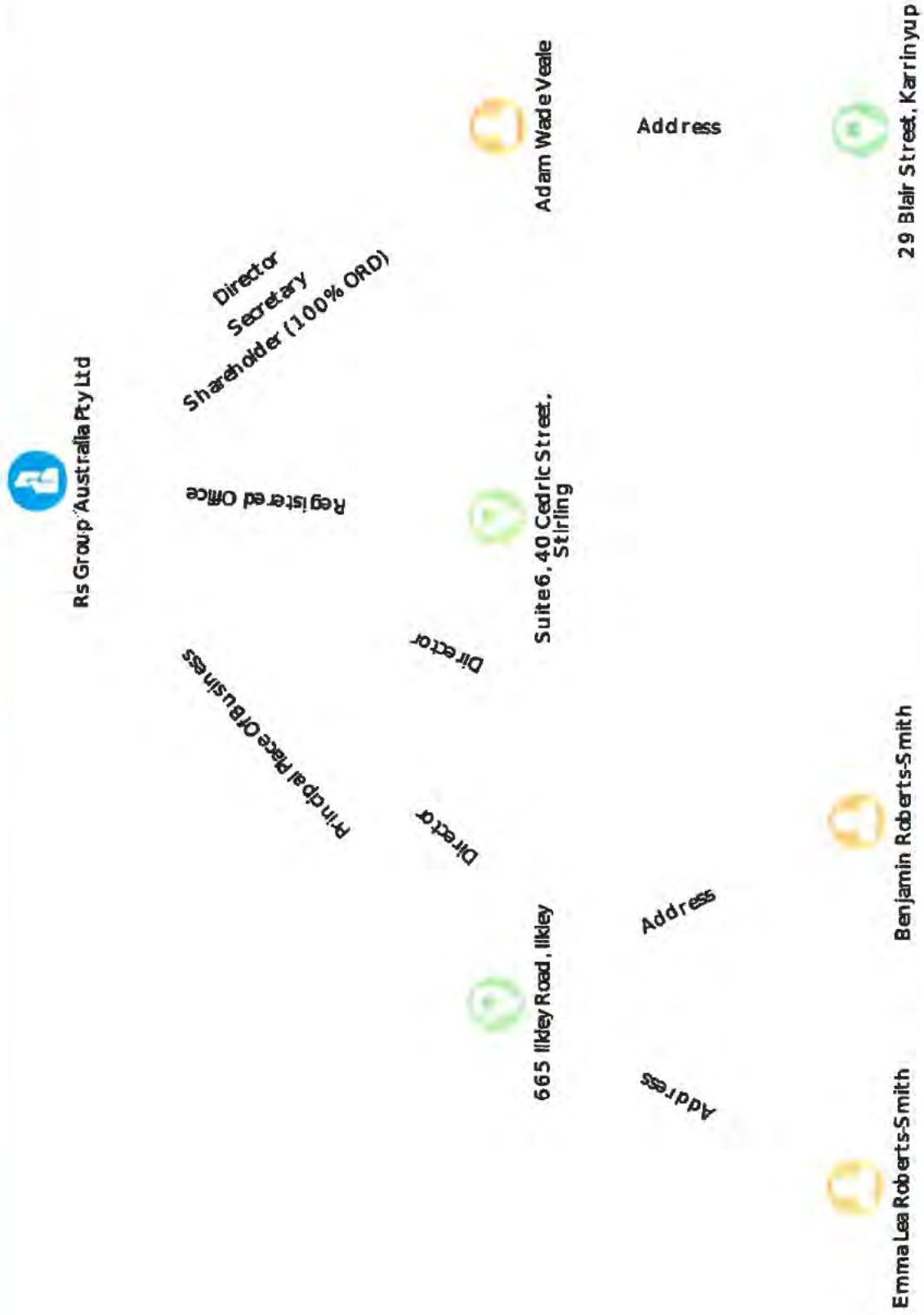


## Historical Timeline

Date	Type	Notes
07-03-2016	Main Business Physical Address	The Main Business Physical Address was changed to WA 6018 to QLD 4030 from WA 6018 from WA 6018  #2E2246870 Form 484
06-08-2015	ASIC Document	Change to Company Details Change Officeholder Name or Address Change Member Name or Address  #2E2146332 Form 484 Change to Company Details Change Officeholder Name Or Address #2E2146061 Form 484
15-07-2015	ASIC Document	Change to Company Details Change Officeholder Name Or Address #2E2145543 Form 484 Change to Company Details Change of Principal Place of Business (Address) Change Officeholder Name or Address
14-07-2015	ASIC Document	#2E2146262 Form 484 Change to Company Details Change Officeholder Name Or Address
15-09-2014	Main Business Physical Address	The Main Business Physical Address was changed to WA 6018 from WA 6018
25-06-2014	ASIC Document	#2E0688145 Form 484 Change to Company Details Change of Registered Address  #1F0535015 Form 484 Change to Company Details Change of Registered Address Change of Principal Place of Business (Address) Change Officeholder Name or Address Change Member Name or Address
13-06-2014	ASIC Document	#1E8488852 Form 484 Change to Company Details Appointment or Cessation of A Company Officeholder
16-06-2012	ASIC Document	
14-12-2011	Main Name	The Main Name was changed to RS GROUP AUSTRALIA PTY LTD from RS Holdings Pty Ltd
14-12-2011	ASIC Document	#1E7980491 Form 205 Notification of Resolution Changing Company Name
02-08-2011	Entity Status	The Entity Status was changed to Active
02-08-2011	Goods And Services Tax	The Goods and Services Tax was changed to Currently registered for GST
02-08-2011	Main Name	The Main Name was changed to RS Holdings Pty Ltd
02-08-2011	Main Business Physical Address	The Main Business Physical Address was changed to WA 6018
02-08-2011	ASIC Document	#1E7622786 Form 201 Application For Registration as a Proprietary Company

## Disclaimer

CreditorWatch is committed to ensuring that the information provided is accurate and comprehensive however due to data being received from sources not controlled by CreditorWatch we cannot guarantee that it is complete, verified or free of errors. The information should therefore be used in conjunction with your own investigations and you should not rely solely on this information when making credit or financial decisions. To the extent permitted by law, CreditorWatch will not be held responsible for any errors or omissions therein concerning the information sourced and published in its publications, websites, API or emails.



**Certificate Identifying Annexure**  
**"BRS-2"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

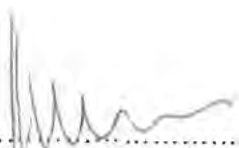
Applicant

**Emma Roberts and Anor**

Respondents

This is the annexure marked "BRS-2" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:

  
.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

29  
[Form approved 01/08/2011]



Domains  
Email

Need help?  
1300 210 210

Hosting  
Packages



Websites & Apps

Where to Buy

Online Marketing

Security

Register A New Domain

Search Domain

www.rsgrouppaustralia.com

rsgrouppaustralia.com

Last updated on: 2020-12-16 12:58:06 AM

## Registration Info

Name	Not Available
Registrar	Dreamscape Networks International Pte Ltd
Address	Not Available
Phone	Not Available
Status	ok
Created:	2011-12-19
Updated:	2020-12-16

## Raw Registrar Data

Domain Name: RSGROUPAUSTRALIA.COM  
Registry Domain ID: 1692820615\_DOMAIN\_COM-VRSN  
Registrar WHOIS Server: whois.crazydomains.com  
Registrar URL: http://www.crazydomains.com.au  
Updated Date: 2020-12-16T00:58:06Z  
Creation Date: 2011-12-19T06:39:30Z  
Registry Expiry Date: 2021-12-19T06:39:30Z  
Registrar: Dreamscape Networks International Pte Ltd  
Registrar IANA ID: 1291  
Registrar Abuse Contact Email: abuse@crazydomains.com  
Registrar Abuse Contact Phone: +61 894 220 890  
Domain Status: ok https://icann.org/epp#ok  
Name Server: NS4.SYRA.NET.AU  
Name Server: NS5.SYRA.NET.AU  
DNSSEC: unsigned  
URL of the ICANN Whois Inaccuracy Complaint Form: https://www.icann.org/wicf/

[Learn More](#)

30





[Domains](#)  
[Email](#)

[Hosting](#)  
[Packages](#)

[Websites & Apps](#)

[Online Marketing](#)

[Security](#)

Total Need help?  
Views: 1300 210 210

## Name Servers

NS4.SYRA.NET.AU

27.124.125.1

NS5.SYRA.NET.AU

27.124.125.2

**NOTICE:** The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

**TERMS OF USE:** You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.



Domains	Hosting	Websites & Apps	Online Marketing	Security
<b>Emails</b> Add Email Need help? 1300 210 210 Eco-Friendly Corporate Crazy Blog Affiliate Program Reseller API Reseller Storefront	<b>Packages</b> Register Domains Renew Domains Transfer Domains Backorder Domains Domain Tools Domain Privacy New Global TLDs Whois Domain	Web Hosting WordPress Hosting Site Protection Email Hosting Email Exchange Linux Servers Windows Servers Free DNS Hosting Cloud Backup	Website Builder Web Design Logo Design Traffic Booster Email Marketing Fax to Email Web Analytics Business Directory	

## 24/7 Sales and Support

Phone Sales & Support	Account Manager
Email Support	Hosting Manager
Guides & Tutorials	Web Email

Australia



You are Safe



**Certificate Identifying Annexure**  
**"BRS-3"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts and Anor**

Respondents

This is the annexure marked "BRS-3" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

[Form approved 01/08/2011]

33

## Monica Allen

---

**From:** Ben Roberts-Smith <b.robertssmith@me.com>  
**Sent:** Sunday, 2 May 2021 12:22 PM  
**To:** Monica Allen  
**Subject:** Fwd: rsgrouppaustralia.com - Auto Renewal has Failed

As requested.

Regards

BRS

Begin forwarded message:

**From:** Ben Roberts-Smith <b.robertssmith@me.com>  
**Date:** 16 December 2020 at 11:23:44 AEDT  
**To:** Em Rs <milldot22@gmail.com>  
**Subject:** Fwd: rsgrouppaustralia.com - Auto Renewal has Failed

As discussed

Regards

BRS

Begin forwarded message:

**From:** Ben Roberts-Smith <b.robertssmith@me.com>  
**Date:** 16 December 2020 at 09:41:57 AEST  
**To:** Adam Veale <adam@alleviategroup.com.au>  
**Subject:** Re: rsgrouppaustralia.com - Auto Renewal has Failed

Hi mate,

I'm happy for us to cancel or lose the RSG domains and email from this point.

Regards

BRS

On 16 Dec 2020, at 09:38, Adam Veale  
<adam@alleviategroup.com.au> wrote:

I have received a few emails about the rsgroup domain expiring. I think it was linked to an old credit card. I assume there is no reason to keep it going? We might just lose access to the RS group emails that's all.

**From:** Accounts | Crazy Domains  
[mailto:[accounts@crazydomains.com.au](mailto:accounts@crazydomains.com.au)]



Sent: 16 December 2020 3:26 AM  
To: [adam@alleviategroup.com.au](mailto:adam@alleviategroup.com.au)  
Subject: [rsgrouppaustralia.com](http://rsgrouppaustralia.com) - Auto Renewal has Failed



**[rsgrouppaustralia.com](http://rsgrouppaustralia.com)**

AUTO BILLING HAS BEEN DECLINED  
YOU ARE NOW AT RISK OF LOSING THIS NAME

There was a problem processing your auto renewal transaction. Please verify your payment information in your Account or use an alternate form of payment in Express Renew.

**PAYMENT METHOD:**

**EXPIRY DATE:**

19 Dec 2020

**DAYS LEFT:**

3

Verify Information

Express Renew

## What happens now?

Our system will try to reprocess the payment until the expiry date. If you don't want to renew, login to your account and turn off the auto billing setup.

If this domain name is not renewed by 19 Dec 2020, it will expire. Any services connected to the product will no longer work, and all data lost.

## How to renew

You can quickly and easily renew by clicking the 'Express Renew' button above. You will be taken to a page to process payment and secure your domain immediately via the following payment methods.

- Visa Credit Card
- Mastercard Credit Card
- American Express Credit Card
- Member Credit
- PayPal
- Saved Credit Card
- Webmoney
- Ali Pay
- Union Pay
- ZipPay
- DragonPay

## We're here to help

Our friendly Customer Care team is available 24/7 to answer your questions. You can browse our help site at <https://www.crazydomains.com.au/help/>

[1300 210 210](tel:1300210210)

[help@crazydomains.com.au](mailto:help@crazydomains.com.au)



**Certificate Identifying Annexure**  
**"BRS-4"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts and Anor**

Respondents

This is the annexure marked "BRS-4" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

37  
[Form approved 01/08/2011]

**Crazy Domains**  
**#1 for Domains & Hosting**

P: +61 2 9037 2826  
 E: help@crazydomains.com.au  
 W: www.crazydomains.com.au

# Tax Invoice

Date: 16 Dec 2020

Invoice #: 44900025

Member ID #: 1292501

**Bill To**

RS Group Australia  
 Adam Veale  
 Suite 6, 40 Cedric Street  
 STIRLING, WA 6021

Country: AU

**Payment Info**

#### #### #### 3592  
 MASTERCARD  
 PAID \$ 142.99

Item	List Price	Buy Price	Discount	Qty	Total Price
Group Email - Renewal rsgrouppaustralia.com Term: 1 Year (27/12/2020 - 27/12/2021)	\$108.00	\$108.00	-	1	\$108.00
rsgrouppaustralia.com Domain Name Renewal Term: 1 Year (19/12/2020 - 19/12/2021)	\$21.99	\$21.99	-	1	\$21.99
Subtotal:					\$129.99
GST					\$13.00
<b>Total:</b>					<b>\$142.99</b>

All pricing is displayed and charged in Australian Dollar (AUD)

ABN: 95551604390 | GST charged at 10% for country Australia (AU)

Auto-renewal has been enabled on the items listed here and will use the payment details used to pay this invoice.  
 Auto-renewal can be disabled and payment details altered in your Account Manager.

**Certificate Identifying Annexure**  
**"BRS-5"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-5" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant		
Prepared by (name of person/lawyer)	Paul Svilans		
Law firm (if applicable)	Mark O'Brien Legal		
Tel	+61 2 9216 9815	Fax	-
Email	<a href="mailto:Paul.svilans@markobrienlegal.com.au">Paul.svilans@markobrienlegal.com.au</a> ; <a href="mailto:monica.allen@markobrienlegal.com.au">monica.allen@markobrienlegal.com.au</a>		
<b>Address for service</b> (include state and postcode)	Level 19, 68 Pitt Street, Sydney NSW 2000		

[Form approved 01/08/2011]

39



## Part VIIIA Financial Agreement

Pursuant to section 90C of the *Family Law Act 1975* (Cth)

**Benjamin Roberts-Smith (Ben)**

**Emma Lea Roberts-Smith (Emma)**

☐ Original

**Ben's copy**

☐ Duplicate

**Emma's copy**

### IMPORTANT NOTICE

This Agreement is intended to create legal contractual relations between **Benjamin Roberts-Smith** and **Emma Lea Roberts-Smith**. It will confirm, define and limit their respective current and future rights (if any) and obligations (if any) arising from their relationship and is intended to be determinative of spousal maintenance as a result of the breakdown of their marriage.

**DO NOT SIGN IT UNLESS YOU INTEND TO BE BOUND BY ITS TERMS.**

**DO NOT SIGN IT UNLESS YOU HAVE HAD INDEPENDENT LEGAL ADVICE WHICH YOU UNDERSTAND AND WITH WHICH YOU ARE SATISFIED.**

The contents of this agreement are confidential and the parties' attention is drawn to the provisions of clause 7.13 of this agreement

Contact - Geoff Wilson, Partner, [g.wilson@hopgoodganim.com.au](mailto:g.wilson@hopgoodganim.com.au)

#### BRISBANE

Level 8, Waterfront Place, 1 Eagle Street  
Brisbane Qld 4000 Australia

T +61 7 3024 0000  
F +61 7 3024 0300

PO Box 7822, Waterfront Place Qld 4001 Australia

E [contactus@hopgoodganim.com.au](mailto:contactus@hopgoodganim.com.au)

#### PERTH

Level 27, Allendale Square, 77 St Georges Terrace  
Perth WA 6000 Australia

T +61 8 9221 8111  
F +61 8 9221 9100

PO Box 2 5312, St Georges Terrace, Perth WA 6831 Australia

[www.hopgoodganim.com.au](http://www.hopgoodganim.com.au)

# Table of Contents



1.	Executors, administrators and assigns .....	5
1.1	Binding on estate .....	5
1.2	Waiver of Claim against the other party's estate .....	5
2.	Reference Schedule, Definitions and interpretation.....	6
2.1	Definitions .....	6
2.2	Interpretation.....	6
2.3	Business Days .....	7
2.4	Parties.....	7
3.	Requirements of Part VIIIA of the <i>Family Law Act</i> and Jurisdiction.....	8
3.1	Purpose and nature of this Deed .....	8
3.2	Commencement of the Financial Agreement .....	8
3.3	No other agreements and binding effect.....	9
3.4	Governing Law and Jurisdiction .....	9
3.5	Exchange of Statements.....	10
3.6	Termination of Financial Agreement.....	11
3.7	Waiver.....	11
3.8	Foreign legal provisions .....	11
3.9	Foreign Agreement(s).....	12
3.10	Binding agreement condition to entitlement.....	12
4.	Maintenance.....	12
4.1	Satisfaction of Ben and Emma's maintenance claims .....	12
4.2	Maintenance component.....	12
4.3	Pension entitlement and apportionment of maintenance .....	13
4.4	Section 90E of the <i>Family Law Act</i> .....	13
5.	Account taken of future exigencies and changes in circumstances of the parties .....	13
5.1	This Deed to determine the Financial Matters .....	13
5.2	Exigencies accounted for in this Deed.....	13
5.3	Future financial circumstances .....	14
5.4	Change of law .....	14
6.	Release and indemnity.....	15
6.1	Pleading this Deed as a bar and estoppel.....	15
6.2	Indemnity.....	15
6.3	Release and discharge .....	15
6.4	No further Claim.....	15
6.5	Claim against estate .....	16
6.6	No pledge or commit credit .....	16
6.7	Acknowledgements.....	16
7.	Miscellaneous.....	17
7.1	Costs and duty .....	17
7.2	Further acts .....	17
7.3	Pleading this Deed as a bar.....	18
7.4	Dispute resolutions .....	19
7.5	Severability .....	20
7.6	Waiver in writing.....	20
7.7	Exercise of rights .....	20
7.8	Entire understanding.....	20
7.9	No merger .....	21
7.10	Additional consideration.....	21
7.11	Financial disclosure .....	21
7.12	Independent Legal advice.....	22
7.13	Reconciliation.....	23
7.14	Confidentiality .....	23
7.15	Registration.....	27
7.16	Notices .....	27
7.17	Legal effect .....	28
	Schedule 1 Definitions and Interpretation .....	29

## Table of Contents



Schedule 2 Property Consent Orders	31
Signing page	32
Annexure: Statement by Ben's Solicitor and acknowledgment by Ben	33
Annexure: Statement by Emma's Solicitor and acknowledgment by Emma	34
Receipt of Benjamin Roberts-Smith	35
Receipt of Emma Lea Roberts-Smith	36



## Part VIIIA Financial Agreement



Date \_\_\_\_\_

### Parties

Benjamin Roberts-Smith (Ben)

Emma Lea Roberts-Smith (Emma)

### Background

#### A. Interpretation

- (a) The definition of words and phrases used in this Deed are set out in Schedule 1 of this Deed commencing on page 29.

#### B. The Relationship

- (a) Ben and Emma commenced cohabitation in or about September 1998, and were married on 6 December 2003.
- (b) Ben and Emma separated on a final basis on or about 19 January 2020.
- (c) The parties are yet to file an Application for Divorce.

#### C. The parties

- (a) Ben was born in Australia on 1 November 1978, currently aged 42 years.
- (b) Ben is an Australian Citizen.
- (c) Ben is employed as the General Manager for 7QLD as part of Seven Network (Operations) Limited.
- (d) Emma was born in Australia on 2 February 1975, currently aged 45 years.
- (e) Emma is an Australian Citizen.
- (f) Emma is currently a stay-at-home parent.
- (g) There are two children of Ben and Emma's relationship, twins, namely:
  - (1) Eve Roberts-Smith born 7 August 2010 (Eve), currently aged 10 years; and
  - (2) Elizabeth Roberts-Smith born 7 August 2010 (Elizabeth), currently aged 10 years,

collectively referred to as the children.

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith


Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



### D. The parties' intentions regarding their Agreement

- (a) The following records the purpose and background to this Deed and a summary of the salient matters which underpin the Agreement which Ben and Emma now wish to enter.
- (b) The Property, Liabilities and Financial Resources of Ben and Emma currently available for alternation between them are detailed in the Property Consent Orders at Schedule 2. 
- (c) Ben and Emma have through negotiation with the assistance of their respective solicitors and counsel:
  - (1) Geoff Wilson of HopgoodGanim Lawyers and Dr Jacoba Brasch QC for Ben; and
  - (2) Jason Murakami of Behlau Murakami Grant ILP and Robert Gordon of Counsel for Emma,

resolved the legal issues arising from the Breakdown of the Relationship at mediation with the Honourable Michelle May AO QC and have reached an agreement and have agreed to reduce their agreement to writing as follows:

- (3) The Property Consent Orders will constitute the parties' arrangement about property settlement;
- (4) The Binding Child Support Agreement will constitute the parties' agreement about the financial support of the children; and
- (5) This Deed deals with the parties' agreement about spousal maintenance.
- (d) During their negotiations, Ben and Emma have:
  - (1) Each disclosed and discussed with each other the nature and extent of his or her financial circumstances (including but not limited to the Disclosure Documents); and
  - (2) Been advised in relation to their right to obtain independent valuations of any property.

### E. The parties' understanding of the effect of their Agreement

- (a) It is the desire of Ben and Emma, to the fullest extent permitted by law:
  - (1) That this Deed:
    - (A) Is a Financial Agreement as defined in subsection 4(1) of the *Family Law Act*;
    - (B) Is a Financial Agreement under section 90C of the *Family Law Act*;

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

  
Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



- (C) Provides for the maintenance of Ben and Emma as a result of the Breakdown of the Relationship.
- (b) There is no other agreement in force between Ben and Emma pursuant to:
- (1) Part VIIIA of the *Family Law Act*; or
  - (2) Under the law of another State or Country.
- (c) Ben and Emma intend this Deed to create a legally enforceable agreement between them in Australia, all States, Territories and other Countries.
- (d) Ben and Emma acknowledge that they are each mature adults who are both well versed in Financial Matters. Neither has sought to advise, guide, direct, control or pressure the other into accepting the terms of this Deed nor sought that the other rely upon his/her trust or confidence.
- (e) Each party acknowledges that this Deed will have the practical effect to operate in complete bar and discharge to any further application by either of them against the other in relation to the maintenance dealt with under this Deed.
- (f) Each party acknowledges that prior to or at the time of entering this Deed they have read the following sections of the *Family Law Act*:
- (1) Provisions concerning spousal maintenance:
    - (A) Sections 71A, 72, 74 and 75;
  - (2) Provisions concerning the Financial Agreement:
    - (A) Sections 90A, 90C, 90D, 90DA, 90DB, 90E, 90F, 90G, 90H, 90J, 90K, 90KA and 90L; and
  - (3) Provisions concerning confidentiality:
    - (A) Section 121.
- (g) Ben and Emma each acknowledge that this Deed is an extremely significant contract. Among other things, they acknowledge that:
- (1) They are giving up rights and potential rights and entitlements, which may be of significant value;
  - (2) They are settling the terms of their future rights and entitlements in this Deed based upon current circumstances, even though those circumstances will undoubtedly change and as a consequence, the terms of this Deed could then be manifestly unjust to one or the other; and
  - (3) It is impossible to predict or anticipate the myriad of factors that might affect them and their circumstances over the potential duration of this Deed, however despite what may occur into the future and despite whether the terms of this

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



Deed may then be considered "fair" or "manifestly unjust" they will continue to be bound by it.

### F. Disclosure between the parties

- (a) There have been negotiations between Ben and Emma and their respective legal advisers and an agreement has been reached in relation to all of the financial issues arising from the Breakdown of the Relationship, including alteration of property interests, superannuation and maintenance.
- (b) As part of the negotiations between Ben and Emma, they have each provided to the other disclosure of their financial affairs.
- (c) The Property, Liabilities and Financial Resources of Ben and Emma currently available for alteration of property interests between them are detailed in the Property Consent Orders.
- (d) Ben has sufficient personal awareness of Emma's financial affairs and circumstances to be confident of the extent and accuracy of Emma's disclosure of her financial affairs and circumstances at the time of entering this Deed.
- (e) Emma has sufficient personal awareness of Ben's financial affairs and circumstances to be confident of the extent and accuracy of Ben's disclosure of his financial affairs and circumstances at the time of entering this Deed.
- (f) Each of the parties acknowledges:
  - (1) That they have been given every opportunity they consider necessary to have valuations undertaken or to seek disclosure of financial documents; and
  - (2) That he or she has given full and frank financial disclosure of all Property, Financial Resources and Liabilities owned or believed to be owned by him or her as required for a Financial Agreement under the Act and each is satisfied with the financial disclosure he or she has received from the other party; and
  - (3) That they have disclosed to one another all material matters.

### G. The Legal Representation of the parties

- (a) Ben and Emma have been independently advised by his or her own legal representative.
- (b) Ben and Emma acknowledge that for the purposes of the Financial Agreement each has been provided before this Deed was signed by him and her as stated in the Statement annexed to this Deed, with independent legal advice from their respective legal practitioners as to the following matters:
  - (1) The effect of the agreement on the rights of that party;
  - (2) The advantages and disadvantages at the time that the advice was provided to the party, of making the agreement.

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



- (c) The legal representatives have provided their legal advice based on the instructions of the parties, disclosed documents and values of the Property, Liabilities and Financial Resources of the parties as provided by, and accepted by the parties, and the parties acknowledge that their respective lawyers have not provided financial advice nor any advice on the values (and potential future value) of the various items of Property, Liabilities and Financial Resources.
- (d) Ben and Emma acknowledge that each are fluent in the English language (both written and spoken) and accordingly neither party required an interpreter and/or translator for the purposes of the preparation and execution of this Deed including the negotiation, disclosure process and receipt of independent legal advice.

it is agreed

### 1. Executors, administrators and assigns

#### 1.1 Binding on estate

- (a) Ben and Emma mutually covenant that this Deed will be binding upon the heirs, executors, administrators and assigns of Ben and Emma respectively.
- (b) The terms of this Deed and the Property Consent Orders have taken account of the position of the surviving party in the event of the death of the other party.
- (c) Clause 2.2 of this Deed is severable from the rest of this Deed and Ben and Emma acknowledge that whilst such clauses may not be binding and enforceable under Part VIIIA of the *Family Law Act* by virtue of the definition of "breakdown" in section 4(1) of the *Family Law Act*, the parties intend the clauses to be binding upon each of them and their respective estates under the *Succession Act* (Qld), the succession laws of other States and countries, at law and in equity and Ben and Emma further intend the clauses to be binding and taken into account when administering their estates and in respect of any testator family maintenance or family provision proceedings.

#### 1.2 Waiver of Claim against the other party's estate

- (a) Ben and Emma acknowledge and agree that having regard to:
  - (1) all the provisions of this Deed;
  - (2) their respective income, Property and Financial Resources and ability to support themselves from those sources;
  - (3) each party's ability and prospects to obtain and maintain appropriate gainful employment; and
  - (4) their entitlements under this Deed and the Property Consent Orders,each party will be able to support themselves adequately without the need for maintenance or support from the other's estate on the death of the other party and therefore each agree, so far as they are capable of doing so in law, to forever forgo and release the other and their estate from any Claim that could be made under

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



section 41 of the *Succession Act* (Qld) 1981, and require that this Deed be respected by any court of law which may be asked to consider such a Claim.

- (b) Ben and Emma acknowledge that whilst there is presently no legislation in Queensland equivalent to Section 95 of the *Succession Act* (New South Wales) enabling Ben and Emma to each release his and her rights to make a testators family maintenance / family provision application pursuant to Section 40 and 41 of the *Succession Act* (Queensland) in respect of the estate of the other after the death of the other:
- (1) It is the intention of Ben that as a consequence of the Breakdown of the Relationship, Ben will not make any further Claim upon Emma's estate for provision in addition to his entitlements under this Deed and under Emma's will (if any);
  - (2) It is the intention of Emma that as a consequence of the Breakdown of the Relationship, Emma will not make any further Claim upon Ben's estate for provision in addition to her entitlements under this Deed and under Ben's will (if any); and
  - (3) Ben's and Emma's intentions are factors to be taken into account in the exercise of judicial discretion in respect of any proceedings instituted by Ben and Emma for testator family maintenance / family provision from the other's estate upon the death of the other.
- (c) Ben and Emma mutually covenant if legislation permits the parties to enter a deed of release waiving each party's rights to make an application for provision from the estate of the other party and to apply to a court of competent jurisdiction for approval of the deed of release; then the parties will do all acts and sign all documents necessary to obtain such release and court approval

### 2. Reference Schedule, Definitions and Interpretation

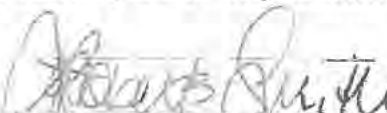
#### 2.1 Definitions

- (a) Refer to Schedule 1.

#### 2.2 Interpretation

- (a) Unless the contrary intention appears, a reference in this Deed to:
- (1) this Deed or another document includes any variation or replacement of it despite any change in the identity of the parties;
  - (2) one gender includes the others;
  - (3) the singular includes the plural and the plural includes the singular;
  - (4) a person, partnership, corporation, trust, association, joint venture, unincorporated body, Government Body or other entity includes any other of them;

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



- (5) an item, recital, clause, subclause, paragraph, schedule or attachment is to an item, recital, clause, subclause, paragraph of, or schedule or attachment to, this deed and a reference to this deed includes any schedule or attachment;
  - (6) a party includes the party's executors, administrators, successors, substitutes (including a person who becomes a party by novation) and permitted assigns;
  - (7) any statute, ordinance, code or other law includes regulations and other instruments under any of them and consolidations, amendments, re-enactments or replacements of any of them;
  - (8) money is to Australian dollars, unless otherwise stated;
  - (9) the parties is a reference to Ben and Emma; and
  - (10) a time is a reference to Brisbane time unless otherwise specified.
- (b) The words include, including, such as, for example and similar expressions are not to be construed as words of limitation.
  - (c) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
  - (d) Headings and any table of contents or index are for convenience only and do not affect the interpretation of this deed.
  - (e) A provision of this Deed must not be construed to the disadvantage of a party merely because that party or its advisers were responsible for the preparation of this Deed or the inclusion of the provision in this Deed.
  - (f) The recitals, annexures and schedules are true and correct and will form part of this Deed.

### 2.3 Business Days

- (a) If anything under this deed must be done on a day that is not a Business Day, it must be done instead on the next Business Day.
- (b) If an act is required to be done on a particular day, it must be done before 5.00pm on that day or it will be considered to have been done on the following day.

### 2.4 Parties

- (a) If a party consists of more than one person, this Deed binds each of them separately and any two or more of them jointly.
- (b) An agreement, covenant, obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and each of them separately.
- (c) An agreement, covenant, obligation, representation or warranty on the part of two or more persons binds them jointly and each of them separately.

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement

### 3. Requirements of Part VIIIA of the *Family Law Act* and Jurisdiction

#### 3.1 Purpose and nature of this Deed

- (a) Ben and Emma mutually covenant and acknowledge that they intend this Deed to govern their rights and Ben's and Emma's Claims, if any, in relation to their Financial Matters, given the Breakdown of the Relationship and in the event of death and to the extent this Deed:
- (1) Is a Financial Agreement under section 4(1) of the *Family Law Act*;
  - (2) Is a Financial Agreement during marriage under Section 90C of the *Family Law Act*;
  - (3) Under section 71A of the *Family Law Act*, will prevent a court of competent jurisdiction from making a Maintenance Order as a result of the Breakdown of the Relationship:
    - (A) Ben and Emma mutually covenant that no Maintenance Order is to be made against either party inconsistent with the provisions for maintenance in this Deed.
- (b) Ben and Emma mutually covenant, acknowledge and agree that this Deed is a Financial Agreement during Marriage under the provisions of Section 90C of the *Family Law Act* and it relates to all Claims and actions in respect of the Financial Matters of the parties dealt with by this Deed and is intended to operate in full and final satisfaction of and in substitution for all rights of the parties, in respect of the Financial Matters dealt with by this Deed only (other than a breach of this Deed) including but not limited to their rights if any at all:
- (1) under Part VIII of the *Family Law Act*;
  - (2) at common law;
  - (3) in equity; and
  - (4) under any other law (both written and unwritten) of the Commonwealth of Australia or any State, Territory, or country.

#### 3.2 Commencement of the Financial Agreement

- (a) Ben and Emma mutually covenant and agree that this Deed will commence and be effective immediately upon the Family Court pronouncing the Property Consent Orders attached at Schedule 1 to this Deed as being made.
- (b) Ben and Emma mutually covenant and agree that this Deed:
- (1) Will be executed and delivered in the State of Queensland of the Commonwealth of Australia by Ben; and
  - (2) Will be executed and delivered in the State of Queensland of the Commonwealth of Australia by Emma.

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



- (3) Until the issue of the Property Consent Orders, neither this Deed nor the contents of it nor the fact that the parties have entered into it, shall be admissible as evidence in any Court or tribunal and neither party shall seek to have same admitted into evidence.

### 3.3 No other agreements and binding effect

- (a) Ben and Emma covenant and acknowledge that there is no other agreement or court orders in force between Ben and Emma with respect to the Financial Matters and Financial Resources dealt with by this Deed pursuant to:
- (1) Parts VIIIA and VIIB of the *Family Law Act* respectively; or
- (2) Under the law of another State, Territory or country.
- (b) Ben and Emma covenant and acknowledge that at the time of making this Deed, each is not the spouse parties to any other binding agreement under Part VIIIA of the *Family Law Act* with respect to the Financial Matters and Financial Resources dealt with pursuant to this Deed.
- (c) Ben and Emma covenant that this Deed is binding and has full force and effect and governs all of the Financial Matters of the parties and the Financial Resources of the parties.

### 3.4 Governing Law and Jurisdiction

- (a) Ben and Emma mutually covenant, agree and declare that:
- (1) Choice of Law
- (A) This Deed is governed by and construed in accordance with the laws of the Commonwealth of Australia (including but not limited to determining the validity, interpretation and application of this Deed);
- (B) Notwithstanding the residence, citizenship and domicile of Ben and Emma and the situation of the Property, the laws of the Commonwealth of Australia will continue to apply to:
- (i) This Deed;
- (ii) The Property;
- (iii) The Financial Matters of Ben and Emma;
- (iv) The Relationship; and
- (v) The interpretation, implementation and enforcement of the provisions of this Deed.
- (2) Choice of Forum/Jurisdiction

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement

(1/2)

- (A) Ben and Emma mutually covenant and agree subject to clause 7.4, insofar as admissible by law the Family Law Courts are the appropriate forum and have exclusive international jurisdiction for the determination of any dispute or disagreement between Ben and Emma arising out of this Deed or out of the Relationship.
- (B) Each party irrevocably:
  - (i) Submits to the non exclusive jurisdiction of the Family Law Courts and the courts competent to determine appeals from those courts, with respect to any proceedings which may be brought at any time relating to this Deed; and
  - (ii) Waives any objection she or he may now or in the future have that any proceedings have been brought in an inconvenient forum, if that venue falls within clause 3.4(a)(2)(A).
- (3) The parties agree further that:
  - (A) If either of them should commence proceedings in respect of any matter arising out of their Relationship or its breakdown in the courts of any country other than Australia and the courts of Australia including the Family Law Courts at that time have jurisdiction to deal with such matter, they irrevocably consent to:
    - (i) A stay or moratorium in respect of those proceedings for a period of not less than 12 months from the date of commencement of those proceedings during which time proceedings in respect of that matter may be commenced in Australia; and
    - (ii) The dismissal of the original proceedings upon the acceptance by the Australian court including the Family Law Courts of jurisdiction over the subsequent proceedings.
  - (B) If the original proceedings issued in a court in a country other than Australia continue and / or are subsequently revived, the parties must both request that court to apply the law of the Commonwealth of Australia in its determination of the issues and, in any event, to:
    - (i) Have regard to the effect of the law of the Commonwealth of Australia; and
    - (ii) Give full force and effect to all of the terms of this Deed.

### 3.5 Exchange of Statements

- (a) Ben acknowledges that prior to this Deed being executed, Ben and his solicitor were provided with a copy of the signed Statement by Emma's solicitor; and
- (b) Emma acknowledges that prior to this Deed being executed, Emma and her solicitor were provided with a copy of the signed Statement by Ben's solicitor.

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement

14g

### 3.6 Termination of Financial Agreement

- (a) Ben and Emma mutually covenant and acknowledge that this Deed will terminate and cease to have force or effect:
  - (1) Upon Ben and Emma entering a Part VIIIA termination agreement under section 90J(1) of the *Family Law Act*; or
  - (2) Upon Ben and Emma including a provision to that effect in another Part VIIIA Financial Agreement under sections 90C(4) or 90D(4) of the *Family Law Act*,  
whichever occurs first in time.
- (b) Ben and Emma agree and acknowledge that this Deed will only be rescinded or varied by a written Agreement pursuant to Section 90J of the *Family Law Act* entered into and executed by both parties with the same degree of formality as this Deed and pursuant to the provisions of Sections 90C(4) or 90D(4) of the *Family Law Act*.

### 3.7 Waiver

- (a) The failure of a party to take advantage of any default or violation of the terms of this Deed on the part of the other will not constitute a waiver of this Deed or relinquishment of the right to require strict performance by the other party.
- (b) Ben and Emma agree that any custom or practice which may develop between them in the course of performance of this Deed will not constitute a waiver of this Deed or lessen the right of either of them to insist upon compliance with the provisions of this Deed by the other.

### 3.8 Foreign legal provisions

- (a) The parties intend this Deed to be the exclusive instrument governing all aspects of their Relationship in all jurisdictions.
- (b) The parties irrevocably agree and covenant with each other that in the event that the laws of any foreign jurisdiction apply to a party or the estate of a deceased party:
  - (1) Neither party will make any application under the laws of such foreign jurisdiction in relation to any financial issue between them and this Deed will constitute a complete bar to any such application;
  - (2) In the event that the laws of the foreign jurisdiction operate so as to mandate a distribution of assets and resources in a manner inconsistent with that provided in this Deed then any benefit accruing to a party by operation of such law which is additional to their entitlements under this Deed shall:
    - (A) be waived irretrievably by that party or their estate; and
    - (B) in the event that this is not possible under the foreign law, be forfeited to the other party of their estate and recoverable against the Separate Property of the forfeiting party.

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



### 3.9 Foreign Agreement(s)

- (a) Ben and Emma intend this Deed to be binding in all jurisdictions.
- (b) In the event that any jurisdiction with which the parties have or develop a connection does not recognise or permit enforcement of this Deed then the parties will do all things necessary including the execution of any documents (including but not limited to the preparation and execution of a Foreign Agreement in compliance with the laws of that jurisdiction) required to give effect to the terms of this agreement within the foreign jurisdiction to the fullest extent possible.
- (c) Any benefit received by either party in accordance with the laws of such foreign jurisdiction which are inconsistent with the effect of this Deed are to be dealt with in the same manner as is prescribed in clause 3.8(b)(2) of this Deed.

### 3.10 Binding agreement condition to entitlement

- (a) Ben and Emma mutually covenant that it is a condition of receipt of any distribution or entitlement under this Deed that the parties have entered a binding financial agreement under Part VIIIA of the *Family Law Act*.

## 4. Maintenance

### 4.1 Satisfaction of Ben and Emma's maintenance claims

- (a) Ben and Emma mutually covenant that each entered into this Deed pursuant to section 90C(2)(b) of the *Family Law Act* to the effect that this Deed will operate in substitution for any right of Ben and Emma to maintenance under Part VIII of the *Family Law Act*.

### 4.2 Maintenance component

- (a) Ben covenants with Emma that within 30 days of the commencement of this Deed Ben will pay to Emma as and by way of maintenance for Emma the sum of \$50,000.
- (b) Emma covenants and agrees with Ben that she will not make any further Claim against Ben now or in the future for maintenance whether by way of lump sum or periodical payments or transfer of property or otherwise and she relinquishes all rights and Claims to maintenance against Ben under Part VIII of the *Family Law Act*.
- (c) Emma covenants with Ben that within 30 days of the commencement of this Deed Emma will pay to Ben as and by way of maintenance for Ben the sum of \$50,000.
- (d) Ben covenants and agrees with Emma that he will not make any further claims against Emma now or in the future for maintenance whether by way of lump sum or periodical payments or transfer of property or otherwise and he relinquishes all rights and Claims to maintenance against Emma under Part VIII of the *Family Law Act*.
- (e) Ben and Emma agree to set off against each other, the payment of \$50,000 each in clauses 4.2(a) and 4.2(c) of this Deed.

\_\_\_\_\_  
Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

\_\_\_\_\_  
Solicitor / Justice of the Peace

  
Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



### 4.3 Pension entitlement and apportionment of maintenance

- (a) Ben covenants with Emma that at the date of entering this Deed, Ben's circumstances are such that, taking into account the terms and effect of this Deed, Ben is able to support himself without an income tested pension, allowance or benefit.
- (b) Emma covenants with Ben that at the date of entering this Deed, Emma's circumstances are such that, taking into account the terms and effect of this Deed, Emma is able to support herself without an income tested pension, allowance or benefit.

### 4.4 Section 90E of the *Family Law Act*

- (a) Ben and Emma mutually covenant that this Deed is one to which section 90E of the *Family Law Act* applies and one of the purposes of this Deed is to make provision for the maintenance of the parties as follows:
  - (1) Clause 4.2(a) is a provision that relates to the maintenance of a party, namely Emma, and for the purpose of section 90E of the *Family Law Act* it is hereby specified that the value of the provision is \$50,000.
  - (2) Clause 4.2(c) is a provision that relates to the maintenance of a party, namely Ben, and for the purpose of section 90E of the *Family Law Act* it is hereby specified that the value of the provision is \$50,000.

## 5. Account taken of future exigencies and changes in circumstances of the parties

### 5.1 This Deed to determine the Financial Matters

- (a) Ben and Emma mutually covenant that this Deed as far as it is practicable will finally determine for all time the financial relationship between them from the date of this Deed consistent with the Clean Break principle and this Deed is entered to avoid proceedings between the parties with respect to a Maintenance Order.

### 5.2 Exigencies accounted for in this Deed

- (a) Ben and Emma mutually covenant and agree that each has in reaching agreement as provided in this Deed taken into account the exigencies in life in so far as such exigencies may affect the financial circumstances and other circumstances favourably or unfavourably of each of them including but without limiting the generality of the foregoing:
  - (1) The prospect of either party receiving gifts and/or inheritances;
  - (2) The prospect of loss of employment or voluntary cessation of employment for either or both of the parties;
  - (3) The prospect of either party having a vastly superior income or earning capacity to the other party;

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



- (4) The prospect of illness or disability either temporary or permanent of either or both parties;
- (5) Having taken into account the children of the Relationship, there being a change of the parenting arrangements for the children;
- (6) The prospect of either party becoming entitled to an income tested pension benefit or allowance;
- (7) The loss of any or all the Property received or retained by Ben and/or Emma and the significant increase in the value of Ben's share of the Property and/or Emma's share of the Property;
- (8) The prospect of obtaining more remunerative employment for each or both parties;
- (9) The prospect of either party entering into a de facto relationship or marriage;
- (10) The reconciliation, and/or death, of the parties.

### 5.3 Future financial circumstances

- (a) Both Ben and Emma understand that difficulties including financial difficulties may be encountered in the event that one or the other of them suffers ill health, unemployment or a reduced income flow for any other reason and consequently:
  - (1) Given Ben's financial position, Ben is of the belief that he will be able to provide for himself financially in these circumstances;
  - (2) Given Emma's financial position, Emma is of the belief that she will be able to provide for herself financially in these circumstances; and
  - (3) It is understood by both parties that it would be prudent for each to take steps to cover the possible financial circumstances of such circumstances including maintaining an appropriate level of insurance including income protection insurance.

### 5.4 Change of law

- (a) Ben and Emma mutually covenant in the event that the law in relation to Financial Agreements under the *Family Law Act* changes including but not limited to:
  - (1) Amendments are made to the *Family Law Act* by Parliament of the Commonwealth of Australia with a retrospective operation or otherwise that affects this Deed; and / or
  - (2) the effectiveness of a financial agreement is clarified by a decision of the Family Law Courts or other superior courts and

that as a result of any such changes there is some technical or other obstacle to the enforcement, binding nature or effectiveness of this Deed, Ben and Emma agree that they will, in good faith, promptly negotiate and execute a fresh agreement (under

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



clause 3.6 of this Deed) in exactly the same terms as this Deed save for the changes necessary to remedy the technical or other obstacle(s) to the effectiveness of this Deed and otherwise renders this Deed binding and enforceable, as soon as may be practicable, but in the event of any omission to do so, such failure:

- (A) will not imply a mutual desire or intention to revoke this Deed;
- (B) will not render the Deed void, voidable, unenforceable or impracticable to perform or enforce for these reasons alone;
- (C) will not give rise to a Claim for varying or setting aside this Deed pursuant to the *Family Law Act* or otherwise at law or in equity; and
- (D) will not otherwise affect the essential validity or enforceability of this Deed nor will it create any presumptions and specifically will not cause any ambiguities to be construed against either party.

### 6. Release and indemnity

#### 6.1 Pleading this Deed as a bar and estoppel

- (a) Ben and Emma mutually covenant that the terms of this Deed may be pleaded as an absolute bar and estoppel to any and all Claims commenced now or taken at any time by each against the other with respect to or in any way connected with the facts, matters and circumstances the subject of this Deed including the Financial Matters dealt with by this Deed.

#### 6.2 Indemnity

- (a) Ben and Emma mutually covenant that each indemnifies the other in relation to any Claims arising out of or in any way relating to the facts, matters and circumstances the subject of this Deed.

#### 6.3 Release and discharge

- (a) Ben and Emma mutually covenant that each releases, discharges and forever holds harmless the other from and against any and all Claims arising out of or in any way related to the facts, matters and circumstances the subject of this Deed.

#### 6.4 No further Claim

- (a) Ben and Emma mutually covenant that save and except for all sums to be paid and transfers of Property pursuant to the Property Consent Orders and for any indemnity, warranty, covenant or representation given by this Deed, each party waives, discharges and releases the other from all sums of money, actions, proceedings, accounts, Claims, demands, costs and expenses of any kind whatsoever, which either party now has or has had at any time before or but for the exception of this Deed and / or the proposed Consent Orders might have had against each other or their estate for or on account of or in relation to any acts, cause, matter or thing whatsoever in any jurisdiction.

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

  
Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement

(16)

### 6.5 Claim against estate

- (a) Ben and Emma mutually covenant and agree that the provisions of clause 6.4 of this Deed include any Claims and rights that they may acquire because of the Relationship including:
- (1) To share in the estate of the other;
  - (2) To Claim against the estate of the other; and
  - (3) To act as personal representative, executor or administrator of the other.

Clause 6.5 of this Deed is severable from the rest of this Deed

### 6.6 No pledge or commit credit

- (a) Ben and Emma hereby warrant, represent, covenant and agree with the other that she or he has not and will not, without the express authority of the other of them, in any way pledge or commit the credit of the other of them or undertake any obligation for or on behalf of or in the name of them either solely or with others.
- (b) Each party also covenants and agrees with the other that should any contingent or actual liability attach to either party hereto as a result of any act or omission by the other party and not disclosed in this Deed or subsequently by one party to the other in respect of future acts or omissions, the party whose act or omission occasions such contingent or actual liability, indemnifies by the execution of this Deed the other party against such contingent or actual liability and all sums, actions, proceedings, Claims, accounts, demands, costs and expenses of any kind whatsoever relating to such contingent or actual liability.

### 6.7 Acknowledgements

- (a) Ben and Emma acknowledge that:
- (1) They have entered into this Deed voluntarily upon their own information and investigation;
  - (2) They are aware that they may discover facts different from or in addition to the facts that they now know or believe to be true with respect to the subject matter of this Deed;
  - (3) It is their intention to, and they do by this Deed and the Property Consent Orders, fully, finally and absolutely settle all Claims which now or may in future exist between them with respect to the subject matter of this Deed and the Property Consent Orders.

Benjamin Roberts-Smith

Solicitor / Justice of the Peace

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement

### 7. Miscellaneous

#### 7.1 Costs and duty

- (a) Ben and Emma mutually covenant that each other will pay their own costs of and incidental to this Deed, including expenses incurred by each in connection with the negotiation, preparation and execution of this Deed, including any investigations undertaken and the costs and expenses associated with retention of financial, legal, taxation and other professional advisers and any brokerage or commissions payable.
- (b) Ben and Emma mutually covenant and agree that subject to clause 7.1(c) of this Deed, that any duty payable in respect of this Deed or any document or instrument prepared pursuant to this Deed or contemplated hereunder together with all registration fees payable and other fees and charges to Government Departments (including the Department of Natural Resources and Mines) and Statutory Authorities, instrumentalities and bodies) (and such equivalent office or body in other relevant countries) will be borne or paid by the transferee who will indemnify the transferor in respect of same.
- (c) Ben and Emma mutually covenant and agree to use their best endeavours and where necessary will join with the other to request and where necessary, provide submissions, to the Office of State Revenue or assessor (and such equivalent office or body in other relevant countries) to ensure that this Deed or any document or instrument prepared pursuant to this Deed or transaction pursuant to this Deed or contemplated hereunder is assessed for duty under section 90L of the *Family Law Act*.
- (d) Ben and Emma mutually covenant that they will promptly comply with all requisitions issued by the Office of State Revenue, the Department of Natural Resources and Mines, other Government Departments, Statutory Authorities, instrumentalities and bodies (and such equivalent office or body in other relevant countries) so far as they are reasonably able in relation to this Deed or any document executed pursuant to or putting into effect the terms and conditions of this Deed and in default of either of them hereto complying with any requisition so issued within 14 days of the date upon which any requisition issues, the party not in default will be entitled to comply with any of the said outstanding requisitions and recover from the other party in default the costs and outlays incurred in complying with any of the said requisitions.

#### 7.2 Further acts

- (a) Ben and Emma mutually covenant to sign, execute and deliver all documents, instruments and writings and do all acts and things as may be necessary or desirable to give validity and operation to the terms of this Deed and the transactions contemplated by it.
- (b) If a party fails to comply with a written request to sign, execute and deliver any document, instrument and writings in accordance with clause 7.2(a) of this Deed, then prior to the other party being irrevocably appointed as the attorney for the defaulting party, the party seeking to be appointed as the attorney must provide a further written notice detailing:
  - (1) the nature of the document or instrument or writing to be signed or the action to be taken; and

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



- (2) the date and time upon which the document or instrument or writing will be signed or the action described will be taken, with such date and time not to be earlier than 4.00pm on the day that is 7 days from the date of the written notice.
- (c) If a party fails to comply with the requirements of this paragraph within 14 days of being requested to do so in writing by the other party, the defaulting party shall be deemed to have irrevocably appointed the other party as their attorney who, in the name of the defaulting party, may complete all acts necessary to enable this Deed to be implemented.
- (d) In the event of a party being obliged to take any steps under the preceding clause, the defaulting party will indemnify the other party against any Claims which may arise as a result of that step being taken, and the defaulting party shall further ratify and confirm whatever action the other party has caused to be done by virtue of their appointment as attorney.
- (e) Ben and Emma mutually covenant that clauses 7.2(a) to (d) do not derogate from the rights of the parties to seek orders under section 90KA of the *Family Law Act*, particularly section 90KA(c) of the *Family Law Act* and thereafter seek orders for the enforcement of this Deed as if it were an order of the court.

### 7.3 Pleading this Deed as a bar

- (a) Ben and Emma mutually covenant that subject to the provisions of Section 90K of the *Family Law Act* the terms of this Deed will operate in full and final satisfaction of all Claims of a financial nature that they may have against each other in respect of the Relationship and Financial Matters dealt with by this Deed and may be pleaded as an absolute bar and estoppel by Ben and Emma.
- (b) Ben and Emma mutually covenant if notwithstanding the provisions of this Deed (and save and except for the purposes of enforcement of the provisions of this Deed), either party institutes any proceeding, Claim or action against the other party, their heirs, executors, administrators and personal representatives in any Court in the Commonwealth of Australia in relation to the subject matter of this Deed, then apart from the provisions of clause 7.3(a) having effect, the provisions of this clause will be deemed and construed as constituting consent by the party who institutes such proceeding, Claim or action to:
- (1) An order for security for legal costs on a solicitor/own client basis in such sum as will be certified as proper by the legal practitioner acting on behalf of the other party or on behalf of their heirs, executors, administrators and personal representatives;
- (2) An injunction restraining that party from selling, disposing, encumbering, further encumbering or dealing in any manner whatsoever with their Property and any other Property which they may have received pursuant to the Property Consent Orders (other than securing the costs in accordance with clause 7.3(b)(1), pending determination of the said proceedings, Claim or action; and
- (3) An encumbrance or charge capable of registration over any real or personal property of that party to secure the costs referred to in clause 7.3 (b)(1).

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement

### 7.4 Dispute resolutions

(a) Ben and Emma mutually covenant that:

- (1) save where there is a specific procedure for resolving disputes between the parties provided in this Deed, all and any future difference, disagreement or dispute arising out of or under this Deed or the breach, termination, validity or subject matter thereof will be referred in the first instance to mediation;
- (2) the mediator will be agreed between them within one calendar month of the difference, disagreement or dispute arising and failing agreement, then a mediator will be appointed by the Chairperson for the time being of the Australian Institute of Family Law Arbitrators and Mediators;
- (3) the mediation will take place at a venue in Australia agreed upon by Ben and Emma and failing agreement as nominated by the mediator; or if the parties are living outside of Australia, such mediation may take place by teleconference or video conference;
- (4) if the dispute is not settled within 28 days (or such other period as agreed to in writing between Ben and Emma) after conclusion of the mediation then the dispute will be submitted to arbitration and determined by one approved arbitrator under the *Family Law Act* (Cth) appointed pursuant to the Arbitration rules and the arbitration will be conducted in accordance with the Arbitration rules;
- (5) further and without ousting the Family Law Court's jurisdiction in respect of such matters, if either party:
  - (A) challenges the validity of this Deed; or
  - (B) challenges that this Deed is a financial agreement; or
  - (C) challenges that this Deed is binding; or
  - (D) seeks to set aside this Deed under sections 90K and 90UM of the *Family Law Act* (as applicable); or
  - (E) seeks relief under sections 90KA and 90UN of the *Family Law Act* (as applicable);

then the parties will consent to arbitrate such matters under section 10L(2)(b) of the *Family Law Act*;

- (6) the arbitrator will be agreed between the parties within 6 weeks of the conclusion of the mediation and failing agreement, then an arbitrator will be appointed by the Chairperson for the time being of the Australian Institute of Family Law Arbitrators and Mediators;
- (7) the number of arbitrators will be one;

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



- (8) the arbitration will take place at a venue in Australia agreed upon by Ben and Emma, and failing agreement, as nominated by the arbitrator, or if the parties are living outside of Australia, such arbitration may take place by teleconference or video conference;
- (9) the applicable law for the purposes of the arbitration is the law of the Commonwealth of Australia; and
- (10) the language to be used in the arbitral proceedings will be English.
- (b) Ben and Emma mutually covenant that at the joint election of the parties, they may endeavour to resolve any future difference, disagreement or dispute arising out of or under this Deed through the collaborative practice process.
- (c) Ben and Emma mutually covenant that the provisions of clause 7.4 of this Deed are mandatory and are a bar to either party commencing litigation without having complied with the provisions of clause 7.4 of this Deed.

### 7.5 Severability

- (a) If any provision of this Deed shall be or be determined to be illegal, invalid, void or voidable the legality or validity of the remainder of this Deed will not be affected and will continue in full force and effect.

### 7.6 Waiver in writing

- (a) Ben and Emma mutually covenant that:
  - (1) A party's failure or delay to exercise a power or right does not operate as a waiver of that power or right;
  - (2) A waiver is not effective unless it is in writing signed by the parties to be bound and be in accordance with the provisions of Sections 90C or 90D of the *Family Law Act* and clause 3.6 of this Deed; and
  - (3) Waiver of a power or right is effective only in respect of the specific instance to which it relates and for the specific purpose for which it is given.

### 7.7 Exercise of rights

- (a) A single or partial exercise or waiver by a party of any right in this Deed will not prevent any other exercise of that right or the exercise of any other right.
- (b) The parties will not be liable for any loss, cost or expense caused or contributed to by the waiver of, exercise of, attempted exercise of, failure to exercise or delay in exercising a right.

### 7.8 Entire understanding

- (a) Ben and Emma mutually covenant and acknowledge that:

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

  
Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



- (1) There is no other agreement in force between Ben and Emma with respect to the matters in this Deed; and
- (2) This Deed:
  - (A) Is the entire agreement and understanding between the parties about the subject matter of this Deed; and
  - (B) Supersedes any prior agreement, understanding and negotiations on anything connected with that subject matter.
- (b) Ben and Emma agree and acknowledge that if there is a dispute between the parties as to the intended meaning of this Deed, either party may additionally rely only on any document sent between the lawyers for the parties before this Deed was signed by both parties (including by mail, fax, email or other means) to clarify the disputed meaning.

### 7.9 No merger

- (a) Ben and Emma mutually covenant that the warranties, indemnities, representations, covenants and conditions contained in this Deed will continue after the execution and completion of this Deed and will not merge upon completion of this Deed.

### 7.10 Additional consideration

- (a) Ben and Emma agree that the additional consideration for the mutual abandonment of their respective rights to a maintenance order or other Claim by this Deed means the abandonment of such rights by the other party and the mutual certainty as to the absence of future Claims which this Deed will provide to each party.

### 7.11 Financial disclosure

- (a) Ben and Emma covenant and acknowledge that he or she has given full and fair financial disclosure of all Property, Liabilities and Financial Resources owned or believed to be owned, by him or her and are satisfied with the financial disclosure he or she has received from the other party including the Disclosure Documents.
- (b) Ben and Emma mutually covenant and acknowledge that the provisions in this Deed for the distribution of Financial Matters are equitable, fair, reasonable and satisfactory to them and are made in full and complete satisfaction of any and all Claims which each party may have against the other party in relation to a Maintenance Order.
- (c) Ben and Emma mutually covenant to voluntarily waive the right to any additional disclosure relating to the Financial Matters of the other party.
- (d) The parties further acknowledge that they have had ample and complete opportunity to review the other's financial disclosure and to request additional information from the other.

\_\_\_\_\_  
Benjamin Roberts-Smith

Solicitor / Justice of the Peace

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement

### 7.12 Independent Legal advice

- (a) Ben and Emma acknowledge that this Deed results from the parties discussions over a significant period of time and the date upon which this Deed is executed is in no way representative of the amount of time the parties have devoted to discussions concerning the terms of this Deed and accordingly each party expressly waives the right to assert any defence to the validity of this Deed based upon the amount of time between the drafting, revising and signing of this Deed.
- (b) Ben and Emma covenant and acknowledge that each of them were represented by independent legal counsel of their choice in the preparation of this Deed and that they fully understand the terms, provisions and legal consequences of this Deed.
- (c) Ben and Emma acknowledge that Ben's solicitor, Geoff Wilson, initially drafted this Deed on instructions from Ben however the Deed has been thoroughly reviewed by Emma's lawyers and appropriate changes, where necessary, made therein by them with Ben's input and Emma's input. Therefore the fact that the initial draft of this Deed was prepared by Geoff Wilson shall not be used as a basis for creating a larger and more difficult burden of proof for Ben or Emma than otherwise provided for by law when and if either seeks to enforce the terms of this Deed. Similarly, Ben's or Emma's burden of proof shall not be enlarged beyond that otherwise provided by law because of his or her lawyer's modifications which are included herein if and when he or she seeks to enforce the terms of this Deed.
- (d) Ben and Emma mutually covenant that the fact that the drafts of this Deed were prepared by Geoff Wilson will not create presumptions and specifically will not cause any ambiguities to be construed against Ben or Emma.
- (e) Ben and Emma acknowledge that each has entered this Deed after mature consideration and judgment and further, each fully understand the terms, conditions and provisions of this Deed and each is satisfied such terms are fair, just and reasonable.
- (f) Ben and Emma acknowledge that each has entered this Deed of his or her own free will and volition and that no coercion, force or undue influence has been used in the execution of this Deed either by the other party or by any other person or persons.
- (g) Ben and Emma acknowledge that neither has relied upon any representation or promise in making this Deed except those expressly stated in this Deed.
- (h) In the preparation of this Deed and prior negotiation, Ben has been represented by Geoff Wilson, Partner and Solicitor of HopgoodGanim Lawyers of Level 8, Waterfront Place, Brisbane in the State of Queensland and Emma understands and acknowledges that Geoff Wilson did not represent her in relation to this matter nor has the firm made any representation to her concerning this Deed and prior negotiation.
- (i) In the preparation of this Deed and prior negotiation, Emma has been represented by Jason Murakami, Director and Solicitor of Behlau Murakami Grant ILP of Suite 2, Ground Level H2O, Cnr Marine Parade and Nind Street, Southport in the State of Queensland and Ben understands and acknowledges that Jason Murakami did not represent him in relation to this matter nor have the firm made any representation to him concerning this Deed and prior negotiation.

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



- (j) Ben and Emma mutually covenant and acknowledge that before this Deed was signed by each, as stated in the Statement annexed to this Deed, each was provided with independent legal advice by their respective solicitors as to the following matters:
- (1) The effect of this Deed on the rights of that party; and
  - (2) The advantages and disadvantages at the time that the advice was provided, to that party of making the Deed.

### 7.13 Reconciliation

- (a) Ben and Emma mutually covenant that following the Breakdown of the Relationship should they resume the Relationship (including cohabitation) for a continuous period exceeding three (3) months (with or without the intention of reconciliation), then:
- (1) The terms and conditions of this Deed and the Property Consent Orders will stand and remain notwithstanding the resumption of the Relationship (including cohabitation), the intention of the parties being that this Deed and the Property Consent Orders will be binding upon each of them irrespective of any reconciliation or resumption of the Relationship (including cohabitation) in which case the parties will not purchase any property in their joint names or mingle any funds dealt with pursuant to the provisions of this Deed and Property Consent Orders or otherwise and each of the parties will remain financially independent of each other absolutely; and
  - (2) In the event of any property being purchased in the joint names of the parties in contravention of the preceding sub-paragraph or in the event of the parties mingling any funds or loaning any funds each to the other in contravention of the agreement in the preceding sub-paragraph, the parties mutually covenant that such conduct will not imply mutual desire or intention to revoke this Deed and / or the Property Consent Orders, will not render this Deed void, voidable, unenforceable or impracticable to perform or enforce for these reasons alone.

### 7.14 Confidentiality

- (a) Ben and Emma mutually covenant that subject to clause 7.14(h), this Deed:
- (1) This Deed, the Property Consent Orders, the Binding Child Support Agreement and the contents of same are confidential and will be kept confidential by the parties
  - (2) They agree to maintain utmost confidentiality in relation to their respective financial and personal affairs;
  - (3) They agree to keep (and use their best endeavours to ensure that their employees and agents keep) absolutely confidential and not disclose to any person save as agreed between the parties or as provided by clause 7.14(h):
    - (A) this Deed, Property Consent Orders, the Binding Child Support Agreement, the terms of this Deed, the terms of the Property Consent Orders, the terms of the Binding Child Support Agreement or any of the financial particulars or negotiations disclosed during the course of its

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



preparation or the Federal Circuit Court of Australia proceedings or any future court proceedings between them;

- (B) any Confidential Information including Confidential Information disclosed in connection with this Deed referred to in the Federal Circuit Court of Australia proceedings and / or any future court proceedings between them;
  - (C) any matters relating to the conduct of either of them disclosed or alleged or otherwise referred to in the Federal Circuit Court of Australia proceedings and / or in any future court proceedings between them;
  - (D) the level of financial provision set out in this Deed, the Property Consent Orders, and the Binding Child Support Agreement;
  - (E) any other term of settlement between the parties;
  - (F) their financial and taxation affairs;
  - (G) their Protected Information; and
  - (H) any other information concerning the parties' relationship and conduct, during the Relationship or otherwise, their family life, Child/ren of the Relationship (if any), friends and employees.
- (b) Ben and Emma mutually covenant that each will refrain from, by herself or himself, by her or his servant or agent or in any other manner whatsoever:
- (1) Disclosing to any persons, entity, organisation or body, the content of this Deed, the Property Consent Orders and the Binding Child Support Agreement; any matter of a financial or monetary nature; or any matters having a bearing to financial or monetary matters of the other or them (except if required by law so to do);
  - (2) Disseminating to any person, entity, organisation or body the content of any communication (including letter, e-mail, facsimile transmission or like correspondence) passing between the parties particularly but not limited to communication of a personal and/or intimate nature;
  - (3) Divulging any Protected Information by any means or through any media whatsoever, including, but not limited to, through photographs, video, blogging, texting, "Tweeting", "tagging", or posting any such Protected Information on any social media site, service, or platform, including but not limited to Facebook, Instagram, Twitter, LinkedIn;
  - (4) Making any public announcement or communication relating to the negotiations of the parties or the subject matter of this Deed, the Property Consent Orders and the Binding Child Support Agreement, or the Breakdown of the Relationship, without the prior written approval of the other party,

\_\_\_\_\_  
Benjamin Roberts-Smith

\_\_\_\_\_  
Emma Lea Roberts-Smith

\_\_\_\_\_  
Solicitor / Justice of the Peace

\_\_\_\_\_  
Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement

(14)

- (5) Without prior written and/or electronic consent of the other party disseminating, directly or indirectly disclosing, or causing or inducing the disclosure of any Protected Information particularly information, pictures, posts, comments;
- (6) Without prior written and/or electronic consent of the other party removing, reproducing, summarising, copying, excerpting, distributing, selling, exploiting or utilising in any manner whatsoever any Protected Information that has been provided to them by the other party;
- (7) Causing or permitting publication by the press or other media (including social media) of the terms of this Deed, the Property Consent Orders and / or the Binding Child Support Agreement or particulars about this Deed, the Property Consent Orders and / or the Binding Child Support Agreement;
- (8) Taking any steps as a result of which the said terms or particulars are likely to become public knowledge or are reasonably foreseeable as being likely to become public knowledge;
- (9) Failing to take any steps which either party may reasonably be expected to take to prevent the said terms or particulars from becoming public knowledge in circumstances in which they would otherwise be likely to do so;

and further and subject to clause 7.4 of this Deed, Ben and Emma agree that in the event of any further proceedings for financial matters or in any divorce, they will each take, and co-operate in taking, all steps necessary to ensure that such proceedings are heard in private, to include applications for exclusion of media and / or other individuals from hearings in those proceedings.

- (c) Ben and Emma mutually covenant that this Deed will be executed and copied in duplicate and thereafter will not be copied by either party or reproduced by any means whatsoever except as may be required by the parties' legal representatives for their internal office use and after this Deed has been lodged and assessed for duty by the Office of State Revenue, each copy is to be placed in safe custody with each party's respective legal representative where it will remain only to be released for the purpose of legal proceedings concerning the interpretation and/or enforcement of this Deed (except if required by law to do so).
- (d) Ben and Emma mutually covenant without derogation from clauses 7.14(a) and (b), not to release, copy or reproduce the Property Consent Orders except for the purposes of legal proceedings concerning the interpretation and/or enforcement of this Deed or as otherwise required by law to do so and subject always to the confidentiality agreement in this clause 7.14.
- (e) Ben and Emma mutually covenant that except for the purpose of legal proceedings concerning the interpretation and/or enforcement of the Property Consent Orders or as otherwise required by law to do so:
  - (1) Neither party will make any public announcement or communication relating to the negotiations of the parties or the subject matter of this Deed without the prior written approval of the other party; and

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



- (2) All information exchanges between the parties under these terms or during the negotiations of these terms are confidential to them and may not be disclosed to any person.
- (f) Ben and Emma acknowledge that they have been advised of, and understand the implications of section 121 of the *Family Law Act* particularly that it is an offence to publish an account of a proceeding other than under section 121 of the *Family Law Act*.
- (g) Ben and Emma mutually covenant accordingly that henceforth each will take all steps necessary to safeguard the confidentiality of this Deed.
- (h) Exceptions:
  - (1) The parties may disclose this Deed and its contents:
    - (A) To their professional advisers (including legal, accountancy, taxation, financial or investment advice or for making any such return as may be required by tax authorities of any relevant jurisdiction);
    - (B) As required by law;
    - (C) In order to comply with this Deed; and
    - (D) In Court proceedings for the interpretation and/or enforcement of this Deed.
  - (i) Remedies for breach including damages:
    - (1) Ben and Emma mutually covenant and acknowledge that:
      - (A) any breach of clause 7.14 of this Deed by either party ("the Discloser") could result in the other party ("the Innocent Party") suffering damage or incurring liability; and
      - (B) an award of damages may not be a sufficient remedy for the Innocent Party for any breach of clause 7.14 of this Deed and so the Innocent Party is entitled to specific performance and may immediately take legal action to enforce clause 7.14 of this Deed, including by obtaining injunctive relief (as appropriate) as a remedy for any breach or threatened breach of clause 7.14 of this Deed by the Discloser, its servants, agents or professional advisers, in addition to any other remedies available to the Innocent Party at law or in equity.
    - (2) The Discloser covenants with the Innocent Party to indemnify and keep indemnified the Innocent Party against all loss or damage that the Innocent Party may sustain or incur as a result, directly or indirectly, of:
      - (A) Any breach by the Discloser of clause 7.14 of this Deed; or
      - (B) Any act or omission by any of the Discloser's servants, agents or professional advisers which, if done or omitted to be done by the

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement



Discloser, would be a breach of the Discloser's obligation under clause 7.14 of this Deed.

### 7.15 Registration

- (a) Ben and Emma mutually covenant that if it becomes possible to register this Deed or have it approved in or by the Family Law Courts under the provisions of the *Family Law Act*, then Ben and Emma will forthwith do all acts and things necessary and sign all such documents and give any consent as are necessary to ensure that Deed is so registered or approved.

### 7.16 Notices

#### (a) Form

Any notice or other communication to or by any party must be:

- (1) in writing and in the English language;
- (2) addressed to the address of the recipient shown in this Deed or to any other address as the recipient may have notified the sender; and
- (3) be signed by the party or by an Authorised Officer of the sender.

#### (b) Manner

In addition to any other method of service authorised by law, the notice may be:

- (1) personally served on a party;
- (2) left at the party's current address for service;
- (3) sent to the party's current address for service by prepaid ordinary mail or if the address is outside Australia by prepaid airmail;
- (4) sent by facsimile to the party's current numbers for service; or
- (5) sent by electronic mail to the party's electronic mail address.

#### (c) Time

If a notice is sent or delivered in the manner provided in clause 7.16(b) it must be treated as given to or received by the addressee in the case of:

- (1) delivery in person, when delivered;
- (2) delivery by post:
  - (A) in Australia to an Australian address, the fourth Business Day after posting; or
  - (B) in any other case, on the tenth Business Day after posting.

Benjamin Roberts-Smith

Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



- (3) facsimile, when a transmission report has been printed by the sender's facsimile machine stating that the document has been sent to the recipient's facsimile number; or
- (4) electronic mail, when the sender's computer reports that the message has been delivered to the electronic mail address of the addressee,

but if delivery is made after 5.00pm on a Business Day it must be treated as received on the next Business Day in that place.

(d) Initial details

The addresses and numbers for service are initially:

Ben:

Address: c/- HopgoodGanim Lawyers, Level 8, Waterfront Place, 1 Eagle Street, Brisbane Qld 4000  
Facsimile: 07 3024 0300  
Electronic Mail: g.wilson@hopgoodganim.com.au  
Attention: Mr Geoff Wilson

Emma:

Address: c/- Behlau Murakami Grant ILP, Suite 2, Ground Level H2O, Cnr Marine Parade and Nind Street, Southport Qld 4215  
Facsimile:  
Electronic Mail: jasonm@bmglegal.com.au  
Attention: Mr Jason Murakami

(e) Changes

A party may from time to time change its address or numbers for service by notice to each other party.

### 7.17 Legal effect

- (a) Subject to Clause 3.2(a), each party acknowledges and agrees for the benefit of each other party that this document is intended to take effect as a deed. Each party executes this document with the intention that it will be immediately legally bound by this document. To avoid any doubt, there will be no need for further delivery of this document.
- (b) Ben and Emma covenant and agree that Ben or his legal representatives will retain the original of this Deed and a copy of this Deed will be provided to Emma and her legal representatives.

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

  
Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



### Schedule 1 Definitions and Interpretation

In this Deed:

**Arbitration rules** mean the following:

- (a) Part II, division 4, sections 10L to 10P and 13E to 13K of the *Family Law Act*;
- (b) Chapter 26B of the *Family Law Rules 2004* (commencing 1 April 2016); and
- (c) Part 5, regulations 67A to 67T of the *Family Law Regulations 1984* (Cth).

**Binding Child Support Agreement** means the Binding Child Support Agreement entered into by Ben and Emma contemporaneously with this Deed with respect to the financial support of the children.

**Breakdown of the Relationship** means the breakdown of the Relationship between Ben and Emma on or about 19 January 2020.

**Claim** means any claim, allegation, debt, cause of action, liability, proceeding, suit or demand of any nature and whether present or future, actual or contingent, fixed or unascertained and arising at law, in equity, under statute or otherwise.

**Clean Break principle** means the principle referred to in Section 81 of the *Family Law Act* inter alia this Deed shall as far as practicable, finally determine the financial relationships between the parties to the marriage and avoid further proceedings between them.

**Confidential Information** means information of a private nature that is not to be publicly disclosed including but not limited to personal, financial, business, technology, trade secrets and other commercially sensitive information of either party regardless of its nature.

**Disclosure Documents** means the documents disclosed by Ben and Emma during the negotiations and entering into this Deed.

**Family Law Act** means the *Family Law Act 1975* (Cth) as same may be amended, consolidated or replaced from time to time.

**Family Law Courts** means the Family Court of Australia and/or the Federal Circuit Court of Australia and/or a State Magistrates Court exercising jurisdiction under the *Family Law Act* and any other Court of competent jurisdiction exercising jurisdiction pursuant to the *Family Law Act*.

**Federal Circuit Court of Australia proceedings** means the Federal Circuit Court of Australia at Brisbane proceedings number BRC9654 of 2020 between Ben and Emma.

**Financial Matters** means, in relation to either or both of the parties, matters with respect to the maintenance of Ben and Emma.

**Financial Resources** means a financial stock or reserve over which a party has sufficient Control as a matter of fact to draw upon when necessary towards supplying some financial want or deficiency of the party or which, regardless of such control, does operate to remedy some financial want or deficiency of that party.

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement

**Government Body** means:

- (c) any person, body or other thing exercising an executive, legislative, judicial or other governmental function of any country or political subdivision of any country;
- (d) any public authority constituted by or under a law of any country or political subdivision of any country; and
- (e) Any person deriving a power directly or indirectly from any other Government Body.

**Liabilities** means any and all Liabilities, debts or obligations, whether actual or contingent, present or future, qualified or unqualified or incurred jointly or severally with any other person. A reference to **Liability** has a corresponding meaning.

**Property** means all of the property which Ben, Emma and both of them may be entitled, whether in possession or reversion, and whether situated in Australia, or elsewhere and includes any income, capital or other distribution, entitlement, right, power or other benefit of any kind whatsoever.

**Property Consent Orders** means the Minutes of Consent Orders in the Federal Circuit Court of Australia proceedings at Schedule 2 of this Deed.

**Protected Information** means all information that may in any way disparage, harm, cause to lower the other's self-esteem, negatively affect the other's public image, or have any negative effect on the other person's business, school, or career prospects including but not limited to information concerning the other party's personal and business activities; legal and financial affairs; physical health; sexual activities; philosophical, spiritual, or other views; characteristics; whereabouts; any and all photographs, likenesses, tapes, films, videos, or audio and other recordings (including negatives, prints, or copies thereof) of or by the other party; and any emails, texts, or other forms of written communication about or from the other party.

**Maintenance Order** means a Maintenance Order under section 74 of the *Family Law Act*.

**Relationship** means the marriage of Ben and Emma.

**Separation** has the same meaning as Breakdown of the Relationship.

**Statement** means the Statement by Ben's solicitor and the Statement by Emma's solicitor set out in the annexures to this Deed and prepared under sections 90G(1)(c) and (ca) of the *Family Law Act*.

**Tax** means any present or future tax, levy, deduction, impost, withholding, charge or duty which is levied or imposed by any Government Body together with any interest, penalty or fine on those amounts.

**This Deed** means this Deed as the same may be varied from time to time by deed pursuant to Sections 90J, 90C(4) or 90D(4) of the *Family Law Act* as provided for in clause 3.6, and references to this Agreement, also mean this Deed.

Benjamin Roberts-Smith

Solicitor / Justice of the Peace

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

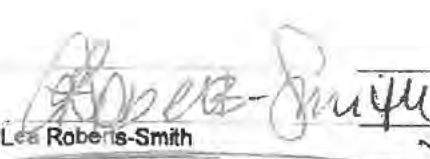


## Part VIIIA Financial Agreement



### Schedule 2 Property Consent Orders

\_\_\_\_\_  
Benjamin Roberts-Smith

  
\_\_\_\_\_  
Emma Lea Roberts-Smith

\_\_\_\_\_  
Solicitor / Justice of the Peace

\_\_\_\_\_  
Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement



### Signing page

**Signed sealed and delivered** by Benjamin  
Roberts-Smith in the presence of

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Benjamin Roberts-Smith

\_\_\_\_\_  
Print full name of Witness

**Signed sealed and delivered** by Emma Lea  
Roberts-Smith in the presence of

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Emma Lea Roberts-Smith

\_\_\_\_\_  
Print full name of Witness

\_\_\_\_\_  
Benjamin Roberts-Smith

\_\_\_\_\_  
Emma Lea Roberts-Smith

\_\_\_\_\_  
Solicitor / Justice of the Peace

\_\_\_\_\_  
Solicitor / ~~Justice of the Peace~~

## Part VIIA Financial Agreement

(11g)

### Annexure: Statement by Ben's Solicitor and acknowledgment by Ben

I, Geoffrey John Wilson, Partner and Solicitor of HopgoodGanim Lawyers, Level 8, 1 Eagle Street, Brisbane in the State of Queensland, hereby state that in relation to an agreement in writing (the Financial Agreement) proposed to be entered between Benjamin Roberts-Smith and Emma Lea Roberts-Smith (hereinafter called "the parties") I advised Benjamin Roberts-Smith (hereinafter called "my client") independently of Emma Lea Roberts-Smith and before the time at which my client signed the agreement, as to the following matters:

- (a) The effect of the agreement on the rights of my client; and
- (b) The advantages and disadvantages, at the time that my advice was provided to my client of making the agreement.

Dated this                      day of                      2020

\_\_\_\_\_  
Geoffrey John Wilson  
Solicitor

I, Benjamin Roberts-Smith confirm that prior to signing this Deed, I received legal advice referred to above and the above signed Statement by my solicitor stating that this advice had been given to me.

Dated this                      day of                      2020

\_\_\_\_\_  
Benjamin Roberts-Smith

\_\_\_\_\_  
Benjamin Roberts-Smith

  
\_\_\_\_\_  
Emma Lea Roberts-Smith

\_\_\_\_\_  
Solicitor / Justice of the Peace

\_\_\_\_\_  
Solicitor / Justice of the Peace



## Part VIIIA Financial Agreement


h3

### Annexure: Statement by Emma's Solicitor and acknowledgment by Emma

I, Jason Murakami, Director and Solicitor of Behlau Murakami Grant ILP, Suite 2, Ground Level H2O, Cnr Marine Parade and Nind Street, Southport in the State of Queensland hereby state that in relation to an agreement in writing (the Financial Agreement) proposed to be entered between Emma Lea Roberts-Smith and Benjamin Roberts-Smith (hereinafter called "the parties") I advised Emma Lea Roberts-Smith (hereinafter called "my client") independently of Benjamin Roberts-Smith and before the time at which my client signed the agreement, as to the following matters:

- (a) The effect of the agreement on the rights of my client; and
- (b) The advantages and disadvantages, at the time that my advice was provided to my client of making the agreement.

Dated this 11 day of FEB 2020

  
Jason Murakami  
Solicitor

I, Emma Lea Roberts-Smith confirm that prior to signing this Deed, I received legal advice referred to above and the above signed Statement by my solicitor stating that this advice had been given to me.

Dated this 11 day of FEBRUARY 2020

  
Emma Lea Roberts-Smith

Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / ~~Justice of the Peace~~

## Part VIIIA Financial Agreement



### Receipt of Benjamin Roberts-Smith

I, Benjamin Roberts-Smith, acknowledge that the Financial Agreement between myself Emma Lea Roberts-Smith dated \_\_\_\_\_ day of \_\_\_\_\_ 2020 was signed by me and her, that:

- (a) before signing the document I received independent legal advice from my solicitor, Geoffrey John Wilson, about:
  - (1) the effect of the Agreement on my rights;
  - (2) the advantages and disadvantages, at the time that the advice was provided, to me of making the Agreement;
- (b) I have received a signed Statement from my solicitor, Geoffrey John Wilson, stating that I have received independent legal advice about:
  - (1) the effect of the Agreement on my rights;
  - (2) the advantages and disadvantages, at the time that the advice was provided, to me of making the Agreement;
- (c) I have received a copy of a signed Statement by the legal practitioner for Emma Lea Roberts-Smith stating that before signing the Agreement she was provided with independent legal advice from her legal practitioner about:
  - (1) the effect of the Agreement on the rights of that party;
  - (2) the advantages and disadvantages, at the time that the advice was provided, to that party of making the Agreement;

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2020

.....  
Benjamin Roberts-Smith

\_\_\_\_\_  
Benjamin Roberts-Smith

  
Emma Lea Roberts-Smith

\_\_\_\_\_  
Solicitor / Justice of the Peace

\_\_\_\_\_  
Solicitor / Justice of the Peace

## Part VIIIA Financial Agreement

(hg)

### Receipt of Emma Lea Roberts-Smith

I, Emma Lea Roberts-Smith, acknowledge the Financial Agreement between myself and Benjamin Roberts-Smith dated 11 day of FEBRUARY 2020 was signed by me and him, and that:


- (a) before signing the document I received independent legal advice from my solicitor, Jason Murakami, about:
  - (1) the effect of the Agreement on my rights;
  - (2) the advantages and disadvantages, at the time that the advice was provided, to me of making the Agreement.
- (b) I have received a signed statement from my solicitor, Jason Murakami, stating that I have received independent legal advice about:
  - (1) the effect of the Agreement on my rights;
  - (2) The advantages and disadvantages, at the time that the advice was provided, to me of making the Agreement.
- (c) I have received a copy of a signed statement by the legal practitioner for Benjamin Roberts-Smith stating that before signing the Agreement he was provided with independent legal advice from his legal practitioner about:
  - (1) the effect of the Agreement on the rights of that party;
  - (2) The advantages and disadvantages, at the time that the advice was provided, to that party of making the Agreement.

Dated this 11 day of FEBRUARY 2020



Emma Lea Roberts-Smith

Benjamin Roberts-Smith



Emma Lea Roberts-Smith

Solicitor / Justice of the Peace

Solicitor / Justice of the Peace



Document referred on page 31 described as  
Schedule 2 property consent  
orders

FAMILY LAW ACT 1975

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA

AT BRISBANE

File No: BRC9654/2020

BETWEEN

Behlau Murakami Grant ILP  
PO Box 3793 Australia Fair  
Southport Qld 4215

Emma Lea  
Roberts-Smith

(Applicant/Wife)

AND

Hopgood Ganim Lawyers  
Box 57  
BRISBANE REGISTRY

Benjamin  
Roberts-Smith

(Respondent/Husband)

Emma Lea Roberts-Smith

---

ORDER

/ /2021

---

Prepared by the Respondent's Solicitors

***FAMILY LAW ACT 1975***

**IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA**

**AT BRISBANE**

**File No: BRC9654/2020**

**BETWEEN**

**EMMA LEA ROBERTS-SMITH**

**(Applicant/Wife)**

**AND**

**BENJAMIN ROBERTS-SMITH**

**(Respondent/Husband)**

**BEFORE:**

**DATE:**

**MADE AT:                      BRISBANE**

**UPON APPLICATION TO THE COURT IT IS ORDERED:**

1. That, by consent and pursuant to Rule 13.04 of the *Federal Circuit Court Rules 2001*, Orders, declarations and notations be made in terms of the document titled "Minutes of Consent" attached hereto.
2. There are no orders for maintenance contained herein.
3. That all extant applications in relation to financial matters before this Honourable Court be dismissed.

By the Court

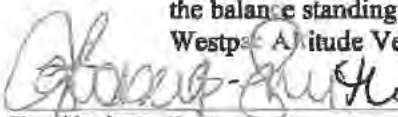
**"Minutes of Consent"**

**THAT AS AND BY WAY OF FINAL PROPERTY SETTLEMENT IT BE ORDERED BY CONSENT ON A FINAL BASIS THAT:**

**1. Interpretation**

**1.1 That for the purpose of these Orders:**


- (a) **Claim** means any claim, allegation, debt, cause of action, arbitrations, dues, costs, interest, liability, proceeding, suit or demand of any nature and whether present or future, actual or contingent, fixed or unascertained and arising at law, in equity, under statute or otherwise.
- (b) **Costs** means any charge, cost, expense, outgoing, payment, liability or other expenditure of any nature.
- (c) **Division 7A loan/s** means the following loans from RS Group Australia to the Roberts-Smith Family Trust standing with a debit balance in the books of account of RS Group Australia as follows:
  - (1) 2014 loan: \$6,265;
  - (2) 2015 loan: \$60,653;
  - (3) 2016 loan: \$83,684;
  - (4) 2017 loan: \$32,346; and
  - (5) 2018 loan: \$62,949.
- (d) **Government Body** means:
  - (1) Any person, body or other thing exercising an executive, legislative, judicial or other governmental function of any country or political subdivision of any country;
  - (2) Any public authority constituted by or under a law of any country or political subdivision of any country; and
  - (3) Any person deriving a power directly or indirectly from any other Government Body.
- (e) **Husband** means the Respondent, Benjamin Roberts-Smith.
- (f) **Husband's bank accounts** means the bank accounts in the name of the Husband and the balance standing to credit in those accounts, including but not limited to the Westpac Choice account number 637 121.
- (g) **Husband's credit cards** means the credit cards in the name of the Husband and the balance standing to debit in those accounts, including but not limited to the Westpac Altitude Velocity Black Mastercard number 5163 1030 0806 9399.

  
Signed by the Applicant

\_\_\_\_\_  
Signed by the Respondent



- (h) **Husband's furniture, chattels and personal effects** means the furniture, chattels and personal effects in the Husband's possession, including the Victoria Cross and Medal Group, the Husband's watches and also the deer antler serving set and five green military trunks to be retained by the Husband as part of his property settlement.
- (i) **Husband's legal fees** means the legal fees paid and/or owing by the Husband to his solicitors.
- (j) **Husband's liabilities** means all outstanding, current or future liabilities of the Husband, including the loans owing to Australian Capital Equity and the Husband's parents and any Costs Order, if any, that may be made against the Husband in relation to the defamation proceedings.
- (k) **Husband's potential defamation award** means the award, if any, that may be received by the Husband in relation to the defamation proceedings currently before the Federal Court of Australia, being proceedings numbered NSD 1458, 1486 and 1487 of 2018.
- (l) **Husband's solicitors** means HopgoodGanim Lawyers of Level 8, Waterfront Place, 1 Eagle Street, Brisbane in the State of Queensland.
- (m) **Husband's superannuation entitlement** means the Husband's member entitlements in the following superannuation funds:
  - (1) MilitarySuper, reference number A5803153; and
  - (2) Mercer Super, member number 1001762.
- (n) **Husband's taxation liabilities** means all outstanding, current or future taxation liabilities of the Husband.
- (o) **Ilkley property** means the property situated and known as 665 Ilkley Road Ilkley in the State of Queensland and more particularly described as Lot 5 on Survey Plan 110909 Local Government Sunshine Coast and being all that land contained in Title Reference 50235699, subject to mortgage numbers 716989941 and 719580000 in favour of Westpac Banking Corporation. The Ilkley property is registered in the joint names of the Husband and the Wife.
- (p) **Ilkley property mortgage** means the mortgages secured against the Ilkley property in favour of Westpac Banking Corporation mortgage numbers 716989941 and 709580000.
- (q) **Member** means shareholder, member, unitholder or beneficiary of any kind, as the context may require.
- (r) **Officeholder** means director, secretary, principal/appointor or trustee, as the context may require.
- (s) **Parties** means the Husband and the Wife.

  
 Signed by the Applicant

\_\_\_\_\_  
 Signed by the Respondent

- (t) **RS Group** means all or any of the following:
- (1) **RS Group Australia** means RS Group Australia Pty Ltd ACN 152 427 597. RS Group Australia was incorporated on 2 August 2011. The directors of RS Group Australia are the Husband, the Wife, and the parties' accountant, Adam Wade Veale. RS Group Australia has issued 100 ordinary shares which are held by the parties' accountant, Adam Wade Veale.
  - (2) **Roberts-Smith Family Trust** means the Roberts-Smith Family Trust settled by Alan Charles Winduss on 2 August 2011. The trustee of the Roberts-Smith Family Trust is the parties' accountant, Adam Wade Veale. The appointor is the Husband. The named beneficiaries are the Husband and the Wife.
  - (3) **The parties' loan accounts in the Roberts-Smith Family Trust** means the following loan accounts in the books of account of the Roberts-Smith Family Trust:
    - (A) **The Husband's loan account in the Roberts-Smith Family Trust** means the loan from the Husband to the Roberts-Smith Family Trust standing with a credit balance of \$100 in the books of account of the Roberts-Smith Family Trust as at the 30<sup>th</sup> June 2020; and
    - (B) **The Wife's loan account in the Roberts-Smith Family Trust** means the loan from the Roberts-Smith Family Trust to the Wife standing with a debit balance of \$270,443 in the books of account of the Roberts-Smith Family Trust as at 30<sup>th</sup> June 2020.
  - (u) **Settlement Date** means the date of completion of settlement for the Ilkley property.
  - (v) **Taxes** means tax and also means any present or future tax levy, deduction, impost withholding, charge or duty which is levied or imposed by any Government Body together with any interest, penalty or fine on those amounts.
  - (w) **Westpac loan** means the Westpac Home Loan account number 037-175 83-4807 in the parties joint names, secured by way of mortgage over the Ilkley property.
  - (x) **Wife** means the Applicant, Emma Lea Roberts-Smith.
  - (y) **Wife's anticipated 2019 and 2020 taxation liabilities** means the tax liability estimated to be incurred by the Wife as part of the 2019 and 2020 financial years as a result of the final dividends to be declared in relation to the Division 7A loan associated with the RS Group, in the amount of approximately \$61,202.60.

  
Signed by the Applicant

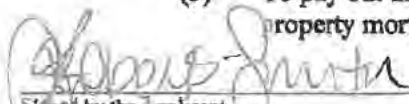
\_\_\_\_\_  
Signed by the Respondent



- (z) **Wife's bank accounts** means the bank accounts in the name of the Wife and the balance standing to credit in those accounts, including but not limited to:
  - (1) Westpac Choice account number 637 789; and
  - (2) Westpac Choice account number 637 850.
- (aa) **Wife's furniture, chattels and personal effects** means the furniture, chattels and personal effects in the Wife's possession.
- (bb) **Wife's legal fees** means the legal fees paid by and/or owing by the Wife to her solicitors.
- (cc) **Wife's liabilities** means all outstanding, current or future liabilities of the Wife, including but not limited to the personal loans owing to the Wife's parents and Dannielle Scott.
- (dd) **Wife's solicitors** means Behlau Murakami Grant ILP of Suite 2, Ground Level H2O, Cnr Marine Parade and Nind Street, Southport in the State of Queensland.
- (ee) **Wife's taxation liabilities** means all outstanding, current or future taxation liabilities of the Wife, excluding however, the Wife's anticipated 2019 and 2020 taxation liabilities.

## 2. Sale of the Ilkley property

- 2.1 That both parties do all acts and things and sign all documents necessary to effect the sale of the Ilkley property, in accordance with the contract for sale dated 10 December 2020, under the following terms:
- (a) That pending Settlement Date, the Husband continue to meet payment of the Ilkley property mortgage and the home and contents insurance.
  - (b) That the parties be restrained and an injunction is hereby granted restraining the parties from drawing any further funds from the Westpac loan and the Ilkley property mortgage and/or further encumbering the Ilkley property in any way without the other party's written consent.
  - (c) That the parties agree to jointly appoint a conveyancer to finalise the sale of the Ilkley property.
  - (d) That, upon the sale of the Ilkley property, on Settlement Date, the proceeds be distributed in the following manner and priority:
    - (1) In payment of all necessary selling costs, including agent's commissions, legal costs, marketing and advertising costs and all other necessary costs incurred in the sale;
    - (2) In payment of any council water rates and maintenance levies;
    - (3) To pay out the balance of the Westpac loan and release the Ilkley property mortgage;

  
Signed by the Applicant

\_\_\_\_\_  
Signed by the Respondent



- (4) The reimbursement of any costs met by the Husband or the Wife in relation to the costs of the auction and/or any agreed expenses incurred in order to prepare the Ilkley property for sale;
- (5) The amount of \$61,702.60 to be paid to the Trust Account of the Husband's solicitors, in order to meet payment of the Wife's anticipated 2019 and 2020 taxation liabilities and the estimated costs associated with the windup of the RS Group, pursuant to Order 7; and
- (6) The balance of the net sale proceeds to be disbursed as follows:
  - (A) The amount of \$110,000 to the Husband; and
  - (B) The balance to the Wife.

### **3. Retention of property**

- 3.1 That the Wife retain as her absolute property, all her right, title and interest to and in, and the Husband transfer and assign to the Wife and relinquish all of his right, title and claim, if any, in and to the following:
  - (a) The Wife's bank accounts;
  - (b) The Wife's furniture, chattels and personal effects, subject to Order 6;
  - (c) The share of the net sale proceeds from the sale of the Ilkley property, calculated pursuant to Order 2.1(d)(6);
  - (d) The superannuation split from the Husband's superannuation entitlement with Mercer Super, pursuant to Order 8.
- 3.2 That the Husband retain as his absolute property, all his right, title and interest to and in, and the Wife transfer and assign to the Husband and relinquish all of her right, title and claim, if any, in and to the following:
  - (e) The Husband's bank accounts;
  - (f) The Husband's furniture, chattels and personal effects, pursuant to Order 6;
  - (g) The Husband's potential defamation award;
  - (h) The Husband's superannuation entitlement, subject to Order 8;
  - (i) The share of the net sale proceeds from the sale of the Ilkley property, calculated pursuant to Order 2.1(d)(6).

  
Signed by the Applicant

\_\_\_\_\_  
Signed by the Respondent

**4. Retention of liability**

- 4.1 That unless otherwise specifically provided for in these Orders, the Wife be responsible for and meet payment when due of:
- (a) The Wife's legal fees;
  - (b) The Wife's liabilities;
  - (c) The Wife's taxation liabilities; and
  - (d) Any other liability in her name and not otherwise dealt with in this Order,
- and the Wife shall indemnify and keep indemnified the Husband from all liability howsoever arising in relation to same.
- 4.2 That unless otherwise specifically provided for in these Orders, the Husband be responsible for and meet payment when due of:
- (a) The Husband's credit cards;
  - (b) The Husband's legal fees;
  - (c) The Husband's liabilities;
  - (d) The Husband's taxation liabilities; and
  - (e) Any other liability in his name not otherwise dealt with in this order,
- and the Husband shall indemnify and keep indemnified the Wife from all liability howsoever arising in relation to same.
- 4.3 That, unless otherwise specified in this Order, each party be solely liable for and indemnify the other party against any liability encumbering any item of property to which that party is entitled pursuant to this Order.

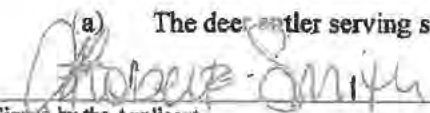
**5. General retention and responsibility for liability**

- 5.1 That except for the property and financial resources dealt with under this Order, each party retain as his or her own property absolutely, all assets or financial resources or both of whatsoever description and wheresoever situate, both real and personal of which that party is the legal owner of and/or in the possession of and/or under the control of that party as at the date of this Order.

**6. Husband's furniture, chattels and personal effects**

- 6.1 That, on or before the Settlement Date, the Wife make available for collection by the Husband or his nominee, the following items to be retained by the Husband as part of his property settlement.

- (a) The decanter serving set; and

  
Signed by the Applicant

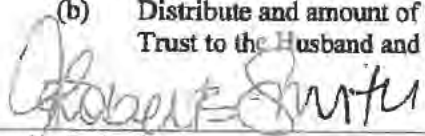
\_\_\_\_\_  
Signed by the Respondent



- (b) Five green military trunks containing his personal effects.

**7. RS Group**

- 7.1 That the parties do all acts and things and sign all documents necessary to finalise the current Division 7A loan/s associated with the RS Group, including but not limited to:
- (a) Declaring such final dividend as may be necessary and advised to the parties by the parties' accountant Adam Veale, to the Wife; and
- (b) Attending to any further matter as may be advised by the parties' accountant, Adam Veale.
- 7.2 That the parties provide to their accountant, Adam Veale, any document as may be requested in order to finalise the Wife's personal tax return/s.
- 7.3 That as soon as practicable upon receipt of the document from the parties' accountant, and within seven days, the Wife sign and return her personal tax return/s.
- 7.4 That the costs associated with the finalisation of the Division 7A loan/s, including but not limited to the Wife's anticipated 2019 and 2020 taxation liabilities, and the windup of the RS Group are to be met from the funds held in the Husband's solicitors' trust account pursuant to Order 2.1(d)(5), and in the event of any shortfall, the Husband and Wife are to pay equally the shortfall of funds required.
- 7.5 That, in the event there are surplus proceeds held in the Husband's solicitors' trust account after payment of all costs incurred pursuant to Order 7.4, those funds be paid to the Wife.
- 7.6 That upon compliance with Orders 7.1 – 7.4, the Husband and the Wife as directors of RS Group Australia, do all acts and things as may be necessary to procure RS Group Australia to satisfy the criteria contained in section 601AA of the *Corporations Act 2001* for voluntary deregistration.
- 7.7 That as soon as practicable after the criteria in section 601AA of the *Corporations Act 2001* are complied with, the Husband and the Wife do all acts and things and sign all documents as may be necessary to deregister the company.
- 7.8 That contemporaneously with the deregistration of RS Group Australia, the Roberts-Smith Family Trust be wound up under clause C of the Trust Deed of the Roberts-Smith Family Trust and the Husband and Wife do, and cause Adam Veale as the trustee of the Roberts-Smith Family Trust to do, all acts and sign all documents necessary to wind up the Roberts-Smith Family Trust, including but not limited to:
- (a) Obtaining their accountant, Adam Veale's advice as to the manner in which any loan accounts (debit or credit) are to be dealt with including any repayment and/or assignment and further any journal entries to be undertaken which the parties shall instruct the accountant to perform;
- (b) Distribute and amount of capital and/or income of the Roberts-Smith Family Trust to the Husband and the Wife equally, provided that any liability for tax

  
Signed by the Applicant

\_\_\_\_\_  
Signed by the Respondent



payable by the parties on distributions from the Roberts-Smith Family Trust as a result of the implementation of the above Orders shall be totalled and shall be paid by from the funds held in the Husband's solicitors' trust account pursuant to Order 2.1(d)(5), and in the event of any shortfall, paid by the Husband and Wife equally.

## **8. Superannuation split**

8.1 That the Wife be entitled to a payment split from the Husband's superannuation entitlement with the Seven Network Superannuation Plan in the Mercer Super Trust (Mercer Super) (Benjamin Roberts-Smith, member number 1001762) in accordance with the *Family Law Act 1975* and the *Family Law (Superannuation) Regulations 2001* and in respect thereof:

- (a) That in accordance with section 90XT(1)(b) of the *Family Law Act 1975*:
  - (1) The Wife (or the Wife's legal personal representative) is entitled to be paid the entitlement calculated in accordance with Part 6 of the *Family Law (Superannuation) Regulations 2001*, being 100% of the entitlement of the Husband in Mercer Super, as at the operative time;
  - (2) The entitlement of the Husband in Mercer Super (or the entitlement of such other person who becomes entitled to receive a payment out of the Husband superannuation interest) shall be correspondingly reduced by force of this Order.
- (b) That the Trustee of Mercer Super, Mercer Superannuation (Australia) Limited (the Trustee), shall do all acts and things and sign all such documents as may be necessary to:
  - (1) Calculate, in accordance with the requirements of the *Family Law Act 1975* the entitlement awarded to the Wife in the clause immediately preceding this clause of this Order; and
  - (2) Pay the entitlement whenever the Trustee makes a splittable payment from the Husband's superannuation in interest in Mercer Super.
- (c) That this Order has effect from the operative time and the operative time for the purposes of this Order is four business days after a certified copy of the these Orders are served on the Trustee of Military Super.

## **8. Documentation and necessary acts**

9.1 That each party do and procure the doing of all things and sign and procure the signing of all documents necessary to give full force and effect to this Order and, in the event of a default continuing for in excess of seven days, a Registrar of this Court is appointed pursuant to section 106A of the *Family Law Act* to sign such documents and do such acts as are necessary in lieu of the defaulting party, whether in their personal capacity or in their capacity as director, shareholder, other officeholder or trustee of any relevant entity.

Signed by the Applicant

Signed by the Respondent

- 9.2 That except as otherwise provided for in this Order, the transferee or the party receiving the benefit of a transaction pursuant to this Order prepare the documentation necessary to give effect to the provisions of this Order at their cost and further be responsible for the payment of any registration fees in relation to the transfer of the property to their name.

#### **10. Duty and registration of transactions**

- 10.1 That save as otherwise provided for in these Orders, any duty levied pursuant to the Duties Act 2001 (Qld) (or equivalent legislation of other States and Territories of the Commonwealth of Australia) (Duties Act) and all registration fees payable on transactions arising from this Order or any documents executed pursuant to this Order be paid by the transferee spouse or the spouse receiving the benefit of same. For clarity, the provisions of this Order do not in any way derogate from the transferee seeking an exemption from the payment of transfer duty in accordance with Section 90 of the *Family Law Act*.
- 10.2 That the parties promptly comply with the requirements of the Duties Act and associated legislation and all requisitions issued by the Office of State Revenue, Department of Natural Resources and Mining, Queensland Transport and any other government department in relation to any document executed or transaction pursuant to or putting into effect the terms and conditions of this Order. In default of either of the parties hereto complying with any requisition so issued within 14 days of the date upon which any requisition issues, the party not in default shall be entitled to comply with any of the said outstanding requisitions and recover from the party in default the costs and outlays incurred in complying with any of the said requisitions, such costs to be calculated in accordance with the Family Law Rules.

#### **11. Spousal maintenance**


- 11.1 That this Order is not an order to which section 77A of the *Family Law Act* applies and there is no provision for spousal maintenance of the parties in this Order.

#### **12. Miscellaneous**

- 12.1 That each party pay their own costs of and incidental to these proceedings, the preparation of these Orders and putting settlement into effect and all reserved costs and other costs orders if any, be discharged.
- 12.2 That the parties have liberty to apply on seven days' notice in writing in relation to the implementation, interpretation of these Orders and/or for consequential orders.
- 12.3 That all applications in relation to financial matters are otherwise dismissed.

#### **Notations**

- A. Both parties acknowledge that these Orders are in full and final settlement of any and all claims arising from the marriage between the parties in accordance with section 81 of the *Family Law Act*.



Signed by the Applicant

Signed by the Respondent



- B. Contemporaneously with entering these Consent Orders the parties executed a Financial Agreement pursuant to section 90C of the *Family Law Act* with respect of the parties' rights to spousal maintenance and the compromising of spousal maintenance claims, and a Binding Child Support Agreement in relation to the payment of child support for the children.
- C. The Wife and the Husband warrant to this Honourable Court that there is no proceeds of crime order for forfeiture application pursuant to the *Proceeds of Crime Act 2002* relating to or covering the property of any of the parties.
- D. The Wife and the Husband intend the above Orders shall as far as practicable finally determine the financial relationship between them and that such Orders are made to avoid further proceedings between the parties with respect to property settlement and each of the Wife and the Husband have in reaching agreement as herein provided taken into account the exigencies in life insofar as they may affect the financial circumstances favourable or unfavourable of each of them including but without limiting the generality of the foregoing, the prospect of loss of employment of either or both of the parties, the prospect of obtaining more remunerative employment for each or both of the parties, the prospect of illness or disability either temporary or permanent of either or both of the parties and the prospect of remarriage of either or both of the parties.
- E. That the Wife and the Husband represent and agree with each other that each has not in any way pledged or committed the credit of the other or either of them or undertaken any obligations for or on behalf of or in the name of either of them either solely or with the other. Each further agree to the other that should any contingent or actual liability attach to either party hereto as a result of any act or omission by the other party not disclosed in these Orders or in documentation to be filed or filed in support of the application for orders in terms of the minutes of the order, the party whose act or omission occasions such contingent or actual liability will indemnify and hold indemnified by the execution of these Orders, the other party against such contingent or actual liabilities and all sums, actions, proceedings, accounts, claims, demands, costs and expenses of any kind whatsoever relating to such contingent or actual liabilities.
- F. The parties agree to redaction or removal of any identifying personal information including dates of birth and bank account details in the event that this Order is to be lodged with Queensland Transport, Office of State Revenue (Queensland), or any other state or federal department or instrumentality, in conjunction with the registration of any dealing or document under these Orders, other than the redaction or removal of any personal information which is necessary for the purpose of the particular lodgement.
- G. The parties agree that their respective legal representatives may, where necessary and at their absolute discretion, redact or remove such personal information and certify that the redacted Orders remain true copies of the Orders except for the personal information removed which in no way affect the operation of the Orders.

  
Signed by the Applicant

Signed by the Respondent



**Certificate Identifying Annexure**  
**"BRS-6"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-6" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**91**  
[Form approved 01/08/2011]

# MinterEllison

12 April 2021

**BY EMAIL** Mark.O'Brien@markobrienlegal.com.au

Mark O'Brien  
Principal  
Mark O'Brien Legal  
Level 19  
68 Pitt Street  
SYDNEY NSW 2000

Dear Mr O'Brien

**Ben Roberts-Smith v Fairfax Media Publications & Ors  
Federal Court Proceeding numbers NSD 1485, 1486 and 1487 of 2018**

We refer to the Court's order made on 7 April 2021 concerning the service of outlines of evidence of Emma Roberts and Danielle Scott (referred to in the orders as Emma Roberts-Smith and Danielle Scott-Flanders).

We *enclose* outlines of evidence for Emma Roberts and Danielle Scott. We acknowledge that the anticipated evidence at paragraphs 4(c) to (e) of the outline of Ms Roberts and paragraphs 9-12, 14-15 and 17-35 of the outline of Ms Scott extends beyond the leave granted by the Court on 7 April 2021. Could you please confirm that you do not oppose the Respondents relying on the outlines in this form or, if you do, identify the basis of your opposition. When the matter is next before the Court we will seek an order extending the leave to this anticipated evidence.

You will note from the outline of Ms Roberts that we are unable to provide further detail in relation to the anticipated evidence of Ms Roberts due to a confidentiality agreement between your client and Ms Roberts. If your client requires further detail in relation to Ms Roberts' anticipated evidence we invite your client to confirm that the confidentiality agreement does not operate to prevent Ms Roberts conferring with us for the purpose of discussing the evidence she will give at trial.

As will be evident from the outlines of evidence, it has come to our clients' attention that your client buried a lunch box containing six USB sticks in the backyard of the home he shared with his former wife. Our client has been provided with a copy of the material that was contained on those USBs and has instructed us that the USBs contain apparently relevant and discoverable material. So much is clear from the file names of the documents which can be seen on Attachment L to the outline of evidence of Ms Scott.

Our clients have notified the Australian Federal Police that they are in possession of copies of the USBs and intend to fully cooperate with law enforcement authorities in respect of this material. The Respondents are also attending to preparing a supplementary list of documents giving discovery of the attachments to Ms Scott's outlines and will provide this as soon as possible.

The circumstances described in the outline of evidence of Ms Scott, and discussed above, gives rise to a serious concern about your client's compliance with his discovery obligations, and whether he has engaged in a deliberate attempt to conceal relevant evidence in these proceedings. We have written to you on several occasions about your client's compliance with his discovery obligations.

Our clients reserve their rights in relation to these matters, but invite your client to immediately:

Level 20 Collins Arch 447 Collins Street Melbourne  
GPO Box 768 Melbourne VIC 3001 Australia DX 204 Melbourne  
T +61 3 8608 2000 F +61 3 8608 1000 minterellison.com

ME\_182660212\_1

- file and serve an updated List of Documents, which should specifically describe any documents that were once, but are no longer in his possession, and the circumstances about why those documents are no longer in the Applicant's possession;
- produce to the Respondents any further relevant or discoverable material; and
- provide any explanation he is able to provide so that we may take it into account in determining the Respondents' next steps in relation to this matter.

For the avoidance of doubt, the Applicant should preserve each of the six USB sticks (and any copies of those USB sticks and their contents) and any communications between him and other witnesses in relation to the USBs and their contents.

Yours faithfully  
**MinterEllison**



Contact: Dean Levitan T: +61 3 8608 2152  
Dean.Levitan@minterellison.com  
Partner: Peter Bartlett T: +61 3 8608 2677  
OUR REF: PLB 1183220



## Outline of Evidence – Emma Roberts

No. NSD1485 of 2018

**Ben Roberts-Smith**

Applicant

**Fairfax Media Publications Pty Limited and Ors**

Respondents

The Respondents anticipate that at trial Emma Roberts will give evidence about the following matters:

1. Emma Roberts was formerly known as Emma Roberts-Smith and was married to the Applicant until they separated in early 2020.
2. On 6 April 2018 Ms Roberts became aware that the Applicant had been having an affair with Person 17.
3. After that time the Applicant asked Ms Roberts to lie and say that they were separated at the time of the affair to protect him if the matter became public.
4. Ms Roberts is subject to a confidentiality agreement with the Applicant which prevents her from disclosing the evidence she will give at trial other than under compulsion. The Respondents anticipate that Ms Roberts will give evidence at trial in relation to the following topics:
  - (a) The Applicant's affair with Person 17 and the events of 6 April 2018 when Person 17 arrived at the Applicant's and Ms Roberts' home in Ilkley Rd on the Sunshine Coast (Ilkley home) to disclose the affair.
  - (b) The circumstances relating to the Applicant's request to Ms Roberts to lie about whether the Applicant and Ms Roberts were separated between October 2017 and April 2018, including in the outline of evidence for Ms Roberts filed by the Applicant in these proceedings.
  - (c) The Applicant's concealment of evidence, including by emailing documents to her in August 2018 and burying USBs in the backyard of the Ilkley home.
  - (d) Steps taken by the Applicant to communicate covertly with witnesses including Person 5, 11, 29 and 35.
  - (e) Steps taken by the Applicant in relation to witnesses against his interests, including Person 18.

## Outline of Evidence – Danielle Scott

No. NSD1485 of 2018

**Ben Roberts-Smith**

Applicant

**Fairfax Media Publications Pty Limited and Ors**

Respondents

The Respondents anticipate that at trial Danielle Scott will give evidence in substance in accordance with this outline of evidence.

### Background

1. Ms Scott is the best friend of Ms Emma Roberts (formerly known as Emma Roberts-Smith), who was married to the Applicant for 22 years. Ms Scott and Ms Roberts have been friends for 45 years.
2. Throughout their friendship Ms Scott and Ms Roberts have communicated very regularly via telephone and text message. Throughout the friendship, and particularly since late 2017, Ms Roberts has confided in Ms Scott.

### The Applicant's affair with Person 17

3. To the best of Ms Scott's knowledge, the Applicant and Ms Roberts did not separate at any time prior to January 2020. Ms Scott believes that if the Applicant and Ms Roberts separated at any time earlier, Ms Roberts would have told her.
4. Between about October 2017 and April 2018, Ms Roberts regularly expressed concern to Ms Scott that the Applicant was having an affair.
5. On 6 April 2018 Ms Scott saw that she had a number of missed calls from Ms Roberts on her mobile phone. She called Ms Roberts back and they had a conversation in words to the following effect:  

S: "Is everything ok?"

R: "Are you sitting down?"

S: "Do I need to be?"

R: "Yes, I'm standing on my verandah and I'm looking at Ben's girlfriend (referring to Person 17)."
6. During the conversation with Ms Roberts they had a conversation in words to the following effect:  

R: "She has a big black eye."

S: "How did she get that?"

R: "I asked her the same thing, she said she down the stairs at parliament house".
7. Ms Scott stayed on the phone for some time. In the background she could hear voices she recognised as Christine Bradley (Ms Roberts' mother), Paul Bradley (Ms Roberts' step-father) and Diane Young (Ms Roberts' house keeper). The phone was passed around and she spoke from time to time to those other people. During the phone call Ms Scott had a conversation with Ms Bradley during which Ms Bradley said to Ms Scott words to the effect "I asked her if Ben gave her the black eye and she said no."
8. On 8 April 2018 Ms Scott engaged in a text message exchange with Ms Roberts, a copy of which is attached to this statement and marked A.



9. On about 20 April 2018, Ms Scott received a call from the Applicant and Ms Roberts. The Applicant and Ms Roberts were driving home from the Gabba in Brisbane, where the Applicant had spoken earlier in the day, and Ms Scott was on speaker phone. The Applicant and Ms Roberts informed Ms Scott that earlier that day Person 17 had contacted the Applicant's personal assistant, Ms Leonie Atkinson, asking the Applicant to log into the joint secret email account he maintained with Person 17. Ms Roberts and the Applicant asked Ms Scott to log into the email account and see what was there. Ms Scott did so and saw that there was a draft email in the account which suggested that Person 17 may have been in trouble and needed help.
10. Ms Scott spoke to the Applicant and said words to the effect "*do you need me to call her?*" The Applicant asked Ms Scott to try to contact Person 17. Ms Scott tried to call Person 17 at least twice that day and again the next day, from a private number. Person 17 did not answer.
11. On 22 April 2018 the Applicant sent Ms Scott the text of an email for her to send Person 17. A copy of that email is attachment B. Ms Scott set up a Gmail account using the name "Danielle Kennedy" (Kennedy being Ms Scott's mother's maiden name) and sent the email to Person 17.
12. On 24 April 2018 the Applicant sent Ms Scott the text of a further email to send to Person 17. A copy of that email is attachment C. Ms Scott sent the email to Person 17.
13. On 27 April 2018 Ms Scott engaged in a text message exchange with Ms Roberts, a copy of which is attached to this statement and marked D.
14. At about this time the Applicant said to Ms Scott that he had a video of Person 17 that he said proved she lied about having an abortion.
15. In about October 2018 Ms Roberts said to Ms Scott words to the effect "*Ben asked if you could contact John McLeod and ask for a copy of the video of [Person 17].*" Ms Roberts had previously told Ms Scott that the Applicant had fallout with Mr McLeod. Ms Scott contacted Mr McLeod and asked him for the file. On 22 October 2018 Mr McLeod sent the video to Ms Scott. A copy of a message from Mr McLeod to Ms Scott is attached and marked E. Ms Scott provided the video to the Applicant.
16. In about July 2019 Ms Roberts told Scott that she lied in her outline of evidence about being separated with the Applicant during his affair with Person 17 because the Applicant pressured her to do so on the basis that if she didn't, she would lose everything.

#### **Conferring with witnesses and phones and SIM cards**

17. On 9 May 2018 Ms Scott engaged in a text message exchange with Ms Roberts, a copy of which is attached to this statement and marked F.
18. On or around 9 June 2018, the Applicant asked Ms Scott to purchase him 2 x Telstra pre-paid sim cards and 2 x iPhones. The Applicant said to Ms Scott words to the effect "*I want to be able to contact the guys in the unit without our phones being tapped*".
19. On or around 9 June 2018, Ms Scott purchased 2 x Telstra sim cards and 2 x iPhones in cash from Officeworks and provided them to the Applicant.
20. Ms Scott set up the two iPhones using an Apple ID in her name and activated the sim cards (one in her name and one in her husband's).
21. On 28 June 2018, the Applicant's company transferred \$914 to Ms Scott as reimbursement for purchasing the sim cards and the iPhone.
22. From that time the Applicant and Ms Scott referred to the phones using the code names "handbag 1" and "handbag 2".
23. From time to time the Applicant asked Ms Scott to top up the credit on the sim cards and they would reimburse her for doing so.
24. In December 2018, the Applicant asked Ms Scott to purchase further sim cards. At about this time Ms Scott purchased a further 2 x Optus sim cards and provided them to the Applicant.
25. In January 2019 Ms Scott bought her son an iPhone which she activated using the same Apple ID as that used to activate the iPhones she gave to the Applicant in June 2018. When Ms Scott went



into the contacts on the phone to add her and her husband's contact details to her son's iPhone she noticed that there were five contacts already stored in the phone using the initials of those individuals. Ms Scott checked the number for one of the initials saved against the phone number for Person 11 which she had stored in her own phone (as she had previously been in contact with Person 11 in relation to arranging babysitting in Bali), and the phone numbers matched. Ms Scott asked Ms Roberts about the other initials and Ms Roberts said they were for Persons 35, 29, 5 and 56.

#### **Documents**

26. From about October 2017 Ms Roberts started forwarding documents to Ms Scott from time to time for safe-keeping. Ms Roberts said to Ms Scott words to the effect *"Dan can you keep these for me"*.
27. On 17 August 2018 Ms Roberts sent to Ms Scott four emails. Copies of those emails, and their attachments, are attached and marked G to J.

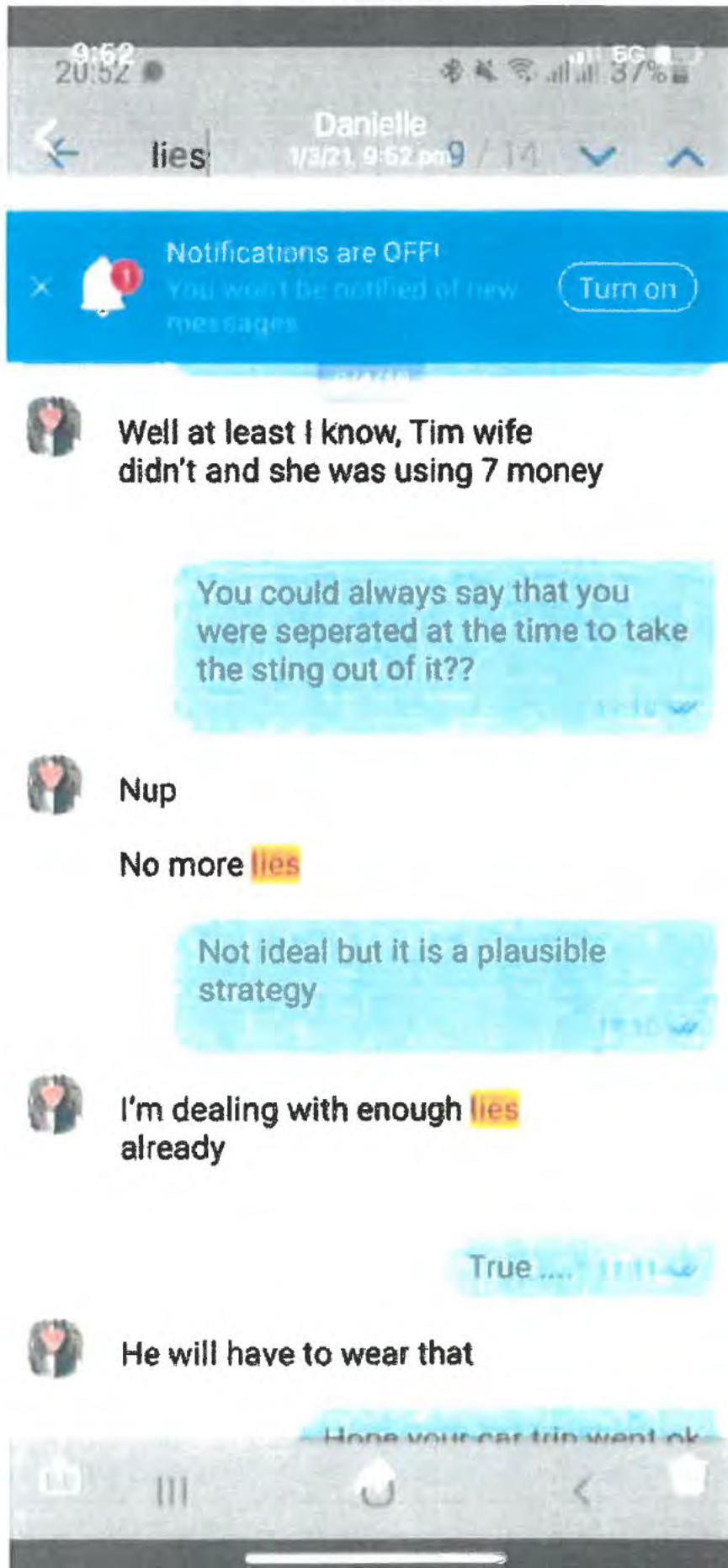
#### **Buried USBs**

28. In or about late 2018, but prior to November 2018, Ms Scott had a telephone conversation with the Applicant and Ms Roberts (who were both on loud speaker). During that conversation the Applicant said words to the effect *"the boys are sending me photos"*.
29. At some time prior to 15 March 2020 Ms Roberts told Ms Scott that she suspected that the Applicant had buried something in the backyard.
30. On about 16 March 2020 Ms Scott was visiting Ms Roberts and they looked in the backyard to see if they could find what had been buried. They noticed a rock on the ground under a hose reel and dug under it using a pitchfork. About 10-15cm down they found a lunchbox which contained six USBs that had been placed in a plastic snap lock bag. Ms Scott copied the contents of the USBs onto her computer. Ms Scott and Ms Roberts placed the USBs back in the bag and the lunchbox and re-buried it. Ms Scott was contacted by the AFP and she provided a copy of the contents of the USBs to them.
31. On 5 June 2020 just before 2pm, Ms Roberts and Ms Scott were on the phone. Ms Roberts told Ms Scott words to the effect *"Ben is coming over to collect some documents"*. During that call they discussed that the Applicant may be coming to retrieve the USBs. Ms Roberts ended the call so she could go and take photos of the area where the lunchbox was buried.
32. After the call Ms Roberts sent Ms Scott four photos of the area where the lunchbox had been buried. Those photos are attached and marked K. The first two photos were taken at about 2:06pm and the second two were taken at about 2:32pm.
33. Screenshots of the file names of the documents Ms Scott copied off the USB are attached and marked L.

#### **Enquiries regarding stamps and John McLeod**

34. Ms Scott used to work at Australia Post. In the period prior to about June 2018 the Applicant contacted Ms Scott and ask her questions about how stamps and franking works, and whether letters could be traced based on the stamps or barcodes.
35. In or about February 2020 Ms Scott asked Ms Roberts in effect what happened between the Applicant and Mr McLeod. Ms Roberts replied words to the effect: *"Ben got John to send the threatening letters that were referenced in the Fairfax articles in June 2018 and once John realised that Ben had used him to send those letters, John approached Ben about it and they had a falling out."*

Attachment A






Attachment B

Dylan Dexter

---

**From:** Ben Roberts-Smith <b.robertssmith@icloud.com>  
**Sent:** Sunday 22 April 2018 04:35 PM  
**To:** dscottfl@bigpond.com  
**Subject:** Gmail

  
My name is Danielle Kennedy and I represent Mr and Mrs Roberts-Smith. I am aware of all details pertaining to your particular situation and have been instructed to contact you using the gmail account details you supplied to Mr Roberts-Smith's office.

I have now try to call your mobile on multiple occasions on Friday 20 April and Saturday 21 April. I have also been corresponding with you via your gmail account and have tried to ascertain a suitable time to speak with you in person. Due to you not providing me an appropriate time to call I am now sending this email.

I will highlight that at no stage has Mr Roberts-Smith, his family, or any associates tried to communicated with you post Friday 06 April 2018 when you arrived without invitation and unannounced to the Roberts-Smith's private residence and were asked to leave.

Due to you calling Mr Roberts-Smith's place of employment and leaving a panicked message that included you stating you have been "threatened" by a 3rd party we feel an obligation to offer you assistance and as such recommend that if you have or are being threatened you should engage the Qld Police. If you require our assistance with that process we are able to connect you with the relevant people.

As Mr Roberts-Smith has made clear to you now on several occasions he does not wish to personally communicate with you through any means. Given the disturbing nature of your last message to Mr Roberts-Smith's office he has requested I assist you where and if required.

I can be contacted through my gmail account as attached. You can expect further correspondence shortly to follow up.

Sincerely



Danielle

Regards

BRS

Attachment C


**Dylan Dexter**

---

**From:** Ben Roberts-Smith <b.robertssmith@icloud.com>  
**Sent:** Tuesday 24 April 2018 04:45 PM  
**To:** dscottfl@bigpond.com  
**Subject:** 2nd Letter

Hi Dan,

As discussed;

 -  
In regard to your letter of reply on the 22nd April.

We have offered you assistance as you requested and as was recorded through Mr Roberts-Smith's personal assistant on the 20 April at 12:57pm where you stated that you were being threatened and required Mr Roberts-Smith's help.

We now acknowledge that you have since changed your position and no longer require any assistance or help. As this is the case you can expect all communication from myself to cease immediately.




I will reiterate that Mr and Mrs Roberts-Smith have asked you to refrain from attempting to communicate with them, their family, all associates and places of employment.

Sincerely

Danielle Kennedy.

Happy for you to amend if required.

BRS

← Emma Roberts-Sm...   



BRS thinks if it hits the press I say  
we were separated 😊

Ooooooh are you ok with that?



Not really

He thinks that will stop a story  
lingering

No I didn't think so ...

But I can see his thinking around  
this because he thinks it might be  
the only way that the both of you  
survive this



He thinks the press will go oh so  
what no story and the girls won't  
actually know when they're older







John Macleod



Thanks John, no luck on the other file yet?

22/10/2018



Here it's mate!!! That didn't take long !!!!

00:12

Thanks John looking a bit polished for somebody who's supposed to have undertaking that procedure 😊



Emma Roberts-Sm...



Last seen 10 min ago



Hey mate, yeh <sup>P5</sup> [redacted] rang brs late  
😓 he was drilled for hours! Lots  
of questions about Ben and even  
to the point of questioning his VC  
action 😓 hence to say he didn't  
get much sleep! <sup>P5</sup> [redacted] was free to  
leave for the US with 5 hrs until his  
flight!!

Fark

So if they let <sup>P5</sup> [redacted] go ... that's  
gotta be a good sign right?



Yeh 🍷

It's obvious that someone has said  
a hell of a lot about Ben

But they also have to be able to  
prove it



ooo



Attachment G

**Subject:** Fwd: Image 1  
**Date:** Friday, 17 August 2018 at 2:06:56 pm Australian Eastern Standard Time  
**From:** Emma  
**To:** dscottfl@bigpond.com  
**Attachments:** IMG\_0399.jpg

Sent from my iPhone

Begin forwarded message:

**From:** Ben Roberts-Smith <[b.robertssmith@me.com](mailto:b.robertssmith@me.com)>  
**Date:** 17 August 2018 at 1:56:30 pm AEST  
**To:** Emma Roberts-Smith <[emma@rsgroupaustralia.com](mailto:emma@rsgroupaustralia.com)>  
**Subject:** Image 1





## Attachment H

**Subject:** Fwd: 1 of 2  
**Date:** Friday, 17 August 2018 at 2:05:57 pm Australian Eastern Standard Time  
**From:** Emma  
**To:** dscottfl@bigpond.com  
**Attachments:** IMG\_0400.jpg

Sent from my iPhone

Begin forwarded message:

**From:** Ben Roberts-Smith <[b.robertssmith@me.com](mailto:b.robertssmith@me.com)>  
**Date:** 17 August 2018 at 1:55:17 pm AEST  
**To:** Emma Roberts-Smith <[emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com)>  
**Subject:** 1 of 2





Attachment I

**Subject:** Fwd: 2 of 2  
**Date:** Friday, 17 August 2018 at 2:06:33 pm Australian Eastern Standard Time  
**From:** Emma  
**To:** dscottfl@bigpond.com  
**Attachments:** IMG\_0401.jpg

Sent from my iPhone

Begin forwarded message:

**From:** Ben Roberts-Smith <[b.robertssmith@me.com](mailto:b.robertssmith@me.com)>  
**Date:** 17 August 2018 at 1:55:44 pm AEST  
**To:** Emma Roberts-Smith <[emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com)>  
**Subject:** 2 of 2



Attachment J

**Subject:** Fwd: Copy  
**Date:** Friday, 17 August 2018 at 2:07:17 pm Australian Eastern Standard Time  
**From:** Emma  
**To:** dscottfl@bigpond.com  
**Attachments:** IMG\_0444.jpg, IMG\_0445.jpg

Sent from my iPhone

Begin forwarded message:

**From:** Ben Roberts-Smith <[b.robertssmith@me.com](mailto:b.robertssmith@me.com)>  
**Date:** 17 August 2018 at 1:58:46 pm AEST  
**To:** Emma Roberts-Smith <[emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com)>  
**Subject:** Copy



 Chats

Jenny Hosey

... typing



No. It most certainly is not blackmail. I'm not asking for or expecting anything from you.

7:57

Please don't waste your time with intimidation or payback either. The benefit of seeing what you were capable of a few weeks back & knowing the threats you've made to me since is that I immediately put in place "insurance" in the event that anything should happen to me or my family. I know you will blame me but I hope you'll also remember that we're in this position because of what we've BOTH done.

What I did today wasn't planned & it's not something I ever thought I would do but I believe I made the right decision. I know you're angry but I did it for your own good. Some day I hope you'll see that & be thankful. If you love Emma & genuinely want to fix your marriage then it needed to come out. She deserves the truth & she was never going to get it from you. You've been lying to everybody & it's time to stop. To quote your message to me from this morning - I know you will be ok & you will work through it. Your marriage is strong &



Attachment K



113  
19









115  
21





116  
22

**Certificate Identifying Annexure**  
**"BRS-7"**

No. NSD, 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**


Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-7" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:

  
.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

117  
[Form approved 01/08/2011]



## Notice to produce

No. NSD1485, 1486 and 1487 of 2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith**

Applicant

**Fairfax Media Publications Pty Ltd & Ors**

Respondents

To the Applicant:

The Respondents require you to produce the following documents before the Court at 9:30am on 28 April 2021:

1. One copy of each of the draft chapters of the Applicant's autobiographical book.
2. One copy of any email correspondence between the Applicant and any of the following persons in relation to the mission conducted in or around Kakarak, Afghanistan on Easter Sunday 2009 (Whiskey 108 Mission):
  - a. Person 5;
  - b. Person 29;
  - c. Person 32; and
  - d. Person 35,including but not limited to email correspondence using [ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com), [b.robertssmith@me.com](mailto:b.robertssmith@me.com), [b.robertssmith@icloud.com](mailto:b.robertssmith@icloud.com), and/or [brs@seven.com.au](mailto:brs@seven.com.au).
3. One copy of any attachments to the email correspondence referred to in category 2 of this Notice to Produce.
4. The statement provided by Person 36 in 2013 and/or July 2017 to the Department of Defence in support of the Applicant.
5. The request from the Applicant to Person 36 in approximately July 2017 to provide a statement/character reference in support of the Applicant, and any communication between the Applicant and Person 36 about that statement.

Filed on behalf of (name & role of party)

Prepared by (name of person/lawyer)

Law firm (if applicable)

Tel 03 8608 2152

Email [dean.levitan@minterellison.com](mailto:dean.levitan@minterellison.com)

Address for service  
(include state and postcode)

Fairfax Media Publications Pty Ltd, Nick McKenzie, Chris Master and David Wroe, the Respondents

Dean Levitan, Lawyer for the Respondents

MinterEllison

Fax

Collins Arch, 447 Collins St Melbourne, VIC 3000

6. All correspondence between the Applicant (including the Applicant's legal representatives) and the SAS Association (including the Chairman of the SAS Association) relating or referring to this proceeding.

Date: 19 April 2021



Signed by Peter Bartlett  
Lawyer for the Respondent

*Note:* If this notice specifies a date for production, and is served 5 days or more before that date, you must produce the documents or things described in the notice, without the need for a subpoena for production.

If you fail to produce the documents or things, the party serving the notice may lead secondary evidence of the contents or nature of the document or thing and you may be liable to pay any costs incurred because of the failure.

**Certificate Identifying Annexure**  
**"BRS-8"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**


Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-8" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:

  
.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

120  
[Form approved 01/08/2011]



## Monica Allen

---

**From:** Ben Roberts-Smith <b.robertssmith@icloud.com>  
**Sent:** Tuesday, 20 April 2021 11:23 AM  
**To:** Monica Allen  
**Subject:** Fwd: Manuscript.docx  
**Attachments:** Manuscript.docx

Begin forwarded message:

**From:** Ben <[ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)>  
**Subject:** Manuscript.docx  
**Date:** 15 October 2017 at 2:53:52 pm AEST  
**To:** Peter Pedersen <[papedersen@bigpond.com](mailto:papedersen@bigpond.com)>

Hi mate with changes

Regards

BRS

## Monica Allen

---

**From:** Ben Roberts-Smith <b.robertssmith@icloud.com>  
**Sent:** Monday, 19 April 2021 7:46 PM  
**To:** Monica Allen  
**Subject:** Fwd: Drafts BRS  
**Attachments:** TWO.docx; THREE.docx; FOUR.docx

**From:** Peter Pedersen <papedersen@bigpond.com>  
**Date:** 22 April 2018 at 20:50:30 AEST  
**To:** Ben <ben@rsgrouppaustralia.com>  
**Subject:** Drafts

Hi RS,

Three draft chapters attached. They cover SOTG 3, PSD and leaving for SOTG 4.

Some points to note while you're reading.

Don't pay any attention to the numbers I've used as chapter headings. They show the sequence of the chapters that I can write based on the material I have. I think there should be three, but probably four chapters before these but I don't have the wherewithal to do them. We really do need to sit down again.

There's quite a few things, particularly in the first two chapters, that will seem to you to appear out of the blue without any prelim explanation. That's because the necessary background will appear in the chapter immediately preceding, which I haven't written yet. I've made a list of everything that needs to be covered and it's quite extensive. I couldn't do that chapter before I'd done the list.

I've had to interpolate quite a bit to convey the atmospherics and some of the context. This was especially the case with chapter 3 on the PSD because we hardly spoke about the PSD. Did you go to Kandahar for example? My description of Em's thoughts and feelings in the chapter was based on my interviews with her – they were great! BTW, this is an important chapter because it allows a change of pace from the excitement of the two Afghan chapters.

Because I'm a nit-picking pedant, I came across a number of inconsistencies and gaps in logic as I wrote eg if the AHP 'secured' your route to Chora when you went to the white house, why didn't they do it when you went up there on the OP job? If the AC130 warned you about all the insurgents coming towards you on the first night of Op Perth, why didn't it tell you about those guys who tried to ambush the cars and were ambushed by you in the green? Did Matt leave your patrol after the OP job? If so, who replaced him? If not, did he take some of your patrol on the recce in the green?

These are the sorts of questions that occur AFTER an interview – it's impossible to think of them all during. Again, I've tried to smooth over the gaps as best I can. I'm not sure that anyone with a normal mind would pick them up anyway.

I had a lot of trouble with the Chora geography. I can't make sense of it from the maps, yours and mine. I understood it when we spoke because you drew it for me, but I didn't take the sketches with me. *Mea culpa!*

One thing that comes up time and again is the lack of detail on your patrols eg who was on the .50 cal next to you at Sorkh Morghab – one of the guys from your OP patrol? When Matt

left after the PSD, who came in for your 2007 trip – had he been to Afghan before? How many new operators were on the 2007 trip? Don't need their names – we can concoct those – but we do need to put some flesh on bones here.

Again, this all speaks to the need to chat again – we never did get round to doing it in Feb.

I'll no doubt think of a whole lot more points after sending, but no matter.

As always mate, amend, delete, trash, do whatever you like with this. I won't be offended.

Trust all good with you, Em and girls. Pls say hello to them from Marylou and me.

Cheers,

P.



**From:** [Ben Roberts-Smith](#)  
**To:** [Monica Allen](#)  
**Subject:** Fwd: 108  
**Date:** Monday, 19 April 2021 7:47:46 PM  
**Attachments:** [108.png](#)

---

**From:** [REDACTED]  
**Date:** 3 November 2018 at 08:14:12 AEST  
**To:** [ben@rsgroupaustralia.com](mailto:ben@rsgroupaustralia.com)  
**Subject:** 108

Mate,  
I don't know whether this is totally correct but I think it matches up....

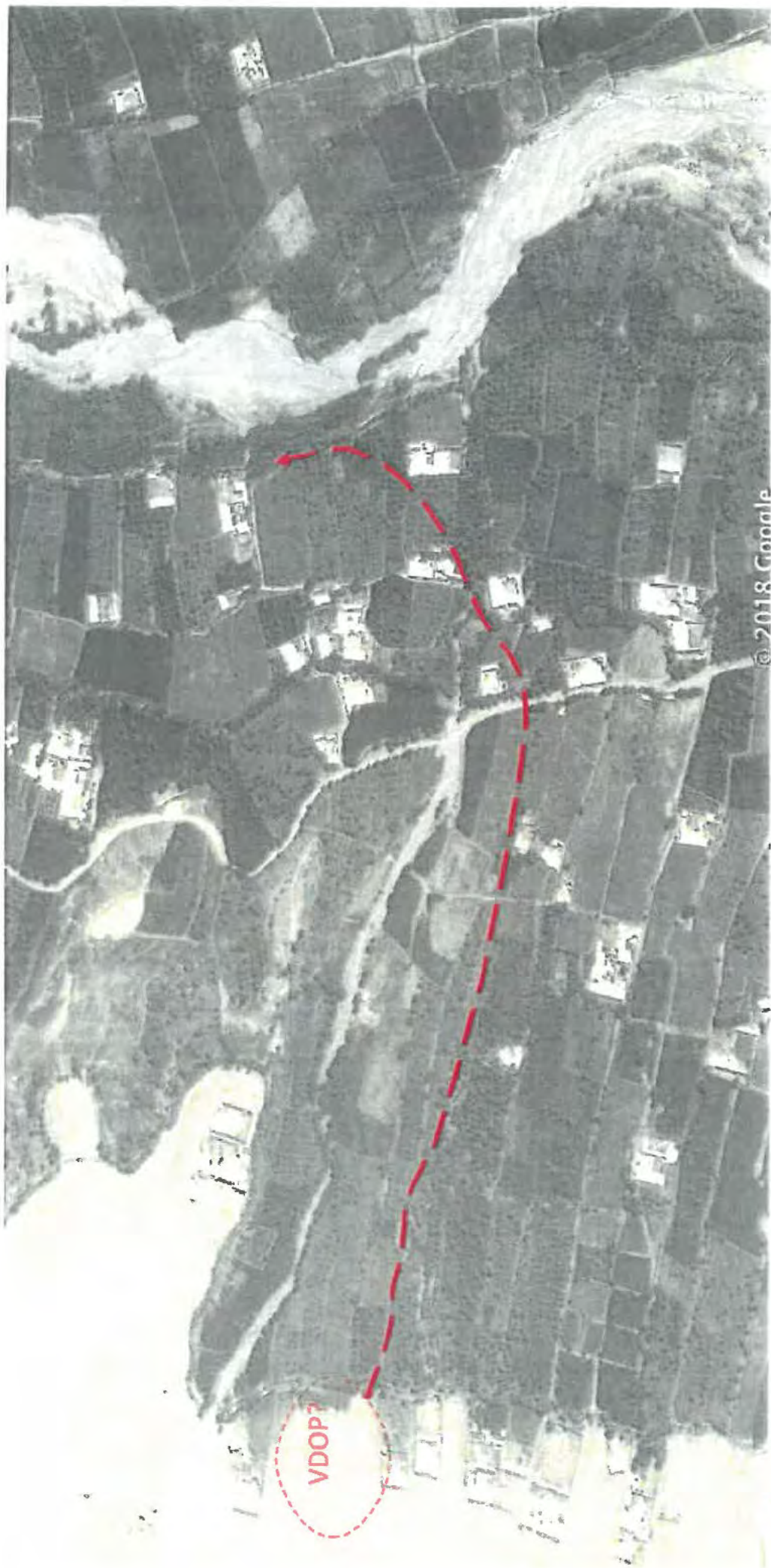
108 and 109 sorta look different but close....

Thoughts



125





126





127

**From:** [Ben Roberts-Smith](#)  
**To:** [Monica Allen](#)  
**Subject:** Fwd: W108 copy.pptx  
**Date:** Tuesday, 20 April 2021 10:40:37 AM  
**Attachments:** [W108 copy.pptx](#)

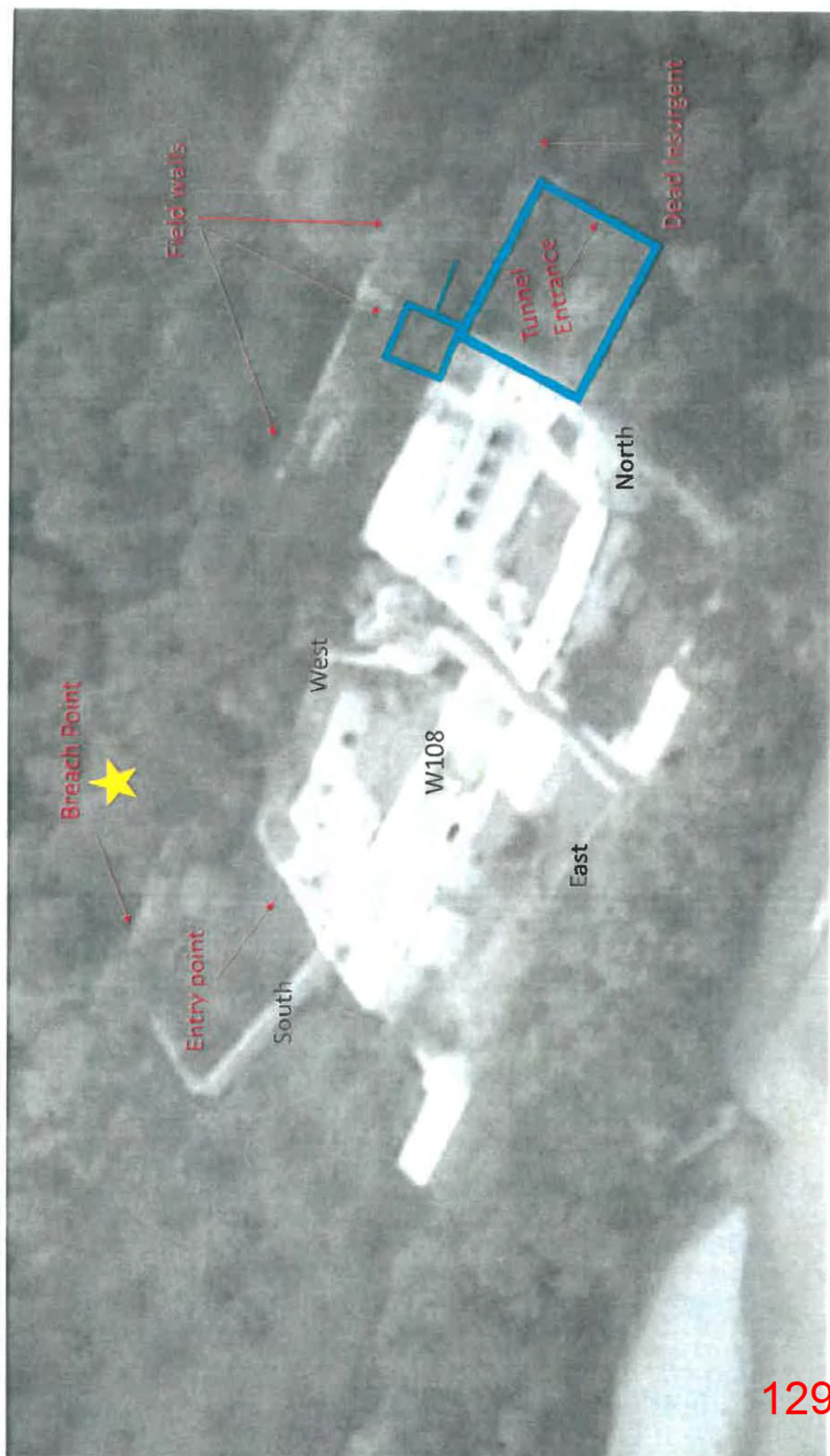
---

**From:** Ben Roberts-Smith <[ben@rsgroupaustralia.com](mailto:ben@rsgroupaustralia.com)>  
**Subject:** W108 copy.pptx  
**Date:** 3 July 2019 at 3:35:44 pm AEST  
**To:** [REDACTED]

Regards

BRS





129



**From:** Ben Roberts-Smith  
**To:** Monica Allen  
**Subject:** Fwd: Character Reference [REDACTED]  
**Date:** Tuesday, 20 April 2021 10:46:50 AM

---

Begin forwarded message:

**From:** Ben <[ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)>  
**Subject:** Re: Character Reference  
**Date:** 3 September 2017 at 12:03:42 pm AEST  
**To:** [REDACTED] <[\[REDACTED\]@sfgym.com.au](mailto:[REDACTED]@sfgym.com.au)>

Thanks mate, yer I heard... probably in relation to public submissions for rumours...

What a joke.

Cheers mate

Sent from my iPhone

On 3 Sep 2017, at 11:50, [REDACTED] <[\[REDACTED\]@sfgym.com.au](mailto:[REDACTED]@sfgym.com.au)> wrote:

Here is the scanned copy,

If you need the original just let me know and I'll mail it across.

Apparently there is another chat tomorrow at work from Billy about the investigations but I'm not around so get to miss it.

Regards,  
[REDACTED]

<Character ref.pdf>

On 30 Aug. 2017, at 2:02 pm, Ben  
<[ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)> wrote:

Thanks Mate,

Appreciate the kind words and no changes required.

If your happy just need your signature block with contact details added and a signature mate.

I appreciate the support hitter.

Regards

Sent from my iPhone

On 30 Aug 2017, at 13:55, [REDACTED]  
[REDACTED] <[\[REDACTED\]@steyn.com.au](mailto:[REDACTED]@steyn.com.au)> wrote:

Hi Mate,

Please find attached the character reference and an updated statement from the 06 rotation.

Sorry about the delay been busy with work and uni and family etc... time gets away from me pretty quick.

Let me know if you need any changes, happy to modify as needed. I'm happy to do help out with whatever is required to help out against those two.

Regards,  
[REDACTED]

<Character reference.docx>

To Whom It May Concern,

I have known Ben Roberts-Smith since 1997. He has been a close working associate during that period and we have served together in a variety of capacities which include as instructors on several courses, members of the same Troop and Patrol as well as served on several operations together. In addition, we have socialised outside of a work capacity and continue to remain in contact since his discharge from the Defence Force.

Ben is efficient, detail-oriented, and extremely competent. He undertakes all tasks with an extremely professional focus and works diligently to ensure a successful outcome. His approach is one of leading from the front and setting the example to inspire others.

Ben's professionalism goes beyond the individual and during his time in the Special Air Service he believed it was his duty as a custodian to leave his position better than he found it. He exemplified this through his commitment to the unit ethos and upheld every member within his peer group and later under his command to the high standards of these core values.

Ben served within the Australian Special Air Service with distinction which is validated through the recognition bestowed upon him in being the highest decorated Defence Member in Australia.

In summary, Ben Roberts-Smith is a diligent professional who was both a stand out as a patrol member and a leader within high performance teams and sincere friend who I was privileged to serve alongside.


If you have any questions, please do not hesitate to contact me.

Sincerely,



 Msc

0417 290 035

@sfgym.com.au



## Patrol K2 Op Slipper 2006

During the 2006 deployment of 3Sqn to Afghanistan on Op Slipper, I was a member of patrol K2 with troopers J. [REDACTED], B. Roberts-Smith, Cpl M Locke & SGT [REDACTED]. For a brief duration in the initial period of the deployment I was required for a separate patrol due to a specialist skill. During this patrol K2 conducted a foot patrol in which a compromise saw them engaged in contact with the enemy for an extended period in which 2 members were awarded Gallantry medals. During this engagement, there were several incidences from both Trooper [REDACTED] and Trooper [REDACTED] that were brought their suitability for Special Forces combat operations into question. Although I was not present to witness these events I was informed on my return to the Patrol by both the Patrol Commander and Patrol Second in Command in way of formal patrol debrief to increase patrol awareness and security during subsequent operations. As Tpr [REDACTED] had demonstrated excessive stress, diminished ability to identify friend from foe and inadequate performance during the period of the contact and Trooper [REDACTED] has assembled his weapon incorrectly and was unable to utilize it in contact. During subsequent engagements, the patrol commander from K3 was wounded and was required to Return to Australia which initiated key position changes within the troop. As a result I was elevated to the position within K2 as the patrol Second in Command.

Tpr [REDACTED] performance again came into question after a subsequent patrol and several members including myself provided statements to Troop Head Quarters highlighting that Tpr [REDACTED] performance was below the acceptable standard and he may not be suitable for further employment within an SASR patrol. Tpr [REDACTED] then sought council with the padre after which allegations emerged against several patrol members of verbal abuse and sub standard treatment. These were then investigated by Troop Head Quarters and failed to be substantiated and resulted in no further action taken.

Whilst Tpr [REDACTED] remained accommodated with the patrol on several occasions he woke members during the night with panicked screaming and signs of distress during his sleep. Concern for his health and welfare and the future impacts of stress were raised to higher authorities within the Troop but were dismissed and not investigated any further.

Trooper [REDACTED] was subsequently removed from the patrol K2 after he made the uncorroborated allegations and was placed into a patrol with a Patrol Commander who was a category 2 pass from selection who made the assessment that Trooper [REDACTED] displayed future potential as a SASR patrol member.

Trooper [REDACTED] competence as a patrol member had come into question throughout the period of deployment due to several examples of both poor judgement and lack execution of patrol skills. Although no formal action was taken during this period and there were no complaints raised by or on behalf of Trooper [REDACTED]. Trooper [REDACTED] was removed from the Squadron during 2007 and later found unsuitable for service on two separate occasions before being finally removed from the unit.

At no stage during the deployment did I witness any threats of malice intent or any physical action taken against Tpr [REDACTED] or Trooper [REDACTED] nor did I observe any indications that physical action had been taken against either of them.

CPI. D. [REDACTED] Msc

## Patrol K2, Op Slipper 2006

During the 2006 deployment of 3Sqn to Afghanistan on Op Slipper, I was a member of patrol K2 with troopers [REDACTED], [REDACTED], B. Roberts-Smith, Cpl M Locke & SGT [REDACTED]. For a brief duration in the initial period of the deployment I was required for a UO patrol due to a specialist skill. During this patrol K2 conducted a foot patrol in which a compromise saw them engaged in contact with the enemy for an extended period in which 2 members were awarded Gallantry medals. During subsequent engagements the patrol commander from K3 was wounded and RTA. This initiated key position changes within the troop and subsequent to the K2 Foot patrol I rejoined K2 and took the position as 2IC. It was at this stage concern was raised for Tpr [REDACTED] by patrol members due to him demonstrating signs of excessive stress, diminished ability to identify friend from foe and inadequate performance during the period of the contact. During an informal debrief it was indicated to Tpr [REDACTED] that his performance was below the acceptable standard and reinforced to him that if he did not improve it could endanger the lives of patrol members. Tpr [REDACTED] performance again came into question after a subsequent patrol and several members including myself provided statements to TP HQ highlighting that Tpr [REDACTED] performance was below the acceptable standard and he may not be suitable for further employment within an SASR patrol. Tpr [REDACTED] then sought council with the padre after which allegations emerged against several patrol members of verbal abuse and sub standard treatment. These were then investigated by THQ and failed to be substantiated and resulted in no further action taken. Whilst Tpr [REDACTED] remained accommodated with the patrol on several occasions he woke members during the night with panicked screaming and signs of distress during his sleep. Concern for his health and future impacts of stress were raised to higher authorities within the TP but dismissed and not investigated into any further. At no stage during the deployment did I witness any threats of malice intent or any physical action taken against Tpr [REDACTED] nor did I observe any indications that physical action had been taken against him.

*D. C.*

26/8/13

SASR  
0417290035



## Monica Allen

---

**From:** Ben Roberts-smith <ben@rsgroupaustralia.com>  
**Sent:** Saturday, 1 May 2021 9:28 AM  
**To:** Monica Allen  
**Subject:** Fwd: [ ASASA-Q ] Fw: Provision of General Legal Advice -Subpoenas

**From:** Alan and Marion <[mbow7421@bigpond.net.au](mailto:mbow7421@bigpond.net.au)>  
**Date:** 1 May 2021 at 07:44:25 AEST  
**To:** [asasa-q@googlegroups.com](mailto:asasa-q@googlegroups.com)  
**Subject:** [ ASASA-Q ] Fw: Provision of General Legal Advice -Subpoenas  
**Reply-To:** [mbow7421@bigpond.net.au](mailto:mbow7421@bigpond.net.au)

FYI

**From:** Peter Fitzpatrick  
**Sent:** Friday, April 30, 2021 5:57 PM  
**To:** Alan and Marion ; Charles Stewart ; Dale Whelan ; Mark Salmon ; Martin Hamilton-Smith ; Phil Sullivan ; Rick Moor ; Rik Simpson ; [robert.lang@defence.gov.au](mailto:robert.lang@defence.gov.au) ; Steve Patterson ; Troy Simmonds ; Wayne Jones  
**Subject:** FW: Provision of General Legal Advice -Subpoenas

If there are people that you are aware of that may need assistance in relation to the matters below would you please ensure that they are provided with this information

There are concerns that persons who may have been subpoenaed in relation to the Ben Roberts-Smith Fairfax defamation case which is scheduled to go to trial in early June may be in danger of self-incrimination in relation to possible charges arising from the IGADF Inquiry into Operations in Afghanistan. The general advice detailed below is provided to assist any such persons. We are endeavouring to get more detail advice from Senior Counsel which will be provided when available.

In regard to the SAS Resources Fund providing financial support for legal expenses in relation to this civil matter I am hoping to have detailed information early next week as to whether that may be possible.

Would you please this information be passed to any person you feel may have been called to give evidence in this defamation matter

It should be noted by anyone reading or referred to the content of these notes that:

- (a) these notes only refer to general issues and do not consider any specific issues applicable to any particular person. No person who has received a



subpoena should rely on these notes for any purpose other than using them as an outline of issues which, amongst others, are issues on which they decide they should obtain separate legal advice based on their individual circumstances. If anyone uses these notes for any other purpose, neither no liability will be accepted for any consequences; and

- (b) the SAS Resources Fund may choose to use these notes as an outline of issues on which to obtain advice of Senior Counsel for the benefit of those who receive subpoenas.

Subject to those qualifications, these general notes follow.

### **1. Nature of a subpoena**

A subpoena may require the person who is served with the subpoena ("Subpoena Recipient") to give oral evidence at a hearing or to produce documents (and documents is a broad term which includes diaries, videos and any other paper or electronic record) or both to give oral evidence and produce documents.

### **2. Subpoena to only produce documents**

If the subpoena is only to produce documents, generally the Subpoena Recipient is notified in the subpoena that they can deliver the required documents to the Court in advance of the hearing and that the Subpoena Recipient, if they do deliver those documents in advance, generally, does not also have to attend the hearing. As referred to in paragraph 5 below, there may be circumstances where a witness should not just send all of the documents the subject of the subpoena before the hearing (and a likely circumstance is if any of the documents the subject of the subpoena may tend to incriminate the witness as referred to in paragraph 5 below).

### **3. Subpoena to give evidence at a hearing**

A subpoena to give evidence at a hearing does not oblige the Subpoena Recipient to disclose, before the hearing, the content of their proposed evidence to either the party who issued the subpoena or the other party or the legal representatives of either party. Similarly, a subpoena to produce documents to the Court does not oblige the Subpoena Recipient to show the documents to a party before delivering them to the Court.

### **4. Voluntarily giving a witness statement to one party or both parties**

If the Subpoena Recipient does, with the benefit of legal advice concerning their specific circumstances, decide to disclose their proposed evidence to one party by providing that party with a witness statement, the Subpoena Recipient may, if they wish, also give a witness statement to the other party because no party “owns” a witness. However, if the Subpoena Recipient does choose to give a witness statement to both parties, the Subpoena Recipient must not show to one party the witness statement given to the other or otherwise disclose the proposed evidence given to the other party because doing so would breach the confidence of the party to whom the first witness statement was given. Hence, the second witness statement would have to be prepared by the lawyers for the second party without them seeing the initial witness statement or being told what matters have been discussed with the lawyers for the first party.

## **5. Privilege against self-incrimination**

- 5.1. The general law of privilege against self-incrimination enjoyed by an individual witness is, for proceedings in NSW, regulated by s.128 of the *Evidence Act 1995* (NSW) (“s.128”) and, to the extent relevant discussed below, by s.128 of the *Evidence Act 1995* (Cth).
- 5.2. S.128 applies, by operation of s.128(1) “if a witness objects to giving particular evidence, or evidence on a particular matter, on the ground that the evidence may tend to prove that the witness—
  - (a) has committed an offence against or arising under an Australian law or a law of a foreign country, or
  - (b) is liable to a civil penalty”.
- 5.3. Any person receiving a subpoena should therefore obtain detailed advice as to any possible issues which may arise in course of their evidence on which they may be able to object under s.128(1) and as to how to make the objection if (as may happen) the witness is not separately legally represented at the hearing.
- 5.4. Where the witness does object under s.128(1), then s.128(2) requires the Court to determine whether or not there are reasonable grounds for the objection.
- 5.5. S.128(3) provides that “Subject to subsection (4) [to which I will refer to below], if the court determines that there are reasonable grounds for the objection, the court is not to require the witness to give the evidence, and is to inform the witness-

- (a) that the witness need not give the evidence unless required by the court to do so under subsection (4); and
- (b) that the court will give a certificate under this section if-
  - (1) the witness willingly gives the evidence without being required to do so under subsection (4), or
  - (2) the witness gives the evidence after being required to do so under subsection (4), and
  - (3) of the effect of such a certificate”.

5.6. S.128(4) provides that the Court “may require the witness to give the evidence if the court is satisfied that-

- (a) the evidence does not tend to prove that the witness has committed an offence against or arising under, or is liable to a civil penalty under, a law of a foreign country, and
- (b) the interests of justice require that the witness give the evidence”.

S.128(4)(a) therefore, firstly, requires the Court to be satisfied of a negative matter, namely, that the evidence does not tend to prove the witness has committed an offence against or arising under, or is liable to a civil penalty under, a law of a foreign country. Accordingly, once a ruling has been made under s.128(2) that there are reasonable grounds for the objection, then the party seeking to question the witness about the matter the subject of the objection will have to satisfy the Court that the witness would not be liable for an offence against or arising under, or liable to a civil penalty order under, a law of a foreign country. If the Court is so satisfied and, secondly, also considers that the interests of justice require the witness give the evidence, then and only then, can the Court require the witness to give the evidence.

5.7. A witness who is required only to produce documents, or to produce documents and also to give oral evidence, may claim self-incrimination privilege with respect to providing any of the documents the subject of the subpoena (as well as through giving oral evidence (if applicable)). Accordingly, if a witness wishes to object to producing any document on the ground that the document may tend to incriminate them, then the witness should



not simply deliver all of the documents to the Court as referred to in paragraph 2 above and, instead, should produce the documents to the Court at the hearing and make the objection to producing the particular document or documents which may tend to incriminate at that time. Obviously, in those circumstances, it would be to the considerable benefit of the witness to have legal representation at that hearing.

- 5.8. The general effect of a certificate under s.128 is stated in s.128(7), with some subsidiary elements in ss.128(8)-(11). The general effect of a certificate detailed in s.128(7) is that in any proceedings in a NSW court or before any person or body authorised by a law of NSW or by consent of the parties to hear, receive and examine evidence-

“(a) evidence given by a person in respect of which a certificate under this section has been given, and

(b) evidence of any information document or thing obtained as a direct or indirect consequence of the person having given evidence,

cannot be used against the person. However, this does not apply to a criminal proceeding in respect of the falsity of the evidence.”

- 5.9. Whether a witness should willingly give evidence on a matter where the Court has determined under s.128(2) that there are reasonable grounds for an objection to giving evidence made under s.128(1) but the witness is required pursuant to s.128(4) to give the evidence, so that, by willingly giving the evidence, the witness will thereby obtain a certificate under s.128(7) is a matter on which each individual Subpoena Recipient should obtain separate and detailed legal advice.

- 5.10. The effect of a certificate under s.128(7) is expanded by s.128(12) of the NSW Act and also by ss.128(12)-(14) of the *Evidence Act 1995* (Cth) because a certificate issued under s.128 of the NSW Act applies also to any subsequent proceeding for an offence against a law of the Commonwealth or a civil penalty order under a Commonwealth law. An issue which may affect some Subpoena Recipients is whether there is the possibility of facing a civil penalty order detrimentally affecting a superannuation entitlement of the Subpoena Recipient. That is therefore a matter on which each Subpoena Recipient should consider obtaining advice.

Regards

Peter

Peter J. Fitzpatrick AO, AM (MIL), JP

Chairman

Australian SAS Association

Mob: 0419 931 627

[Chairman.asasa@gmail.com](mailto:Chairman.asasa@gmail.com)



This email and any attachments may contain confidential information and may be subject to legal professional privilege. This email and attachments are intended only for the named addressee(s). If you are not the named addressee your access to this material is not authorised and you should not disseminate, distribute or copy this e-mail or use the information contained in it. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. The sender does not guarantee that this e-mail or any attachments are secure, error-free or free from viruses. The sender therefore does not accept liability for any loss or damage resulting (either directly or indirectly) from any such error or virus. The content and opinions set out in this email and any attachments are not necessarily those of The SAS Resources Fund, nor any person or entity who is or becomes a director, company secretary, officer, member, manager, employee or contractor (whether directly or indirectly). This email and any attachments are also subject to copyright and may not be reproduced without permission.

--

--

//

This eMail system is used for communications from  
The Australian Special Air Service Association Queensland Incorporated.

eMails generally contain the personal opinion of the originator  
(replies to eMails will therefore be routed to the message originator).

#### INSTRUCTIONS:

To contact the Secretary of the ASASA-Q please send an email to  
[secqld.asasa@gmail.com](mailto:secqld.asasa@gmail.com)

To unsubscribe send a BLANK email to: [asasa-q+unsubscribe@googlegroups.com](mailto:asasa-q+unsubscribe@googlegroups.com)

For more options, visit the ASASA-Q group web-page at:  
<http://groups.google.com/group/asasa-q>

ASASA-CHAT "Chat Channel":

To exchange jokes, stories or information with friends of the Australian SAS please join and use the ASASA-CHAT group at:

<http://groups.google.com/group/asasa-chat>

(or contact the Secretary ASASA-Q for help < [secrld.asasa@gmail.com](mailto:secrld.asasa@gmail.com) >).

//

—  
You received this message because you are subscribed to the Google Groups "ASASA-Q" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [asasa-q+unsubscribe@googlegroups.com](mailto:asasa-q+unsubscribe@googlegroups.com).

To view this discussion on the web visit <https://groups.google.com/d/msgid/asasa-q/6450047F6288475A98D9CB11BC8455EF%40Alan>.



**Certificate Identifying Annexure**  
**"BRS-9"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-9" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

142  
[Form approved 01/08/2011]

Inbox — Rsgrouppaustralia  
1,254 messages

All Inboxes

VIPs

Flagg...

All Drafts

All Sent 2

32

Inbox

Drafts

Sent

Ju...

Bin

Archive

Deleted...

Ju... 30

Notes

Sent M...

RS Group Australia  
Fwd: Saston Speakers Benjamin Roberts-Smith

RS Group Australia  
Fwd: ICM1-18079 - Contract - Anderson Com...

Emma Roberts  
Fwd: Tax

Alex & Erica  
Walkabout pilot

Watt, Caroline  
Business Case for PD

Emma Roberts  
Fwd: Victoria Cross and George Cross Assoc...

Watt, Caroline  
Fortnightly PD steering group meeting (see n...

Nick  
Diggers Rest African Safari 2018

Emma & Luke  
Invitation - Opera in the Kitchen

Watt, Caroline  
PD Steering Group

Watt, Caroline  
PD Steering Group  
To: Ben

Hi Ben

Huge apologies, we had a PD Steering Group meeting this afternoon but I totally forgot to conference you in, I'm sorry.

I believe Davanth is taking you through some of the HR documentation shortly should your staff start asking questions once the announcement is made to CI at the end of the month.

Please find attached a one-page overview of what we discussed today at the SG but if you have any questions or queries then Trent or I can chat through with you.

Kind regards

Caroline

Caroline Watt  
Project Manager | Business Transformation

Seven Network (Operations) Limited  
38-42 Pirrama Road | Pyrmont NSW 2009 Australia  
Postal Address: PO Box 777 | Pyrmont NSW 2009 Australia  
Telephone 461 2 8777 7127 | Mobile +61 415 381 133

Important Notice This message and its attachments are confidential and may contain information which is protected by copyright. It is intended solely for the named addressee. If you are not the authorised recipient (or responsible for delivery of the message to the authorised recipient), you must not use, disclose, print, copy or deliver this message or its attachments to anyone. If you receive this email in error, please contact the sender immediately and permanently delete this message and its attachments from your system. Any content of this message and its attachments that does not relate to the official business of Seven West Media Limited or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect or that the contents express views other than those of the sender.

Project Douglas  
update...18.pptx

Ben  
Re: PD Steering Group  
To: Watt, Caroline

13 February 2018 at 8:10 am





Bin - Rsgroupaustralia  
62 messages

SFC: CHAMPAGNE AND COCKTAILS IN JUNE AND THE TALKS PROGRAMME

- ✉ All Inboxes
- ✉ iCloud
- ✉ Ra...
- ✉ VP's
- ✉ Flag0... 3
- ✉ All Drafts
- ✉ All Sent

The WA Club - Events

2021 MAY 7th SUNDOWNER: START A NEW MONTH

Google Alerts

Google Alert - Ben Roberts-Smith

Win Jackpot

\*\*\*SPAM\*\*\* win the larger prizes... \$4,000, \$14,000, maybe \$140,000 or so...

Apple

Your tax Invoice from Apple.

Google Alerts

Google Alert - Ben Roberts-Smith

Google Alerts

Google Alert - Ben Roberts-Smith

Uber Eats

Get \$30 off your first order with Uber Eats

Membership

Shooters Union membership expired

Pipe Hitters Union

Embrace The Chaos!

- Check Out The New Design

Google Alerts

Google Alert - Ben Roberts-Smith

Ben Roberts-Smith As-is-nations update 28 April 2021 NEWS Judge denies request to release wago of office shooting of Andrew Brown Jr. Yahoo New Zealand News Ben Roberts-Smith threatened to sue his c.

It's A

30/4/21

Flagged

- All Inboxes
- Cherry
- Rel.
- VIPs
- Playg...
- All Drafts
- All Sent

My Dan's ...  
18 Ben, Shop Wynne, Periods...



Ben Roberts-S...  
Re: Kerry Demas

- Drafts
- Sent
- Jan 20
- Bin
- Archive
- Deleted...
- Notifs
- Sent M...
- 36...

Q

- Move to...
- Print
- Share
- Reply
- Reply All
- Forward
- Star
- Flag
- Archive
- Unarchive
- Move to...

Arthur Moses  
Re: BPS -subject to legal professional privilege  
To: [Meredith Helen Adam](#) Cc: [P. MCKINLEY-McKee](#)



Kind regards

Arthur Moses SC

NEWCHAMBERS

Level 34, 128 Philip Street  
Sydney NSW 2000 Australia

DX 187 SYDNEY

Tel: 02 8151 8575

Fax: 02 9253 1850

Email: [mamaj@newchambers.com.au](mailto:mamaj@newchambers.com.au)

Personal Assistants:

Wendy Jones (Monday, Tuesday, Wednesday)

Avaia Justice (Thursday, Friday)

Tel: 02 8151 2075 | email: [mamaj24@newchambers.com.au](mailto:mamaj24@newchambers.com.au)

The information in this email and any attachments are confidential. If you have received this message in error, please notify me immediately and delete it. This email may also contain legally privileged information or copyright material, neither of which is waived or lost. If you are not the intended recipient of this email please do not read, forward, print, copy, disclose or use in any way this email or the information it contains.

Liability limited by a scheme approved under Professional Standards Legislation.

Please consider the environment before printing this e-mail.

[See Blue from Meredith Helen Adam](#)



**Certificate Identifying Annexure**  
**"BRS-10"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-10" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**147**  
[Form approved 01/08/2011]



Form 59  
Rule 29.02(1)

**Affidavit of Peter Llewellyn Bartlett**



No. NSD1485/2018  
NSD1487/2018  
NSD1486/2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith**

Applicant

**Fairfax Media Publications Pty Limited and others**

Respondents

Affidavit of: **Peter Llewellyn Bartlett**  
Address: 447 Collins St, Melbourne VIC 3000  
Occupation: Solicitor  
Date: 22 April 2021

I, **Peter Llewellyn Bartlett**, Solicitor, of 447 Collins Street Melbourne, in the State of Victoria, solemnly and sincerely affirm:

1. I am a partner of MinterEllison and am the lawyer for the Respondents in these proceedings. I am authorised to affirm this affidavit on behalf of the Respondents.
2. Nothing in this affidavit or its annexures is intended to waive any client legal or legal professional privilege. To the extent that any part of this affidavit may be construed as a waiver of privilege, I withdraw and do not rely on that part of the affidavit.
3. I make this affidavit in support of an application for leave to file and serve outlines of evidence for Emma Roberts and Danielle Scott.
4. I have previously sworn two affidavits in relation to this application: one on 15 March 2021 (my first affidavit) and one on 6 April 2021 (my second affidavit).

Peter Bartlett

ME\_183076226\_1

**DYLAN DEXTER** *Dexter*  
Witness  
of 447 Collins Street, Melbourne  
An Australian Legal Practitioner  
within the meaning of the Legal  
Profession Uniform Law (Victoria)

**148**

**Emma Roberts and Danielle Scott**

5. At the time I swore my first affidavit I was aware that it was possible that Ms Scott and Ms Roberts may be in a position to give evidence in relation to topics beyond that referred to in my first affidavit, however I considered that I did not have sufficient information in relation to the nature or content of that potential evidence to form a view about whether the Respondents could or should seek to adduce evidence in relation to topics beyond those referred to in my first affidavit. Given my opinion about the lack of information I had about the other evidence that Ms Scott and Ms Roberts may be able to give, I had not at that time even sought counsel's advice in relation to whether further evidence from Ms Scott and Ms Roberts could or should be adduced. At that time, no decision had been made that the Respondents would seek to adduce evidence in relation to any topic beyond that identified in my first affidavit.

6. On 18 March 2021 I received a letter from Mark O'Brien Legal, a copy of which is annexed hereto and marked **PLB-4**.

7. On 1 April 2021 the Applicant served his submissions in relation to the Respondents' Interlocutory Application dated 15 March 2021. Paragraph 2 of those submissions stated:

*The Applicant opposes the orders sought except those concerning the issuing of subpoenas to Emma Roberts-Smith and Danielle Scott-Flanders on the proviso that Outlines of Evidence are served by the Respondents for those witnesses.*

8. At the time I swore my second affidavit the position in relation to whether the Respondents could or should seek to adduce further evidence from Ms Scott and Ms Roberts had not changed materially from that described in paragraph 5 above. That is to say, I considered that I did not at that time have sufficient information to form a view about whether the Respondents could or should seek to adduce evidence in relation to topics beyond those referred to in my first affidavit, I had not yet sought counsel's advice in relation to that question, and accordingly no decision had been made.

9. At the hearing of the Respondents' Interlocutory Application on 7 April 2021 the Court made an order as follows (order 6):

*The respondents be granted leave to file and serve Outlines of Evidence for Emma Roberts-Smith and Danielle Scott-Flanders within seven days as to the matters identified in paragraphs 31-35 inclusive, of the affidavit of Peter Bartlett sworn on 15 March 2021.*

ME\_183078225\_1

**DYLAN DEXTER** *Dexter*  
of 447 Collins Street, Melbourne  
An Australian Legal Practitioner  
within the meaning of the Legal  
Profession Uniform Law (Victoria)

**149**

10. In the period following my first affidavit, and continuing after my second affidavit, Dean Levitan, a solicitor assisting me in this matter, continued to make enquiries in relation to the potential evidence of Ms Scott and Ms Roberts.
11. On the evening of 8 April 2021 Mr Levitan briefed Counsel with material in order to obtain Counsel's advice in relation to the outlines of evidence of Ms Scott and Ms Roberts.
12. On 12 April 2021 the Respondents served Outlines of Evidence for Emma Roberts and Danielle Scott. A copy of the letter serving those outlines is annexed and marked PLB-5. The outlines of Ms Roberts and Ms Scott are annexed and marked PLB-6 and PLB-7 respectively.
13. The Respondents accept that the anticipated evidence in paragraphs 4(c), (d) and (e) of the Outline of Evidence of Ms Roberts, and paragraphs 15 and 17 to 35 of the Outline of Evidence of Ms Scott extends beyond the leave granted by the Court on 7 April 2021. The Respondents now seek leave in relation to that anticipated evidence.


**John McLeod**

14. On 6 April 2021 I received a letter from Mark O'Brien Legal in relation to the Respondents' application for leave to issue a subpoena to John McLeod, and for leave to file and serve an Outline of Evidence for Mr McLeod in the form annexed to my second affidavit and marked PLB-2. A copy of that letter is annexed hereto and marked PLB-8.

Affirmed by the deponent  
at Melbourne in Victoria  
on 22 April 2021  
Before me:

)  
)  
)  
)  
)

  
Signature of deponent

  
Signature of witness

**DYLAN DEXTER**  
of 447 Collins Street, Melbourne  
An Australian Legal Practitioner  
within the meaning of the Legal  
Profession Uniform Law (Victoria)



## Annexure Certificate


No. NSD1485/2018  
NSD1486/2018  
NSD1487/2018

Federal Court of Australia  
District Registry: New South  
Wales Division: General

**Ben Roberts-Smith**  
Applicant

**Fairfax Media Publications Pty Limited and others**  
Respondents

This is the annexure **PLB-4** referred to in the Affidavit of Peter Llewellyn Bartlett affirmed on 22 April 2021.



ME\_78226\_1

**DYLAN DEXTER** *Dexter*  
of 447 Collins Street, Melbourne  
An Australian Legal Practitioner  
within the meaning of the Legal  
Profession Uniform Law (Victoria)

151

# MARK O'BRIEN LEGAL

ABN 86 002 421 123

Level 19, 68 Pitt Street  
Sydney NSW 2000  
Australia

Our Ref: MOBL 283  
Your Ref: PLB 1183220

18 March 2021

Mr. Peter Bartlett  
Minter Ellison  
Collins Arch, 447 Collins Street  
MELBOURNE VIC 3000

By Email: [Peter.Bartlett@minterellison.com](mailto:Peter.Bartlett@minterellison.com)

Dear Colleagues

**Ben Roberts-Smith VC MG v Fairfax Media Publications Pty Ltd & Ors**  
**Federal Court of Australia Proceedings No. NSD 1485, 1486 and 1487 of 2018**

We refer to the interlocutory application and affidavit of Peter Bartlett served by the Respondents on 15 March 2021 (**Amendment Application**).

As foreshadowed by the Applicant's senior counsel at the hearing before Besanko J on 17 March 2021, the Applicant's position in relation to the Respondents' Amendment Application is as follows:

1. the Applicant opposes the proposed amendments to the Particulars of Truth;
2. the Applicant opposes the proposed additional Sensitive Witnesses;
3. the Applicant does not oppose the Respondents calling Emma Roberts-Smith or Danielle Scott-Flanders, subject to the Respondents serving Outlines of Evidence on behalf of those proposed witnesses by 29 March 2021.

Yours faithfully



**Mark O'Brien**  
Principal  
T +61 2 9216 9828  
M +61 412 637 304  
E [mark.obrien@markobrienlegal.com.au](mailto:mark.obrien@markobrienlegal.com.au)

10/03/21

PLB

[www.markobrienlegal.com.au](http://www.markobrienlegal.com.au)

Liability limited by a scheme approved under Professional Standards Legislation

## Annexure Certificate

No. NSD1485/2018  
NSD1486/2018  
NSD1487/2018

Federal Court of Australia  
District Registry: New South  
Wales Division: General

**Ben Roberts-Smith**  
Applicant

**Fairfax Media Publications Pty Limited and others**  
Respondents

This is the annexure PLB-5 referred to in the Affidavit of Peter Llewellyn Bartlett affirmed on 22 April 2021.

ME\_183078226\_1

*Dylan Dexter*  
**DYLAN DEXTER** *Dexter*  
of 447 Collins Street, Melbourne  
An Australian Legal Practitioner  
within the meaning of the Legal  
Profession Uniform Law (Victoria)

153



# MinterEllison

12 April 2021

BY EMAIL Mark.O'Brien@markobrienlegal.com.au

Mark O'Brien  
Principal  
Mark O'Brien Legal  
Level 19  
68 Pitt Street  
SYDNEY NSW 2000

Dear Mr O'Brien

**Ben Roberts-Smith v Fairfax Media Publications & Ors**  
**Federal Court Proceeding numbers NSD 1485, 1486 and 1487 of 2018**

We refer to the Court's order made on 7 April 2021 concerning the service of outlines of evidence of Emma Roberts and Danielle Scott (referred to in the orders as Emma Roberts-Smith and Danielle Scott-Flanders).

We *enclose* outlines of evidence for Emma Roberts and Danielle Scott. We acknowledge that the anticipated evidence at paragraphs 4(c) to (e) of the outline of Ms Roberts and paragraphs 9-12, 14-15 and 17-35 of the outline of Ms Scott extends beyond the leave granted by the Court on 7 April 2021. Could you please confirm that you do not oppose the Respondents relying on the outlines in this form or, if you do, identify the basis of your opposition. When the matter is next before the Court we will seek an order extending the leave to this anticipated evidence.

You will note from the outline of Ms Roberts that we are unable to provide further detail in relation to the anticipated evidence of Ms Roberts due to a confidentiality agreement between your client and Ms Roberts. If your client requires further detail in relation to Ms Roberts' anticipated evidence we invite your client to confirm that the confidentiality agreement does not operate to prevent Ms Roberts conferring with us for the purpose of discussing the evidence she will give at trial.

As will be evident from the outlines of evidence, it has come to our clients' attention that your client buried a lunch box containing six USB sticks in the backyard of the home he shared with his former wife. Our client has been provided with a copy of the material that was contained on those USBs and has instructed us that the USBs contain apparently relevant and discoverable material. So much is clear from the file names of the documents which can be seen on Attachment L to the outline of evidence of Ms Scott.

Our clients have notified the Australian Federal Police that they are in possession of copies of the USBs and intend to fully cooperate with law enforcement authorities in respect of this material. The Respondents are also attending to preparing a supplementary list of documents giving discovery of the attachments to Ms Scott's outlines and will provide this as soon as possible.

The circumstances described in the outline of evidence of Ms Scott, and discussed above, gives rise to a serious concern about your client's compliance with his discovery obligations, and whether he has engaged in a deliberate attempt to conceal relevant evidence in these proceedings. We have written to you on several occasions about your client's compliance with his discovery obligations.

Our clients reserve their rights in relation to these matters, but invite your client to immediately:

Level 20 Collins Arch 447 Collins Street Melbourne  
GPO Box 769 Melbourne VIC 3001 Australia DX 204 Melbourne  
T +61 3 8608 2000 F +61 3 8608 1000 minterellison.com

ME\_182660212\_1

- file and serve an updated List of Documents, which should specifically describe any documents that were once, but are no longer in his possession, and the circumstances about why those documents are no longer in the Applicant's possession;
- produce to the Respondents any further relevant or discoverable material; and
- provide any explanation he is able to provide so that we may take it into account in determining the Respondents' next steps in relation to this matter.

For the avoidance of doubt, the Applicant should preserve each of the six USB sticks (and any copies of those USB sticks and their contents) and any communications between him and other witnesses in relation to the USBs and their contents.

Yours faithfully  
**MinterEllison**



Contact: Dean Levitan T: +61 3 8608 2152  
Dean.Levitan@minterellison.com  
Partner: Peter Bartlett T: +61 3 8608 2677  
OUR REF: PLB 1183220

**Certificate Identifying Annexure**  
**"BRS-11"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**


Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-11" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**156**  
[Form approved 01/08/2011]





**Certificate Identifying Annexure**  
**"BRS-12"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**


Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-12" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:

  
.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**158**  
[Form approved 01/08/2011]

Time	Performed By Action	Details	IP Address	Column1
28/03/2021 7:12	M1292501 Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
29/03/2021 14:40	M1292501 Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
30/03/2021 18:01	M1292501 Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
20/04/2021 8:31	M1292501 Member Login	Login from two factor auth token	103.100.225.171	Kangaroo Point, QLD
22/04/2021 16:24	M1292501 Member Login	Login from two factor auth token	101.167.29.235	Townsville, QLD
27/04/2021 11:43	M1292501 Member Login	Login from two factor auth token	101.167.29.235	Townsville, QLD
2/05/2021 11:27	M1292501 Member Login	Login from two factor auth token	49.176.161.46	Mascot, NSW
6/05/2021 10:10	M1292501 Member Login	Login from two factor auth token	203.59.224.103	Perth, WA
6/05/2021 12:08	M1292501 Member Login	Login from two factor auth token	203.59.224.103	Perth, WA
17/05/2021 18:30	M1292501 Member Login	Login from two factor auth token	101.167.82.244	Townsville
22/05/2021 4:42	M1292501 Member Login	Login from two factor auth token	101.167.82.244	Townsville
24/05/2021 16:07	M1292501 Member Login	Login from two factor auth token	175.103.23.226	Sydney



**Certificate Identifying Annexure**  
**"BRS-13"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**


Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-13" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 10 June 2021.

Before me:

  
.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

160  
[Form approved 01/08/2011]

National Ben Roberts-Smith

## 'Very serious criminal conduct': Ben Roberts-Smith faces allegations of two more crimes

By Adam Cooper

March 17, 2021 – 4.44pm

The news outlets being sued for defamation by Ben Roberts-Smith argue they have evidence of two more incidents of "very serious criminal conduct" on top of his alleged involvement in six unlawful killings as an Australian soldier in Afghanistan.

And Mr Roberts-Smith's former wife is to give evidence for the media and against her ex-husband at this year's trial, the Federal Court heard on Wednesday.



Former soldier Ben Roberts-Smith. GETTY

Mr Roberts-Smith, a highly decorated former Australian soldier, is suing *The Age* and *The Sydney Morning Herald* over reports he allegedly committed murder on deployments to Afghanistan and that he also knocked his mistress in the face in Canberra in 2018.

The Victoria Cross recipient denies the allegations and says the reports are defamatory.

The media will defend the claim using a truth defence at a trial in June.

Lawyers for the news outlets have applied to amend their defence and strengthen it with evidence of more allegations of crimes against Mr Roberts-Smith.

Nicholas Owens, SC, acting for the media, told the court on Wednesday the news outlets wanted to amend their defence to include "two new allegations of very serious criminal conduct against Mr Roberts-Smith".



Mr Owens did not outline the specific details of the additional allegations, due to restrictions about what national security information can be said in open court, but *The Age* and *The Sydney Morning Herald* have already included as part of their case that Mr Roberts-Smith was involved in six unlawful deaths in Afghanistan.



Ben Roberts-Smith, ADF

They include allegations Mr Roberts-Smith kicked handcuffed farmer Ali Jan off a cliff in Darwin in 2012, and that the soldier then agreed with a colleague, referred to as Person 11, that Mr Jan would be shot dead.

The Australian Federal Police is investigating Mr Jan's death and, the court has heard, considers Mr Roberts-Smith a suspect. No charges have been laid.

The news outlets also allege Mr Roberts-Smith ordered a junior colleague, Person 66, to shoot and kill a detained man in Syachow in 2012. After Person 66 did so, the outlets allege, Mr Roberts-Smith said his colleague had been "blooded" because he had never killed before.

The outlets' application to amend their defence will be heard in Sydney on April 7, when lawyers appear before Justice Anthony Besanko in person.

Bruce McClintock, SC, for Mr Roberts-Smith, said on Wednesday his client would oppose the news outlets' application.

Mr Owens said the outlets planned to call as witnesses more serving and former soldiers to support their allegations, and would also call Mr Roberts-Smith's former wife, Emma Roberts-Smith.

"We wish to call her for our case," he said.

"She has sworn an affidavit saying that Mr Roberts-Smith told her to lie about matters centrally relevant in these proceedings."

A friend of Ms Roberts-Smith would also be called as a corroborating witness, Mr Owens said.

*The Age* and *The Sydney Morning Herald* have alleged Mr Roberts-Smith punched a woman, Person 17, in the face after they left a function at Canberra's Parliament House in March 2018.

The court heard last year ~~Mr Roberts-Smith asked his wife to lie~~ that they were separated at the time of his affair with Person 17.

Lawyers for seven former or serving soldiers watched Wednesday's hearing and three of them – Persons 5, 11 and 35 – are ~~opposing the release of documents~~ to the media related to their conduct overseas.

The three are to be called as witnesses for Mr Roberts-Smith and are believed to have had adverse findings made against them stemming from the military inquiry into the conduct of Australian soldiers in Afghanistan.



The four-year inquiry, conducted by NSW Court Of Appeal Justice Paul Brereton, last year found there was credible evidence that Australian special forces soldiers allegedly committed up to 52 incidents in Afghanistan between 2005 and 2016. The inquiry recommended 19 current or former soldiers face criminal investigation.

Mr Owens said the media wanted the documents because Persons 5, 11 and 35 were "right at the heart of the allegations we make against Mr Roberts Smith".

Mr Owens alleged Person 5 ordered an Afghan person to be shot in Mr Roberts-Smith's presence, alleged Person 11 was involved in a "joint criminal enterprise" with the Victoria Cross recipient over Mr Jan's death, and alleged Person 35 was "intimately involved" in other crimes.

A lawyer for Persons 5, 11 and 35 will argue against the release of documents before another judge, to ensure any evidence that is ruled inadmissible is kept away from Justice Besanko, who will be the trial judge.

Lawyers for other soldiers could also join that argument.

If you are a current or former ADF member, or a relative, and need counselling or support, contact the Defence All-Hours Support Line on 1800 628 036 or Open Arms on 1800 011 046.

### Start your day informed

Our Morning Edition newsletter is a curated guide to the most important and interesting stories, analysis and insights. Sign up to *The Sydney Morning Herald's* newsletter [here](#), *The Age's* [here](#), *Brisbane Times'* [here](#), and *WAtoday's* [here](#).

Adam Cooper



Adam Cooper joined The Age in 2011 after a decade with AAP. Email or tweet Adam with your news tips.

Form 59  
Rule 29.02(1)

## Affidavit

No. NSD511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith**

Applicant

**Emma Roberts**

First Respondent

**RS Group Australia Pty Ltd (ACN 152 427 597)**

Second Respondent

Affidavit of: **Emma Roberts (formerly Emma Roberts-Smith)**  
Address: 10 Hunter Street, Indooroopilly in the State of Queensland  
Occupation: Administration Assistant  
Date: 10 June 2021

### Contents

Document number	Details	Paragraph	Page
1	Affidavit of Emma Roberts (Formerly Emma Roberts-Smith) sworn on 10 June 2021	1-13	1-3
2	Annexure "ER-1", being copy of the subpoena served on the First Respondent by the Applicant in relation to his defamation proceedings against Fairfax Media Publications Pty Ltd and their journalists.	8	4-12

I, Emma Roberts (Formerly Emma Roberts-Smith) administration assistant, of 10 Hunter Street, Indooroopilly, in the State of Queensland, say on oath:

Filed on behalf of	<b>Emma Roberts (First Respondent)</b>
Prepared by	<b>Jason Murakami</b>
Law firm	<b>Behlau Murakami Grant</b>
Tel <b>07 5527 0686</b>	Fax <b>N/A</b>
Email	<b>Jasonm@bmglegal.com.au</b>
Address for service (include state and postcode)	<b>Suite 2, H20 Building Cnr Nind St &amp; Marine Pde, Southport QLD 4215</b>



1. I am the former wife of the Applicant and I am the First Respondent in these proceedings.
2. I have read and understand the Orders of This Honourable Court made on 1 June 2021 ("1 June 2021 Orders").
3. I understand that this affidavit is intended to address the matters required of me in Order 5(a) and Order 5(c) of the 1 June 2021 Orders which I do below.
4. I have read the affidavit of Monica Helen Allen, sworn on 31 May 2021, provided in support of the application which led to the making of the 1 June 2021 Orders. I was not provided with this affidavit until after the 1 June 2021 Orders were made. I do not understand that this affidavit is required to respond to the allegations made by Ms Allen in her affidavit. I understand that I am not addressing those allegations in this affidavit, but that does not mean that I accept them as truthful. There are various allegations contained in Ms Allen's affidavit which I deny or dispute, such as paragraphs, 12, 14, 16, 18, 25, 27, 28 and 29.
5. In response to Order 5(a) of the 1 June 2021 Orders, I caused to be delivered all information in my possession, custody or control (in whatever form including any copies) obtained or derived by accessing, viewing, extracting, copying and/or downloading data from an email account [ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com) to the Federal Court Brisbane Registry at 10.15am on Friday 4 June 2021 and in so doing I have strictly complied with Order 5(a) of the 1 June 2021 Orders.
6. In answer to the matters in Order 5(c)(i) of the 1 June 2021 Orders, the materials referred to in Order 5(a) from the email account [ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com) were obtained by me on 31 May 2021 at approximately 2.30 pm. On this day I printed various documents out and placed them in an express post parcel addressed to the Federal Court Registry in Sydney.
7. I placed one of the documents in the express post parcel in a separate envelope with a label which from memory was marked to the effect that it was, or might be, the subject of a claim for privilege by the Applicant.
8. The reason why I accessed the email account [ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com) and printed the documents is that on 21 May 2021 I was served with a subpoena by the Applicant in relation to his defamation proceedings against Fairfax Media Publications Pty Ltd and their journalists. Annexed and marked ER-1 is a copy of this subpoena.
9. I was aware there were emails contained in the email account [ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com) which I had authority to access, and thus in my control. I knew this because during the period the Applicant and I were married and prior to our separation I had knowledge of various emails he had received. This is because the Applicant and I gave each other full access to one another's email. This includes my email address for the Second Respondent, RS Group Australia, [emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com). The Applicant and I both remain directors of the Second Respondent. Our email accounts, which are the property of the Second Respondent, are accessed by the domain [www.rsgrouppaustralia.com](http://www.rsgrouppaustralia.com). Both the Applicant's and my email accounts were accessed from [www.rsgrouppaustralia.com](http://www.rsgrouppaustralia.com) by a common username and password which the Applicant and I both know. As at 31 May 2021, this username and password had not changed. I am unaware whether the Applicant continues to access my email.
10. In answer to the matters in Order 5 (c)(ii) of the 1 June 2021 Orders, I have provided a copy of the material referred to in Order 5(a) to the Sydney Registry of the Federal Court in response to the subpoena. As I have mentioned above, I sent these documents via express post on 31 May 2021. I have also had delivered to the Brisbane Registry of the



Federal Court the only other copy I had of the documents. I have not otherwise provided copies of the material to any person or entity.

11. In answer to the matters in Order 5(c)(iii) of the 1 June 2021 Orders, I have not provided any person or entity with access to data from the email account [ben@rsgrupaustalia.com](mailto:ben@rsgrupaustalia.com).
12. In answer to the matters in Order 5(c)(iv) of the 1 June 2021 Orders, the material referred to in Order 5(a) has not been stored on any computer or data storage device. The material referred to in Order 5(a) was accessed via the domain [www.rsgrupaustalia.com](http://www.rsgrupaustalia.com).
13. In answer to the matters in Order 5(c)(v) of the 1 June 2021 Orders, the use made by me, or my servants or agents, of the material referred to in Order 5(a) was to comply with the Applicant's subpoena issued to me referred in paragraph 8 above.

Sworn by the deponent,  
at Southport  
in Queensland  
on 10 June 2021  
Before me:

Signature of deponent

Signature of witness  
Jason Murakami  
Legal Practitioner Director  
Behlau Murakami Grant ILP  
Suite 2, Ground Floor, H20 Building  
Cnr Nind Street & Marine Parade  
Southport Queensland, 4215

# CERTIFICATE IDENTIFYING ANNEXURE

**"ER-1"**

No. NSD511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** (formerly Emma Roberts-Smith)

First Respondent

**RS Group Australia Pty Ltd (ACN 152 427 597)**

Second Respondent

This is the annexure marked **"ER-1"** now produced and shown to Emma Roberts (formerly Emma Roberts Smith) at the time of swearing her Affidavit on 10 June 2021.

Before me:

.....  
Signature of person taking Affidavit.

Filed on behalf of	<u>Emma Roberts (First Respondent)</u>		
Prepared by	<u>Jason Murakami</u>		
Law firm	<u>Behlau Murakami Grant</u>		
Tel	<u>07 5527 0686</u>	Fax	<u>N/A</u>
Email	<u>Jasonm@bmglegal.com.au</u>		
Address for service (include state and postcode)	<u>Suite 2, H20 Building Cnr Nind St &amp; Marine Pde, Southport QLD 4215</u>		

[Form approved 01/08/2011]

Form 43B  
Rule 24.13(1)(b)



### Subpoena to produce documents

No. NSD. 1485 of 2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Fairfax Media Publications Pty Ltd ACN 003 357 720 and others named in the schedule**

Respondents

To: Emma Roberts  
10 Hunter Street  
Indooroopilly QLD 4068

**You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents. See next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 13 at the end of this subpoena.

The last date for service of this subpoena is (See Note 1)

Date:

Signed by an officer acting with the authority  
of the District Registrar

Issued at the request of Ben Roberts-Smith VC MG, whose address for service is:

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant
Prepared by (name of person/lawyer)	Paul Svilans
Law firm (if applicable)	Mark O'Brien Legal
Tel	+61 2 9216 9896
Fax	-
Email	paul.svilans@markobrienlegal.com.au; monica.allen@markobrienlegal.com.au
Address for service (include state and postcode)	Level 19, 68 Pitt Street, Sydney NSW 2000

[Version 3 form approved 3/09/2014]





Place: c/- Mark O'Brien Legal, Level 19, 68 Pitt Street, Sydney, New South Wales, 2000

Email: [naul.svilans@markobrienlegal.com.au](mailto:naul.svilans@markobrienlegal.com.au) and [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Details of subpoena**

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (See Notes 5–9)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time: 9.30am

Place: Federal Court of Australia, Law Courts Building, Queens Square, Sydney NSW 2000

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar  
Federal Court of Australia  
New South Wales District Registry  
Locked Bag A6000  
Sydney South NSW 1235



### Schedule of documents

The documents and things you must produce are as follows:

1. One copy of all communications passing between you and Danielle Scott referring to:
  - (a) Person 17;
  - (b) John McLeod;
  - (c) any of the Respondents;
  - (d) the Applicant (from 1 January 2020 to date);
  - (e) any statement by any person suggesting that you and the Applicant were separated during any of the period between October 2017 to April 2018.
2. One copy of all communications passing between you and Danielle Scott referring to and/or evidencing:
  - (a) any separation of you from the Applicant during any of the period between October 2017 to April 2018;
  - (b) any request by you for Ms Scott to keep documents for safekeeping;
3. One copy of all communications passing between you and any of the Respondents.
4. One copy of all communications passing between you and any of the Respondents referring to:
  - (a) the Applicant;
  - (b) Person 17;
  - (c) John McLeod;
  - (d) Danielle Scott.
5. One copy of all communications from you to any of the Respondents:
  - (a) providing copies of any communications and/or advices between the solicitors for the Applicant and the Applicant concerning these proceedings;
  - (b) providing copies of any documents filed and/or served by the Applicant in the



Family Law proceedings between you and the Applicant;

- (c) providing copies of any documents filed and/or served by you in the Family Law proceedings between you and the Applicant;

together with any responses and subsequent communications.

6. One copy of all communications passing between you and any of TCN Channel Nine Pty Limited, Nine Network Australia Pty Limited and/or any of their servants or agents.
7. One copy of all communications passing between you and any of TCN Channel Nine Pty Limited, Nine Network Australia Pty Limited and/or any of their servants or agents referring to:
  - (e) the Applicant;
  - (f) Person 17;
  - (g) John McLeod;
  - (h) Danielle Scott.
8. One copy of all communications between you and John McLeod from 1 January 2020 to date.
9. One copy of all communications passing between you and John McLeod from 1 January 2020 to date referring to:
  - (a) the Applicant;
  - (b) Person 17;
  - (c) Danielle Scott.
10. One copy of all communications between you and John McLeod referring to and/or evidencing:
  - (a) any request by the Applicant to post envelopes for him;
  - (b) the provision by the Applicant of envelopes to Mr McCleod; and
  - (c) the provision by the Applicant of slips of paper to Mr McCleod.
11. One copy of all documents referring to and/or evidencing the Applicant's alleged





concealment of evidence as referred to in paragraph 4(c) of your Outline of Evidence, at copy of which is annexed and marked "A" (Your Outline).

12. One copy of all documents referring to and/or evidencing the alleged steps taken by the Applicant to communicate covertly with witnesses as referred to in paragraph 4(d) of Your Outline.
13. One copy of all documents referring to and/or evidencing the alleged steps taken by the Applicant in relation to witnesses against his interests as referred to in paragraph 4(e) of Your Outline.



### Notes

#### Last day for service

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

#### Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

#### Addressee a corporation

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

#### Conduct money

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

#### Production of subpoena or copy of it and documents or things by delivery or post

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is specified - at any of those addresses;
 so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.



#### **Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

#### **Production of copy instead of original**

9. You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the subpoena requires you to produce.

- 9A. The copy of a document may be:

- (a) a photocopy; or
- (b) in an electronic form in any of the following electronic formats:

- .doc and .docx – Microsoft Word documents
- .pdf – Adobe Acrobat documents
- .xls and .xlsx – Microsoft Excel spreadsheets
- .jpg – image files
- .rtf – rich text format
- .gif – graphics interchange format
- .tif – tagged image format

#### **Applications in relation to subpoena**

10. You have the right to apply to the Court:
- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

#### **Loss or expense of compliance**

11. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

#### **Contempt of court - arrest**

12. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
13. Note 12 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.



**Schedule**

No. NSD 1485 of 2019

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Respondents**

Second Respondent: Nick McKenzie

Third Respondent: Chris Masters

Fourth Respondent: David Wroe

Date: 20 May 2021

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 21/06/2021 9:51:00 AM 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:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 21/06/2021 5:07:24 PM AEST

*Sia Lagos*

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.



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant


**Emma Roberts and Anor**

Respondents

Affidavit of: **Paul Svilans**  
Address: Level 19, 68 Pitt Street, New South Wales, 2000  
Occupation: Solicitor  
Date: 18 June 2021

### Contents

No.	Details	Paragraph	Page
1.	Affidavit of Paul Svilans sworn 18 June 2021	1-3	1
2.	Annexure "PVS-4" being a copy of the orders made on 9 June 2021 by Besanko J in Federal Court proceedings NSD 1485/2018	4	2
3.	Annexure "PVS-5" being a copy of the Subpoena to produce documents issued to Ms Emma Roberts in in Federal Court proceedings NSD 1485/2018 on 20 May 2021	5	2
4.	Annexure "PVS-6" being a copy of an email sent by the Applicant to Person 29 from the Applicant's RS Group Australia Pty Ltd email account dated 29 June 2019	6.a)	2
5.	Annexure "PVS-7" being a copy of an email sent by the Applicant to Person 29 from the Applicant's RS Group Australia Pty Ltd email account dated 3 July 2019	6.b)	2

  
Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9830 Fax \_\_\_\_\_  
Email paul.svilans@markobrienlegal.com.au; monica.allen@markobrienlegal.com.au  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)



No.	Details	Paragraph	Page
6.	Annexure "PVS-8" being a copy of an email sent by Person 5 to the Applicant's RS Group Australia Pty Ltd email account dated 15 June 2018 containing document that refers to matters concerning the IGADF Inquiry	6.c)	2
7.	Annexure "PVS-9" being a copy of documents containing chat messages between Ms Roberts and Ms Danielle Scott	6.d)	3

I Paul Svilans, solicitor of Level 19, 68 Pitt Street, Sydney in the State of New South Wales, make oath and say as follows:

1. I am a Principal with the firm Mark O'Brien Legal, the solicitors for the Applicant in these proceedings and assist in the conduct of the matter.
2. Unless otherwise stated, the facts in this affidavit are matters within my own knowledge and/or as a result of my enquiries.
3. Nothing in this affidavit is intended to waive any client or legal professional privilege. To the extent that any part of this affidavit may be construed as a waiver of privilege, I withdraw and do not rely upon that part of the affidavit.
4. Annexed hereto and marked **PVS-4** is a copy of the orders made on 9 June 2021 by Besanko J in Federal Court proceedings NSD 1485/2018 (the **Defamation Proceedings**).
5. Annexed hereto and marked **PVS-5** is a copy of the Subpoena to produce documents issued to Ms Emma Roberts in the Defamation Proceedings on 20 May 2021 (the **Subpoena**).
6. Annexed hereto and marked **PVS-6 – PVS-9** are copies of the following documents produced by Ms Emma Roberts in the Defamation Proceedings in answer to the Subpoena (note that the Australian Government Solicitor has redacted the documents with pseudonyms applied to identifiable and/or potentially identifiable Special Operations Command members, and a further five redactions have been made in accordance with a non-publication order made by Besanko J in the Defamation Proceedings):
  - a) an email sent by the Applicant to Person 29 from the Applicant's RS Group Australia Pty Ltd email account dated 29 June 2019 containing vision that is relevant to a matter that is the subject of the defamation proceedings;
  - b) an email sent by the Applicant to Person 29 from the Applicant's RS Group Australia Pty Ltd email account dated 3 July 2019 containing an image that is relevant to a matter that is the subject of the defamation proceedings;
  - c) an email sent by Person 5 to the Applicant's RS Group Australia Pty Ltd email account dated 15 June 2018 containing a document that refers to matters concerning the IGADF Inquiry which may be subject to a non-disclosure requirement pursuant to

178


section 21 direction of the *Inspector General of the Australian Defence Force Regulations 2016*; and

d) documents containing chat messages between Ms Roberts and Ms Danielle Scott.

7. Ms Roberts produced an additional document in the Defamation Proceedings in answer to the Subpoena in relation to which the Applicant claims legal professional privilege. The document in question is an undated file note prepared by Mark O'Brien Legal, the Applicant's solicitors, which records or constitutes a confidential document prepared for the dominant purpose of Mark O'Brien Legal providing the Applicant with legal advice arising out of the Applicant's attendance at an interview with the IGADF which is subject to a direction pursuant to section 21 of the IGADF Regulation 2016.

Sworn by the deponent  
at Sydney  
in New South Wales  
on 18 June 2021  
Before me:

)  
)  
)  
)  
)

  
Signature of deponent

  
Signature of witness  
Tihana Mandic  
Mark O'Brien Legal  
Level 19, 68 Pitt Street  
Sydney New South Wales 2000  
An Australian Legal Practitioner within the  
meaning of the Legal Profession Uniform Law

**Certificate Identifying Annexure**  
**"PVS-4"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts and Anor**

Respondents

This is the annexure marked "PVS-4" now produced and shown to PAUL VICTOR SVILANS at the time of swearing his affidavit on 18 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**180**

[Form approved 01/08/2011]





Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD1485/2018

**BEN ROBERTS-SMITH**  
Applicant

**FAIRFAX MEDIA PUBLICATIONS PTY LTD (ACN 003 357 720)** and others named in  
the schedule  
Respondent

### **ORDER**

**JUDGE:** JUSTICE BESANKO

**DATE OF ORDER:** 09 June 2021

**WHERE MADE:** Sydney

#### **THE COURT ORDERS THAT:**

1. Subject to Order 2 and after the period referred to in Order 6, the Applicant be granted leave and a release from the implied undertaking to the extent necessary to use in proceedings number NSD 511 of 2021 the following documents produced by Ms Emma Roberts in answer to a subpoena issued to her in these proceedings on 20 May 2021:
  - a) a confidential document prepared by the Applicant's lawyers for the Applicant relating to the Applicant's attendance to give evidence to the Afghanistan inquiry;
  - b) an email sent by the Applicant to Person 29 from the Applicant's RS Group Australia Pty Ltd email account dated 29 June 2019 containing an image that is relevant to a matter that is the subject of the defamation proceedings;
  - c) an email sent by Person 29 to the Applicant's RS Group Australia Pty Ltd email account dated 3 July 2019 containing an image that is relevant to a matter that is the subject of the defamation proceedings;



- d) a document that refers to matters concerning the IGADF Inquiry which may be subject to a non-disclosure requirement pursuant to section 21 direction of the *Inspector General of the Australian Defence Force Regulations 2016*; and
  - e) the document containing chat messages between Ms Roberts and Ms Danielle Scott.
2. The Applicant will provide the Commonwealth with two business days' notice if he intends to tender, or otherwise disclose the content of the material referred to in order 1(a) to (e) in proceedings NSD 511 of 2021 in order that the Commonwealth be heard in proceedings NSD 511 of 2021 on the form of any order that it seeks in those proceedings, with the notice to identify precisely the particular document or documents, or information, proposed to be tendered or otherwise disclosed.
  3. The Commonwealth be granted access prior to the Respondents or any third party to any document contained in Packet 38 in respect of which a claim for privilege by the Applicant is either not made or proceeded with, or not upheld for a period of 24 hours for the purpose of considering what if any application it will make.
  4. The Commonwealth produce to the parties by 10am on 10 June 2021 the documents produced in packet 38, save for the document asserted by the Applicant to be privileged, with the names of the SOCOMD members redacted and replaced with pseudonyms.
  5. To avoid doubt, Order 2 applies irrespective of whether a claim for privilege by the Applicant has been made, proceeded with or upheld in respect of the document.
  6. Subject to any further order of the Court, any application by Ms Roberts to set aside these orders is to be the subject of notice to the Court and to the parties within 24 hours of the service of these orders.
  7. Costs reserved.
  8. Liberty to apply.

Date that entry is stamped: 10 June 2021



*Sia Lagos*  
Registrar





**Schedule**

No: NSD1485/2018

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Respondent      NICK MCKENZIE

Third Respondent        CHRIS MASTERS

Fourth Respondent      DAVID WROE

**Certificate Identifying Annexure**  
**"PVS-5"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "PVS-5" now produced and shown to PAUL VICTOR SVILANS at the time of swearing his affidavit on 18 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**185**

[Form approved 01/08/2011]

**Subpoena – Declaration by addressee  
Notice to addressee**

No. 1485 of 2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Fairfax Media Publications Pty Ltd ACN 003 357 720 and others**

Respondents

The **addressee** is the person to whom the subpoena is addressed, and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of a document may be:

- (a) a photocopy; or
- (b) in an electronic form that the issuing party (the party that issued the subpoena) has indicated to you will be acceptable.

**You must complete the Declaration below, attach it to the subpoena or a copy of the subpoena and return them with the documents or things you provide to the Court under the subpoena.**

If you declare that the material you produce is copies of documents, a Registrar may, without further notice to you, destroy the copies after the expiry of 4 months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address specified by you in the Declaration below.

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant		
Prepared by (name of person/lawyer)	Monica Allen		
Law firm (if applicable)	Mark O'Brien Legal		
Tel	+61 2 9216 9898	Fax	
Email	<a href="mailto:paul.svilans@markobrienlegal.com.au">paul.svilans@markobrienlegal.com.au</a> ; <a href="mailto:monica.allen@markobrienlegal.com.au">monica.allen@markobrienlegal.com.au</a>		
<b>Address for service</b> (include state and postcode)	Level 19, 68 Pitt Street, Sydney NSW 2000		

**186**



**Declaration by addressee (subpoena recipient)**

[tick the relevant option below, (provide your address as appropriate), sign and date]

☐ **All copied documents**

All of the material I am providing to the Court in compliance with the attached subpoena is copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.

☐ **Some original documents**

Some or all of the material I am providing to the Court in compliance with the attached subpoena is an original document. Once the material is no longer required, all of the material should be returned to me at the following address:

---

---

---

Date:

\_\_\_\_\_  
Signed by [Name of addressee]  
Addressee

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/05/2021 9:29:03 AM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged:	Subpoena to Produce Documents - Form 43B - Rule 24.13(1)(b)
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
Reason for Listing:	Return of Subpoena
Time and date for hearing:	02/06/2021, 9:30 AM
Place:	Court Room 19B, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



*Sia Lagos*

Dated: 20/05/2021 9:47:58 AM 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.



## Subpoena to produce documents

No. NSD. 1485 of 2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Fairfax Media Publications Pty Ltd ACN 003 357 720** and others named in the schedule  
Respondents

To: Emma Roberts  
10 Hunter Street  
Indooroopilly QLD 4068

**You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents. See next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 13 at the end of this subpoena.

The last date for service of this subpoena is (See Note 1)

Date:

Signed by an officer acting with the authority  
of the District Registrar

Issued at the request of Ben Roberts-Smith VC MG, whose address for service is:

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant
Prepared by (name of person/lawyer)	Paul Svilans
Law firm (if applicable)	Mark O'Brien Legal
Tel	+61 2 9216 9898
Fax	-
Email	<a href="mailto:paul.svilans@markobrienlegal.com.au">paul.svilans@markobrienlegal.com.au</a> ; <a href="mailto:monica.allen@markobrienlegal.com.au">monica.allen@markobrienlegal.com.au</a>
Address for service (include state and postcode)	Level 19, 68 Pitt Street, Sydney NSW 2000

189





Place: c/- Mark O'Brien Legal, Level 19, 68 Pitt Street, Sydney, New South Wales, 2000

Email: [paul.svilans@markobrienlegal.com.au](mailto:paul.svilans@markobrienlegal.com.au) and [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Details of subpoena**

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (See Notes 5–9)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date:

Time: 9.30am

Place: Federal Court of Australia, Law Courts Building, Queens Square, Sydney NSW 2000

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar  
Federal Court of Australia  
New South Wales District Registry  
Locked Bag A6000  
Sydney South NSW 1235



### Schedule of documents

The documents and things you must produce are as follows:

1. One copy of all communications passing between you and Danielle Scott referring to:
  - (a) Person 17;
  - (b) John McLeod;
  - (c) any of the Respondents;
  - (d) the Applicant (from 1 January 2020 to date);
  - (e) any statement by any person suggesting that you and the Applicant were separated during any of the period between October 2017 to April 2018.
2. One copy of all communications passing between you and Danielle Scott referring to and/or evidencing:
  - (a) any separation of you from the Applicant during any of the period between October 2017 to April 2018;
  - (b) any request by you for Ms Scott to keep documents for safekeeping;
3. One copy of all communications passing between you and any of the Respondents.
4. One copy of all communications passing between you and any of the Respondents referring to:
  - (a) the Applicant;
  - (b) Person 17;
  - (c) John McLeod;
  - (d) Danielle Scott.
5. One copy of all communications from you to any of the Respondents:
  - (a) providing copies of any communications and/or advices between the solicitors for the Applicant and the Applicant concerning these proceedings;
  - (b) providing copies of any documents filed and/or served by the Applicant in the



Family Law proceedings between you and the Applicant;

- (c) providing copies of any documents filed and/or served by you in the Family Law proceedings between you and the Applicant;

together with any responses and subsequent communications.

6. One copy of all communications passing between you and any of TCN Channel Nine Pty Limited, Nine Network Australia Pty Limited and/or any of their servants or agents.
7. One copy of all communications passing between you and any of TCN Channel Nine Pty Limited, Nine Network Australia Pty Limited and/or any of their servants or agents referring to:
  - (e) the Applicant;
  - (f) Person 17;
  - (g) John McLeod;
  - (h) Danielle Scott.
8. One copy of all communications between you and John McLeod from 1 January 2020 to date.
9. One copy of all communications passing between you and John McLeod from 1 January 2020 to date referring to:
  - (a) the Applicant;
  - (b) Person 17;
  - (c) Danielle Scott.
10. One copy of all communications between you and John McLeod referring to and/or evidencing;
  - (a) any request by the Applicant to post envelopes for him;
  - (b) the provision by the Applicant of envelopes to Mr McCleod; and
  - (c) the provision by the Applicant of slips of paper to Mr McLeod.
11. One copy of all documents referring to and/or evidencing the Applicant's alleged





concealment of evidence as referred to in paragraph 4(c) of your Outline of Evidence, ~~a~~  
copy of which is annexed and marked "A" (**Your Outline**).

12. One copy of all documents referring to and/or evidencing the alleged steps taken by the Applicant to communicate covertly with witnesses as referred to in paragraph 4(d) of Your Outline.
13. One copy of all documents referring to and/or evidencing the alleged steps taken by the Applicant in relation to witnesses against his interests as referred to in paragraph 4(e) of Your Outline.



## Notes

### Last day for service

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### Informal service

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### Addressee a corporation

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

### Conduct money

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

### Production of subpoena or copy of it and documents or things by delivery or post

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is specified - at any of those addresses;
 so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.



### **Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

### **Production of copy instead of original**

9. You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the subpoena requires you to produce.
- 9A. The copy of a document may be:
- (a) a photocopy; or
  - (b) in an electronic form in any of the following electronic formats:
    - .doc and .docx – Microsoft Word documents
    - .pdf – Adobe Acrobat documents
    - .xls and .xlsx – Microsoft Excel spreadsheets
    - .jpg – image files
    - .rtf – rich text format
    - .gif – graphics interchange format
    - .tif – tagged image format

### **Applications in relation to subpoena**

10. You have the right to apply to the Court:
- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

### **Loss or expense of compliance**

11. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

### **Contempt of court - arrest**

12. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
13. Note 12 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.



**Schedule**

No. NSD. 1485 of 2018

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Respondents**

Second Respondent: Nick McKenzie

Third Respondent: Chris Masters

Fourth Respondent: David Wroe

Date: 20 May 2021

## Certificate Identifying Annexure

"PVS-6"

No. NSD. 511 of 2021

Federal Court of Australia

District Registry: New South Wales

Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "PVS-6" now produced and shown to PAUL VICTOR SVILANS at the time of swearing his affidavit on 18 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svillans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svillans@markobrienlegal.com.au](mailto:Paul.svillans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

197

[Form approved 01/08/2011]

Subject **Ben Roberts-Smith has shared a video with you using Dropbox**  
From **Ben Roberts-Smith <ben@rsgroupaustralia.com>**  
To **Person 29**  
Date **2019-06-29 11:41**

roundcube

Hi,

Here's a link to "108.avi" in my Dropbox:

<https://www.dropbox.com/s/5151j2lnp4zdfbh/108.avi?dl=0>

Regards

BRS



## Certificate Identifying Annexure

"PVS-7"

No. NSD. 511 of 2021

Federal Court of Australia

District Registry: New South Wales

Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts and Anor**

Respondents

This is the annexure marked "PVS-7" now produced and shown to PAUL VICTOR SVILANS at the time of swearing his affidavit on 18 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

199

[Form approved 01/08/2011]

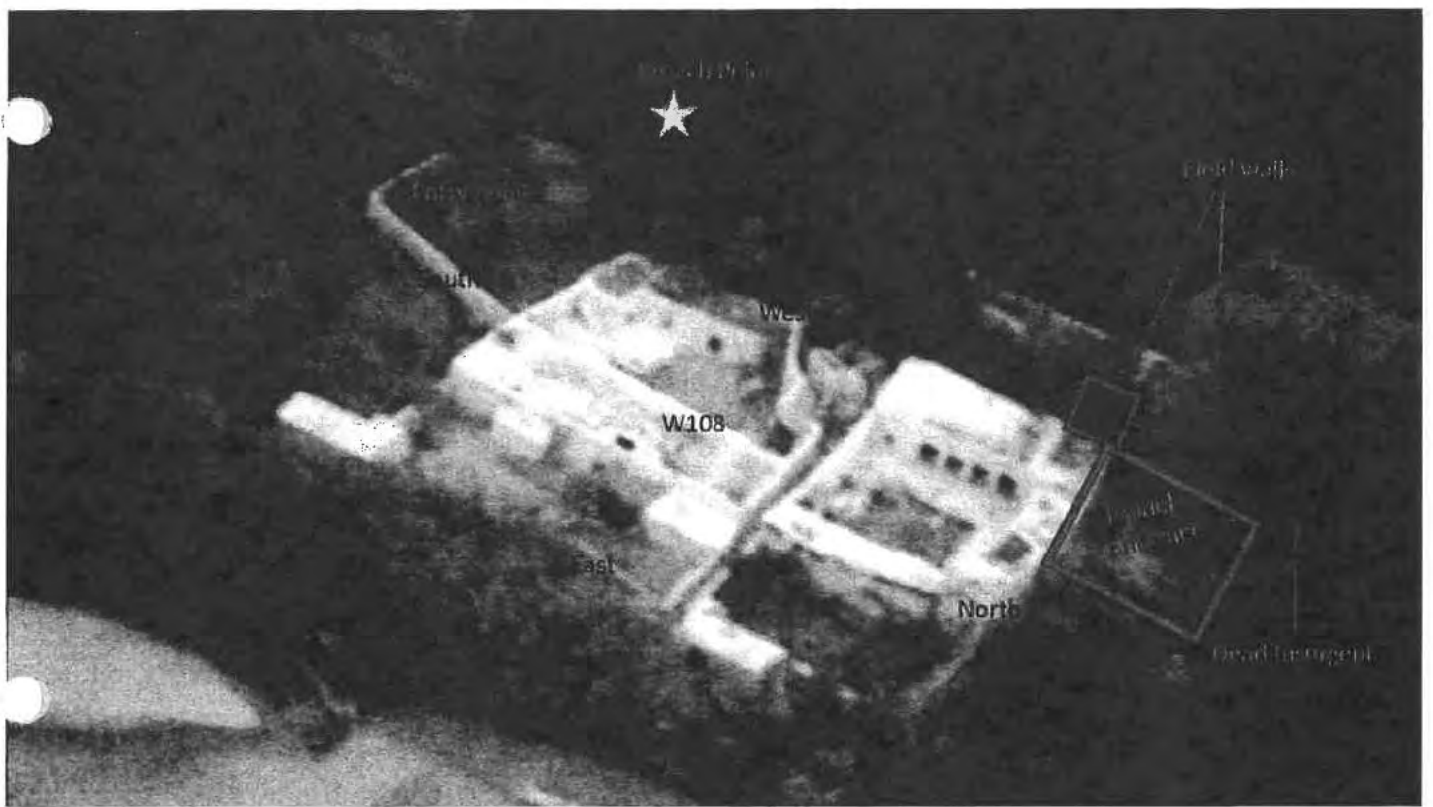
Subject **W108 copy.pptx**  
From **Ben Roberts-Smith <ben@rsgroupaustralia.com>**  
To **Person 29**  
Date **2019-07-03 13:35**

roundcube 

- W108 copy.pptx(~1.5 MB)

Regards

BRS





**Certificate Identifying Annexure**  
**"PVS-8"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "PVS-8" now produced and shown to PAUL VICTOR SVILANS at the time of swearing his affidavit on 18 June 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**202**

[Form approved 01/08/2011]

From: Person 5 [redacted] <[redacted]@[redacted].com>  
Date: 15 June 2018 at 07:00:02 AEST  
To: "ben@rsgrouppaustralia.com" <ben@rsgrouppaustralia.com>  
Subject: Statement draft

Have a read

**Statement about treatment under interrogation by the IGADF by  
Person 5**

I was given notice about the subpoena on the Friday night the 4<sup>th</sup> May 18, which was 3 days before my discharge and was told I wasn't allowed to use the SOCOMD lawyer and had to get another lawyer through the Regiment.

The date that I was given was my last day at work in the Army and they wanted me to fly to Sydney on Tues 8<sup>th</sup> May 18 at 1400 also during the uplift of my home in Perth WA before migrating to the USA.

The Lawyers name was given to me on the morning of the interview day and was I only able to speak to him over the phone for advice.

The appointment was changed to Campbell Barracks at 1400L on the 9<sup>th</sup> May 2018 after some phone calls by the CO SASR.

Before I went in they spoke to the [REDACTED] and [REDACTED] of the SASR and asked them if I was likely to get violent or walk out, because they were going to go hard on me and the interrogation would be bad.

They didn't see me until 1545L knowing my wife was packing up the house on her own with two young children, also knowing that it would be playing on my mind.

On the advice of the RSM I took in an escort [REDACTED]. He was told he was not allowed to speak, intervene or take notes during the course of the interrogation.

As soon as I entered they informed me that they had pulled my discharge from the Army and that I wouldn't be discharging or immigrating to America with my family unless I answered all their questions and they were satisfied I was telling the truth and I didn't walk out of the interview. They were trying to get a reaction straight away and put me off balance.

They started by explaining my rights under the IGADF inquiry and about having legal representation knowing that under their timeline and the fact that I was under a tight timeline as I was flying out to the US the next day I didn't have time to defer. I had to enter the USA by the 10<sup>th</sup> May or my Greencard would have been cancelled and I would've had to start the whole process again. This information is in the subpoena they sent so they were aware of the situation.

They started out with simple questions about ROE, names, acronyms etc to work out what my understanding of what they all meant. After that was established all the questions seemed to be leading to Ben Roberts smith about how often we were in contact and what we spoke about.

They then switched to the subject of "Blooding" and what it meant. That led into me giving them a full run on events of the assault on compound 108/9 on Easter Sunday 2009. Once I had finished my account of the mission they accused myself and Ben Robert smith of "Blooding" Person 4 in the compound. When I told them that absolutely did not happen they accused me of telling lies and said they had an



eyewitness that saw the event from over a wall. (Compound walls in Afghanistan average 10-12ft). I told them that was impossible because it never happened. They then started going through the alleged "witness" statement and that he said he saw Person 4 fire 10-15 rounds from a minimi into the head of a male with a prosthetic leg in the compound.

I knew that they were lying for 3 reasons the first is that Person 4 was not carrying the minimi that mission, second the Taliban fighter with the prosthetic limb was killed on approach to the compound outside the western wall, and thirdly no one was engaged within the compound walls.

I had given them my account as I remembered it but they continued to hound me on the heresy version they had already heard. This was not the end of the harassment on 108/9.

From then on most of the questioning was all geared towards Ben Roberts smith, When they mentioned his name again I laughed because everyone in the REG knows there has been a campaign of hate against his character by 5-6 members of the REG. When the asked "why I laughed" I said "its funny your asking about him" and they then said "this inquiry is not about Ben Roberts smith its about heresy and rumors on SOTG".

It's ridiculous that they said that because every question after this point led to an accusation about BRS.

First of all they switched to Gizab and asked about walking past a mosque with music playing. I told them I remembered that day and they asked if I remembered what the music was saying, I answered yes the interpreter told us it was saying "come out and fight, they Americans are here and we must kill them all".

They then said that BRS and I entered a compound on our own and caught two males and killed one of them, I told them this was absolute rubbish and that you never enter without your team. They called me a liar again and accused me of murder and then Brereton proceeded to stare me out for an awkward 2 mins. They then proceeded to go on about this event another 2-3 times.

They then asked about a compound in Langhar were we conducted a Kill/Capture mission on a Taliban Commander code named Spiderco. I couldn't remember much about this but they were telling me that my 2ic wandered off on his own and killed a Talib found in the compound. I again told them this was untrue as the only male killed that day was inside the compound by Person 1. Once again I was a liar. They were pushing the fact the BRS wandered off when ever he wanted and did what he wanted, I told them he would never do that because he never went anywhere without permission from higher and that Langhar is not the sort of place you wander off on your own. I was a liar again.

Next I was asked about my account of the days events of June 11 2010 in Tizak were BRS was awarded his VC. After my account they posed a series of ridiculous questions about who did what and discussing awards in the mosque straight after the battle which I told them is absolutely ridiculous. They also asked about the statements that were written back at Campbell barracks pertaining to the actions at Tizak and the VC in particular.

They accused me of collusion and telling Person 4 what to write which is absurd considering the [REDACTED] and [REDACTED] were running that days events. Again I'm a liar and that the whole thing was orchestrated.

After that it was questions about rumors pertaining to BRS. They asked about the kicking off the cliff rumour and then Brereton asked if I'd seen the movie 300 Spartans, I replied yes and laughed. They asked why I was laughing and I said are you trying to say that BRS Spartaned someone off a cliff and they said "No you said that" and I laughed again and told them how ridiculous that allegation was.

They then switched back and forth through everything we had gone over before trying to catch me out and repeating statements that I hadn't said trying to put words in my mouth to implicate myself or BRS, all with a degree of intensity that was raised every time they went back to a certain subject.

I was then put out of the room for 20 mins and brought back in where they went over all the questioning again and the intensity of the questioning made me feel like I was in the dock.

After another hour and a total of 4 1/2 hours they advised me the interrogation was over and I could leave.

After I left [REDACTED] stayed behind for approximately 20 mins to talk, and to complain to them about the treatment that I had just received and that it wasn't an inquiry it was an interrogation.

The day after before flying out to the USA I met with [REDACTED] and he told me that their excuse was that they have to change tactics for tougher customers.

I served Australia with Honor and Integrity for over 15 years and my patrol never had one complaint about our conduct by anyone in Afghanistan. Through the whole "inquiry" - Interrogation I was questioned under duress with no patrol reports or information to refer back to and called a liar and a murderer. I had no forewarning to their questions and practically entered the interrogation blind to the rumours, heresy and allegations.

In short, I was treated no better than a common criminal throughout the whole process and I'm appalled at the treatment I received by senior reservist officers in the ADF.

The inquiry in my opinion had already made their minds up and were not interested in the truth, but rather the rumours, heresy and allegations they are inquiring about in particular outrageous allegations against.

Regards

Person 5  
[REDACTED]

**Certificate Identifying Annexure**  
**"PVS-9"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**


Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "PVS-9" now produced and shown to PAUL VICTOR SVILANS at the time of swearing his affidavit on 18 June 2021.

Before me:

  
.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant
Prepared by (name of person/lawyer)	Paul Svilar
Law firm (if applicable)	Mark O'Brien Legal
Tel	+61 2 9216 9815
Fax	-
Email	<a href="mailto:Paul.svilar@markobrienlegal.com.au">Paul.svilar@markobrienlegal.com.au</a> ; <a href="mailto:monica.allen@markobrienlegal.com.au">monica.allen@markobrienlegal.com.au</a>
<b>Address for service</b> (include state and postcode)	Level 19, 68 Pitt Street, Sydney NSW 2000

207

[Form approved 01/08/2011]



5/1/20, 12:49 - Emma Roberts-Smith: Are you awake?

5/1/20, 13:17 - Danielle: Yeah mate

5/1/20, 13:22 - Emma Roberts-Smith: Can I call?

5/1/20, 13:22 - Danielle: Yes

5/1/20, 13:28 - Emma Roberts-Smith: Gimme 5

5/1/20, 13:28 - Danielle: 🙌

5/1/20, 13:36 - Emma Roberts-Smith: I think Ben is cheating with Monica

5/1/20, 13:37 - Emma Roberts-Smith: Do you still have the text and photos of his recent selfies

5/1/20, 13:38 - Danielle: Oh dear :(

5/1/20, 13:39 - Danielle: Yes I'm pretty sure I still have them

5/1/20, 13:39 - Danielle: Sorry mate ready to go to bed we have have a 7 am flying tomorrow

5/1/20, 13:41 - Emma Roberts-Smith: Oh ok

5/1/20, 13:42 - Emma Roberts-Smith: Missed voice call

5/1/20, 14:30 - Emma Roberts-Smith: I'm going to start sending you some screen shots, can you please keep for me?

5/1/20, 14:49 - Emma Roberts-Smith: <Media omitted>

5/1/20, 14:49 - Emma Roberts-Smith: <Media omitted>

5/1/20, 14:50 - Emma Roberts-Smith: <Media omitted>

5/1/20, 14:50 - Emma Roberts-Smith: <Media omitted>

5/1/20, 14:50 - Emma Roberts-Smith: <Media omitted>

5/1/20, 20:10 - Emma Roberts-Smith: <Media omitted>

5/1/20, 20:10 - Emma Roberts-Smith: Thanks for just keeping these for me

5/1/20, 20:10 - Emma Roberts-Smith: Where are you off to today?

5/1/20, 20:22 - Danielle: Have got the others. Will keep these. Flying to LA today. Sorry this is happening to you again 🙄🙄

5/1/20, 20:31 - Emma Roberts-Smith: No just from this weekend

5/1/20, 20:32 - Emma Roberts-Smith: I don't know if he's "with her" but shit went down in the states that I wasn't happy about. You off to Disney?

6/1/20, 11:21 - Emma Roberts-Smith: Missed voice call

6/1/20, 14:23 - Danielle: Sorry mate, was in downtown Disney when you called. Hope everything is ok

6/1/20, 14:39 - Emma Roberts-Smith: All good mate how was Disney?

6/1/20, 14:41 - Danielle: Only just got in at 4pm today. Will go to the park tomorrow :)

6/1/20, 14:41 - Emma Roberts-Smith: Ha ha cool have fun

9/1/20, 17:42 - Emma Roberts-Smith: When are you back?

9/1/20, 23:53 - Danielle: Hey mate we get back on the 16th in the afternoon

10/1/20, 06:12 - Emma Roberts-Smith: That's awesome 🍷

11/1/20, 14:43 - Danielle: Got a bad feeling mate, everything ok?

11/1/20, 14:44 - Emma Roberts-Smith: Oh yeh??

11/1/20, 14:44 - Emma Roberts-Smith: Just about us?

11/1/20, 14:44 - Danielle: Dunno, can't shake it though ..

11/1/20, 14:44 - Emma Roberts-Smith: Brs in a very bad place, deeply depressed mate

11/1/20, 14:45 - Emma Roberts-Smith: I haven't left his side in days

11/1/20, 14:45 - Emma Roberts-Smith: Just on Gold Coast now at races and he's struggling so well head off soon

11/1/20, 14:45 - Danielle: Not good. Thought something was wrong 😞

11/1/20, 14:45 - Emma Roberts-Smith: Yeh...we're ok he's just a mess

11/1/20, 14:47 - Danielle: Maybe should be psychic.. not psychologist 😞👤

11/1/20, 14:54 - Emma Roberts-Smith: Bahahahhaa yep!!

16/1/20, 14:47 - Emma Roberts-Smith: Did you get how today??

16/1/20, 14:47 - Emma Roberts-Smith: \*home

16/1/20, 15:51 - Danielle: Yes! We got home about an hour ago 😊

16/1/20, 15:51 - Danielle: Slept well on the plane but struggling with the time difference a little bit

16/1/20, 15:52 - Danielle: Its 10pm in LA right now 😊 Am going to try to get through to 8.30pm

16/1/20, 17:25 - Emma Roberts-Smith: That's good you slept but you'll probably struggle for a few days 😊 did you have a good time?

16/1/20, 17:26 - Danielle: Yes we had an absolute ball mate

16/1/20, 17:26 - Danielle: I will give you a call and catch up

16/1/20, 17:26 - Emma Roberts-Smith: Ok cool look forward to it! When are you back at work?

16/1/20, 21:15 - Danielle: Back at work on Monday

16/1/20, 21:17 - Emma Roberts-Smith: Ok that's good

17/1/20, 05:58 - Emma Roberts-Smith: How's you sleep?

17/1/20, 08:57 - Danielle: Yeah not too bad mate feel a bit spaced out today. Just got a head into the shops and get some stuff sorted

18/1/20, 20:53 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:53 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:53 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:53 - Emma Roberts-Smith: Some stuff I want you to keep 🙏

18/1/20, 20:54 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:54 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:54 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:54 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:54 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:54 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:54 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:55 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:55 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:55 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:56 - Emma Roberts-Smith: <Media omitted>

18/1/20, 20:56 - Emma Roberts-Smith: <Media omitted>

19/1/20, 09:13 - Danielle: Sorry mate I'll give you a call back later this afternoon I have to hand dazza with the lawn

19/1/20, 09:13 - Danielle: Before it gets too hot

19/1/20, 09:27 - Emma Roberts-Smith: No dramas mate

19/1/20, 13:39 - Danielle: Any news?

19/1/20, 13:40 - Emma Roberts-Smith: Nup

19/1/20, 13:40 - Emma Roberts-Smith: Didn't expect there would be??

19/1/20, 13:46 - Danielle: Yeah true

19/1/20, 15:38 - Danielle: In case you need this .... at a later stage

19/1/20, 15:38 - Danielle: <https://doylesguide.com/leading-family-divorce-lawyers-brisbane-2018/>

19/1/20, 15:41 - Danielle: <https://www.phillipsfamilylaw.com.au/people/tony-phillips/>

19/1/20, 15:56 - Emma Roberts-Smith: Thanks mate I'll suss

19/1/20, 15:56 - Emma Roberts-Smith: Did you have the extra screen shots from MA?

19/1/20, 16:02 - Danielle: <Media omitted>



19/1/20, 16:02 - Danielle: <Media omitted>  
19/1/20, 16:02 - Danielle: <Media omitted>  
19/1/20, 16:02 - Danielle: <Media omitted>  
19/1/20, 16:02 - Danielle: <Media omitted>  
19/1/20, 16:02 - Danielle: <Media omitted>  
19/1/20, 16:05 - Danielle: <Media omitted>  
19/1/20, 16:06 - Danielle: <Media omitted>  
19/1/20, 16:06 - Emma Roberts-Smith: He's just taken 5 grand out  
19/1/20, 16:07 - Danielle: How do he do that from a teller machine you can't do that ?  
19/1/20, 16:08 - Emma Roberts-Smith: He's transferred it to the business account from the savings/house account  
19/1/20, 16:08 - Danielle: 😊  
19/1/20, 17:02 - Danielle: Sorry mate I just got in the pool when you ring  
19/1/20, 18:31 - Danielle: Try to settle your mind mate. Get the kids sorted, I will call u later  
19/1/20, 19:59 - Danielle: Just got back from fish & chips  
19/1/20, 19:59 - Danielle: Boys watching movie, call me on home phone  
19/1/20, 21:03 - Emma Roberts-Smith: Gimme 5  
19/1/20, 21:04 - Danielle: 👍  
19/1/20, 21:44 - Emma Roberts-Smith: You still awake  
19/1/20, 21:44 - Danielle: Yep  
19/1/20, 21:44 - Emma Roberts-Smith: 👍  
19/1/20, 21:54 - Danielle: About to go to bed. Should I talk to you in morning?  
19/1/20, 21:54 - Emma Roberts-Smith: Gimme 5  
19/1/20, 22:41 - Emma Roberts-Smith: <Media omitted>  
19/1/20, 22:41 - Emma Roberts-Smith: <Media omitted>  
20/1/20, 05:34 - Emma Roberts-Smith: Fuck....barely slept again....I feel like I've been hit by a bus  
20/1/20, 06:03 - Danielle: I bet I .... I will give you call when I leave for work around 6:45  
20/1/20, 06:04 - Danielle: <https://www.phillipsfamilylaw.com.au/how-we-can-help/separation-and-divorce/>  
20/1/20, 06:04 - Danielle: <https://www.phillipsfamilylaw.com.au/why-you-may-need-to-be-cautious-even-in-an-amicable-separation/>

20/1/20, 06:05 - Danielle: <https://www.phillipsfamilylaw.com.au/how-a-friends-divorce-advice-could-cost-you/>

20/1/20, 06:06 - Danielle: <https://www.phillipsfamilylaw.com.au/about-to-separate-5-key-considerations-you-need-to-know/>

20/1/20, 06:06 - Danielle: Read those articles, they are very good.

20/1/20, 06:08 - Emma Roberts-Smith: <Media omitted>

20/1/20, 06:08 - Emma Roberts-Smith: I had a read of some of the articles last night

20/1/20, 06:08 - Emma Roberts-Smith: There's a place here too called Pippa Coleman??

20/1/20, 06:09 - Danielle: Yep just like Darren said, he is clearing the decks and doing what he has to do

20/1/20, 06:09 - Emma Roberts-Smith: How do you interpret that?

20/1/20, 06:09 - Danielle: or what he "thinks" he has to do to survive

20/1/20, 06:10 - Emma Roberts-Smith: He might survive but his family may not

20/1/20, 06:10 - Danielle: He has no capacity for anything other than the "fights" he has on the cards.

20/1/20, 06:10 - Danielle: He knows that

20/1/20, 06:10 - Emma Roberts-Smith: Yep

20/1/20, 06:13 - Danielle: Gotta get ready, call you when I get in the car

20/1/20, 06:14 - Emma Roberts-Smith: Ok...the five things to know article is very interesting...financial and leaving the family home RE timing and communicating about "separating" ...he didn't say a word until I phoned him after seeing \$ gone

20/1/20, 06:14 - Danielle: Yes ...

20/1/20, 06:14 - Emma Roberts-Smith: Might not be in his best interest long term

20/1/20, 11:46 - Danielle: Go to the newsagency by yourself a cheap diary and diarize everything they will need it

20/1/20, 11:48 - Danielle: <Media omitted>

20/1/20, 11:52 - Emma Roberts-Smith: Do I call the lawyer?

20/1/20, 11:53 - Danielle: Start it now. Don't delay. Every phone call, every visit, every movement

20/1/20, 11:53 - Danielle: Yes when u get home... stay calm

20/1/20, 11:54 - Danielle: My guess is he is going to give you an allowance and he will apportion his pay into the other account

20/1/20, 11:54 - Danielle: Stay calm you can't stop him from doing it but he's making a big mistake

20/1/20, 11:54 - Emma Roberts-Smith: Mother fucker

20/1/20, 11:54 - Danielle: Let him make it

20/1/20, 11:55 - Emma Roberts-Smith: What the fuck is he doing?

20/1/20, 11:55 - Danielle: He's doing it so you cannot track how he is spending his money

20/1/20, 11:55 - Emma Roberts-Smith: I can hear him say yes 2 daughters that are 9

20/1/20, 11:55 - Emma Roberts-Smith: I can barely breathe

20/1/20, 11:55 - Danielle: Stay calm

20/1/20, 12:39 - Danielle: Give me 5

20/1/20, 12:47 - Emma Roberts-Smith: 👍

20/1/20, 13:05 - Danielle: Jesus are you ok mate what happened?

20/1/20, 13:15 - Emma Roberts-Smith: Missed voice call

20/1/20, 17:11 - Emma Roberts-Smith: Where you at?

20/1/20, 19:16 - Emma Roberts-Smith: Wonder what this is about?? Just got it on email

20/1/20, 19:16 - Emma Roberts-Smith: <Media omitted>

20/1/20, 19:17 - Emma Roberts-Smith: It's my email address?? You think he's done something to my phone?

20/1/20, 19:18 - Danielle: No absolutely not Darren actually got the same email and it is spam

20/1/20, 19:18 - Emma Roberts-Smith: Oh ok

20/1/20, 19:18 - Danielle: Darren got the email 3 days ago

20/1/20, 19:19 - Emma Roberts-Smith: Stressing the fuck out about everything

20/1/20, 21:52 - Danielle: I was just trying to call you back while Darren was at the petrol station

20/1/20, 21:52 - Danielle: I think that email was pre-written

20/1/20, 22:01 - Emma Roberts-Smith: Sorry mate was just having a shower

20/1/20, 22:02 - Emma Roberts-Smith: Yep, without a doubt!

20/1/20, 22:02 - Emma Roberts-Smith: I'd put money on in conjunction with his mum? It's def not MA

21/1/20, 05:35 - Danielle: Hang in there kid, you are stronger than this. This is just a moment in time. Be the best person you can be. See u soon x

21/1/20, 09:45 - Danielle: Just landed

21/1/20, 09:48 - Emma Roberts-Smith: Ok 5 away

21/1/20, 09:55 - Emma Roberts-Smith: Text as you are walking out I'm parked down the road

21/1/20, 10:01 - Danielle: Ok, at pickup

21/1/20, 10:01 - Emma Roberts-Smith: On my way

21/1/20, 12:05 - Emma Roberts-Smith: <Media omitted>



21/1/20, 12:05 - Emma Roberts-Smith: What's this about??

21/1/20, 12:38 - Emma Roberts-Smith: <Media omitted>

21/1/20, 12:38 - Emma Roberts-Smith: Wtf mate... 🤔

21/1/20, 13:07 - Emma Roberts-Smith: Is sue fucking with me?? I don't feel comfortable replying...

21/1/20, 13:19 - Danielle: I think Ben is getting paranoid & asked Sue to check if u have spoken to them

21/1/20, 13:20 - Danielle: Who was it that text her exactly. It doesn't actually say.

21/1/20, 13:27 - Emma Roberts-Smith: No...the msg about "breathe" was sue...

21/1/20, 13:28 - Emma Roberts-Smith: The stokes messages are from brs

21/1/20, 13:30 - Danielle: She's behaving like she doesn't know anything. Is it possible she actually doesn't & he told a fibby?

21/1/20, 13:30 - Emma Roberts-Smith: I don't know?? But then what about the email last night?

21/1/20, 13:33 - Emma Roberts-Smith: Do I reply and say "sorry sue, Ben mentioned he told you he had moved out. It's a very difficult time right now so I'm just trying to breathe. I just need some space"

21/1/20, 13:34 - Emma Roberts-Smith: Or do I msg Ben and say did you say you told your mum?

21/1/20, 13:34 - Emma Roberts-Smith: She's his problem

21/1/20, 13:35 - Emma Roberts-Smith: Or do I just leave it and figure she'll ask Ben? I just feel like it's massive game playing

21/1/20, 13:35 - Emma Roberts-Smith: Seriously...leave me the fuck alone

21/1/20, 14:18 - Emma Roberts-Smith: <Media omitted>

21/1/20, 14:18 - Emma Roberts-Smith: Sent...

21/1/20, 14:58 - Emma Roberts-Smith: She's read it and typing one back... 🤔

21/1/20, 14:58 - Danielle: Oooh! Show me

21/1/20, 14:59 - Emma Roberts-Smith: <Media omitted>

21/1/20, 14:59 - Emma Roberts-Smith: Wtf...

21/1/20, 15:07 - Danielle: I don't think she is lying

21/1/20, 15:08 - Emma Roberts-Smith: Then did brs write that email?

21/1/20, 15:08 - Danielle: Doubt that too .. 😊

21/1/20, 15:08 - Danielle: 3rd person? Confusing

21/1/20, 15:08 - Emma Roberts-Smith: He also told me Sunday "he's told his mum" and that he asked her to give me some space!!

21/1/20, 15:09 - Danielle: Weird. One of them is not be truthful & you may not know who

21/1/20, 15:11 - Emma Roberts-Smith: This is fucking bullshit

21/1/20, 15:19 - Emma Roberts-Smith: The letter is too feminine and zero spelling/grammar issues too??

21/1/20, 15:30 - Danielle: Absolutely written by a woman

21/1/20, 15:32 - Emma Roberts-Smith: And why didn't sue mention it to me if she knew last week?

21/1/20, 15:32 - Emma Roberts-Smith: It doesn't add up

21/1/20, 15:34 - Emma Roberts-Smith: Just ignoring the elephant in the room, doesn't add up

21/1/20, 15:44 - Danielle: Something is amiss ..

21/1/20, 15:44 - Emma Roberts-Smith: But from who?

21/1/20, 15:45 - Danielle: Not sure. I keep going back to what your solicitor said

21/1/20, 15:45 - Danielle: 3rd person

21/1/20, 15:46 - Emma Roberts-Smith: I just don't buy sue being vague knowing Ben moved out

21/1/20, 15:46 - Emma Roberts-Smith: 3rd person or not

21/1/20, 17:44 - Danielle: Sorry I've just checked into the hotel and I can take your call now

21/1/20, 18:44 - Emma Roberts-Smith: I got my bro to read the email and he said it's def brs

21/1/20, 18:44 - Emma Roberts-Smith: Said brs has spoken to him about shit

21/1/20, 20:19 - Danielle: OH INTERESTING!

21/1/20, 22:52 - Danielle: 😊👍

22/1/20, 04:55 - Emma Roberts-Smith: Christ...I think I need to get to a dr! I only got another 3hrs sleep last night 🤔 I feel so drained and exhausted!!

22/1/20, 04:56 - Emma Roberts-Smith: I set up a new email this morning...I think I need to book an appt with the lawyer?! I just need some reassurance...I know brs is changing access for everything, so it makes me nervous that I will be just sitting waiting for the next hit?

22/1/20, 04:58 - Emma Roberts-Smith: I think it comes down to I don't feel secure or on the front foot!! I sent you an email. Thanks for keeping everything mate. So anything "seperation" related I will use that...lawyer communication etc. let me know if you got it ok

22/1/20, 09:06 - Emma Roberts-Smith: Got into to see Michelle tomorrow 🙏 going to get the budget done today

22/1/20, 09:10 - Danielle: 👍🙏

22/1/20, 09:12 - Danielle: 😊

22/1/20, 15:55 - Danielle: Boarding now

22/1/20, 15:57 - Emma Roberts-Smith: Ok mate

22/1/20, 16:00 - Emma Roberts-Smith: Brs would also know if he reacts I'll know!!

22/1/20, 16:00 - Danielle: True

22/1/20, 22:29 - Emma Roberts-Smith: <https://psychcentral.com/blog/3-common-breakup-tactics-of-an-abusive-narcissist/>

22/1/20, 22:33 - Emma Roberts-Smith: <Media omitted>

22/1/20, 22:38 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.businessinsider.com/what-its-like-narcissist-break-up-2017-2>

23/1/20, 05:31 - Emma Roberts-Smith: Did you sleep?

23/1/20, 05:40 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.mindbodygreen.com/articles/what-its-really-like-to-break-up-with-a-narcissist--27078>

23/1/20, 05:40 - Emma Roberts-Smith: Bloody good article

23/1/20, 05:57 - Danielle: Yep that ones a good one!

23/1/20, 05:57 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/www.wellandgood.com/good-advice/breakup-with-a-narcissist/amp/>

23/1/20, 05:57 - Emma Roberts-Smith: You really think it's him huh??

23/1/20, 05:58 - Emma Roberts-Smith: I just don't want to believe it mate

23/1/20, 06:01 - Danielle: I think he has narcissistic Tendencies for sure

23/1/20, 06:02 - Danielle: Self absorbed, selfish emotional torment

23/1/20, 06:02 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/esteemology.com/breaking-free-why-breaking-up-with-a-narcissist-is-not-your-average-break-up/amp/>

23/1/20, 06:03 - Emma Roberts-Smith: And replaced what they don't need

23/1/20, 06:03 - Danielle: No one wants to believe they marriage or situation isn't ideal mate. It brings their own judgement into question

23/1/20, 06:04 - Emma Roberts-Smith: Christ read this part...

23/1/20, 06:04 - Emma Roberts-Smith: <Media omitted>

23/1/20, 06:07 - Danielle: Eerily familiar

23/1/20, 06:08 - Emma Roberts-Smith: 😊

23/1/20, 06:10 - Danielle: Have to get ready for work will call you on the way

23/1/20, 06:11 - Emma Roberts-Smith: 👍

23/1/20, 11:21 - Danielle: I have an appointment at 11:30 for my performance review haha I will message you when I get out

23/1/20, 11:58 - Danielle: I am out of meeting



23/1/20, 13:16 - Emma Roberts-Smith: Just finished I'll call from the car

23/1/20, 13:17 - Danielle: 🙏 waiting expectantly

23/1/20, 21:38 - Danielle: Hey mate, chat in the morning. I am trashed and going to go to bed ...

23/1/20, 21:39 - Emma Roberts-Smith: Sleep well mate 🌙

24/1/20, 05:09 - Emma Roberts-Smith: Shit just realised it's 5 not 6 🤔🤔

24/1/20, 05:12 - Emma Roberts-Smith: I wanted to chat about some finance stuff....I've just gone through some basics I need to pay/cover for the rest of this pay....I have approx 12 grand of bills to pay still. I'll have 6 grand left (that's if I haven't forgotten any direct debits!!) for the next 3 weeks 🙄 funds

24/1/20, 05:19 - Emma Roberts-Smith: BTW that doesn't include anything I maybe missed or general living costs for the girls...That's purely stuff at the house!! I have to pay \$1000 for sporting registration also 🙄

24/1/20, 06:07 - Danielle: I think you need to pay the sport registrations asap

24/1/20, 06:08 - Danielle: If u think u need to, do it

24/1/20, 06:18 - Emma Roberts-Smith: Officially have 5 grand left for 3 weeks 🤔

24/1/20, 06:19 - Emma Roberts-Smith: He can have 30 percent of that

24/1/20, 06:22 - Danielle: Yeah you're going to need to talk to him about that asap

24/1/20, 06:23 - Danielle: Just remember when you approach it though that the finances are no reason for him to stay he won't care about that

24/1/20, 06:24 - Danielle: He's already told you that that is your problem to manage and he'll just think you're using that to hold him to ransom so just be careful how you word it

24/1/20, 06:31 - Emma Roberts-Smith: <Media omitted>

24/1/20, 08:39 - Emma Roberts-Smith: Ben,

I don't think it's a good idea that you stay here again, it will confuse the girls and is not sustainable.

Like you, I would like privacy so can you please give me the keys and remote when you leave.

I would like to discuss parenting and agree set regular times for you to see and speak to the girls. They need consistency and routine. I would also like to discuss finances, we cannot sustain two households at the current rate and I am concerned you spent/withdrew \$2200 in four days on a trip funded by your work.

I am not interested in discussing your affair with Monica other than to say I know beyond a doubt and I feel really sorry for you, having to keep another secret like that from the girls and I. I truly hope she makes you happy because your behaviour in the last six months whilst you grappled with it has been distressing for the girls and I.

The set monthly household expenses for Ilkley Road are X and your income is Y. We need to agree a set amount you withdraw for your living expenses so I am reassured I can pay the bills and support the girls with no change to their current lifestyle. I think Z is fair.

Sent from my iPhone

24/1/20, 08:41 - Emma Roberts-Smith: Given the girls have never spent a night alone with you or 24 hours in your care, I think it best you visit them and take them out on the Sunny Coast until your life is more permanent and caters to their needs; specifically a dedicated proper bed each and private space.

I am concerned they will be hurt and confused that your new home does not include space for them on an ongoing basis.

Sent from my iPhone

24/1/20, 08:41 - Emma Roberts-Smith: I have had DI pack up your things and put them in the garage, can you please collect them.

Sent from my iPhone

24/1/20, 08:41 - Emma Roberts-Smith: The Family Law Act ensures that the children suffer no loss of lifestyle because you have left, which means I need enough of your pay to sustain this home, their school fees etc until settlement is done.

Sent from my iPhone

24/1/20, 11:02 - Emma Roberts-Smith: <https://blog.melanietoniaevans.com/what-a-narcissist-does-at-the-end-of-the-relationship/>

24/1/20, 13:14 - Emma Roberts-Smith: <Media omitted>

24/1/20, 13:16 - Danielle: Are u at bank?

24/1/20, 13:17 - Emma Roberts-Smith: Yep

24/1/20, 13:17 - Danielle: Lucky u went now

24/1/20, 13:17 - Emma Roberts-Smith: Yep

24/1/20, 18:36 - Danielle: you ok?

24/1/20, 18:36 - Emma Roberts-Smith: Yeh mate just laying on the sofa with the girls

24/1/20, 18:37 - Emma Roberts-Smith: You wanna laugh?

24/1/20, 18:37 - Danielle: 🍷

24/1/20, 18:37 - Danielle: sure hit me

24/1/20, 18:37 - Emma Roberts-Smith: He asked if I had my phone I said not on me he said can I grab it...

24/1/20, 18:37 - Danielle: why?

24/1/20, 18:37 - Emma Roberts-Smith: As I pick it up from the bedroom [REDACTED] was ringing

24/1/20, 18:38 - Emma Roberts-Smith: I said hello, he said how are you mate I said yeh good I'll get Ben for you

24/1/20, 18:38 - Emma Roberts-Smith: Clearly why he was phoning didn't want to phone on brs phone

24/1/20, 18:38 - Emma Roberts-Smith: WTAF

24/1/20, 18:38 - Danielle: hmmm maybe he was making a welfare call

24/1/20, 18:38 - Emma Roberts-Smith: I just looked stunned

24/1/20, 18:38 - Danielle: it would have been the only one you got this week

24/1/20, 18:38 - Danielle: bahaaha

24/1/20, 18:39 - Emma Roberts-Smith: Nar they spoke about 40 percent shit

24/1/20, 18:39 - Emma Roberts-Smith: He didn't phone for me

24/1/20, 18:39 - Danielle: oh ok

24/1/20, 18:39 - Danielle: well would have been interesting if brs wasn't there

24/1/20, 18:39 - Emma Roberts-Smith: Fuck wits

24/1/20, 18:40 - Emma Roberts-Smith: Brs went to tell me about it and I just said oh yeh ok

24/1/20, 18:40 - Emma Roberts-Smith: Paid it off

24/1/20, 18:40 - Danielle: so you reckon [REDACTED] musn't have known ?

24/1/20, 18:40 - Emma Roberts-Smith: Of course he knows

24/1/20, 18:40 - Emma Roberts-Smith: I didn't give him the chance to talk to me

24/1/20, 18:55 - Danielle: brs will prob be asleep 7.30

24/1/20, 18:57 - Danielle: oh I just clicked this was set up (premeditated) - how rude! so much for privacy

24/1/20, 18:57 - Danielle: what a bold thing to do !

24/1/20, 18:57 - Emma Roberts-Smith: Nup something about someone just got told about inquiry or some shit

24/1/20, 18:58 - Emma Roberts-Smith: I didn't ask but def felt like I had no privacy

24/1/20, 18:58 - Danielle: but brs knew [REDACTED] was going to be calling on your phone!

24/1/20, 18:58 - Danielle: he told him to call on your phone

24/1/20, 18:58 - Danielle: thats why he told you to go and grab it

24/1/20, 18:58 - Danielle: very cheeky



24/1/20, 19:01 - Emma Roberts-Smith: Yep [REDACTED] text him to say he was calling my phone

24/1/20, 19:01 - Emma Roberts-Smith: He's ripped as fuck

24/1/20, 19:08 - Emma Roberts-Smith: 🤔🤔🤔🤔 I just asked how his apartment is and he said fucking tiny and a train comes through at 3am

24/1/20, 19:08 - Emma Roberts-Smith: I'm trying not to laugh my arse off

24/1/20, 19:10 - Emma Roberts-Smith: He's now doing all his washing 🤔

24/1/20, 19:17 - Danielle: While visiting? 🤔👤

24/1/20, 19:18 - Emma Roberts-Smith: Yep and ironing

24/1/20, 19:18 - Emma Roberts-Smith: And the washing machine leaked

24/1/20, 19:19 - Emma Roberts-Smith: I had to bury my head in the pillow and laugh

24/1/20, 19:19 - Danielle: Lmao oh well

24/1/20, 19:19 - Danielle: Has he had any more discussions with you?

24/1/20, 19:19 - Emma Roberts-Smith: Cock head

24/1/20, 19:19 - Emma Roberts-Smith: Nup

24/1/20, 19:19 - Danielle: Oh that is very cheeky

24/1/20, 19:20 - Emma Roberts-Smith: Only about how small his apartment is

24/1/20, 19:20 - Danielle: I think Kate is right mate you're gonna have to put a stop to this shit because you can't have him come and go as he please and do as he wants

24/1/20, 19:20 - Emma Roberts-Smith: He asked if we could go through finances when kids go to bed

24/1/20, 19:20 - Danielle: Ok ... good luck with that

24/1/20, 19:25 - Danielle: It would be nice if you could eventually get to the point where it was this amicable however at the moment it's just appeasing

24/1/20, 19:25 - Danielle: Or doing whatever he wants

24/1/20, 19:25 - Emma Roberts-Smith: It's just bizarre

24/1/20, 19:26 - Danielle: Its bizarre behaviour for sure. But they only do it if you let them.

24/1/20, 19:26 - Danielle: Cause they can.

24/1/20, 19:26 - Emma Roberts-Smith: I closed the bedroom door when I showered and he had to wait to get a cap 🤔🤔

24/1/20, 19:26 - Danielle: As he now should

24/1/20, 19:27 - Emma Roberts-Smith: Fuck him

24/1/20, 19:27 - Danielle: You should have stood at the door and said is there something I can get for you?

24/1/20, 19:28 - Emma Roberts-Smith: I did

24/1/20, 19:29 - Emma Roberts-Smith: I said lizzie come in and get it

24/1/20, 19:29 - Danielle: Yep you going to have to start doing things like that

24/1/20, 19:29 - Emma Roberts-Smith: I just asked where he was going in 3 months and what was he going to do with all his shit here

24/1/20, 19:30 - Emma Roberts-Smith: He just looked at me like I was an alien

24/1/20, 19:30 - Danielle: How dare you wreck the fun he thought he was going to be able to go away and do whatever you wanted for three to 6 months and then come back

24/1/20, 19:30 - Danielle: You rude girl

24/1/20, 19:30 - Danielle: Insensitive of you

24/1/20, 19:30 - Emma Roberts-Smith: He said "I haven't signed a 3 months lease" I've paid for 6 weeks at air bnb

24/1/20, 19:31 - Danielle: Yep .... and here he goes

24/1/20, 19:31 - Danielle: Dangling the carrot ...

24/1/20, 19:32 - Emma Roberts-Smith: Yep

24/1/20, 19:32 - Emma Roberts-Smith: When we talk again I'm just going to say it's ok, I'm alright with it

24/1/20, 19:32 - Danielle: Making out there may be hope

24/1/20, 19:32 - Emma Roberts-Smith: He said when I asked where next...he said well not back here by the sounds of what you've said today

24/1/20, 19:32 - Emma Roberts-Smith: I just laughed and walked off

24/1/20, 19:33 - Danielle: Lol too funny

24/1/20, 19:33 - Danielle: No sorry Mr you don't get to go and root your ass off and explore opportunities and have a great life while I sit at home and look after the kids

24/1/20, 19:33 - Danielle: Dam shame about that

24/1/20, 19:34 - Emma Roberts-Smith: Fuck wit

24/1/20, 19:35 - Danielle: He's done the angry now he's going to do the giving you a sliver of hope

24/1/20, 19:35 - Emma Roberts-Smith: What the fuck for

24/1/20, 19:35 - Danielle: To get what he wants

24/1/20, 19:36 - Emma Roberts-Smith: But he has what he wants

24/1/20, 19:36 - Danielle: No he doesn't

24/1/20, 19:36 - Danielle: He wants control

24/1/20, 19:36 - Emma Roberts-Smith: What does he fucking want

24/1/20, 19:36 - Emma Roberts-Smith: He's got it just not of me

24/1/20, 19:36 - Danielle: And that's what he wants

24/1/20, 19:37 - Emma Roberts-Smith: That boat has sailed

24/1/20, 19:37 - Emma Roberts-Smith: Move right along

24/1/20, 19:37 - Danielle: I don't think he's quite realised that yet

24/1/20, 19:37 - Danielle: It's seriously textbook

24/1/20, 19:37 - Emma Roberts-Smith: Isn't it

24/1/20, 19:37 - Danielle: Same same every time

24/1/20, 19:38 - Danielle: Butter you up ....get you to calm down ....go along for a while ..... do his own thing in the background. Same every time

24/1/20, 19:40 - Emma Roberts-Smith: Whatevs

24/1/20, 19:40 - Danielle: Good luck with the money talk.

24/1/20, 19:41 - Emma Roberts-Smith: Yeh can't wait

24/1/20, 19:41 - Emma Roberts-Smith: I'm actually tired as fuck

24/1/20, 19:42 - Danielle: I bet!

24/1/20, 19:48 - Emma Roberts-Smith: 🙄

24/1/20, 19:56 - Emma Roberts-Smith: I couldn't even finish my dinner and said that's the most I've had all week...I've lost 3kg! He said "well that's always a good thing" ...I said "yeh I heard they call it the diverse diet" 😏

24/1/20, 19:59 - Danielle: 🙄😏😏😏

24/1/20, 21:54 - Danielle: Tono Balaguer/AdobeStock

Source: Tono Balaguer/AdobeStock

Narcissists can be charming, charismatic, seductive, exciting, and engaging. They can also act entitled, exploitative, arrogant, aggressive, cold, competitive, selfish, obnoxious, cruel, and vindictive. You can fall in love with their charming side and be destroyed by their dark side. It can be baffling, but it all makes sense when you understand what drives them. That awareness protects you from their games, lies, and manipulation.

Narcissists have an impaired or undeveloped self. They think and function differently from other people. They behave as they do because of the way their brain is wired, whether due to nature or nurture. The severity of narcissism varies. Some people have more symptoms with greater intensity, while other narcissists have fewer, milder symptoms. The following discussion thus may not apply to all narcissists to the same degree.

#### Narcissistic Vulnerability

Despite having seemingly strong personalities, narcissists are actually very vulnerable. Psychotherapists consider them to be "fragile." They suffer from profound alienation, emptiness,



powerlessness, and lack of meaning. Due to their extreme vulnerability, they crave power and vigilantly must control their environment, people around them, and their feelings. Displays of vulnerable feelings, such as fear, shame, or sadness are intolerable signs of weakness both in themselves and others. Their defense system, discussed below, protects them, but hurts other people. When they feel most insecure, they're more malicious and the impact of their actions is irrelevant.

#### Narcissistic Shame

Underneath their façade is toxic shame, which may be unconscious. Shame makes narcissists feel insecure and inadequate—vulnerable feelings that they must deny to themselves and others. This is one reason that they can't take criticism, responsibility, dissent, or negative feedback even when meant to be constructive. Instead, they demand unconditional, positive regard from others.

#### Arrogance

To compensate for feeling inferior, they maintain an attitude of superiority. They're often arrogant, critical, and disdainful of other people, including entire groups they consider inferior, such as immigrants, a racial minority, a lower economic class, or people of less education. Like bullies, they put down others to raise themselves up.

#### Grandiosity

Their hidden shame accounts for their braggadocio and self-aggrandizement. They're trying to convince themselves and others that they excel, that they're uniquely special and the best, smartest, richest, most attractive, and most talented. This is also why narcissists gravitate toward celebrities and high-status people, schools, organizations, and other institutions. Being with the best convinces them they're better than others, while internally, they're not so sure.

article continues after advertisement

#### Entitlement

Narcissists feel entitled to get what they want from others regardless of their behavior. Their sense of entitlement masks their inner shame and insecurity. They convince themselves that they're superior and it follows that they deserve special treatment. For example, their time is more valuable than others, and they shouldn't have to wait in line like the masses. There is no limit on what they might expect from others. Interpersonal relationships are a one-way street, because other people are considered inferior and not separate from them (see below). They don't recognize their behavior as hypocritical, because they feel superior and special. Rules for other people don't apply to them.

#### Lack of Empathy

Narcissists' ability to respond emotionally and express appropriate care and concern is significantly impaired. According to the Diagnostic and Statistical Manual of Mental Disorders, narcissists lack empathy. They're "unwilling to recognize or identify with the feelings and needs of others." (APA, 2013) Research shows that they have structural abnormalities in brain regions associated with emotional empathy. (See "How to Tell if a Narcissist Loves You.")

They may claim they love you, but you must determine whether you feel loved by the way they treat you. Real love requires empathy, compassion, and deep knowledge of the one we care for. We show active concern for that person's life and growth. We try to understand their experience and world

view though it may differ from ours. If you haven't experienced such genuine love or it was mixed with abuse, then you may not appreciate real love nor expect to be treated any better.

Without empathy, narcissists can be selfish, hurtful, and cold when it doesn't serve them to be charming or cooperative. To them relationships are transactional. Rather than respond to feelings, they're interested in getting their needs met—sometimes, even if it means exploiting others, cheating, lying, or breaking the law. Although they may feel excitement and passion in the early stages of a relationship, this is not love, but lust. They're known for their game-playing. Sacrificing for a loved one isn't in their playbook. Their lack of empathy also inures them to the pain that they cause others, while their cognitive, emotional intelligence gives them an edge in manipulating and exploiting others to get their needs met.

article continues after advertisement

### Emptiness

Narcissists lack a positive, emotional connection to themselves, making it difficult for them to emotionally connect with others. Their undeveloped self and deficient inner resources require them to be dependent on others for validation. Rather than confidence, they actually fear that they're undesirable. They can only admire themselves as reflected in the eyes of others. Hence, despite their boasting and self-flattery, they crave attention and constant admiration. Because their sense of self is determined by what others think of them, they try to control what others think to feel better about themselves. They use relationships for self-enhancement and for their "narcissistic supply." However, due to their inner emptiness, they're never satisfied. Whatever you do for them is never enough to fill their emptiness. Like vampires who are dead inside, narcissists exploit and drain those around them.

### Lack of Boundaries

Mythological Narcissus fell in love with his own image, as reflected in a pool of water. At first, he didn't realize that it was himself. This metaphorically describes narcissists. Narcissists' inner emptiness, shame, and undeveloped self make them uncertain of their boundaries. They don't experience other people as separate individuals, but as two-dimensional, extensions of themselves, without feelings, since narcissists cannot empathize. Other people only exist to meet their needs. This explains why narcissists are selfish and oblivious to their impact on others, even when they're cruel.

### Narcissistic Defenses

It's the defense mechanisms used by narcissists to protect their vulnerability that make relationships with narcissists so difficult. Common defenses they use are arrogance and contempt, denial, projection, aggression, and envy.

### Arrogance and contempt

These defenses inflate a narcissist's ego with an air of superiority to shield against unconscious feelings of inadequacy. It also shifts shame by projecting inferiority onto others.

article continues after advertisement

### Denial

Denial distorts reality so that a narcissist can live in an inflated bubble of their own fantasy world to protect their fragile ego. They distort, rationalize, twist facts, and delude themselves to avoid anything that may cause a chink in their armor, which is so thick, that to some narcissists, no amount of evidence or argument can get through.

24/1/20, 21:54 - Danielle: Projection and blame

This defense enables unacceptable feelings, thoughts, or qualities to be disowned and mentally or verbally attributed to someone else. Blame shifts responsibility, so the narcissist is blameless. This defense serves the same function as denial. Projection is an unconscious process, whereby a narcissist doesn't have to experience anything negative in him or herself, but sees it as external. Those traits are projected onto someone else or a group of people instead. You become the one who is selfish, weak, unlovable, or worthless. Projection is very crazy-making and damaging to the self-esteem of people close to a narcissist, especially children.

/1/20, 05:41 - Emma Roberts-Smith: At the hospital with eve 🙄👤

25/1/20, 05:42 - Emma Roberts-Smith: Wondering if she had appendix

25/1/20, 05:43 - Emma Roberts-Smith: Fucked bens plans for the gym this morning, he's had to stay with lizzie because she's still asleep

25/1/20, 05:44 - Emma Roberts-Smith: I saw before I left he's taken 2 of the missoni towels and glasses...I said you taking towels with you!! He reckons he's only for 1 shitty one there 😏

25/1/20, 05:44 - Emma Roberts-Smith: Wouldn't want his girlfriend to use just white ones...trying to impress

25/1/20, 07:21 - Danielle: Crap is she ok?

25/1/20, 07:32 - Emma Roberts-Smith: <Media omitted>

25/1/20, 07:33 - Emma Roberts-Smith: High as a kite. Surgeon just came and said they'll send her for a scan and will

Operate today if it's inflamed

25/1/20, 07:33 - Danielle: Appendicitis?

25/1/20, 07:37 - Emma Roberts-Smith: Yep

25/1/20, 07:38 - Danielle: Poor kid! I was the same age and had mine taken out in Liverpool private hospital

25/1/20, 07:38 - Danielle: We were living in Holsworthy

25/1/20, 07:38 - Emma Roberts-Smith: 🤔

25/1/20, 07:39 - Emma Roberts-Smith: Ben and lizzie on their way in...reality check for father of the year today

25/1/20, 07:39 - Danielle: Yes 😏

25/1/20, 10:15 - Danielle: Any news?



25/1/20, 10:25 - Emma Roberts-Smith: They've just given her endone and nureopen 🤔 she's agitated as shit, and restless from the drugs! Just waiting for a scan shortly and then they'll transfer her to a room

25/1/20, 11:03 - Danielle: 👍

25/1/20, 11:30 - Danielle: So much for a beach day 😊

25/1/20, 11:58 - Emma Roberts-Smith: Yep went tits up! Welcome to parenting

25/1/20, 13:49 - Emma Roberts-Smith: Brs said last night he can't stand to be in a room with me for 5 mins and it's now been 7hrs 🤔🤔🤔🤔

25/1/20, 14:09 - Danielle: That's penance

25/1/20, 14:21 - Emma Roberts-Smith: Fuck wit

25/1/20, 14:21 - Emma Roberts-Smith: I think we'll be staying, she's in pain again

25/1/20, 15:22 - Danielle: Oh no the poor kid. I tell you it's about a week or two recovery.

25/1/20, 15:22 - Danielle: It takes a while to be able to eat food again

25/1/20, 15:23 - Danielle: That's one hell of a way to get out of school

25/1/20, 15:23 - Emma Roberts-Smith: We're still here waiting

25/1/20, 15:23 - Emma Roberts-Smith: See what she says

25/1/20, 15:23 - Danielle: 👍

25/1/20, 15:31 - Emma Roberts-Smith: <Media omitted>

25/1/20, 15:31 - Emma Roberts-Smith: Loving life 🤔

25/1/20, 16:10 - Danielle: 🤔

25/1/20, 16:11 - Danielle: Big hugs and kisses to her

25/1/20, 16:11 - Danielle: <Media omitted>

25/1/20, 16:11 - Danielle: Dark blue Grecian Wayne Cooper dress

25/1/20, 16:11 - Emma Roberts-Smith: Gorgeous

25/1/20, 16:11 - Emma Roberts-Smith: Look at the happy camper in the background

25/1/20, 16:12 - Danielle: Oh yes I can see him looks exhilarated

25/1/20, 16:12 - Danielle: That's double pennants for not going to the hospital with you in New Zealand

25/1/20, 17:20 - Emma Roberts-Smith: Hahaha that's right

25/1/20, 17:20 - Emma Roberts-Smith: Forgot about that

25/1/20, 18:28 - Danielle: Keep me up-to-date and let me know how she's going

25/1/20, 18:34 - Emma Roberts-Smith: They've just seen her and operating tonight

25/1/20, 20:00 - Emma Roberts-Smith: She's gone in

25/1/20, 20:55 - Danielle: Oh wow .. you must be exhausted

25/1/20, 20:57 - Emma Roberts-Smith: I'm running on adrenaline

25/1/20, 20:58 - Emma Roberts-Smith: Ben just called me a cunt

25/1/20, 20:58 - Danielle: Do they have somewhere that you can sleep there tonight

25/1/20, 20:58 - Emma Roberts-Smith: I told him it was over

25/1/20, 20:58 - Emma Roberts-Smith: Yep 👍

25/1/20, 20:59 - Danielle: Give me a ring if you can talk

25/1/20, 21:25 - Emma Roberts-Smith: You don't get to re-write history. You left our marriage and our children last weekend. You rented an apartment.

I want to be very clear about the conversation we just had in the hospital while our daughter was having her appendix removed. I will no longer tolerate verbal abuse. You have called me an idiot, a fuckhead and a cunt today. I cannot have the girls grow up thinking that is acceptable.

Correspondence will be related to the children and in writing from this point onwards. I need privacy, just as you do so please leave the buzzer for gate and any keys to the house you have. I will have your things packed and sent to you.

25/1/20, 22:17 - Emma Roberts-Smith: Eve asleep 🙏

25/1/20, 22:54 - Danielle: I think that is a good note to send

25/1/20, 22:55 - Danielle: Hopefully both of you sleep well tonight because you're going to need it (you & Eve)

25/1/20, 22:55 - Emma Roberts-Smith: I haven't sent anything, I just wanted him to get the fuck out of here

25/1/20, 22:55 - Emma Roberts-Smith: <Media omitted>

25/1/20, 22:55 - Danielle: What time did he leave?

25/1/20, 22:56 - Emma Roberts-Smith: He's toxic as fuck we can't have a conversation without being awful...I'm just over it

25/1/20, 22:56 - Emma Roberts-Smith: 10

25/1/20, 22:56 - Danielle: What did they say about her appendix

25/1/20, 22:57 - Emma Roberts-Smith: Yep it was leaking and the removed it

25/1/20, 22:57 - Danielle: Ok at least you know it wasn't good (the appendix)

25/1/20, 22:58 - Danielle: Try not to think about him and just sleep tonight

25/1/20, 22:58 - Emma Roberts-Smith: Nup def appendicitis

25/1/20, 22:58 - Emma Roberts-Smith: He'll do whatever he wants and I don't care

25/1/20, 22:58 - Danielle: I didn't realise he called you an idiot as well

25/1/20, 22:59 - Emma Roberts-Smith: I'll try and get some sleep

25/1/20, 22:59 - Danielle: It's just plain fucking rude

25/1/20, 22:59 - Danielle: No one should ever call you names

25/1/20, 23:04 - Danielle: Yeah the problem is here is it the trust is completely broken so in your head u think anything is possible

25/1/20, 23:04 - Emma Roberts-Smith: There's no way because we didn't know until last minute she was staying in hospital

25/1/20, 23:04 - Emma Roberts-Smith: Yep there's no trust at all

25/1/20, 23:04 - Emma Roberts-Smith: I told him that

25/1/20, 23:05 - Emma Roberts-Smith: He'll get caught no doubt but I actually don't care about it, I'm so over the bullshit

25/1/20, 23:08 - Danielle: I can imagine that you are and thats how you know that you are ready to move forward

25/1/20, 23:08 - Emma Roberts-Smith: He did say would she be home early but I reckon that's for the gym

25/1/20, 23:09 - Emma Roberts-Smith: I'd send mum over early, imagine that

25/1/20, 23:09 - Danielle: Yeah me too

25/1/20, 23:09 - Emma Roberts-Smith: He missed it today

25/1/20, 23:09 - Danielle: Poor him

25/1/20, 23:09 - Emma Roberts-Smith: I couldn't give a fuck

25/1/20, 23:09 - Emma Roberts-Smith: If I was a shot parent I'd bail and see

25/1/20, 23:10 - Emma Roberts-Smith: Should send disey

25/1/20, 23:10 - Danielle: Lol

25/1/20, 23:10 - Emma Roberts-Smith: I just don't trust him

25/1/20, 23:13 - Danielle: Rest your mind mate and sleep you are going to need it

26/1/20, 02:54 - Emma Roberts-Smith: Drafted this...can't sleep

26/1/20, 02:54 - Emma Roberts-Smith: You don't get to re-write history. You left our marriage and our family home last weekend. You rented an apartment.

I want to be very clear about the conversation we had in the hospital while our daughter was having her appendix removed. I will no longer tolerate verbal abuse. You called me a fuckhead and a cunt yesterday. I cannot have the girls grow up thinking that is acceptable.

I need privacy, just as you do so please leave the buzzer for gate and any keys to the house you have in the letterbox as you leave. We cannot have a conversation without it being toxic so I suggest mediation is needed to discuss our finances. Any other communication will be about the girls.



26/1/20, 06:51 - Emma Roberts-Smith: Added stuff...

26/1/20, 06:51 - Emma Roberts-Smith: You don't get to re-write history. You left our marriage and our family home last weekend. You rented an apartment without discussing separation with me. The decision to move to Brisbane without consideration for what would be in the best interest for girls, and financially what we could afford, was decisions you made purely by yourself.

I want to be very clear about the conversation we had in the hospital while our daughter was having her appendix removed. I will no longer tolerate verbal abuse. Yesterday called me a fuckhead in front of Eve and a cunt when she was in surgery. I cannot have the girls grow up thinking that is acceptable.

I need privacy, just as you do so please leave the buzzer for gate and any keys to the house you have in the letterbox as you leave. We cannot have a conversation without it being toxic so I suggest mediation is needed. Any other communication will be about the girls and in writing.

26/1/20, 07:05 - Emma Roberts-Smith: You don't get to re-write history. You left our marriage and our family home last weekend. You rented an apartment without discussing separation with me. The decision to move to Brisbane without consideration for what would be in the best interest for girls, and financially what we could afford, was decisions you made purely by yourself.

I want to be very clear about the conversation we had in the hospital while our daughter was having her appendix removed. I will no longer tolerate verbal abuse. Yesterday you called me a fuckhead in front of Eve and a cunt when she was in surgery. I cannot have the girls grow up thinking that is acceptable.

I need privacy, just as you do so please leave the buzzer for gate and any keys to the house you have in the letterbox as you leave today. We cannot have a conversation without it being toxic so I suggest mediation is needed. You've since told me I would need to manage your pay account. As discussed Friday night, we are stretched financially. I've done a quick calculation on what we have left this month and ask that you would use the \$1200 cash you withdrew this past week, and the \$500 you've transferred to your private account once your keycard arrives. What's left in our everyday account needs to be monitored very closely without anymore financial surprises.

Any other communication will be about the girls, and in writing.

26/1/20, 07:55 - Emma Roberts-Smith: <Media omitted>

26/1/20, 07:58 - Danielle: I would probably edit that a little bit

26/1/20, 07:59 - Danielle: I wouldn't put in the part about any other communication needs to be in writing, just yet.

26/1/20, 08:01 - Danielle: I would say something like if you would like to see the girls could you please arrange a problem with me. I think staying at the house is confusing for them. It's probably best next time that it's a day visit or you stay in a hotel overnight on the coast somewhere.

26/1/20, 08:02 - Danielle: I think you need to leave the option open to be able to call him on the phone yourself because especially if he's gone and spent money or something like that

26/1/20, 08:13 - Emma Roberts-Smith: Yeh good plan!

26/1/20, 08:14 - Emma Roberts-Smith: I actually feel anxious about seeing him this morning

26/1/20, 08:14 - Emma Roberts-Smith: He'll be ropable

26/1/20, 08:15 - Danielle: <https://www.google.com/amp/s/amp.mindbodygreen.com/articles/what-its-really-like-to-break-up-with-a-narcissist--27078>

26/1/20, 08:15 - Danielle: Quickly read that

26/1/20, 08:16 - Emma Roberts-Smith: I've actually read that one

26/1/20, 08:16 - Danielle: Talks about being anxious when they're around

26/1/20, 08:16 - Emma Roberts-Smith: Yep

26/1/20, 08:16 - Emma Roberts-Smith: I'm not sending him that message until he's on his way back to Brisbane

26/1/20, 08:17 - Danielle: Good idea

26/1/20, 08:17 - Emma Roberts-Smith: I had one of those panic attacks in the night where the pulse is up in my neck

26/1/20, 08:17 - Danielle: I have no doubt

26/1/20, 08:17 - Danielle: That in itself is not a good sign

26/1/20, 08:18 - Emma Roberts-Smith: No

26/1/20, 08:18 - Emma Roberts-Smith: It's just not healthy

26/1/20, 08:28 - Danielle: You can have to start exercising some self-care. You also have to recover from this. Going to Carla once a week going to yoga exercise massage looking after yourself

26/1/20, 12:09 - Emma Roberts-Smith: Evie just FaceTimed Ben

26/1/20, 12:09 - Emma Roberts-Smith: She asked to call and I said yes...I'm not playing those games with the kids!

26/1/20, 12:10 - Emma Roberts-Smith: I could see some of the apartment and it looks like a wardrobe...wtf was he thinking

26/1/20, 12:46 - Danielle: Lol

More fool him

26/1/20, 12:55 - Emma Roberts-Smith: He will msg me before he heads off tonight about the buzzer...that way it's out of the way

26/1/20, 17:29 - Emma Roberts-Smith: You around?

26/1/20, 17:48 - Emma Roberts-Smith: Ben

You don't get to re-write history. You left our marriage and our family home last weekend. You rented an apartment without discussing separation with me.

The decision to move to Brisbane without consideration for what would be in the best interest for girls, and financially what we could afford, were decisions you made purely by yourself. You then

sent me an email Monday saying we were officially separated. Marriage counselling wasn't agreed by you until that same email.

You've since told me I would need to manage your pay account. As discussed Friday night, we are stretched financially. I've done a quick calculation on what we have left this month and ask that you use the \$700 cash you withdrew this past week, and the \$500 you've transferred to your new private account once your keycard arrives. What's left in our everyday/credit card and business account needs to be monitored very closely without anymore financial surprises, or pressure.

I want to be very clear about the conversation we had in the hospital while Eve was having her appendix removed. I will no longer tolerate verbal abuse. Yesterday you called me a fuckhead in front of Eve and a cunt when she was in surgery. I cannot have the girls grow up thinking that is acceptable.

Our conversation this morning in the hallway of the hospital is a concern. I need privacy, just as you do. I do not feel comfortable knowing you won't hand back the buzzer or keys, on the basis that "you pay the mortgage". You told me you wouldn't come to the property without notice and I asked for that in writing. My concerns are justified after you saying "I don't actually care about your privacy at the end of the day".

In relation to your suggestion that we phone the bank and refinance our mortgage to reduced it to interest only, I do not agree given we are separated and will not be signing any documents that I am not comfortable with. I cannot believe any bank would even make this possible given our circumstances, nor would it be to any advantage for our future respective credit rating, noting that frequent refinancing is an indicator of financial stress following the baking royal commission. I'm sure you also have to disclose your marital status on the paperwork. I cannot afford to be disadvantaged as I will still need to be able to provide for the girls moving forward and will need a good credit rating.

Post the surgeons review with me today, Eve's recovery will be a minimum of 4 weeks. It is not appropriate for her to travel to and from Brisbane, or sleep on a fold out sofa she would share with Lizzie. It's in her best interest that she sleeps in her own bed for a minimum of this time. We can discuss what seeing them looks like this weekend closer, once we see what Eve is capable of.

We cannot have a conversation without it being toxic so I suggest mediation is needed.

Emma

26/1/20, 21:48 - Emma Roberts-Smith: Actually...I reckon he'd be too fucking embarrassed to forward that to anyone...Imagine showing your legal team that 🙄🙄

27/1/20, 12:57 - Emma Roberts-Smith: <Media omitted>

27/1/20, 13:55 - Danielle: Josh & I are trashed

27/1/20, 13:55 - Danielle: Going to have a sleep, call u tonight x

28/1/20, 05:30 - Emma Roberts-Smith: I still can't believe that MOFO!! I can't believe he has done this to his family...what an absolute fool

28/1/20, 05:30 - Emma Roberts-Smith: Anyway...did me a favour 🙏



28/1/20, 06:22 - Emma Roberts-Smith: I'm now Team E...the girls and I and that's it

28/1/20, 06:23 - Danielle: And as hard as it is, you absolutely need to do the best thing for yourself for now

28/1/20, 06:26 - Danielle: He always intended to cheat again .... he has just chosen someone "safe" for now

28/1/20, 06:26 - Danielle: <Media omitted>

28/1/20, 06:27 - Emma Roberts-Smith: There's no ounce of doubt, they're relationship isn't appropriate and I've said that for more months! I've also said i didn't feel he was protecting me and that's now very clear....I just knew it in my heart

28/1/20, 06:28 - Emma Roberts-Smith: Ha, good luck going to that mate...awkward!!

28/1/20, 06:28 - Emma Roberts-Smith: He can take Monica

28/1/20, 06:28 - Danielle: 🤔

28/1/20, 06:38 - Danielle: He probably won't go or he'll just say that you and the girls had too much on

28/1/20, 06:45 - Emma Roberts-Smith: He might not go because of the trial, but who knows, he's arrogant enough to show his fucking lying cunt face

28/1/20, 06:46 - Danielle: Yeah he is that bold

28/1/20, 06:46 - Emma Roberts-Smith: Self entitled

28/1/20, 07:33 - Emma Roberts-Smith: <Media omitted>

28/1/20, 13:10 - Danielle: <Media omitted>

28/1/20, 13:10 - Danielle: I missed a private call.

28/1/20, 13:11 - Emma Roberts-Smith: You reckon it's him?

28/1/20, 13:11 - Danielle: They never left a message

28/1/20, 13:11 - Emma Roberts-Smith: You get many private calls?

28/1/20, 13:11 - Danielle: No.

28/1/20, 13:11 - Emma Roberts-Smith: He'll try again or message maybe

28/1/20, 13:11 - Danielle: Only the bank or something

28/1/20, 13:12 - Emma Roberts-Smith: That's interesting

28/1/20, 13:12 - Danielle: Yep I'm not going to stress about it at all I'm just not answering any calls like that

28/1/20, 13:13 - Danielle: If he wants to talk to me how you can reveal his number and then even still I wouldn't speak to him

28/1/20, 13:14 - Danielle: I'm going to go and have a lay down mate I just took an antibiotic and I feel like rubbish I'll probably get up around 3

28/1/20, 13:15 - Emma Roberts-Smith: He'll try and text maybe but whatevs

28/1/20, 13:15 - Emma Roberts-Smith: It will only be him being desperate

28/1/20, 13:15 - Emma Roberts-Smith: Ok ~~ds~~

28/1/20, 14:30 - Emma Roberts-Smith: DI just told me she had a missed call from a private number at 1130

28/1/20, 14:30 - Emma Roberts-Smith: She automatically thought it was brs...coincidence?

28/1/20, 14:33 - Danielle: Could be a coincidence?

28/1/20, 14:33 - Emma Roberts-Smith: Maybe

28/1/20, 14:34 - Danielle: Strange.

28/1/20, 14:34 - Danielle: I reckon I would get a missed call from a private number five or six times per year so it's a bit odd

28/1/20, 14:34 - Emma Roberts-Smith: He would've seen us online together 😏

28/1/20, 14:35 - Emma Roberts-Smith: And I didn't message [REDACTED] back either

28/1/20, 14:35 - Danielle: I do use this app for all my Bali's best babysitting stuff though

28/1/20, 14:35 - Danielle: So on here all the time

28/1/20, 14:35 - Emma Roberts-Smith: Oh ok

28/1/20, 14:35 - Emma Roberts-Smith: He might be in damage control

28/1/20, 14:36 - Danielle: Maybe you and I should start using Viber

28/1/20, 14:36 - Emma Roberts-Smith: I'm on here all the time anyway

28/1/20, 14:36 - Emma Roberts-Smith: Fuck him

28/1/20, 14:36 - Emma Roberts-Smith: He can stay paranoid

28/1/20, 14:37 - Danielle: Yep agree. Go about your day.

28/1/20, 14:56 - Danielle: <Media omitted>

28/1/20, 18:55 - Danielle: hmmm maybe

28/1/20, 18:56 - Emma Roberts-Smith: It wouldn't surprise me, pattern of behaviour! Surely he didn't call you today...now knowing what we know

28/1/20, 18:58 - Danielle: He didn't try again if it was him

28/1/20, 18:58 - Danielle: he doesn't know what we know remember ....

28/1/20, 18:59 - Emma Roberts-Smith: No...he'll be hesitant again if it were him

28/1/20, 19:00 - Emma Roberts-Smith: I'm still just floored mate

28/1/20, 19:03 - Danielle: That will take some time to sink in

28/1/20, 19:04 - Danielle: I want you to make a short list for Carla tomorrow of what you need to talk about

28/1/20, 19:04 - Danielle: e.g worried you are hosing him over

28/1/20, 19:05 - Danielle: feeling like you are letting him down

28/1/20, 19:05 - Danielle: the fact that you are entertaining how it "might" possibly work one day ....

28/1/20, 19:05 - Danielle: you need to reframe these things

28/1/20, 19:10 - Emma Roberts-Smith: It's a serious head fuck

28/1/20, 19:11 - Emma Roberts-Smith: The damage is so bad

28/1/20, 19:11 - Danielle: It is mate, but you need to address it

28/1/20, 19:11 - Emma Roberts-Smith: Yeh I will

28/1/20, 19:11 - Danielle: So he didn't call this afternoon?

28/1/20, 19:13 - Emma Roberts-Smith: Nope

28/1/20, 19:13 - Emma Roberts-Smith: He's done his token daily call

28/1/20, 19:17 - Emma Roberts-Smith: He's just been online on here...missed the girls tonight now

28/1/20, 19:18 - Emma Roberts-Smith: He won't want to out anything in writing

28/1/20, 19:18 - Emma Roberts-Smith: But she's so toxic she'd be pushing him

28/1/20, 19:22 - Danielle: true

28/1/20, 19:22 - Danielle: Just sent you an email to your new email account

28/1/20, 19:22 - Emma Roberts-Smith: Everytime I check my email I feel sick

28/1/20, 19:22 - Danielle: That will pass

28/1/20, 19:22 - Emma Roberts-Smith: Omg...you're a classic

28/1/20, 19:23 - Emma Roberts-Smith: 🤔🤔🤔🤔

28/1/20, 19:27 - Emma Roberts-Smith: What happens if he makes me out to be a nut job with them all?

28/1/20, 19:27 - Danielle: Ask Carla that 😬😬

28/1/20, 19:27 - Emma Roberts-Smith: Yeh

28/1/20, 19:27 - Danielle: Are you a nut job?

28/1/20, 19:28 - Emma Roberts-Smith: Maybe

28/1/20, 19:28 - Emma Roberts-Smith: I know I'm scared

28/1/20, 19:28 - Danielle: lol no you're not

28/1/20, 19:28 - Danielle: Scared is normal



28/1/20, 19:28 - Danielle: Every woman in your situation has been scared Em ... it's what you learn from it that makes you stronger

28/1/20, 19:29 - Emma Roberts-Smith: Kms backing brs reputation...and he's taking the piss out of it

28/1/20, 19:30 - Emma Roberts-Smith: He often says to me I talk too much...he doesn't like that because it gives me strength

28/1/20, 19:30 - Danielle: That's brs and Kms problem, not yours

28/1/20, 19:31 - Danielle: You need to remember what is in your circle of influence

28/1/20, 19:31 - Emma Roberts-Smith: But that ultimately means kms is backing me too...I feel terrible about that

28/1/20, 19:31 - Danielle: He's not a silly man

28/1/20, 19:32 - Danielle: He will work it out

28/1/20, 19:32 - Emma Roberts-Smith: What do you mean?

28/1/20, 19:32 - Danielle: or you will tell him - eventually

28/1/20, 19:33 - Emma Roberts-Smith: Yeh

28/1/20, 19:37 - Emma Roberts-Smith: He'll be panicking seeing us both online 🤔🤔

28/1/20, 19:38 - Emma Roberts-Smith: And he'll assume that dumb cunt lawyer of his will be right, and he'll make a dumb mistake

28/1/20, 19:41 - Danielle: Possibly? but whatsapp is a pretty stock standard app

28/1/20, 19:42 - Danielle: I message all my nannies on here

28/1/20, 19:42 - Emma Roberts-Smith: I don't care he can think what he wants

28/1/20, 19:42 - Danielle: Yep. Now have an early night. Watch a show to zone out ...

28/1/20, 19:43 - Emma Roberts-Smith: I'm looking at houses and have tennis on...I'm so stuffed I feel terrible! How's your throat

28/1/20, 19:45 - Danielle: sore :(

28/1/20, 19:45 - Emma Roberts-Smith: 🤔🤔

28/1/20, 19:47 - Emma Roberts-Smith: Hey one thing that brs might've been calling for if it were him was he was sure post that text in oct that you were telling me to leave

28/1/20, 19:47 - Emma Roberts-Smith: Now I'm not playing his game, he could be thinking you're behind it for sure

28/1/20, 19:48 - Emma Roberts-Smith: He will only take MA so much...he will ultimately make up his own mind RE emailing me

28/1/20, 20:05 - Danielle: When I said you need to take a break because it was so toxic?

28/1/20, 20:05 - Emma Roberts-Smith: Yeh I know

28/1/20, 20:05 - Emma Roberts-Smith: But he turns everything

28/1/20, 20:06 - Danielle: That was after you found the message & photos

28/1/20, 20:06 - Emma Roberts-Smith: Yep

28/1/20, 20:06 - Emma Roberts-Smith: He told me whatever he needed to survive

28/1/20, 20:06 - Emma Roberts-Smith: How's that working for him now

28/1/20, 20:06 - Emma Roberts-Smith: Was always going to happen

28/1/20, 20:06 - Danielle: Well I wasn't wrong .... It was toxic

28/1/20, 20:06 - Emma Roberts-Smith: It still is

28/1/20, 20:07 - Danielle: and you were so beside yourself I couldn't of anything else that may work except a break

28/1/20, 20:07 - Emma Roberts-Smith: Mofo then took us away 2 weeks later

28/1/20, 20:07 - Emma Roberts-Smith: It must've driven her mad

28/1/20, 20:07 - Emma Roberts-Smith: Then again, he would've been telling her I was so evil

28/1/20, 20:07 - Danielle: YES! hammo

28/1/20, 20:07 - Emma Roberts-Smith: Yep

28/1/20, 20:07 - Emma Roberts-Smith: And us and nz

28/1/20, 20:08 - Danielle: Are you seeing a pattern ?

28/1/20, 20:08 - Emma Roberts-Smith: I don't think I saw them til after Hammo

28/1/20, 20:08 - Danielle: Do something wrong ... lets have a holiday

28/1/20, 20:08 - Emma Roberts-Smith: Yep standard

28/1/20, 20:08 - Emma Roberts-Smith: That's why I knew the week before last...goldy for Aus day and then Bali etc

28/1/20, 20:08 - Danielle: Bali 😊

28/1/20, 20:09 - Danielle: Wet n Wild 😊

28/1/20, 20:09 - Emma Roberts-Smith: He wanted to the week before last

28/1/20, 20:09 - Emma Roberts-Smith: Yep

28/1/20, 20:09 - Danielle: Singapore 😊

28/1/20, 20:09 - Emma Roberts-Smith: Maybe he shouldn't have paid 2 grand for new phone

28/1/20, 20:09 - Emma Roberts-Smith: Oh yeh it's text book

28/1/20, 20:09 - Danielle: Yep It is actually

28/1/20, 20:10 - Emma Roberts-Smith: He's ducked if they ever subpoena my medical records

28/1/20, 20:10 - Danielle: ??

28/1/20, 20:10 - Emma Roberts-Smith: Fucked

28/1/20, 20:10 - Danielle: why?

28/1/20, 20:10 - Emma Roberts-Smith: If they subpoena my Carla chats

28/1/20, 20:10 - Emma Roberts-Smith: Toxic behaviour and lies

28/1/20, 20:10 - Danielle: They won't - you are not on trial

28/1/20, 20:11 - Emma Roberts-Smith: No true

28/1/20, 20:11 - Danielle: You haven't made a statement anywhere that you were getting counselling

28/1/20, 20:11 - Emma Roberts-Smith: Nope

28/1/20, 20:11 - Emma Roberts-Smith: He made sure if that

28/1/20, 20:12 - Emma Roberts-Smith: It's a complete stitch up

28/1/20, 20:12 - Danielle: Then unless you made that statement - they can't

28/1/20, 20:12 - Emma Roberts-Smith: He's fucked if they subpoena my phone!! Like he warned me

28/1/20, 20:13 - Danielle: Conveniently lose it

28/1/20, 20:13 - Emma Roberts-Smith: Or not

28/1/20, 20:13 - Emma Roberts-Smith: 😏

28/1/20, 20:13 - Danielle: 🙄

28/1/20, 20:13 - Danielle: Right behind you mate .....

28/1/20, 20:14 - Emma Roberts-Smith: They'd soon find out his recent shit

28/1/20, 20:14 - Danielle: True

28/1/20, 20:16 - Emma Roberts-Smith: Imagine if [REDACTED] knew what brs and her had done yesterday

28/1/20, 20:16 - Emma Roberts-Smith: Mofo called me insane and it was all in my head at Xmas

28/1/20, 20:16 - Emma Roberts-Smith: They can all get fucked

28/1/20, 20:16 - Emma Roberts-Smith: No one believed men

28/1/20, 20:16 - Emma Roberts-Smith: Me

28/1/20, 20:16 - Danielle: mofo = mother F#r right?

28/1/20, 20:16 - Emma Roberts-Smith: Yep 🙄

28/1/20, 20:17 - Danielle: Control at it's best

28/1/20, 20:17 - Emma Roberts-Smith: No that was [REDACTED] who said that

28/1/20, 20:18 - Emma Roberts-Smith: He's been fooled too

28/1/20, 20:18 - Emma Roberts-Smith: 🙄 school fees just came out... ✨



28/1/20, 20:19 - Emma Roberts-Smith: Brs would've asked if I replied to [REDACTED]

28/1/20, 20:19 - Emma Roberts-Smith: Brs would've put money on me talking to [REDACTED] by now

28/1/20, 20:23 - Emma Roberts-Smith: Imagine if the girls and I have to move into mums for a while...what a sad fall from grace for brs to have to live with

28/1/20, 20:26 - Emma Roberts-Smith: But...I'll get the blame for that

28/1/20, 20:28 - Emma Roberts-Smith: How do you change setting on here to show no "online" status?

28/1/20, 20:28 - Danielle: google it

28/1/20, 20:29 - Emma Roberts-Smith: Let me see if this works

28/1/20, 20:29 - Emma Roberts-Smith: Can you see me online?

28/1/20, 20:30 - Emma Roberts-Smith: I never look at telegram unless brs or his mum messages me

28/1/20, 20:31 - Emma Roberts-Smith: But I talk to you Kate and meg on here

28/1/20, 20:31 - Emma Roberts-Smith: I changed settings so I don't think you can see me online, but also visa versa

28/1/20, 20:32 - Emma Roberts-Smith: Oh hang on I can see you online

28/1/20, 20:32 - Danielle: yep I can see you on phone and desktop

28/1/20, 20:32 - Emma Roberts-Smith: 🙄

28/1/20, 20:33 - Emma Roberts-Smith: What about now?

28/1/20, 20:34 - Emma Roberts-Smith: I can't see Kate status or meg

28/1/20, 20:34 - Emma Roberts-Smith: <Media omitted>

28/1/20, 20:35 - Danielle: Hmm never tried

28/1/20, 20:35 - Emma Roberts-Smith: Can you still see me online?

28/1/20, 20:36 - Danielle: no

28/1/20, 20:37 - Danielle: yes now

28/1/20, 20:37 - Emma Roberts-Smith: Ok 🙄

28/1/20, 20:37 - Emma Roberts-Smith: What the

28/1/20, 20:41 - Danielle: Test

29/1/20, 06:56 - Emma Roberts-Smith: Did you go to work today?

29/1/20, 08:19 - Danielle: No .... at home

29/1/20, 08:19 - Emma Roberts-Smith: How you feeling?

29/1/20, 08:20 - Danielle: Average but it is pouring torrential rain

29/1/20, 08:20 - Danielle: I'm not sure that I would have got in anyway

29/1/20, 08:24 - Danielle: Read the article through - <https://www.afr.com/rear-window/sue-cato-to-make-50-000-bushfire-donation-20200127-p53v54>

29/1/20, 08:25 - Emma Roberts-Smith: Yeh I saw that last night

29/1/20, 08:26 - Danielle: What time is your appointment with Carla?

29/1/20, 08:27 - Emma Roberts-Smith: Ok 🍷 930

29/1/20, 11:57 - Emma Roberts-Smith: Maybe brs told his mum and Leonie we are getting divorced?

29/1/20, 11:58 - Emma Roberts-Smith: Odd how they both msg at same time

29/1/20, 11:58 - Danielle: who knows ? Don't worry yourself about what you don't know

29/1/20, 11:58 - Danielle: just look forward

29/1/20, 11:58 - Emma Roberts-Smith: I'm not replying to either

29/1/20, 11:59 - Emma Roberts-Smith: I'll msg sue Sunday and thank her for my bday present

29/1/20, 11:59 - Emma Roberts-Smith: And Leonie can just miss out. Too Risky

29/1/20, 11:59 - Emma Roberts-Smith: I've got to knuckle down

29/1/20, 11:59 - Emma Roberts-Smith: You think I phone Michelle again? For an update?

29/1/20, 12:00 - Danielle: Leave Michelle until tomorrow

29/1/20, 12:01 - Emma Roberts-Smith: Ok

29/1/20, 12:01 - Danielle: Have a read through this basic page

29/1/20, 12:01 - Danielle: <http://www.mediationworks.net/property-settlements.html>

29/1/20, 12:01 - Emma Roberts-Smith: Ok I'll suss

29/1/20, 12:59 - Emma Roberts-Smith: Dad doesn't have the cash 🤔 he said he'll see what I can do...just need to hear back from them now I guess

29/1/20, 12:59 - Emma Roberts-Smith: Paul said he can look at his super

29/1/20, 12:59 - Emma Roberts-Smith: Mother fucker

29/1/20, 13:00 - Danielle: Just hang in there

29/1/20, 13:40 - Emma Roberts-Smith: It's so shlt

29/1/20, 13:46 - Emma Roberts-Smith: I'm actually feeling so fucking angry today 🤔

29/1/20, 13:46 - Emma Roberts-Smith: I want to punch the fucking cunt in the face

29/1/20, 13:46 - Danielle: Lets see how much you need first ....

29/1/20, 13:47 - Danielle: Nope. Don't risk anything

29/1/20, 13:47 - Emma Roberts-Smith: This will ruin us all

29/1/20, 13:47 - Danielle: You will be ok mate, I firmly beleive that

29/1/20, 13:47 - Emma Roberts-Smith: She banged on about his mental health on the phone to me that day, so what does she think this is doing to him, giving him advice like that

29/1/20, 13:48 - Emma Roberts-Smith: It's not healthy at all

29/1/20, 13:48 - Danielle: It doesn't matter what she is doing to him, they deserve each other

29/1/20, 13:48 - Emma Roberts-Smith: She's a toxic viscous cunt

29/1/20, 13:49 - Danielle: Yep and so is he

29/1/20, 13:49 - Emma Roberts-Smith: Pretty much

29/1/20, 13:49 - Emma Roberts-Smith: I just want some answers

29/1/20, 13:49 - Danielle: About?

29/1/20, 13:49 - Emma Roberts-Smith: Where I stand and what to do

29/1/20, 17:25 - Emma Roberts-Smith: I feel sick he's in Sydney tonight and will shag her without his conscious now 🤢

29/1/20, 17:25 - Emma Roberts-Smith: I am not in a good place hey

29/1/20, 17:31 - Danielle: Try not to think about that

29/1/20, 17:31 - Danielle: It was happening anyway (likely) ...

29/1/20, 17:38 - Emma Roberts-Smith: Yeh just devastating though

29/1/20, 17:38 - Emma Roberts-Smith: Oh yeh he would've boarded in brissy then

29/1/20, 17:38 - Danielle: Understandably ....

29/1/20, 17:39 - Danielle: But if it wasn't her .... there is always someone in the wings

29/1/20, 17:39 - Emma Roberts-Smith: Yeh I know mate

29/1/20, 17:42 - Danielle: Please make me a promise and try and keep yourself busy tonight

29/1/20, 17:43 - Danielle: Cos mate knowing what you do now after everything you have found out and have been through, if you were to go back into this situation, honestly it would be you that needs rehab. And if the shoe was on the other foot you would slap me silly.

29/1/20, 17:44 - Emma Roberts-Smith: Hä probably!! It's just beyond sad, it's half my life

29/1/20, 17:45 - Danielle: Yep and it means you've got the rest of your life to look forward to

29/1/20, 17:45 - Danielle: Survivor.

29/1/20, 18:06 - Emma Roberts-Smith: 🤔

29/1/20, 18:57 - Emma Roberts-Smith: I feel like sending him the screen shot and saying "I hope she makes you happy"

29/1/20, 19:01 - Danielle: I bet you do but you know that's not a good idea

29/1/20, 19:01 - Emma Roberts-Smith: It'll make me feel better

29/1/20, 19:01 - Danielle: In the long run, no it won't



30/1/20, 04:59 - Emma Roberts-Smith: Christ...I feel nauseous this morning! I know that's normal for right now...brs has done so much damage to me that I'm actually wondering if he did want 3 months break 🤢

30/1/20, 05:30 - Emma Roberts-Smith: Ironlc....

30/1/20, 05:30 - Emma Roberts-Smith: <Media omitted>

30/1/20, 05:30 - Emma Roberts-Smith: <Media omitted>

30/1/20, 05:57 - Danielle: Oh sweet you just letting self-doubt creep in again. Even if he did want three months break the doctor told you that is not normal.

30/1/20, 05:58 - Danielle: He new that email would rattle you and it has, so you need to see it for what it was.

30/1/20, 06:05 - Emma Roberts-Smith: He hasn't been online since 1130 last night (which is 1230 his time!!) and hasn't been online yet today (630am)

30/1/20, 06:06 - Emma Roberts-Smith: If we truly discussed separation he'd know we couldn't afford a 4000/month modest apartment

30/1/20, 06:07 - Emma Roberts-Smith: I talk it out in my head and it just doesn't add up

30/1/20, 06:07 - Danielle: Em, stop it love. The email was meant to rattle you.

30/1/20, 06:09 - Danielle: You are not crazy. You have just been subject to nonsense.

30/1/20, 06:09 - Emma Roberts-Smith: He's having a little sleep in 😊

30/1/20, 06:09 - Danielle: You can't make sense out of non-sense

30/1/20, 06:10 - Emma Roberts-Smith: No

30/1/20, 06:11 - Danielle: Gosh mate, it's going to take some time for you to see that you are worthy again. Be kind to yourself, be strong.

30/1/20, 06:15 - Emma Roberts-Smith: It will take a very long time

30/1/20, 06:15 - Danielle: Yes it will and it is a process. One day at a time.

30/1/20, 06:16 - Danielle: I will call you on the way to work ....

30/1/20, 09:23 - Emma Roberts-Smith: <Media omitted>

30/1/20, 09:24 - Emma Roberts-Smith: I spoke to Michelle...she said it's clear from my email that I haven't had third party help...yet we know he has!

30/1/20, 10:09 - Emma Roberts-Smith: Spending time after school and for 6 hrs on Saturday would be fine for her to deal with

30/1/20, 10:10 - Emma Roberts-Smith: He's bullying me

30/1/20, 10:10 - Emma Roberts-Smith: He's not getting his own way

30/1/20, 10:10 - Danielle: He doesn't want to get it, he wants it his own way.

30/1/20, 10:10 - Emma Roberts-Smith: Yep

30/1/20, 10:10 - Danielle: He wants to intimidate you and get you by yourself

30/1/20, 10:10 - Emma Roberts-Smith: Should I open it?

30/1/20, 10:10 - Emma Roberts-Smith: He wants to get into the house too

30/1/20, 10:10 - Danielle: Yep

30/1/20, 10:10 - Danielle: I think he had plans of staying there

30/1/20, 10:10 - Emma Roberts-Smith: It's in the best interest for the girls that we don't see each other

30/1/20, 10:11 - Emma Roberts-Smith: Fuck that

30/1/20, 10:11 - Emma Roberts-Smith: Should I open it yet?

30/1/20, 10:11 - Emma Roberts-Smith: There's no reason he can't take them out and entertain them for 6hrs on Saturday

30/1/20, 10:12 - Emma Roberts-Smith: She's been at school all week so she'll be fine

30/1/20, 10:12 - Danielle: So maybe say something like I ask you that you please respect my request I have been more than reasonable in making the girls available for you to see. If you need something from the house I can also make that available otherwise there is no reason for you to come there.

30/1/20, 10:12 - Emma Roberts-Smith: He just realises that he can't sit on our sofa watching tv with them

30/1/20, 10:12 - Danielle: Yep

30/1/20, 10:12 - Emma Roberts-Smith: This is what visitation looks like mother fucker

30/1/20, 10:13 - Emma Roberts-Smith: If he had a place here he could take them there

30/1/20, 10:13 - Danielle: and he cannot intimidate you.

30/1/20, 10:13 - Emma Roberts-Smith: But a bit fucking hard when you chose to go to another city

30/1/20, 10:13 - Emma Roberts-Smith: I'll leave it a while before looking...sweat it out

30/1/20, 10:14 - Danielle: His problem. Whatever you do don't back down. He just wants to gather information

30/1/20, 10:15 - Emma Roberts-Smith: I'm not backing down mate

30/1/20, 10:16 - Emma Roberts-Smith: There's too much damage there

30/1/20, 10:16 - Emma Roberts-Smith: This is the girls new normal mate, he doesn't get it

30/1/20, 10:16 - Emma Roberts-Smith: He can't hang at my house with them

30/1/20, 10:16 - Emma Roberts-Smith: And then turn it to my issue

30/1/20, 10:17 - Emma Roberts-Smith: Michelle said I call the shots right now

30/1/20, 10:18 - Danielle: He hasn't been online

30/1/20, 10:18 - Emma Roberts-Smith: Ok 👍

30/1/20, 10:18 - Danielle: 6.20 am last seen

30/1/20, 10:18 - Emma Roberts-Smith: I haven't opened the msg yet

30/1/20, 10:18 - Emma Roberts-Smith: He'll be in meetings in Sydney

30/1/20, 10:19 - Emma Roberts-Smith: Should I open?

30/1/20, 10:19 - Danielle: The last Thing you want to do is turn back up at the house and then have to try to get him out of the house anyway

30/1/20, 10:19 - Emma Roberts-Smith: No seperated couple would be ok with this

30/1/20, 10:20 - Emma Roberts-Smith: I need my privacy and so does he

30/1/20, 10:20 - Emma Roberts-Smith: He cannot use the kids to get back into the house

30/1/20, 10:20 - Danielle: Yep.

30/1/20, 10:20 - Emma Roberts-Smith: I'm sure that's what the message says

30/1/20, 10:20 - Danielle: Just reiterate your position and make sure you use the words I have been more than reasonable.

30/1/20, 10:20 - Emma Roberts-Smith: They need normality in the school week but time with him needs to be out of my home with them

30/1/20, 10:21 - Danielle: Yep

30/1/20, 10:21 - Emma Roberts-Smith: That privilege has gone

30/1/20, 10:43 - Emma Roberts-Smith: I'm so nervous about opening the message

30/1/20, 10:45 - Danielle: Understand. Step outside the bubble.

30/1/20, 10:46 - Emma Roberts-Smith: Is it unreasonable to not want him in the home, even if I'm not there?

30/1/20, 10:46 - Emma Roberts-Smith: Not given the past 2 weeks

30/1/20, 10:46 - Danielle: No.

30/1/20, 10:47 - Emma Roberts-Smith: I wouldn't have thought so

30/1/20, 10:49 - Emma Roberts-Smith: Just got email from lawyer...where can I send to you?

30/1/20, 10:49 - Emma Roberts-Smith: RW mtg next week

30/1/20, 10:54 - Emma Roberts-Smith: What's unfair for the girls is the confusing around him coming in and out of the house

30/1/20, 10:54 - Danielle: Yep. Just wants to get you into a discussion

30/1/20, 10:54 - Emma Roberts-Smith: He is bullying again

30/1/20, 10:54 - Danielle: Yep.

30/1/20, 10:56 - Emma Roberts-Smith: I can go back and say it's confusing for the girls to have him coming in and out of the house. That that eve will be fine to be out and about with him during those



times, however if he felt she needed a rest they can be picked up earlier. It isn't my problem that he has no home locally to put them in

30/1/20, 10:57 - Emma Roberts-Smith: (Without saying the last part)

30/1/20, 10:58 - Emma Roberts-Smith: She's been at school for longer each day so we can reduce the timings if he feels that's easier for her

30/1/20, 10:58 - Emma Roberts-Smith: I suggested she can't travel to Brisbane or share a sofa bed for a month and now he's turning it

30/1/20, 10:59 - Danielle: Yes. That sounds good. Give me a sec I will call u

30/1/20, 10:59 - Emma Roberts-Smith: Using that to manipulate me

30/1/20, 10:59 - Emma Roberts-Smith: Ironic how his mum has been online

30/1/20, 10:59 - Emma Roberts-Smith: <Media omitted>

30/1/20, 11:00 - Emma Roberts-Smith: Exchanging them in a car park is not unreasonable

30/1/20, 11:00 - Emma Roberts-Smith: He'll want paperwork from the office

30/1/20, 11:00 - Emma Roberts-Smith: Should've thought of that

30/1/20, 11:00 - Emma Roberts-Smith: I haven't replied

30/1/20, 11:01 - Emma Roberts-Smith: He is trying to bully me into having them at home

30/1/20, 11:04 - Emma Roberts-Smith: He may realise what mediation is!!

30/1/20, 11:36 - Danielle: Sorry on a teleconference

30/1/20, 12:01 - Emma Roberts-Smith: You free?

30/1/20, 12:02 - Danielle: 2 mins .... just finishing

30/1/20, 12:14 - Danielle: Crap hang on

30/1/20, 12:14 - Emma Roberts-Smith: Ok

30/1/20, 12:33 - Danielle: Should I go and eat lunch?

30/1/20, 12:58 - Emma Roberts-Smith: I'm shaking

30/1/20, 12:58 - Emma Roberts-Smith: <Media omitted>

30/1/20, 12:58 - Emma Roberts-Smith: I'm a mess

30/1/20, 14:01 - Emma Roberts-Smith: Nothing new?

30/1/20, 14:18 - Danielle: Looking now

30/1/20, 14:18 - Emma Roberts-Smith: 👍

30/1/20, 14:18 - Emma Roberts-Smith: I'm fucking shitting he's due to land

30/1/20, 14:18 - Emma Roberts-Smith: He been on here anytime soon?

30/1/20, 14:47 - Emma Roberts-Smith: You can back it in who's helping him

30/1/20, 14:47 - Emma Roberts-Smith: <Media omitted>

30/1/20, 20:32 - Emma Roberts-Smith: You still awake

30/1/20, 20:32 - Danielle: Yep

30/1/20, 20:33 - Emma Roberts-Smith: Has brs worked out to change his online status yet

30/1/20, 20:33 - Emma Roberts-Smith: 😊 looser

30/1/20, 20:33 - Danielle: Give me a call in 2 minutes I'm just putting Josh to bed

30/1/20, 20:34 - Emma Roberts-Smith: Coolio 🍷

30/1/20, 21:26 - Emma Roberts-Smith: <Media omitted>

30/1/20, 21:31 - Emma Roberts-Smith: <Media omitted>

30/1/20, 21:31 - Emma Roberts-Smith: <Media omitted>

30/1/20, 21:31 - Emma Roberts-Smith: <Media omitted>

30/1/20, 21:31 - Emma Roberts-Smith: <Media omitted>

30/1/20, 21:32 - Danielle: Rightio

30/1/20, 21:32 - Emma Roberts-Smith: Shit might've got real

30/1/20, 21:34 - Danielle: He will be shocked!

30/1/20, 21:35 - Emma Roberts-Smith: You reckon?

30/1/20, 21:35 - Emma Roberts-Smith: Surely nith

30/1/20, 21:35 - Emma Roberts-Smith: Not

30/1/20, 21:35 - Danielle: Aha

30/1/20, 21:35 - Emma Roberts-Smith: Why?

30/1/20, 21:35 - Danielle: I reckon

30/1/20, 21:36 - Danielle: Because I don't think he thinks you have it in you

30/1/20, 21:37 - Emma Roberts-Smith: He's so self righteous "trying to save us all" yet he does that which could fuck it all anyway...what a fool!

30/1/20, 21:37 - Danielle: Self serving

30/1/20, 21:38 - Emma Roberts-Smith: Oh well he can serve himself now

30/1/20, 21:38 - Emma Roberts-Smith: I've packed it well enough for him to just chuck it in his car

30/1/20, 21:39 - Emma Roberts-Smith: Disey said the tubs were for my bday 🍷 🍷

30/1/20, 21:39 - Emma Roberts-Smith: Best present ever

30/1/20, 21:39 - Danielle: Lol

30/1/20, 21:41 - Emma Roberts-Smith: You notice how his text once the penny has dropped has become about the kids!!

30/1/20, 21:41 - Emma Roberts-Smith: "They're the most important thing to me"

30/1/20, 21:42 - Emma Roberts-Smith: Panic stations

30/1/20, 21:42 - Emma Roberts-Smith: Classic train smash that sped straight past old panic station

30/1/20, 21:42 - Danielle: Yes mate which obviously means he has had some advice or he has realised that he needs to do that to look like the caring father

30/1/20, 21:42 - Emma Roberts-Smith: 😊 whatevs

30/1/20, 21:42 - Emma Roberts-Smith: It's been 2 weeks mother fucker

30/1/20, 21:42 - Danielle: Because the last five paragraph he wrote to you all about money

30/1/20, 21:43 - Emma Roberts-Smith: Nice fake bullshit

30/1/20, 21:43 - Emma Roberts-Smith: What a wanker

30/1/20, 21:43 - Danielle: Yep.

30/1/20, 21:43 - Emma Roberts-Smith: Complete moron

30/1/20, 21:44 - Danielle: Try to get some sleep tonight mate x

30/1/20, 21:45 - Emma Roberts-Smith: Night mate you too 🙏

30/1/20, 21:46 - Danielle: 🙏

31/1/20, 06:15 - Danielle: How are you this morning ?

31/1/20, 06:27 - Emma Roberts-Smith: Drained 😞 just another day! How are you?

31/1/20, 15:24 - Danielle: U ok?

31/1/20, 21:09 - Danielle: I hope all went ok tonight. I found this article and it's simple and not too deep. I hope you can find something in this to simplify things.

31/1/20, 21:10 - Danielle: <https://betterrelationships.org.au/relationships/coping-relationship-breakdown/>

31/1/20, 21:10 - Emma Roberts-Smith: Just on phone to Kate...shit went balls up

31/1/20, 21:11 - Danielle: With you or her ?

31/1/20, 21:15 - Emma Roberts-Smith: With Ben and girls

31/1/20, 21:15 - Danielle: oh dear :(

31/1/20, 21:29 - Danielle: Really sorry to hear that mate it is very disappointing I thought that he would behave better than that. Hope the girls are ok and you are too catch up in the morning x

31/1/20, 21:36 - Emma Roberts-Smith: He drilled them for info and they were in tears for an hour and a half

31/1/20, 21:36 - Emma Roberts-Smith: Mother fucker



31/1/20, 21:38 - Emma Roberts-Smith: You got a beating

31/1/20, 21:38 - Danielle: Omg .. information about what?

31/1/20, 21:39 - Danielle: That's no surprise mate

31/1/20, 21:42 - Danielle: Destroying your "team" is on his to do list. If you have no support you have nothing.

31/1/20, 21:44 - Danielle: I don't care what he said about me mate all I care about is the girls and that they are ok. My Dad made sure my mum had no friends (ever) so I am used to that type of thing.

31/1/20, 21:54 - Emma Roberts-Smith: You still awake

31/1/20, 21:54 - Danielle: Yep, I will call you

31/1/20, 21:55 - Emma Roberts-Smith: 👍

1/2/20, 07:37 - Emma Roberts-Smith: You awake?

1/2/20, 07:46 - Danielle: Just got up

1/2/20, 09:04 - Danielle: Have you got a reply yet?

1/2/20, 09:04 - Emma Roberts-Smith: <Media omitted>

1/2/20, 09:04 - Danielle: 🙄

1/2/20, 10:16 - Emma Roberts-Smith: Christ...can you chat?

1/2/20, 10:17 - Danielle: Yep call home

1/2/20, 13:06 - Emma Roberts-Smith: Hey was wondering if you can do something, buzz me when you're free

1/2/20, 15:12 - Emma Roberts-Smith: It's a bad idea to talk to brs huh

1/2/20, 15:14 - Danielle: Personally I wouldn't. The solicitor told you to bunker down. But that's up to u

1/2/20, 15:14 - Emma Roberts-Smith: 🙄

1/2/20, 15:15 - Emma Roberts-Smith: Kate said this is divorce so you not to

1/2/20, 15:15 - Emma Roberts-Smith: Seems so final

1/2/20, 15:15 - Emma Roberts-Smith: I'm not ready to call it that

1/2/20, 15:16 - Danielle: Don't look at it that way look at it as once you are happy with your place in things you can then start to talk to each other civilly.

1/2/20, 15:17 - Danielle: Without being manipulated or u duly influenced

1/2/20, 15:17 - Danielle: Or threatened you will be thrown under the bus

1/2/20, 15:19 - Emma Roberts-Smith: Maybe I need to wait

1/2/20, 15:19 - Emma Roberts-Smith: It's just a brain fuck

1/2/20, 16:04 - Emma Roberts-Smith: They're not as hypo as last night

1/2/20, 16:04 - Emma Roberts-Smith: He brought them stuff from smiggle

1/2/20, 16:05 - Emma Roberts-Smith: Asked if they can stay at his place next weekend

1/2/20, 16:05 - Danielle: That's good. Probably tired

1/2/20, 16:05 - Emma Roberts-Smith: I said no not at this stage as they can't share a bed until evie has recovered

1/2/20, 16:05 - Emma Roberts-Smith: LiZie kicks too much and could cause her damage internally

1/2/20, 16:05 - Emma Roberts-Smith: He's just applying pressure

1/2/20, 16:05 - Danielle: Yep only do it you are comfortable with

1/2/20, 16:06 - Emma Roberts-Smith: Lizzie said "dads Brisbane house is HUGE and as big as this one"

1/2/20, 16:07 - Emma Roberts-Smith: Evie said dad wants to see us Tuesday and dad is going to message you

1/2/20, 16:07 - Emma Roberts-Smith: The book mightn't be one the table as there's no contract

1/2/20, 16:07 - Emma Roberts-Smith: But there's a manuscript being written

1/2/20, 16:08 - Emma Roberts-Smith: He would have to adjust it to take me out of the script

1/2/20, 16:09 - Emma Roberts-Smith: He will be super sad driving back to brissy

1/2/20, 16:09 - Emma Roberts-Smith: Ok 👍

1/2/20, 16:09 - Emma Roberts-Smith: Mate this is so difficult

1/2/20, 16:09 - Danielle: Yes I can only imagine but try not to think too much about anything at all today and just go about your day

1/2/20, 16:09 - Emma Roberts-Smith: 😞

1/2/20, 16:09 - Emma Roberts-Smith: Yeh

1/2/20, 16:09 - Danielle: If he sad driving back to Brisbane that is for him to deal with

1/2/20, 16:10 - Danielle: There will be many more sad times before this is over mate

1/2/20, 17:59 - Emma Roberts-Smith: I feel like I'm having a break down hey

1/2/20, 18:09 - Danielle: Breathe, have a shower, play with the dog, watch TV show .....keep yourself occupied

1/2/20, 18:09 - Danielle: Distract yourself

1/2/20, 18:11 - Danielle: MOVING ON AFTER RELATIONSHIP BREAKDOWN

Give yourself plenty of time. It's hard to say how much time, as everyone (and every relationship) is different. One rule of thumb, albeit not appropriate for everyone, is to allow yourself at least one year at minimum, otherwise around one year for every decade of the relationship.

Try positive visualization. See yourself as recovered, and imagine in detail what that would look like and what you would be doing.

If you had completely moved on, what would you be doing differently? Try engaging in those behaviours now, even though you may not feel like it. Sometimes "faking it till you make it" does actually work.

Prioritise self care. This is one of the most necessary strategies, for your health, resilience and mental wellbeing. Treat yourself as someone very important to you, and care for yourself as you would your most cherished dependent. Focus on a healthy diet; daily exercise; enough sleep; good health care; and relaxing, enjoyable and personally meaningful activities.

Plan your days so you have some activity to divert from any feelings of grief, sadness or anxiety related to the relationship breakdown. Make time for things you find engaging and fulfilling (or, failing that, distracting!).

Do not use your ex-partner as a support person. You have been used to supporting each other through your relationship, and it might seem natural to support each other through the break up and separation. However this is ill advised, as it makes it much harder to get the space you need to separate emotionally from each other.

Instead, talk to your friends and family, or a counsellor or other support person, about your relationship breakdown. Do express your feelings and get support.

Try to take up some activity that is new and interesting. Find your individual identity again. Redefine your self concept. Make new friends. Set new goals.

1/2/20, 18:17 - Danielle: This is hard for you to grasp right now but try to understand that the reason you are having these types of feelings is not because you have done the wrong thing, but rather because you have realised would have been done to you. That is very confronting and you need to work through that. Even as bad as the situation was, and it was very bad your brain will try to fool you into thinking that the old situation is a safer place than where you are right now. That is fear talking.

1/2/20, 18:22 - Emma Roberts-Smith: Yeh I know...it's bloody devastating

1/2/20, 18:23 - Danielle: The best thing you can do is plan an activity for everyday and immerse yourself in a TV series of seven or eight seasons or something similar

1/2/20, 18:23 - Danielle: Go out keep busy

1/2/20, 18:23 - Danielle: Overthinking things will not help this situation

1/2/20, 18:24 - Danielle: Sit down with a piece of paper tomorrow and plan out your week

1/2/20, 18:26 - Danielle: Spend \$20 / \$40 / \$60 on casual yoga classes this week or something similar. Drop the kids at school drive to the beach and go for a brisk walk

1/2/20, 18:26 - Emma Roberts-Smith: Yep I've got the yoga brochure to start Tuesday

1/2/20, 18:26 - Emma Roberts-Smith: Tues and thurs



1/2/20, 18:27 - Danielle: Good make sure that you go. Put it down on paper and stick to your plan

1/2/20, 18:27 - Emma Roberts-Smith: I just feel anxious that he's going to msg about the kids

1/2/20, 18:27 - Danielle: Yes and he will and when that happens you will take your time before responding and you will deal with it

1/2/20, 18:28 - Danielle: 1 step at a time

1/2/20, 18:28 - Emma Roberts-Smith: Yes I won't reply straight away

1/2/20, 18:29 - Danielle: Now going find a series of 7 or 8 seasons on your iPad on Netflix and start watching them. When you feel anxious at night when you are alone watch some

1/2/20, 18:33 - Emma Roberts-Smith: I've just broken down in front of the girls, they're so good

1/2/20, 18:35 - Danielle: awww .... that's going to happen mate. They need to see you are human too.

1/2/20, 18:35 - Danielle: Here are some good series : Animal Kingdom, Safe, Raising Dion, Dirty John

1/2/20, 18:37 - Danielle: Just be kind to yourself, you are human Em ... you are doing a great job under very tough circumstances.

1/2/20, 19:26 - Emma Roberts-Smith: Just watched a movie with the girls

1/2/20, 19:26 - Emma Roberts-Smith: I'll get them to bed and suss our some series

1/2/20, 20:50 - Emma Roberts-Smith: Oh and apparently evie said "mum said we might have to sell this house"

1/2/20, 20:50 - Emma Roberts-Smith: He said "of course she did"

1/2/20, 20:52 - Danielle: Charming 😊👍

1/2/20, 20:52 - Emma Roberts-Smith: Such a mother fucker

1/2/20, 20:54 - Emma Roberts-Smith: I hope he reads the title of the tv show I just paid for 2 episodes I've already seen 🤔

1/2/20, 20:55 - Danielle: Oh yeah lol

1/2/20, 20:55 - Emma Roberts-Smith: He'll keep fucking shit up

1/2/20, 20:56 - Danielle: Yep he will mate.

1/2/20, 20:56 - Emma Roberts-Smith: I just have to be a good person and think the universe will be good to me

1/2/20, 20:56 - Danielle: Really want you to read that article I sent to you

1/2/20, 20:56 - Danielle: There is some really good tips in there

1/2/20, 20:56 - Danielle: It talks about becoming an individual again

1/2/20, 20:56 - Danielle: You do not deserve to be treated like this and you will have a better future

1/2/20, 20:57 - Emma Roberts-Smith: Yeh I know it's just a head fuck

1/2/20, 20:58 - Emma Roberts-Smith: Which article

1/2/20, 20:59 - Danielle: <https://betterrelationships.org.au/relationships/coping-relationship-breakdown/>

1/2/20, 21:04 - Emma Roberts-Smith: Surely he won't msg me tomorrow with info RE kids

1/2/20, 21:04 - Danielle: Yep, probably

1/2/20, 21:04 - Emma Roberts-Smith: I will not have the strength to even open it

1/2/20, 21:07 - Danielle: All a play for power, remember that

1/2/20, 21:07 - Emma Roberts-Smith: Yeh

1/2/20, 21:08 - Emma Roberts-Smith: True

1/2/20, 21:22 - Emma Roberts-Smith: I've been through so much but this is new and shit

1/2/20, 21:22 - Emma Roberts-Smith: The girls will be better humans now mate

1/2/20, 21:23 - Emma Roberts-Smith: He said to them today "I'll be a better dad when mum and dad aren't fighting"

1/2/20, 21:23 - Emma Roberts-Smith: I called him a coward to his face

1/2/20, 21:28 - Emma Roberts-Smith: He's messed me up that's for sure

1/2/20, 21:29 - Emma Roberts-Smith: Bullying and Intimidation

1/2/20, 21:29 - Emma Roberts-Smith: Carla will make a fortune from me 🤔

1/2/20, 21:36 - Danielle: Don't worry about those counts mate, they don't define you

1/2/20, 21:36 - Danielle: \*cunts lol

1/2/20, 21:37 - Danielle: Even whatsapp won't let me type it lol

1/2/20, 21:37 - Emma Roberts-Smith: He is such a cunt

1/2/20, 21:37 - Emma Roberts-Smith: Living the fucking dream

1/2/20, 21:38 - Emma Roberts-Smith: "Surviving" yeh right in your \$1000 week pad...my heart bleeds

1/2/20, 21:38 - Danielle: Snobby Cunt

1/2/20, 21:39 - Emma Roberts-Smith: His taste is so Housso he's such a pretender

1/2/20, 21:43 - Danielle: Lol yep

1/2/20, 21:44 - Emma Roberts-Smith: Good luck to him mate

1/2/20, 21:48 - Emma Roberts-Smith: At least my room doesn't smell like a brewery or my kids get tucked in by a drunk

1/2/20, 21:48 - Danielle: Exactly

2/2/20, 08:13 - Danielle: <Media omitted>

2/2/20, 08:14 - Danielle: Happy birthday lovely I sincerely hope you do have a great day today!

2/2/20, 08:15 - Danielle: As I say to Joshy, You get a choice when you wake up in the morning to have a good day or a bad day. Don't let anyone take that choice away from you xx

2/2/20, 08:21 - Emma Roberts-Smith: Thanks mate 🙏🍀

2/2/20, 08:49 - Danielle: Do you. Be beautiful, dignified, amazing and strong ... have a great day x

2/2/20, 09:57 - Danielle: Wish I was coming to the girls lunch! xx

2/2/20, 10:07 - Emma Roberts-Smith: Ha, same!

2/2/20, 10:07 - Emma Roberts-Smith: <Media omitted>

2/2/20, 10:13 - Emma Roberts-Smith: Wanker

2/2/20, 10:13 - Danielle: As long as you see it for what it is mate, passive aggressive

2/2/20, 10:13 - Danielle: Don't let him ruin your day

2/2/20, 11:12 - Emma Roberts-Smith: <Media omitted>

2/2/20, 11:12 - Emma Roberts-Smith: Playing the game

2/2/20, 11:38 - Danielle: 🍷

2/2/20, 11:49 - Emma Roberts-Smith: Game face on 😊

2/2/20, 11:49 - Emma Roberts-Smith: <Media omitted>

2/2/20, 11:49 - Emma Roberts-Smith: <Media omitted>

2/2/20, 12:06 - Emma Roberts-Smith: The girls said the pool at dad's house has glass so you can see through to the restaurant

2/2/20, 12:06 - Emma Roberts-Smith: #slummingit

2/2/20, 12:31 - Danielle: This is why you are fabulous and you will not have any issues going forward  
💖🍷💖

2/2/20, 12:36 - Emma Roberts-Smith: Feel old as shit

2/2/20, 14:34 - Emma Roberts-Smith: How's your throat feeling?

2/2/20, 14:55 - Danielle: Still sore mate :(

2/2/20, 14:55 - Emma Roberts-Smith: 🤔

2/2/20, 14:55 - Emma Roberts-Smith: Maybe see a dr

2/2/20, 14:56 - Emma Roberts-Smith: I'm so fucked off with brs

2/2/20, 14:56 - Emma Roberts-Smith: What a coward for doing this to us

2/2/20, 14:56 - Emma Roberts-Smith: I ended up walking out at the end of lunch because Evie was being so rude

2/2/20, 14:57 - Danielle: Yeah it is crap mate. No two ways about it



2/2/20, 14:58 - Emma Roberts-Smith: He's living the life of luxury and as a single guy

2/2/20, 14:58 - Emma Roberts-Smith: And I'm meant to wait

2/2/20, 14:58 - Danielle: Yeah its too much to ask of anyone

2/2/20, 14:58 - Danielle: Set your own destiny

2/2/20, 14:59 - Emma Roberts-Smith: He will never tell me the truth as to why he left

2/2/20, 15:00 - Emma Roberts-Smith: That's hard

2/2/20, 15:00 - Emma Roberts-Smith: Evie is being a nightmare

2/2/20, 15:01 - Emma Roberts-Smith: I just want to call him and tell her he needs to pull her into line

2/2/20, 15:01 - Emma Roberts-Smith: But he'd love nothing more

2/2/20, 15:02 - Danielle: Yep he would revel in that

2/2/20, 15:02 - Emma Roberts-Smith: Yep

2/2/20, 15:05 - Emma Roberts-Smith: Has he been online?

2/2/20, 15:14 - Emma Roberts-Smith: Do you think phoning [REDACTED] is a bad idea?

2/2/20, 15:14 - Danielle: oh yeah

2/2/20, 15:15 - Emma Roberts-Smith: Oh ok

2/2/20, 15:19 - Danielle: Do whatever you think needs to be done

2/2/20, 15:19 - Emma Roberts-Smith: I don't even know I'm that exhausted

2/2/20, 15:20 - Danielle: Ok .. chill, watch a show .... take 30 mins to yourself to calm the farm

2/2/20, 15:21 - Emma Roberts-Smith: Evie is just screaming

2/2/20, 15:24 - Danielle: Put her in her room and let her scream it out.

2/2/20, 15:24 - Emma Roberts-Smith: She's stopped!! She's just exhausted

2/2/20, 15:25 - Danielle: It's been a very emotional weekend for them too

2/2/20, 15:25 - Danielle: try not to react

2/2/20, 15:25 - Emma Roberts-Smith: Yeh or let mum deal with it

2/2/20, 15:27 - Emma Roberts-Smith: I'm just tired and super sensitive at the moment

2/2/20, 15:36 - Emma Roberts-Smith: I just can't talk mate I'll burst into tears

2/2/20, 15:36 - Emma Roberts-Smith: Sorry

2/2/20, 15:38 - Danielle: no worries mate, I get it.

2/2/20, 15:38 - Danielle: Sorry I couldn't get the ear piece to connect

2/2/20, 15:43 - Emma Roberts-Smith: Maybe you should ring him and say you believe you've been giving me wrong advice 😊 and ask what's advice it is you'd like him to give

2/2/20, 15:43 - Emma Roberts-Smith: He'd shit a kitten

2/2/20, 15:43 - Danielle: oh lol ... sooo not a good idea

2/2/20, 15:43 - Emma Roberts-Smith: Ha!

2/2/20, 15:43 - Emma Roberts-Smith: He'd not answer anyway

2/2/20, 15:43 - Emma Roberts-Smith: 🤔

2/2/20, 15:44 - Danielle: You are just tired and emotional mate.

2/2/20, 15:44 - Emma Roberts-Smith: "I believe that's what you told the girls on the weekend "

2/2/20, 15:44 - Danielle: Its been a big week

2/2/20, 15:45 - Danielle: Turn your phone off and put it in the drawer for a few hours

2/2/20, 15:45 - Emma Roberts-Smith: Can't turn my brain off, that's the problem

2/2/20, 15:45 - Emma Roberts-Smith: No matter how long I put the phone in the drawer

2/2/20, 15:46 - Danielle: Buy a good book ... when you feel like this, read it

2/2/20, 18:41 - Danielle: <Media omitted>

2/2/20, 19:17 - Emma Roberts-Smith: ❤️❤️

2/2/20, 20:48 - Emma Roberts-Smith: Bizarro

2/2/20, 21:06 - Emma Roberts-Smith: What a selfish prick

2/2/20, 22:29 - Danielle: I am so sorry this is happening to you. Family betrayal is the worst 😞

2/2/20, 22:29 - Emma Roberts-Smith: I am beyond ropable

2/2/20, 22:29 - Emma Roberts-Smith: Mum is on her way over

2/2/20, 22:29 - Emma Roberts-Smith: Matthew has lost me and the girls

2/2/20, 22:29 - Danielle: Understandably

2/2/20, 22:31 - Danielle: I can't believe he went to your brother to send a shot across the bow .... disgusting

2/2/20, 22:41 - Emma Roberts-Smith: Oh I can

2/2/20, 22:41 - Emma Roberts-Smith: He's a using cunt

2/2/20, 22:42 - Emma Roberts-Smith: And my dumb cunt of a brother fell for it

2/2/20, 22:42 - Emma Roberts-Smith: And lost his family now in the process

2/2/20, 22:42 - Emma Roberts-Smith: Ben didn't even like Matt

2/2/20, 22:44 - Emma Roberts-Smith: Oh well...that's dead wood gone and made me come out swinging even stronger

2/2/20, 22:44 - Emma Roberts-Smith: Ben will get what he deserves...he's a toxic manipulative piece of shit

2/2/20, 22:44 - Emma Roberts-Smith: I have towed the line and kept my hands clean

2/2/20, 22:45 - Emma Roberts-Smith: I just have the believe it will all come back

2/2/20, 23:51 - Emma Roberts-Smith: I've just emailed the lawyers

3/2/20, 00:09 - Emma Roberts-Smith: You know what...I have so much damage done to me by that cunt that I think "maybe my brother was right, maybe he does want to reconcile"

3/2/20, 00:10 - Emma Roberts-Smith: But then my sane brain goes...no fucking way"

3/2/20, 07:22 - Emma Roberts-Smith: He didn't want to reconcile hey??

3/2/20, 07:22 - Emma Roberts-Smith: He's just used Matt to get to me

3/2/20, 07:41 - Danielle: Yes I think that was the case

3/2/20, 07:42 - Emma Roberts-Smith: Im fucking fuming

3/2/20, 07:43 - Danielle: I can tell.

3/2/20, 07:44 - Danielle: People that want to reconcile don't leave the family home & abandon them or go and hire an apartment for 3 months

3/2/20, 07:44 - Danielle: Just words

3/2/20, 07:45 - Danielle: Mate, hes having an inappropriate relationship with his lawyer, enough said.

3/2/20, 07:46 - Danielle: You need to ReFrame this thinking

3/2/20, 07:47 - Danielle: It's not up to him if he wants to reconcile it's up to you whether you want to put up with his lies and bullshit and intimidation and can ever forgive his actions with other people

3/2/20, 07:47 - Emma Roberts-Smith: I need to drop that but also terrified he'll use it against me

3/2/20, 07:47 - Emma Roberts-Smith: There's no way possible now

3/2/20, 07:47 - Danielle: The ball is not in his court it is in yours

3/2/20, 07:48 - Danielle: That is why he has done what he has done

3/2/20, 07:48 - Danielle: Control.

3/2/20, 07:48 - Emma Roberts-Smith: I have the right to tell my brother im pissed off

3/2/20, 07:48 - Danielle: Absolutely

3/2/20, 07:49 - Emma Roberts-Smith: Ben will have his 2 mins of revenge today

3/2/20, 07:49 - Emma Roberts-Smith: You think he knows lawyers are coming ?

3/2/20, 07:49 - Danielle: Remember what Darren said Em, they will tell you anything to get their own way

3/2/20, 07:49 - Emma Roberts-Smith: Yeh true

3/2/20, 07:50 - Danielle: He's pushing your buttons because he things that you want to reconcile.



3/2/20, 07:50 - Emma Roberts-Smith: Fucking no chance

3/2/20, 07:50 - Emma Roberts-Smith: He's pushing my buttons because he wants revenge that I haven't played the game of his

3/2/20, 07:51 - Danielle: Yes and the way he's doing that is by alluding to the fact that he may want to reconcile in hope that you will speak to him and he can gather information

3/2/20, 07:51 - Danielle: There's nothing like a rogue Soldier

3/2/20, 07:51 - Emma Roberts-Smith: You think he knows I'm going legal

3/2/20, 07:52 - Danielle: Actually no I don't I don't think he thinks you got the balls

3/2/20, 07:52 - Emma Roberts-Smith: My balls are now bigger than Texas

3/2/20, 07:52 - Danielle: Mamma lion 🐾

3/2/20, 07:55 - Danielle: <Media omitted>

3/2/20, 07:55 - Danielle: <Media omitted>

3/2/20, 07:56 - Emma Roberts-Smith: 🙄 maybe I should send that to his email as a reply

3/2/20, 07:56 - Danielle: Lol

3/2/20, 07:57 - Danielle: He would be realling mate he will not know what to think considering you have not answered him

3/2/20, 07:58 - Emma Roberts-Smith: The girls told me he gets angry when I don't reply

3/2/20, 15:03 - Emma Roberts-Smith: You awake?

3/2/20, 15:04 - Danielle: Yep

3/2/20, 17:25 - Danielle: Sorry mate, dog was licking acid. 🙄

3/2/20, 17:39 - Emma Roberts-Smith: OMFG!!

3/2/20, 17:58 - Emma Roberts-Smith: The girls are FaceTiming Ben

3/2/20, 17:59 - Danielle: 🙄

3/2/20, 18:00 - Emma Roberts-Smith: His voice makes my skin crawl

3/2/20, 18:19 - Danielle: Yep. He's talked to the girls and he knows you will be busy put them to bed

3/2/20, 18:23 - Emma Roberts-Smith: He must've just told them as lizzie just said "I don't want to go to the gym because I'll miss time with dad"

3/2/20, 18:24 - Emma Roberts-Smith: I said well that's the only time dad offered and I'm not changing your plans, that's the only time Leana had this week

4/2/20, 06:00 - Emma Roberts-Smith: He (and his mum) won't be able to help each other

4/2/20, 06:00 - Emma Roberts-Smith: They'll have to respond

4/2/20, 06:01 - Emma Roberts-Smith: The more I think about it, the more I realise he's terrified of it getting to the press

4/2/20, 06:01 - Emma Roberts-Smith: He said "don't tell anyone at school because Mckenzie would love to know this" back on the first Sunday

4/2/20, 06:02 - Emma Roberts-Smith: 👍 ive has a shower and a coffee...just paid some bills and chilling while it's quiet too

4/2/20, 06:04 - Danielle: You didn't tell anyone at school the kids did

4/2/20, 06:05 - Emma Roberts-Smith: Yep

4/2/20, 06:05 - Emma Roberts-Smith: Evie told evie

4/2/20, 06:05 - Emma Roberts-Smith: He's legged it in anger and that's the consequence...damage control

4/2/20, 06:06 - Danielle: 👍

4/2/20, 06:06 - Emma Roberts-Smith: I should look before the girls get up?

4/2/20, 06:06 - Emma Roberts-Smith: Maybe wait til they are at school

4/2/20, 06:06 - Danielle: Yes

4/2/20, 06:07 - Emma Roberts-Smith: It's bizarre, he even has control over me with emails 🤔

4/2/20, 06:08 - Danielle: It's just routine and you need to break it

4/2/20, 06:08 - Emma Roberts-Smith: Yep

4/2/20, 06:08 - Emma Roberts-Smith: Bad habits

4/2/20, 06:09 - Danielle: I used to get up in the morning and have a cigarette but I don't do that anymore 😊

4/2/20, 06:09 - Emma Roberts-Smith: 🤔🤔 both would kill us

4/2/20, 06:09 - Danielle: Exactly

4/2/20, 07:20 - Danielle: Sorry mate something happened and my phone disconnected from the stereo.

4/2/20, 07:20 - Danielle: Have a good morning x

4/2/20, 07:20 - Emma Roberts-Smith: Ok 👍 no stress mate

4/2/20, 07:20 - Emma Roberts-Smith: Have a good day

4/2/20, 12:40 - Emma Roberts-Smith: Do I go out when the girls get home or do I stay inside??

4/2/20, 16:38 - Emma Roberts-Smith: What a tool...

4/2/20, 16:38 - Emma Roberts-Smith: <Media omitted>

4/2/20, 17:03 - Emma Roberts-Smith: Fuck it's pissing down...I'll have to go out and meet the girls with an umbrella

4/2/20, 17:03 - Emma Roberts-Smith: Still not home yet

4/2/20, 17:03 - Emma Roberts-Smith: He wants me to get angry

4/2/20, 19:50 - Emma Roberts-Smith: <Media omitted>

4/2/20, 19:50 - Emma Roberts-Smith: <Media omitted>

4/2/20, 19:51 - Emma Roberts-Smith: I'm not checking emails tonight btw either

4/2/20, 20:41 - Danielle: you on the phone?

4/2/20, 22:12 - Emma Roberts-Smith: <Media omitted>

4/2/20, 22:12 - Emma Roberts-Smith: Cracked me up!!

4/2/20, 22:18 - Danielle: lol ... that's it

5/2/20, 08:01 - Emma Roberts-Smith: Call me from your land line

5/2/20, 13:59 - Emma Roberts-Smith: <https://www.verywellmind.com/cdt-testing-detects-heavy-drinking-67675>

5/2/20, 14:17 - Danielle: Yep, that will do it.

5/2/20, 14:21 - Emma Roberts-Smith: 😊

5/2/20, 15:37 - Danielle: It will be private number

5/2/20, 15:37 - Danielle: Desk phone

5/2/20, 17:52 - Emma Roberts-Smith: I feel drained as shit today 😞

5/2/20, 19:32 - Emma Roberts-Smith: Given the amount of change in the girls lives, I have my phone on silent during the evening routine. I've just got this message now.

I've suggested to the girls that between 6-615pm they can call or text (as they did Monday night) however, some nights that won't work such as, tonight I had to play catch up because Lizzie had 80 mins of tutoring

5/2/20, 19:32 - Emma Roberts-Smith: Sent...

5/2/20, 19:43 - Danielle: Yep that's good. Just sitting down to dinner now. Fuck we are a shambles.

5/2/20, 19:43 - Danielle: Gotta get in a routine 😊

5/2/20, 20:44 - Emma Roberts-Smith: 🙄 it'll take a couple of weeks probably mate

5/2/20, 21:26 - Emma Roberts-Smith: It's just too quiet mate...I feel like a tsunami is coming!?

5/2/20, 21:36 - Danielle: checking his now

5/2/20, 21:36 - Emma Roberts-Smith: I didn't send her one

5/2/20, 21:36 - Emma Roberts-Smith: Ok

5/2/20, 21:36 - Danielle: did he reply to your text?

5/2/20, 21:36 - Emma Roberts-Smith: Nup

5/2/20, 21:36 - Emma Roberts-Smith: RE read it straight away, I screen shot it and then got back off telegram again



5/2/20, 21:41 - Emma Roberts-Smith: He'd be hating it

5/2/20, 21:41 - Emma Roberts-Smith: Hating life

5/2/20, 21:41 - Emma Roberts-Smith: Sunny coast daily hasn't done him any favours

5/2/20, 21:42 - Danielle: no 😊

5/2/20, 21:42 - Emma Roberts-Smith: When was he on here last?

5/2/20, 21:43 - Emma Roberts-Smith: I said to Deb Rolfe tonight it was bizarre this morning, I saw him and there was nothing there...don't know if it was a self preservation thing or what but it shocked me

5/2/20, 21:43 - Danielle: 9.11pm

5/2/20, 21:43 - Emma Roberts-Smith: Oh ok

5/2/20, 21:43 - Emma Roberts-Smith: 🙄 🙄

5/2/20, 21:43 - Danielle: who the hell would he be talking to?

5/2/20, 21:43 - Emma Roberts-Smith: Fuck knows

5/2/20, 21:44 - Emma Roberts-Smith: Some of the guys

5/2/20, 21:44 - Danielle: that me.com is his icloud email address

5/2/20, 21:44 - Emma Roberts-Smith: Trying to control something in his life no doubt

5/2/20, 21:46 - Danielle: Call you in the morning ... gotta go to bed 🙄 😊 😊

5/2/20, 21:47 - Emma Roberts-Smith: Cool mate I'm heading to bed too 🙄 have a good sleep

6/2/20, 12:50 - Emma Roberts-Smith: I replied 😊

6/2/20, 12:51 - Emma Roberts-Smith: He won't be happy but I'm ok with my decisions...I think it's fair! Don't think he'll forward it to anyone...I sent to rs group

6/2/20, 12:56 - Danielle: As long as you are happy with your decision, that's all that matters.

6/2/20, 12:56 - Danielle: I'm just about to walk into my performance review.

6/2/20, 13:02 - Emma Roberts-Smith: Good luck 😊

6/2/20, 13:02 - Danielle: Lol .... all good

6/2/20, 16:33 - Emma Roberts-Smith: I feel mega anxious hey

6/2/20, 16:39 - Danielle: Settle yourself. Breathe.

6/2/20, 17:20 - Danielle: What's the worst that can happen he put some things in an email?

6/2/20, 18:32 - Emma Roberts-Smith: Both girls broke down tonight

6/2/20, 18:32 - Emma Roberts-Smith: I've cancelled going to the school mtg

6/2/20, 18:33 - Danielle: Are the girls ok? What are they particularly upset about?

6/2/20, 18:34 - Danielle: Well, he was supposed to be available at 6 for a phone call, but that wasn't going to happen.

6/2/20, 18:34 - Emma Roberts-Smith: They had a fight and then lost it

6/2/20, 18:34 - Emma Roberts-Smith: Exactly!!

6/2/20, 18:34 - Danielle: He should have at least let you know that.

6/2/20, 18:35 - Emma Roberts-Smith: Lizzie said "I feel like crying every day but don't in case I make people sad. I'm so angry at dad for lying to me about the wine"

6/2/20, 18:35 - Emma Roberts-Smith: That's really bothered her

6/2/20, 19:29 - Danielle: Just going to have a shower. I'll call you when I'm sorted.

6/2/20, 19:38 - Emma Roberts-Smith: He can't tell me they're coping!!

6/2/20, 19:39 - Emma Roberts-Smith: When he and his mum say I'm talking shit

6/2/20, 19:55 - Danielle: <Media omitted>

6/2/20, 19:56 - Danielle: <Media omitted>

6/2/20, 19:57 - Danielle: Dear Emma

Thank you for your email noting when you are prepared to allow me to see the girls. It appears from the tone of the email that you are now receiving more sensible advice. I hope that that will enable things to progress more amicably than they have been going forward.

It is true that when we initially separated for three months, I asked that you give me a month to allow the dust to settle before we saw a marriage counsellor. However, instead of giving us both that much needed space, over the past three weeks you have;

deliberately obstructed my ability to see and communicate with the girls;

involved the girls in details of our separation, including telling them they will have to move to a smaller home and requiring me collect them from your mother in a carpark;

suggested that I have been abusive towards you in a blatant attempt to set up a family violence allegation; and



told me that I am not permitted to come to my own home to see the girls (despite us telling them when we separated that that is what would occur so that the disruption for them would be minimal during this difficult period).

When we separated, you took issue with me renting a one bedroom apartment for three months and proceeded to withdraw \$4,800 from our account in retaliation for the amount I had paid to lease the apartment. Despite our financial situation being tight, in addition to that withdrawal, you stated that you would not allow the cost of my accommodation to in anyway impact on your lifestyle - and that if there was insufficient money to cover our expenses, that was my problem, not yours. In your email of today, you now suggest that my accommodation is inadequate and that before you will allow me to see my children overnight, you require that I move into larger permanent accommodation with a minimum of two bedrooms.

I was initially prepared to attend marriage counselling to see what, if anything, may be salvageable from our relationship. However, in light of your behaviour over the past three weeks, in particular, your decision to use the girls to further your own agenda (something we said we would never do) and your requirement that I now move into permanent accommodation before I am allowed to see them overnight, I can only assume that you have determined that our relationship is over. That being the case, I can see little utility in marriage counselling and in my view it would be more productive that we take steps to permanently separate. I do however think it would be beneficial that we see a family mediator to prepare a parenting agreement to ensure that I can have regular access to the girls. I am not prepared to play games that have and will impact on the girls' wellbeing, and unfortunately, the past three weeks indicate that you have no intention of facilitating any of the arrangements that we promised the girls would occur during our separation.

If you disagree with my assessment of the position and feel that marriage counselling would be beneficial please let me know. Otherwise, in keeping with your requirements, I will make enquires tomorrow about ending my three month lease early to enable me to move into permanent accommodation as soon as possible so that I can have meaningful time with the girls.

Regards

BRS

6/2/20, 20:56 - Emma Roberts-Smith: Kate made a good point...lay the boot in

6/2/20, 20:56 - Emma Roberts-Smith: RE Monica

6/2/20, 20:56 - Emma Roberts-Smith: She said they let Kristy get away with murder and they're 2 years down the track

6/2/20, 20:56 - Emma Roberts-Smith: Both barrels

6/2/20, 20:57 - Danielle: Yep, but the solicitors told you not to do anything to jeopardize the trial.

6/2/20, 20:59 - Danielle: Ok ... Let's say you do that.

6/2/20, 20:59 - Danielle: You only get a one-time chance.



6/2/20, 21:05 - Emma Roberts-Smith: Yep

6/2/20, 21:05 - Danielle: And not to do anything at all to jeopardize the trial.

6/2/20, 21:05 - Emma Roberts-Smith: I'll touch base tomorrow and say what's coming on email

6/2/20, 21:05 - Danielle: If he's going to be a complete fuckhead, you need a really positive outcome. For you and the girls

6/2/20, 21:06 - Danielle: Just remember every time you call them or email them. It is costing you money.

6/2/20, 21:06 - Emma Roberts-Smith: He will be a fuck head for sure

6/2/20, 21:06 - Emma Roberts-Smith: But I need to see what that strategy looks like??

6/2/20, 21:07 - Danielle: Yep, and you can do that once you have typed up a response. And have received the original email.

6/2/20, 21:07 - Danielle: You want them to look at it 1 time not twice.

6/2/20, 21:07 - Danielle: Do you get my drift?

6/2/20, 21:08 - Emma Roberts-Smith: Yep

6/2/20, 21:08 - Emma Roberts-Smith: I'll

Hold out

6/2/20, 21:08 - Danielle: Wait till you get the email and then type up a response and get them to look at both at the same time.

6/2/20, 21:08 - Emma Roberts-Smith: Yep ok

6/2/20, 21:08 - Danielle: Maybe you can take it to Carla with you and talk about it.

6/2/20, 21:12 - Danielle: I reckon he is in Sydney

6/2/20, 21:13 - Danielle: He has not been on WhatsApp since 11:28 this morning.

6/2/20, 21:14 - Emma Roberts-Smith: I agree too !!!!

6/2/20, 21:15 - Emma Roberts-Smith: That's why he didn't worry about the girls calling

6/2/20, 21:15 - Danielle: Yep, that's why he didn't reply because he knew that he was getting on a plane to Sydney

6/2/20, 21:17 - Emma Roberts-Smith: And she may help him

Tweek it

6/2/20, 21:18 - Danielle: Perhaps?

6/2/20, 21:18 - Danielle: Actually, it should have been a dead giveaway waiting laid out his Week and what he could and couldn't do.

6/2/20, 21:28 - Emma Roberts-Smith: You still awake?

6/2/20, 21:28 - Danielle: Yep

6/2/20, 22:04 - Emma Roberts-Smith: Ben,

It is clear you wish to lay the blame on me. I do not accept your version of events, which are not supported by the facts of your departure from our home, family and marriage. Let's just leave it at that.

We need professional help to get our relationship to a place where we are on the same page as parents and in order to do so need to unpack the issues, including your alcoholism and the effect it has had on the girls and me. It is one of my primary concerns with respect to you having care of the girls overnight; something you have never done before.

I am highly disturbed by the inappropriate relationship you have with Monica, evidenced by your forwarding of deeply personal correspondence between you and I in the days after you left.

Notwithstanding the obvious conflict of interest and lack of professionalism contained in her response, it is even more disturbing because it not only points to the intimate nature of your relationship but, worse, it shows no respect or concern for the children; let alone me. That you would allow such a callous remark about 'having fun' with your response is evidence you had no intention of ever returning to our marriage.

You have put me and the girls in an untenable position. The trial will need to be managed very carefully to ensure you do not further compromise yourself, and therefore the children and me.

In the meantime, while you focus on the considerable task ahead, I will continue to focus on the girls and meeting their needs. Their routine and the stability of being in their home as they adjust to the new life you decided unilaterally we would have is the most important thing.

I want to be very clear. Whilst the house is an asset of the marriage, when you left and signed a lease, opened a private bank account and moved to another city this stopped being your home. You made all of those decisions in isolation. Had you consulted me I would have asked that you rent a place on the coast with a dedicated space for the children to feel a sense of belonging and privacy as young pre-pubescent women.

I remain the primary carer and whether you like it or not you have an obligation to continue to support the girls and me accordingly.

All of your correspondence to date has been about you, what you want, what your schedule allows and what you expect.

Not once have you considered or enquired as to the needs and well being of the girls and me. Had you asked I could have shared with you the difficulty they are having adjusting and the things they have shared with me. I have answered their questions honestly and without emotion and will continue to do so on the advice of trained professionals.

Mediation can be arranged with my solicitor, whose contact details are:

7/2/20, 05:13 - Emma Roberts-Smith: Hey mate, bet he hasn't been online!

7/2/20, 05:13 - Emma Roberts-Smith: Barely slept!!

7/2/20, 05:59 - Emma Roberts-Smith: Knew it!

7/2/20, 05:59 - Emma Roberts-Smith: Having a sleep in with his BFF

7/2/20, 06:00 - Emma Roberts-Smith: 7am in Sydney

7/2/20, 06:00 - Emma Roberts-Smith: Standard behaviour

7/2/20, 06:00 - Danielle: 🤔🤔

7/2/20, 06:00 - Emma Roberts-Smith: They deserve each other

7/2/20, 06:01 - Emma Roberts-Smith: It will only end in tears

7/2/20, 06:02 - Danielle: I think it's a good thing that you have Carla today.

7/2/20, 06:08 - Emma Roberts-Smith: Oh yeh!!

7/2/20, 06:08 - Emma Roberts-Smith: He's been seeing her for MONTHS!!!

7/2/20, 06:09 - Danielle: Yep, it seems that way

7/2/20, 06:14 - Danielle: A few edits in here so it reads better;

7/2/20, 06:15 - Danielle: Ben,

It is clear you wish to lay the blame on me for our separation. I do not accept your version of events, which are not supported by the facts of your departure from our home, family and marriage. Let's just leave it at that.

I agree, we now require professional help to get our relationship to a place where we are on the same page as parents and in order to do so need to unpack the issues, including your alcoholism and the effect it has had on the girls and me. This is one of my primary concerns with respect to you having care of the girls overnight; something you have never done before.

I am highly disturbed by the inappropriate relationship you have with Monica, evidenced by your forwarding of deeply personal correspondence between you and I to her, in the days after you left.

Notwithstanding the obvious conflict of interest and lack of professionalism contained in her response, it is even more disturbing because it not only points to the intimate nature of your relationship but, worse, it shows no respect or concern for the children; let alone me. That you would allow her to make such a callous remark about 'having fun' with your response is further evidence you had no intention of ever returning to our marriage.

You have put me and the girls in an untenable position. Having said that, the trial will need to be managed very carefully to ensure you do not further compromise yourself, and therefore the children and me.

In the meantime, while you focus on the considerable task ahead, I will continue to focus on the girls and meeting their needs. Their routine and the stability of being in their home as they adjust to the new life you decided unilaterally, we would have is the most important thing.

I want to be very clear. Whilst the house is an asset of the marriage, when you left and signed a lease, opened a private bank account and moved to another city this stopped being your home. You made all those decisions in isolation. Had you consulted me I would have asked that you rent a place on the coast with a dedicated space for the children to feel a sense of belonging and privacy as young pre-pubescent women.

I remain the primary carer of our children and whether you like it or not, you have an obligation to continue to support the girls and me accordingly.



All of your correspondence to date has been about you, what you want, what your schedule allows and what you expect.

Not once have you considered or inquired as to the needs and well being of the girls and me. Had you asked, I could have shared with you the difficulty they are having adjusting and the things they have shared with me. I have answered their questions honestly and without emotion and will continue to do so on the advice of trained professionals.

Mediation can be arranged with my solicitor, whose contact details are:

7/2/20, 06:16 - Emma Roberts-Smith: 👍 Kate said she would re gig too based on what he ends up sending

7/2/20, 06:16 - Emma Roberts-Smith: He's such a mother fucker

7/2/20, 06:17 - Danielle: Good Idea

7/2/20, 06:17 - Danielle: Yeah he is a fucker - fuck him

7/2/20, 06:17 - Emma Roberts-Smith: Yep

7/2/20, 06:17 - Emma Roberts-Smith: I have him everything and he fucked it

7/2/20, 06:17 - Danielle: I reckon you will get a respnse at lunch or tonight

7/2/20, 06:17 - Emma Roberts-Smith: Yeh same

7/2/20, 06:18 - Emma Roberts-Smith: It will add in bs about girls not going to Carla or school knowing

7/2/20, 06:18 - Emma Roberts-Smith: I still don't believe he's had proper family law advice

7/2/20, 06:18 - Emma Roberts-Smith: He wouldn't have brought up the house access otherwise

7/2/20, 06:19 - Emma Roberts-Smith: He thinks looking at new accommoction today going to be his issue

7/2/20, 06:19 - Emma Roberts-Smith: Should've pulled his head out of his arse

7/2/20, 06:20 - Danielle: 👍

7/2/20, 12:20 - Emma Roberts-Smith: Spoke to lawyers and Carla

7/2/20, 15:37 - Emma Roberts-Smith: Feeling anxious about brs emailing even when I know what's coming 🤔 🤔

7/2/20, 15:37 - Danielle: 🤔 🤔

7/2/20, 15:41 - Emma Roberts-Smith: Funny how he said he was leaving for survival to get through that yet hasn't mentioned it once

7/2/20, 15:41 - Emma Roberts-Smith: Just how I'm a cunt

7/2/20, 15:42 - Danielle: I think now you need to put him out of your mind as much as you can and focus on you and the girls.

7/2/20, 15:42 - Danielle: He's made it very clear that he is very uninterested in anything to do with your welfare.

7/2/20, 15:43 - Emma Roberts-Smith: And the welfare of the girls mate

7/2/20, 15:43 - Emma Roberts-Smith: As much as he thinks he's father of the year

7/2/20, 15:48 - Emma Roberts-Smith: Lawyers just sent through docs if I want to engage 🧑

7/2/20, 17:03 - Emma Roberts-Smith: <Media omitted>

7/2/20, 17:04 - Emma Roberts-Smith: Dreaming!!

7/2/20, 17:04 - Emma Roberts-Smith: <Media omitted>

7/2/20, 17:23 - Danielle: Emma,

It seems from the tone of the email that you are now receiving more sensible advice. I hope that that will enable things to progress more amicably than they have been going forward.

It is true that when we initially separated for three months, I asked that you give me a month to allow the dust to settle. However, instead of giving us both that much needed space, over the past three weeks you have deliberately obstructed my ability to see and communicate with the girls. You have involved the girls in details of our separation, including telling them they will have to move to a smaller home and requiring me to collect them from Christine in a carpark. You also suggested that I have been abusive towards you in a blatant attempt to set up a family violence allegation and told me that I am not permitted to come to my own home to see the girls.

Last night you text me with yet another excuse as to why I could not speak to the kids before they went to bed – this time, because they were upset. I have no doubt that they are and I have real concerns about how your behaviour which I outlined above is affecting them. The decisions you have made since we separated have meant that none of the things that we sat down together and promised the girls would occur during this time have happened. We assured them that I would still be at the house regularly, I would have dinner with them, do homework and tuck them into bed and stay with them on weekends. Instead, they have witnessed all my belongings moved into the study, photos of me removed, been told I cannot come to the house, been prevented from spending time with me in Brisbane (something they wanted to do) and overheard you making disparaging comments about me.

Last night via text you told me you have the girls booked into see your psychologist and that you will speak with the school counsellor. While I have no issue with the school counsellor being made aware that we have separated, it is not appropriate for you to make decisions about the girls psychological and emotional well-being without discussing it with me first. They are as much my children as they are yours. If the girls are distressed and would benefit from speaking with a therapist, I would of course support that. However, I do not agree with them seeing your personal psychologist with whom you have been discussing the breakdown of our relationship over many months. My view is that the girls should see someone independent. I would like you provide some names of child psychologists you would be happy with and we can then jointly agree on who they should see.

In relation to my accommodation, when we separated, you took issue with me renting a one bedroom apartment for three months and proceeded to withdraw \$4,600 from our account in retaliation for the amount I had paid to lease the apartment, despite our financial situation being tight. In your email below, you now suggest that my accommodation is inadequate and that before you will allow me to see my children overnight (noting that your initial excuse was that Evie was



recovering from surgery), you require that I move into larger permanent accommodation with a minimum of two bedrooms.

I am not prepared to play games that have and clearly are impacting on the girls' wellbeing. Your reference to me only having "day visits at this stage" for their "stability" is just nonsense. What would have given the girls a sense of stability during this time, was if you had been prepared to put their interests ahead of your own and enabled any one of the arrangements we promised the girls would occur to actually happen. In addition to not being in the best interests of the girls, your requirements are also obviously going to impact on our financial position (which given is your idea, I can only assume means you will not take issue with until such time as I can move into somewhere you deem appropriate).

I was initially prepared to attend marriage counselling to see what, if anything, may be salvageable from our relationship. However given your behaviour of the last three weeks and your requirement that I now move into permanent accommodation before I am allowed to see them overnight, I can only assume that you have determined that our relationship is over. That being the case, I can see little point to marriage counselling and in my view it would be more productive that we take steps to permanently separate. I do however think it would be beneficial that we see a family mediator to prepare a parenting agreement to ensure that I can have regular access to the girls and to set parameters around decisions involving them while we negotiate a property settlement and other arrangements.

If you disagree with my assessment of the position and feel that marriage counselling would be beneficial please let me know. Otherwise, in keeping with your requirements, I will make enquires about ending my three month lease early to enable me to move into permanent accommodation as soon as possible so that I can have meaningful time with the girls.

Regards

Ben

7/2/20, 20:08 - Emma Roberts-Smith: Nothin?

7/2/20, 20:08 - Danielle: Not yet

7/2/20, 20:08 - Emma Roberts-Smith: 🙄

7/2/20, 20:38 - Emma Roberts-Smith: Christ he must be 🙄🙄

7/2/20, 20:38 - Danielle: I would say so

7/2/20, 20:39 - Emma Roberts-Smith: Drinking his sorrows as a single dude

7/2/20, 20:40 - Emma Roberts-Smith: Drunk?

7/2/20, 20:40 - Emma Roberts-Smith: Yep

7/2/20, 20:40 - Danielle: Yep rotten drunk

7/2/20, 20:41 - Emma Roberts-Smith: Yep

7/2/20, 20:41 - Emma Roberts-Smith: Same old Friday night



7/2/20, 20:41 - Emma Roberts-Smith: That's why he wanted to speak to the girls again

7/2/20, 20:41 - Emma Roberts-Smith: Make him feel better about himself

7/2/20, 20:59 - Emma Roberts-Smith: Just hanging watching tv 🤔

7/2/20, 21:14 - Emma Roberts-Smith: I haven't even read his telegram message or [REDACTED]

7/2/20, 21:28 - Emma Roberts-Smith: I haven't done what he's said in that email hey

7/2/20, 21:28 - Danielle: nope to both questions

7/2/20, 21:28 - Emma Roberts-Smith: 👍👍

7/2/20, 21:29 - Emma Roberts-Smith: You think he's dumb enough to go to court?

7/2/20, 21:30 - Emma Roberts-Smith: What do you think his parents are thinking? And [REDACTED]

7/2/20, 21:33 - Emma Roberts-Smith: How do you think this will effect me for the trial?

7/2/20, 21:33 - Danielle: No

7/2/20, 21:34 - Emma Roberts-Smith: I reckon he will...he's so full of hate and vengeance

7/2/20, 21:34 - Danielle: Who Cares?

7/2/20, 21:35 - Emma Roberts-Smith: True

7/2/20, 21:35 - Emma Roberts-Smith: Will I go on the stand?

7/2/20, 21:35 - Danielle: I doubt it very much

7/2/20, 21:36 - Emma Roberts-Smith: That'll be a bonus

7/2/20, 21:36 - Emma Roberts-Smith: 🤔

7/2/20, 21:37 - Emma Roberts-Smith: Monica made sure I wasn't needed

7/2/20, 21:37 - Emma Roberts-Smith: Am I a bad mum for taking his stuff out of the house?

7/2/20, 21:40 - Emma Roberts-Smith: I'm just devastated Dan

7/2/20, 21:47 - Danielle: Oh my god, where is this coming from?

7/2/20, 21:47 - Danielle: You are a fantastic mum, and you were great wife.

7/2/20, 21:47 - Emma Roberts-Smith: What coming from

7/2/20, 21:47 - Danielle: You just happen to marry somebody who turned into a complete dick head.

7/2/20, 21:48 - Emma Roberts-Smith: 🤔

7/2/20, 21:48 - Emma Roberts-Smith: It's your fault

7/2/20, 21:48 - Danielle: That is not your fault. And you are not a bad person for doing anything you have done.

7/2/20, 21:48 - Emma Roberts-Smith: You told me to go that night

7/2/20, 21:48 - Danielle: OK you might have a point there

7/2/20, 21:48 - Emma Roberts-Smith: If roles were reversed, he would've chunked my shit out 2 years ago

7/2/20, 21:49 - Danielle: Mate, you would never do the things he has done and you need to remember that.

7/2/20, 21:49 - Emma Roberts-Smith: True

7/2/20, 21:49 - Danielle: Now that the gloves are off. I'm going to say this to you. You were way too forgiving for way too long.

7/2/20, 21:49 - Emma Roberts-Smith: Yeh probably

7/2/20, 21:49 - Danielle: Don't lose precious time on fuckwits.

7/2/20, 21:49 - Emma Roberts-Smith: Yeh I guess

7/2/20, 21:52 - Danielle: 16,425

7/2/20, 21:52 - Danielle: That's how many days you have left until you are 90 years old ....

7/2/20, 21:52 - Danielle: Don't waste one more.

7/2/20, 21:53 - Emma Roberts-Smith: I knew you were going to say something corny

7/2/20, 21:53 - Danielle: 🙏

8/2/20, 08:05 - Emma Roberts-Smith: I read Jed's message but didn't reply

8/2/20, 08:05 - Danielle: was that all it said ?

8/2/20, 08:05 - Emma Roberts-Smith: Someone would've sent brs a message and he's seen it on his watch but not phone, I bet his phone is still actually off

8/2/20, 08:05 - Emma Roberts-Smith: <Media omitted>

8/2/20, 08:08 - Danielle: I reckon you should reply ...

8/2/20, 08:08 - Danielle: All good here Jed, myself and the girls will be fine 😊

8/2/20, 08:27 - Danielle: oh well, you don't share what they are doing either

8/2/20, 08:27 - Emma Roberts-Smith: I didn't even know they had that

8/2/20, 08:28 - Emma Roberts-Smith: Whatever I ever say to [REDACTED] and [REDACTED] Ben always used against me mate so I don't want to give him anything

8/2/20, 08:28 - Danielle: call me on home phone

8/2/20, 16:41 - Emma Roberts-Smith: What are you doing?

8/2/20, 17:57 - Emma Roberts-Smith: Are you dead 🤔

8/2/20, 18:17 - Danielle: Lol no. I am at Amanda's place at a BBQ

8/2/20, 18:17 - Emma Roberts-Smith: 🤔🤔 ok

8/2/20, 22:28 - Emma Roberts-Smith: I wonder why [REDACTED] has been so quiet

8/2/20, 22:28 - Emma Roberts-Smith: I doubt brs has told him the truth

8/2/20, 22:29 - Emma Roberts-Smith: I'd love to say to [REDACTED] if he messaged me...I tried warning everyone! No one listened, you were wrong!

8/2/20, 22:29 - Emma Roberts-Smith: But thanks for checking in!!

9/2/20, 08:00 - Emma Roberts-Smith: You awake?

9/2/20, 08:01 - Danielle: Yeah mate

9/2/20, 09:36 - Emma Roberts-Smith: Spoke to Richard and Deb and they had some good advice

9/2/20, 11:46 - Emma Roberts-Smith: Jodie asked...I just told her the truth

9/2/20, 11:50 - Emma Roberts-Smith: Ok

9/2/20, 11:50 - Emma Roberts-Smith: He hasn't msg girls either

9/2/20, 11:50 - Emma Roberts-Smith: Maybe didn't fly today

9/2/20, 12:01 - Danielle: How did that go down?

9/2/20, 12:13 - Emma Roberts-Smith: Yeh ok she was stunned

9/2/20, 12:15 - Emma Roberts-Smith: She'll be a fence sitter so that's why I wanted to tell her the truth

9/2/20, 12:19 - Emma Roberts-Smith: I'm surprised he hasn't msg the girls yet

9/2/20, 12:20 - Emma Roberts-Smith: Jed hasn't read that message yet either

9/2/20, 15:46 - Danielle: going for swim in the pool

9/2/20, 16:03 - Emma Roberts-Smith: 🙌

9/2/20, 16:39 - Emma Roberts-Smith: <https://www.deltapsychology.com/when-your-ex-takes-your-kids-to-a-psych>

9/2/20, 17:09 - Danielle: ok, so that is a good guide

9/2/20, 17:09 - Danielle: I would go ahead with it

9/2/20, 17:14 - Emma Roberts-Smith: Kate reckons I can based on this

9/2/20, 17:16 - Danielle: Yeah me too, but if you feel better checking it ... check it. I beleive you can as you do not actually have any parenting orders and Michelle said they already have a relationship with her. No judge would slam you for that

9/2/20, 17:17 - Emma Roberts-Smith: I don't think so but I will check because I'm terrified of him

9/2/20, 17:17 - Emma Roberts-Smith: Bullying 101

9/2/20, 17:18 - Danielle: Yep fair enough

9/2/20, 17:23 - Emma Roberts-Smith: Deb thinks we need to act on the MOB issue mid to end of week



9/2/20, 21:22 - Emma Roberts-Smith: Forgot to say [REDACTED] hasn't read my message, think they're set me up?

9/2/20, 21:25 - Emma Roberts-Smith: That I replied to him but not [REDACTED]

9/2/20, 21:44 - Danielle: No, I think he's probably just laid off looking at the phone over the weekend.

9/2/20, 21:45 - Emma Roberts-Smith: 🙄

10/2/20, 19:13 - Emma Roberts-Smith: He cracked it at the girls tonight for taking pics

10/2/20, 19:20 - Danielle: They're just kids mate 🙄

10/2/20, 19:21 - Emma Roberts-Smith: Yep!! He's paranoid

10/2/20, 19:21 - Emma Roberts-Smith: Call me when Josh goes to bed...it's was awkward as fuck!!

10/2/20, 19:22 - Emma Roberts-Smith: You think I should send him that update tonight?

10/2/20, 19:23 - Emma Roberts-Smith: Kate thinks i should...he's at a work dinner. He needs to know I'm in control of the plans and by telling the girls what he's doing and not confirming with me shows he's trying to get control of me

10/2/20, 19:27 - Danielle: Yep send it

10/2/20, 19:33 - Emma Roberts-Smith: Poor lizzie was just crying

10/2/20, 20:01 - Emma Roberts-Smith: I'm scared to send brs that message

10/2/20, 20:01 - Emma Roberts-Smith: Is it too harsh?

10/2/20, 20:02 - Danielle: The only thing I would change is Ben can we please confirm your care periods for this week?

10/2/20, 20:11 - Danielle: <Media omitted>

11/2/20, 18:17 - Emma Roberts-Smith: Have a feeling brs coming out with something...dunno why?? Just a vibe

11/2/20, 20:10 - Danielle: On the phone to telstra. Still no internet or phone

11/2/20, 20:10 - Danielle: 🙄

11/2/20, 20:14 - Emma Roberts-Smith: 🙄

12/2/20, 19:41 - Danielle: Perhaps [REDACTED] never sent that letter?

12/2/20, 19:42 - Danielle: It seems a weird thing for her to do UNLESS the aim of sending it was so you would find it

12/2/20, 19:42 - Danielle: but then I guess no-one else would have known the room number .... 😊

12/2/20, 19:44 - Emma Roberts-Smith: Fuck me...just went through some pics and omg he's been a cunt

13/2/20, 06:09 - Emma Roberts-Smith: 🙄

13/2/20, 06:10 - Emma Roberts-Smith: <https://www.news.com.au/sport/sports-life/michael-clarke-and-wife-kyly-to-divorce-after-seven-years-together/news-story/79e4ff07a5949decbe26a3b5d862cd0e>

13/2/20, 06:10 - Emma Roberts-Smith: Wonder when brs will release a statement

13/2/20, 06:10 - Danielle: lol .... I already read this

13/2/20, 06:11 - Danielle: He won't

13/2/20, 09:32 - Emma Roberts-Smith: Just reading the Michael Clarke stuff...I reckon brs will be nervous they'll dump a load of shit on him when the press find out

13/2/20, 09:40 - Danielle: Of course

13/2/20, 09:40 - Emma Roberts-Smith: Suck it

13/2/20, 09:41 - Emma Roberts-Smith: It would've crossed it mind for sure

13/2/20, 15:56 - Emma Roberts-Smith: Feeling super fucking anxious 😬

13/2/20, 15:56 - Emma Roberts-Smith: Probably because I know I'll see him this arvo

13/2/20, 15:56 - Emma Roberts-Smith: So draining

13/2/20, 17:06 - Emma Roberts-Smith: Holy fuck they just got home early

13/2/20, 20:47 - Danielle: You know something ... I reckon he admires you

13/2/20, 20:47 - Emma Roberts-Smith: How?

13/2/20, 20:47 - Emma Roberts-Smith: Who

13/2/20, 20:47 - Danielle: respects your staunchness

13/2/20, 20:48 - Danielle: you know who

13/2/20, 20:48 - Emma Roberts-Smith: Ben

13/2/20, 20:48 - Danielle: he knows you took a hit mate

13/2/20, 20:48 - Danielle: no

13/2/20, 20:48 - Danielle: H

13/2/20, 20:48 - Emma Roberts-Smith: Oh

13/2/20, 20:48 - Emma Roberts-Smith: Dunno

13/2/20, 20:48 - Emma Roberts-Smith: I took a hit alright

13/2/20, 20:48 - Danielle: Of course he knows ...

13/2/20, 20:52 - Danielle: lol ... yep they know you took a hit, guarantee it

13/2/20, 20:53 - Emma Roberts-Smith: Maybe

13/2/20, 20:53 - Emma Roberts-Smith: Yay for me!

13/2/20, 20:53 - Emma Roberts-Smith: If only they knew now

13/2/20, 20:53 - Emma Roberts-Smith: What a joke

14/2/20, 09:35 - Emma Roberts-Smith: He's just sent me a message saying he's sent me an email explaining everything

14/2/20, 09:38 - Emma Roberts-Smith: I've just emailed you

14/2/20, 09:51 - Danielle: Ok have read it. Take a breath before you call the lawyers. Let's talk

14/2/20, 10:18 - Danielle: I will help you work through this, but you need to tell me everything about the finances, so I understand.

14/2/20, 10:19 - Danielle: Call me when you get out.

14/2/20, 10:19 - Emma Roberts-Smith: Ok

14/2/20, 10:20 - Danielle: Breathe

14/2/20, 13:53 - Emma Roberts-Smith: Check your emails again

14/2/20, 13:57 - Emma Roberts-Smith: WTAF

14/2/20, 13:57 - Emma Roberts-Smith: He transferred 4000 today

14/2/20, 13:59 - Danielle: The email is designed to confuse you.

14/2/20, 13:59 - Emma Roberts-Smith: I'm not confused one bit

14/2/20, 13:59 - Danielle: And make you doubt yourself. Just stop.

14/2/20, 13:59 - Emma Roberts-Smith: I don't doubt anything

14/2/20, 14:00 - Danielle: He is trying to make you out to be a psycho and that you have mental health issues.

14/2/20, 14:00 - Emma Roberts-Smith: Yeh good luck with that

14/2/20, 14:00 - Danielle: Lol yep.

14/2/20, 14:00 - Danielle: He's the one who has mental health issues, and all just put it down in writing.

14/2/20, 14:00 - Emma Roberts-Smith: What's he going to do, subpoena my medical records

14/2/20, 14:01 - Danielle: Nup can't

14/2/20, 14:01 - Emma Roberts-Smith: He's a fool and panic has set in

14/2/20, 14:02 - Danielle: You could have written back and say how do you expect me to behave when you walked out and abandoned our family, you fucken coward?

14/2/20, 14:02 - Emma Roberts-Smith: 🤔🤔

14/2/20, 14:02 - Emma Roberts-Smith: If I say nothing, it will have a greater effect

14/2/20, 14:03 - Danielle: I mean come on. He's now even telling you how to behave. At what should be one of the lowest moments of your both of your lives?

14/2/20, 14:03 - Danielle: NARCISSIST



14/2/20, 14:04 - Emma Roberts-Smith: I don't think he knows it's to a lawyer he's gone off half cocked and just seen the comment "Emma Rs"

14/2/20, 14:04 - Emma Roberts-Smith: He's panicked

14/2/20, 14:04 - Emma Roberts-Smith: Shot his mouth off

14/2/20, 14:04 - Emma Roberts-Smith: Someone will point it out to him and the penny will drop

14/2/20, 14:05 - Emma Roberts-Smith: And yes, he's done everything I've asked because I've been able to set the standard

14/2/20, 14:05 - Emma Roberts-Smith: He should've thought about "extras" before he took 4 grand out to cover his "bond" today

14/2/20, 14:06 - Emma Roberts-Smith: Or told me 10 days ago what he was doing and we could've prepared for it

14/2/20, 14:07 - Danielle: He probably thinks Pippa Colman is one of your dumb ass mates. Hahaha

14/2/20, 14:07 - Danielle: And that you've transferred the seven granted to her account.

14/2/20, 14:07 - Emma Roberts-Smith: He can work it out

14/2/20, 14:07 - Danielle: Correct. You don't need to justify anything at all to him

14/2/20, 14:07 - Emma Roberts-Smith: Just like I have had to for the past 6 months

14/2/20, 14:08 - Emma Roberts-Smith: I can account for all that cash!!

14/2/20, 14:08 - Emma Roberts-Smith: Lawyers bills

14/2/20, 14:12 - Emma Roberts-Smith: You think someone will say Ben that's a lawyer

14/2/20, 14:12 - Emma Roberts-Smith: How's the guilt trip

14/2/20, 14:13 - Emma Roberts-Smith: What's funny is he says he went to great lengths to discuss his finances but didn't mention he changed his pay

14/2/20, 14:15 - Emma Roberts-Smith: How's the first paragraph

14/2/20, 14:15 - Emma Roberts-Smith: In case something happens to the girls

14/2/20, 14:15 - Emma Roberts-Smith: What a cock

14/2/20, 14:36 - Emma Roberts-Smith: I haven't done the wrong thing hey?

14/2/20, 15:08 - Danielle: I'm just going in to see Josh's teacher.

14/2/20, 15:12 - Emma Roberts-Smith: Ok all alright?

14/2/20, 19:10 - Emma Roberts-Smith: Omg mum just asked me if I made the right decision going to the lawyers 🤔 wtf

14/2/20, 19:12 - Danielle: Just write back to her and ask if she would feel ok being controlled lied to, cheated on & betrayed? 🤔

14/2/20, 19:14 - Emma Roberts-Smith: I just called her and said don't ask me that again, he has hosed the girls and I over! It's done and he had plenty of chances

14/2/20, 19:16 - Danielle: Too right

14/2/20, 19:17 - Danielle: Understand that she is just worried about you, but something has to give here.

14/2/20, 19:17 - Danielle: She's just worried that you won't bring the girls back tonight, but I don't believe that's going to happen.

14/2/20, 19:19 - Emma Roberts-Smith: Im watching the cameras

14/2/20, 19:19 - Danielle: I'm sure you will be fine. Text me to let me know that they are home OK

14/2/20, 19:20 - Danielle: If he's going to lose his Bananas it's going to be in a heated argument with you.

14/2/20, 19:20 - Danielle: And the best way to deal with that is to not give him the chance.

14/2/20, 19:30 - Emma Roberts-Smith: I won't be going outside

14/2/20, 19:30 - Emma Roberts-Smith: He's just driving down now

14/2/20, 19:30 - Danielle: 🙄

14/2/20, 22:26 - Danielle: <https://pro.psychcentral.com/exhausted-woman/2017/06/12-survival-tips-for-living-with-a-narcissist/>

14/2/20, 22:30 - Emma Roberts-Smith: Holy shut that's funny

14/2/20, 22:31 - Danielle: Yep

15/2/20, 09:15 - Emma Roberts-Smith: Omg he's furious

15/2/20, 09:15 - Danielle: call me if you need

15/2/20, 09:35 - Danielle: [https://luxuryescapes.com/au/offer/ambience-on-burleigh-beach-queensland/0062y000002LgyXAAS?j=55694&sfmc\\_sub=7184033&l=26\\_HTML&u=18941125&mid=100016247&jb=31&utm\\_source=luxuryescapes&utm\\_medium=email&utm\\_campaign=TE%20Einstein%20Tail%20Deal%20-%20Non%20Gmail%20Control&sfmc\\_id=7184033](https://luxuryescapes.com/au/offer/ambience-on-burleigh-beach-queensland/0062y000002LgyXAAS?j=55694&sfmc_sub=7184033&l=26_HTML&u=18941125&mid=100016247&jb=31&utm_source=luxuryescapes&utm_medium=email&utm_campaign=TE%20Einstein%20Tail%20Deal%20-%20Non%20Gmail%20Control&sfmc_id=7184033)

15/2/20, 17:53 - Emma Roberts-Smith: It's ironic hey...brs spent the past 2 years saying we were seperated...it's like it's payback!

15/2/20, 17:53 - Emma Roberts-Smith: Funny how life works

15/2/20, 18:06 - Danielle: What do you mean? He said that you were separated?

15/2/20, 18:12 - Emma Roberts-Smith: Yeh but to cover last time we used that...ironic we ended up there anyway

15/2/20, 18:17 - Danielle: Oh yeah!

15/2/20, 18:17 - Emma Roberts-Smith: 😊

15/2/20, 18:17 - Emma Roberts-Smith: You think I msg [REDACTED]?

15/2/20, 18:22 - Danielle: I don't think thats a good idea, but up to you

15/2/20, 18:22 - Emma Roberts-Smith: Do I msg brs and say I hope all goes ok next week?

15/2/20, 18:31 - Emma Roberts-Smith: 🤔🤔

15/2/20, 18:37 - Emma Roberts-Smith: Lizzie just said to me dad asked if you were ok because he didn't want you to be sad

15/2/20, 18:37 - Emma Roberts-Smith: Whatever

15/2/20, 18:38 - Emma Roberts-Smith: She said dad doesn't know why we can't stay with him and that he wants us to until he comes back to Maroochydore

15/2/20, 18:39 - Emma Roberts-Smith: I said Maroochydore or this house and he said "no babe I don't think that will happen" yeh no shit dick head

15/2/20, 18:45 - Danielle: Well, if he stops writing, you fucking narcissistic emails. Maybe you won't be sad.

15/2/20, 18:45 - Emma Roberts-Smith: Yeh...that'll help

15/2/20, 18:46 - Emma Roberts-Smith: She told him I was ok which is good he knows nothing

15/2/20, 18:46 - Emma Roberts-Smith: He looked like a toddler having a tantrum today

15/2/20, 18:46 - Emma Roberts-Smith: Sulking and angry

15/2/20, 20:42 - Danielle: That's normal mate. You are going to have times like that. ❤️

16/2/20, 07:57 - Emma Roberts-Smith: Hey 🙋 do I msg brs and wish him luck for this week?

16/2/20, 08:06 - Danielle: Oh man ... I wouldn't know ... if he gets a solicitor letter this week I think it will look like you were taking the piss

16/2/20, 08:19 - Danielle: You don't have to send that letter you know

16/2/20, 08:19 - Danielle: Don't do anything until you're comfortable with it

16/2/20, 08:49 - Emma Roberts-Smith: I don't think I'll send anything until he's finished in that mtg

16/2/20, 08:50 - Emma Roberts-Smith: He needs to focus on that, it's crucial to the girls and I too

16/2/20, 09:01 - Danielle: Yes I agree with you mate

16/2/20, 09:01 - Emma Roberts-Smith: I want to say good luck this week but it might look dumb

16/2/20, 12:59 - Emma Roberts-Smith: Lizzie just FaceTimed brs and he's laying by the pool at his hotel "it's a great view from where you're at"

16/2/20, 12:59 - Emma Roberts-Smith: He's living his best life 😊

16/2/20, 13:02 - Danielle: Boom and there it is 🙌

16/2/20, 13:02 - Danielle: Be a nice person because you have to be but know exactly what the score is

16/2/20, 13:02 - Emma Roberts-Smith: He'd be loving life

16/2/20, 13:02 - Danielle: Yep

16/2/20, 13:03 - Emma Roberts-Smith: Tanning and reading for work by the pool with no nagging



16/2/20, 13:03 - Emma Roberts-Smith: Part time dad full time ME

16/2/20, 13:05 - Danielle: No kids washing, lunches sick kids, nagging wife

16/2/20, 13:05 - Emma Roberts-Smith: Ha ha yep

16/2/20, 13:05 - Emma Roberts-Smith: He did say he had been doing his washing and getting ready for the week

16/2/20, 13:05 - Emma Roberts-Smith: Guilt free

16/2/20, 13:05 - Emma Roberts-Smith: How sad really...no family

16/2/20, 13:06 - Danielle: Yeah you and I see it that way, others don't

16/2/20, 13:07 - Emma Roberts-Smith: Shame

16/2/20, 13:14 - Emma Roberts-Smith: Do you reckon he's just hanging by the pool solo??

16/2/20, 13:15 - Emma Roberts-Smith: Wouldn't it look weird?

16/2/20, 13:24 - Danielle: LOL yep it would look weird ... but I reckon he is

16/2/20, 13:24 - Emma Roberts-Smith: Weird?

16/2/20, 13:50 - Emma Roberts-Smith: Sorry mate was on the phone 🗣️ all good?

16/2/20, 14:18 - Emma Roberts-Smith: Did you get what you needed?

16/2/20, 15:24 - Danielle: Yep found the email you sent me

16/2/20, 15:25 - Emma Roberts-Smith: Ok cool

16/2/20, 16:13 - Emma Roberts-Smith: Evie just said "dad told me he's given you all his pay" 🤖

16/2/20, 16:22 - Danielle: Charming

16/2/20, 16:23 - Emma Roberts-Smith: I said "well that's not child appropriate conversation"

16/2/20, 16:24 - Emma Roberts-Smith: He asked what they were doing for Easter and they said mum said we might go away but not somewhere expensive and then he said that

16/2/20, 16:25 - Danielle: 😏

16/2/20, 16:26 - Emma Roberts-Smith: Douche

16/2/20, 16:26 - Emma Roberts-Smith: He'd be hating it

16/2/20, 16:35 - Danielle: Too bad for him he can't have a part-time family

16/2/20, 16:35 - Danielle: It doesn't work like that

16/2/20, 16:56 - Emma Roberts-Smith: No it doesn't

17/2/20, 18:15 - Emma Roberts-Smith: Brs didn't call tonight 🙏 he might be having pre mtg dinner with the 🐱🐶

17/2/20, 20:02 - Emma Roberts-Smith: Funny as fuck

17/2/20, 20:05 - Danielle: Lol love that

17/2/20, 20:05 - Danielle: I'm still running around trying to pack a bag

17/2/20, 20:06 - Danielle: Last minute mayhem 😊

17/2/20, 20:06 - Emma Roberts-Smith: 🤔 no cuff too tough mate

17/2/20, 20:24 - Emma Roberts-Smith: You should msg old mate Bali and say you're in brissy

17/2/20, 20:24 - Emma Roberts-Smith: Seeing me because shit has blown up

17/2/20, 20:24 - Danielle: You want me to?

17/2/20, 20:25 - Emma Roberts-Smith: Dunno?

17/2/20, 20:25 - Emma Roberts-Smith: Would be leak

17/2/20, 20:25 - Emma Roberts-Smith: He

17/2/20, 20:25 - Danielle: Not sure?

17/2/20, 20:25 - Emma Roberts-Smith: I don't think he would tell brs you msg him

17/2/20, 20:25 - Danielle: I don't think he would do it to you to be honest

17/2/20, 20:25 - Emma Roberts-Smith: Unless I wanted it to

17/2/20, 20:26 - Danielle: Yes

17/2/20, 20:26 - Emma Roberts-Smith: Dunno

17/2/20, 20:27 - Danielle: I reckon he might tell u stuff

17/2/20, 20:27 - Emma Roberts-Smith: Oh??

17/2/20, 20:27 - Emma Roberts-Smith: Like what

17/2/20, 20:27 - Danielle: Stuff we prob didn't know

17/2/20, 20:27 - Emma Roberts-Smith: Probably

17/2/20, 20:27 - Emma Roberts-Smith: Maybe

17/2/20, 20:27 - Danielle: Up to you

17/2/20, 20:28 - Danielle: I can set it up for James st 1pm

17/2/20, 20:28 - Emma Roberts-Smith: Oh see him??

17/2/20, 20:28 - Danielle: Better to do it with me there

17/2/20, 20:28 - Emma Roberts-Smith: True

17/2/20, 20:28 - Danielle: Break the ice

17/2/20, 20:29 - Emma Roberts-Smith: I was just thinking about all the stuff he did for brs and for what

17/2/20, 20:29 - Emma Roberts-Smith: Being used

17/2/20, 20:29 - Danielle: Yeah 😊

17/2/20, 20:29 - Emma Roberts-Smith: Standard I guess

17/2/20, 20:30 - Emma Roberts-Smith: Maybe just text and say hi etc you're heading to brissy to see me cause blah blah

17/2/20, 20:30 - Emma Roberts-Smith: But not meet?

17/2/20, 20:30 - Danielle: I think you should

17/2/20, 20:30 - Emma Roberts-Smith: Meet him?

17/2/20, 20:30 - Danielle: Settle your mind

17/2/20, 20:30 - Emma Roberts-Smith: Or flip BRS's

17/2/20, 20:30 - Emma Roberts-Smith: He'd be fuming

17/2/20, 20:31 - Danielle: He won't know

17/2/20, 20:31 - Emma Roberts-Smith: Could we trust him though?

17/2/20, 20:31 - Emma Roberts-Smith: Ha

17/2/20, 20:31 - Emma Roberts-Smith: Maybe test the waters

17/2/20, 20:31 - Danielle: We would be careful about what we say

17/2/20, 20:31 - Emma Roberts-Smith: What would it gain?

17/2/20, 20:31 - Emma Roberts-Smith: Yeh he might be dodge

17/2/20, 20:31 - Danielle: Information?

17/2/20, 20:32 - Emma Roberts-Smith: 🤔

17/2/20, 20:32 - Danielle: I reckon he knows shit

17/2/20, 20:32 - Emma Roberts-Smith: Yeh I do too

17/2/20, 20:32 - Emma Roberts-Smith: I know brs wanted JW to meet with him

17/2/20, 20:33 - Emma Roberts-Smith: But old mate wouldn't commit

17/2/20, 20:33 - Emma Roberts-Smith: Probably knew he was being used again

17/2/20, 20:33 - Danielle: Ooohh

17/2/20, 20:33 - Danielle: What are you scared of?

17/2/20, 20:34 - Emma Roberts-Smith: Dunno

17/2/20, 20:34 - Danielle: You got nothing to lose & I will be there

17/2/20, 20:34 - Emma Roberts-Smith: If he leaked would that work for me

17/2/20, 20:35 - Danielle: Nah probably not

17/2/20, 20:35 - Emma Roberts-Smith: Brs will end up releasing a statements it was amicable etc

17/2/20, 20:35 - Emma Roberts-Smith: He's just waiting for his home



17/2/20, 20:35 - Emma Roberts-Smith: Time

17/2/20, 20:36 - Danielle: Course he will & you will be expected to comply

17/2/20, 20:36 - Emma Roberts-Smith: I only want to do what's going to benefit me

17/2/20, 20:36 - Emma Roberts-Smith: Yep and I'll be spewing

17/2/20, 20:36 - Emma Roberts-Smith: I don't want that to be honest

17/2/20, 20:37 - Emma Roberts-Smith: I get it but I'm fucking pissed

17/2/20, 20:37 - Emma Roberts-Smith: That's me protecting him still

17/2/20, 20:37 - Danielle: U want me to contact Old mate?

17/2/20, 20:41 - Emma Roberts-Smith: Dunno 🤔

17/2/20, 20:42 - Emma Roberts-Smith: He didn't msg the girls

17/2/20, 20:42 - Emma Roberts-Smith: They didn't ask either

17/2/20, 20:42 - Danielle: Busy with other

17/2/20, 20:42 - Emma Roberts-Smith: Yup

17/2/20, 20:45 - Danielle: Think you bother telling old mate anything at all then you may as well meet with him

17/2/20, 20:46 - Emma Roberts-Smith: You make the call

17/2/20, 20:46 - Emma Roberts-Smith: That way it's out of my hands

17/2/20, 20:46 - Emma Roberts-Smith: I don't have a feeling either way

17/2/20, 20:46 - Danielle: Lol it's not my story to tell

17/2/20, 20:46 - Emma Roberts-Smith: If I felt strong one way or the other I'd say

17/2/20, 20:47 - Danielle: Where are we going for lunch?

17/2/20, 20:47 - Emma Roberts-Smith: I think James st

17/2/20, 20:47 - Danielle: Where?

17/2/20, 20:48 - Emma Roberts-Smith: Harvey's i reckon

17/2/20, 20:48 - Emma Roberts-Smith: Good food

17/2/20, 20:48 - Danielle: Ok ..

17/2/20, 20:48 - Emma Roberts-Smith: You think he's worked with media?

17/2/20, 20:49 - Emma Roberts-Smith: I wondered that before

17/2/20, 20:49 - Danielle: Nah I don't

17/2/20, 20:49 - Emma Roberts-Smith: Ok

17/2/20, 20:50 - Danielle: I don't think he would speak to me if you did

17/2/20, 20:50 - Danielle: He had  
17/2/20, 20:50 - Emma Roberts-Smith: Ok  
17/2/20, 20:50 - Emma Roberts-Smith: True  
17/2/20, 20:50 - Emma Roberts-Smith: Unless he wanted info  
17/2/20, 20:50 - Danielle: Which he has never ever asked for  
17/2/20, 20:50 - Emma Roberts-Smith: Ok true  
18/2/20, 11:56 - Danielle: Ok outside waiting at Qantas pickup  
18/2/20, 11:56 - Emma Roberts-Smith: 5 away  
18/2/20, 16:31 - Emma Roberts-Smith: Thanks for lunch 🙏  
18/2/20, 16:33 - Danielle: no, thank you! I hope it was fruitful and you are feeling good about it  
18/2/20, 16:35 - Emma Roberts-Smith: Lots of things running through my head  
18/2/20, 16:43 - Emma Roberts-Smith: Right when we got out of the car today  
18/2/20, 16:50 - Danielle: Interesting  
18/2/20, 16:51 - Emma Roberts-Smith: I'm shitting about telling Claire  
18/2/20, 16:52 - Danielle: I am shitting about you not telling her!  
18/2/20, 16:52 - Danielle: I think the latter would be much worse outcome for you  
18/2/20, 16:53 - Emma Roberts-Smith: Really  
18/2/20, 16:53 - Danielle: Yep .....

18/2/20, 16:53 - Danielle: A press statement not in your favour  
18/2/20, 16:53 - Emma Roberts-Smith: Yeh you might be right  
18/2/20, 16:53 - Danielle: MA gets away with it  
18/2/20, 16:53 - Emma Roberts-Smith: I can't say too much about Monica, she can sue me  
18/2/20, 16:53 - Danielle: Claire thinks you are not that tight after all  
18/2/20, 16:53 - Danielle: Stories get made up  
18/2/20, 16:54 - Emma Roberts-Smith: I can only say what I can prove  
18/2/20, 16:56 - Danielle: Yep  
18/2/20, 16:58 - Emma Roberts-Smith: She can't sue me then  
18/2/20, 16:59 - Emma Roberts-Smith: Reckon he'll call the girls tonight ?  
18/2/20, 17:00 - Danielle: I don't think he will call  
18/2/20, 17:01 - Emma Roberts-Smith: No, same  
18/2/20, 17:01 - Emma Roberts-Smith: He can switch off as father of the year for the week

18/2/20, 17:10 - Emma Roberts-Smith: Kate reckons I don't say a word

18/2/20, 17:10 - Emma Roberts-Smith: To Claire

18/2/20, 17:10 - Emma Roberts-Smith: To stay out of it

18/2/20, 17:20 - Emma Roberts-Smith: She said 1 wrong move and I can loose everything

18/2/20, 18:18 - Emma Roberts-Smith: I think he's in Canberra

18/2/20, 18:18 - Emma Roberts-Smith: He just told the girls he has a 2 bedroom apartment

18/2/20, 18:18 - Emma Roberts-Smith: They're very excited

18/2/20, 18:34 - Emma Roberts-Smith: He's at the Hyatt

18/2/20, 18:34 - Emma Roberts-Smith: I'm a suite

18/2/20, 18:34 - Emma Roberts-Smith: Fancy that

18/2/20, 19:09 - Emma Roberts-Smith: I'm nervous as fuck, I feel sick

19/2/20, 09:36 - Danielle: Sorry mate I'm still in the Trading system today and having to sneak out just checking how things are going this morning

19/2/20, 16:52 - Emma Roberts-Smith: I'm actually going to put the phones away tonight, I can't deal with the chance he'll msg

19/2/20, 17:23 - Danielle: Yep 3.17

19/2/20, 17:24 - Emma Roberts-Smith: Ok so 417

19/2/20, 17:26 - Danielle: Yep

19/2/20, 17:27 - Emma Roberts-Smith: That makes sense

19/2/20, 17:27 - Emma Roberts-Smith: Wonder how it went

19/2/20, 17:35 - Emma Roberts-Smith: You think he'll call tonight?

19/2/20, 17:58 - Danielle: Hmmm not sure

19/2/20, 17:59 - Emma Roberts-Smith: Can only

Hope

20/2/20, 07:07 - Emma Roberts-Smith: You think I talk to brs about the drinking in person?

20/2/20, 07:07 - Emma Roberts-Smith: I can't shake the feeling

20/2/20, 07:08 - Emma Roberts-Smith: That was my plan all along but then he ghosted me on the pay thing I thought fuck it

20/2/20, 07:39 - Emma Roberts-Smith: Will it effect the trial?

20/2/20, 07:39 - Emma Roberts-Smith: If they subpoena his medical records?

20/2/20, 10:21 - Emma Roberts-Smith: I reckon he was only in there 1 day

21/2/20, 17:21 - Emma Roberts-Smith: Just taking Eve to dr



21/2/20, 21:40 - Emma Roberts-Smith: <https://www.midlifedivorcerecovery.com/divorcing-narcissist-husband/>

21/2/20, 21:40 - Emma Roberts-Smith: Disey sent me this

21/2/20, 21:44 - Danielle: Did you write this? 😊

21/2/20, 21:44 - Emma Roberts-Smith: You'd think so 😊

22/2/20, 06:36 - Emma Roberts-Smith: What are you up to today?

22/2/20, 07:41 - Emma Roberts-Smith: I'm thinking of messaging Claire

22/2/20, 07:42 - Emma Roberts-Smith: Big night

22/2/20, 08:18 - Emma Roberts-Smith: [https://www.huffpost.com/entry/8-simple-rules-when-divorcing-a-narcissist\\_b\\_5a31c967e4b0b73dde46aa0a](https://www.huffpost.com/entry/8-simple-rules-when-divorcing-a-narcissist_b_5a31c967e4b0b73dde46aa0a)

22/2/20, 08:24 - Emma Roberts-Smith: Dear Claire

I'm so sorry I haven't RSVP'ed to Vivi's birthday and christening. I'm actually in a bit of a dilemma....

Ben moved out 5 weeks ago! It's been brutal and I've been trying to pick up the pieces.

I'm unsure if he's mentioned it, but I've gone to ground trying to make sure the girls and I are ok, and it doesn't leak!

The girls and I would of course love to be there, is it ok if I let you know closer to the time?

Thinking of you always and sending you love xxx

22/2/20, 09:11 - Danielle: U ok?

22/2/20, 10:05 - Danielle: omg whats going on?

22/2/20, 11:15 - Emma Roberts-Smith: Spoke with Ryan. He thinks 100% you need to write to K.

Know that there's a chance K will tell Ben about the letter. I guess if you asked him to remain things confidential he'll honour that.

Ryan feels strongly that you need to write a letter (not too long). Basically, something along the lines of .. Ben needs help because he's in trouble and I'm no longer in a position to help him. As you may or may not know, Ben left our home 5 weeks ago. Outline the background : language in front of the girls, the drinking (even the girls are aware + concerned) at home & in public and finally the inappropriate relations with defense lawyer. I think put it in a way where K knows you're not asking him to save your marriage as such - you've received an official letter of separation from Ben, so it seems the marriage isn't salvageable ..and although you're really hurt and really angry right now, you still care for him and you need him to pull himself together, for the sake of the girls and the trial.

K, given everything you've done for us I thought it was important you knew... and given how close you are to our family (and also being the only person B listens to) - I'm hoping with your guidance B might gain some perspective. He's off the rails and he needs a clear mind to get through this year. He's damaging his relationship with the girls now.

Best thing is to do is write the letter, then text K and say you have a private letter to send him and ask if there is an email address you can send it to which isn't viewed by others.

Let me know your thoughts. If decide to send something and you want Ryan to look at it quickly before you send it let me know. You can email me or Ryan's private closed email address xxxxxxxxx

22/2/20, 13:38 - Emma Roberts-Smith: I feel like I've done the wrong thing talking to Claire?? 😞

22/2/20, 13:39 - Emma Roberts-Smith: Maybe cause it's just complicated it??

22/2/20, 16:24 - Emma Roberts-Smith: You home?

22/2/20, 16:29 - Danielle: Yep

22/2/20, 17:20 - Emma Roberts-Smith: I'm writing you this letter to let you know Ben moved out of our family home 5 weeks ago.

He will be furious I made contact and that scares me.

He wrote me an email, after 22 years together, telling me we were officially separated. I'm still trying to come to terms with what's happened, and what it means for the girls and I moving forward. We're devastated, and I've been trying to pick up the pieces.

Ben needs some help, and I'm not in a position to help him anymore.

I know you're aware that Ben has had issues with alcohol in the past. He's been binge drinking again for the past 6 months (minimum 2 bottles of wine a night since Christmas and in the lead up to him leaving). Prior to leaving, the language he used in front of the girls and the behaviour he's shown in public recently while drinking have caused me huge stress. I've had to remain on my A game to make sure no one is aware. The girls have mentioned to the school counsellor that "dad is lying about alcohol so mum doesn't find out". They've had inappropriate conversations with me about how many times they've been to bottle shops while they've spent time with him over the past month.

I've had to engage a family lawyer to protect the girls and I. They've suggested he sits a CDT test to prove he's not binge drinking before he has access to the girls overnight. I'm concerned Fairfax could access his medical records for the trial and find out. He would clearly fail that test! I haven't actually told Ben any of this, I've kept as low profile as possible to save anything leaking!

Over the past 6 months I've questioned him about an inappropriate relationship I felt he was having with a female lawyer working on the defamation trial. Of which he (and she denied). However, I've read text messages that I do not feel comfortable with. I sent Ben a very personal email about our marriage and separation, to which Ben forwarded to her at work. She replied with not only incorrect family law advice, but ethically and inappropriate comments. I was horrified to think someone who is meant to be protecting Ben (and our family) would be so unprofessional. There are 2 children involved in this Kerry, and it's devastating. I'm deeply concerned that there's a conflict of interest and it can affect the trial.

I am not asking for help to save our marriage. I've asked Ben several times for counselling.

I'm emailing because I feel you need to know, and be aware of what's going on.

We barely speak to one another...I love Ben dearly and do not want him to lose more than what he already has. I've put everything on the line to protect Ben, at a huge personal cost.

My hope moving forward is that he can have the best possible relationship for the girls, that he admits he needs help, and that he survives this year!



You have been a pillar of strength to my family. Without you we wouldn't have survived so far. I have been struggling with whether I should contact you about this, however, I'm afraid that he will continue to self destruct.

Kerry, I'm not asking anything of you, because this isn't your issue, but given how close you are to my family I thought you should be aware. May be you could help Ben, because I can't and he genuinely needs it. I'm very sorry to put this on you, but I know you care personally and would rather know than not

22/2/20, 17:32 - Danielle: There are some spelling / grammar errors in that, I will fix for you

22/2/20, 17:38 - Danielle: I'm writing you this letter to let you know that Ben moved out of our family home 5 weeks ago.

He will be furious I have made contact with you, and that scares me.

He wrote me an email, after 22 years together, telling me we were officially separated. I'm still trying to come to terms with what's happened, and what it means for the girls and I moving forward. We're devastated, and I've been trying to pick up the pieces.

It's clear Ben needs some help, and I'm not in a position to help him anymore.

I know you're aware that Ben has had issues with alcohol in the past. He's been binge drinking again for the past 6 months (minimum 2 bottles of wine a night since Christmas and in the lead up to him leaving). Prior to leaving, the language he used in front of the girls and the behaviour he's shown in public while drinking caused me huge stress. During that time and since then, I've had to remain on my A game to make sure no one is aware. The girls have mentioned to the school counsellor that "dad is lying about alcohol so mum doesn't find out". They've had inappropriate conversations with me about how many times they've been to bottle shops while they've spent time with him over the past month.

Recently, I've had to engage a family lawyer to protect the girls and I. They've suggested he sits a CDT test to prove he's not binge drinking before he has access to the girls overnight. I'm concerned Fairfax could access his medical records for the trial and find out. He would clearly fail that test! I haven't actually told Ben any of this, I've kept as low profile as possible to save anything leaking!

Over the past 6 months I've questioned him about an inappropriate relationship I felt he was having with a female lawyer working on the defamation trial. Of which he (and she) denied. However, I've read text messages that I do not feel comfortable with. After he left, I sent Ben a very personal email about our marriage and separation, to which Ben forwarded this email to her at work. She replied with not only incorrect family law advice, but ethically and inappropriate comments. I was horrified to think someone who is meant to be protecting Ben (and our family) would be so unprofessional. There are 2 children involved in this Kerry, and it's devastating. I'm deeply concerned that there's a conflict of interest there and it will effect the trial.

I am not asking for help to save our marriage. I've asked Ben several times for counselling.

I'm emailing because I feel you need to know, and be aware of what's going on.

We barely speak to one another...I love Ben dearly and do not want him to lose more than what he already has. I've put everything on the line to protect Ben, at a huge personal cost.

My hope moving forward is that he can have the best possible relationship with the girls, that he admits he needs help and gets it, and that he survives this year!



You have been a pillar of strength to my family. Without you we wouldn't have survived so far. I have been struggling with whether I should contact you about this, however, I'm afraid that he will continue to self destruct.

Kerry, I'm not asking anything of you, because this isn't your issue, but given how close you are to my family I thought you should be aware. May be you could help Ben, because I can't anymore and he genuinely needs it. I'm very sorry to put this on you but I know you care personally, and would rather know than not

22/2/20, 17:39 - Emma Roberts-Smith: Ok 🙏🙏

22/2/20, 17:39 - Emma Roberts-Smith: 😞

22/2/20, 17:39 - Danielle: deformation = defamation

22/2/20, 17:39 - Emma Roberts-Smith: What a cunt mate

22/2/20, 17:39 - Danielle: and there were some commas in the wrong spots and omitted words, but I fixed them

22/2/20, 17:40 - Danielle: I still think you need to add at the bottom you are happy to speak to him on the phone about this

22/2/20, 17:40 - Emma Roberts-Smith: Yeh c have me something to put on the bottom

22/2/20, 17:59 - Emma Roberts-Smith: Have I done the right thing??

22/2/20, 18:05 - Danielle: Yes you have

22/2/20, 18:14 - Emma Roberts-Smith: 😞

22/2/20, 18:15 - Emma Roberts-Smith: I feel sick mate

22/2/20, 19:20 - Danielle: Just try and take some down time in your mind tonight and prepare yourself for tomorrow. J lost his shit at me for being on the phone too much 😞 so I promised him I would watch a movie

22/2/20, 20:06 - Danielle: Read this

22/2/20, 20:06 - Danielle: <https://9now.nine.com.au/a-current-affair/camp-hill-car-fire-family-say-hannah-clarke-sacrificed-everything-for-her-children/fe2d7a20-5f55-4fed-8e73-4a3feb214040?ocid=Social-ACA>

22/2/20, 20:11 - Emma Roberts-Smith: Fuck

22/2/20, 20:30 - Emma Roberts-Smith: Old mate just told me to hide the ammo

22/2/20, 20:31 - Emma Roberts-Smith: Mel reckons I need to go to the police station tomorrow and just make them aware

22/2/20, 20:34 - Emma Roberts-Smith: Old mate said they'll leak it if I tell the cop shop

22/2/20, 20:43 - Danielle: I don't think cops are necessary

22/2/20, 20:43 - Emma Roberts-Smith: I cannot find the keys to the gun safe

22/2/20, 20:50 - Emma Roberts-Smith: They keys are dead at gone

22/2/20, 20:50 - Danielle: Did you put them somewhere?

22/2/20, 21:26 - Emma Roberts-Smith: Can't find them 🙄

22/2/20, 21:26 - Emma Roberts-Smith: You reckon he was here yesterday? We didn't get home until 7

22/2/20, 21:26 - Danielle: I highly doubt it mate I really do

22/2/20, 21:27 - Emma Roberts-Smith: Someone had def been in my bedside drawer, remember I said there's an anniversary card on the top of my drawer

22/2/20, 21:27 - Emma Roberts-Smith: I was on the phone to you

22/2/20, 21:28 - Emma Roberts-Smith: He did mention the girls having a play date Friday...maybe he was up here?

22/2/20, 21:29 - Danielle: Is the anniversary card still there

22/2/20, 21:30 - Emma Roberts-Smith: Yep

22/2/20, 21:30 - Emma Roberts-Smith: I didn't even know it was in there

22/2/20, 21:30 - Danielle: Can you look back at the cameras from yesterday

22/2/20, 21:30 - Emma Roberts-Smith: I just went to look and it says "video unavailable"

22/2/20, 21:32 - Danielle: Hmmm I still reckon you hid them somewhere

22/2/20, 21:32 - Emma Roberts-Smith: Hmmm

22/2/20, 21:36 - Emma Roberts-Smith: I'll know if he asks for the keys...if he doesn't ask I'll know he has them

22/2/20, 21:40 - Danielle: Yeah I wouldn't panic until you've turned the house upside down

22/2/20, 21:40 - Emma Roberts-Smith: Yep

22/2/20, 21:40 - Danielle: You weren't thinking straight that day that's for sure

22/2/20, 21:40 - Emma Roberts-Smith: I'll know if he asks or not

22/2/20, 21:40 - Emma Roberts-Smith: Not

22/2/20, 21:41 - Emma Roberts-Smith: Yep I remember shaking at the time I was opening the safe

22/2/20, 21:41 - Emma Roberts-Smith: I can't remember why

22/2/20, 21:41 - Danielle: You were worried that he might have taken the contents with him

22/2/20, 21:42 - Emma Roberts-Smith: His iPhone 10 is still here, I just saw that

22/2/20, 21:42 - Emma Roberts-Smith: We thought he might've had stuff hidden in there

22/2/20, 21:42 - Danielle: Can you switch it on?

22/2/20, 21:43 - Emma Roberts-Smith: It's flat

22/2/20, 21:43 - Emma Roberts-Smith: I think he wiped it all

22/2/20, 21:43 - Danielle: You would need to know the passcode to get into it anyway

22/2/20, 21:43 - Emma Roberts-Smith: Yep

22/2/20, 21:43 - Emma Roberts-Smith: Impossible to crack

22/2/20, 21:44 - Emma Roberts-Smith: That's why he changed the password on his laptop

22/2/20, 21:44 - Emma Roberts-Smith: Shot he didn't want me seeing

22/2/20, 21:44 - Emma Roberts-Smith: And the hint was "opera"

22/2/20, 21:44 - Danielle: Have you got the final draft of your letter?

22/2/20, 21:44 - Danielle: Sam

22/2/20, 21:44 - Emma Roberts-Smith: Yeh

22/2/20, 21:44 - Emma Roberts-Smith: Yep I reckon it would be something like that

22/2/20, 22:12 - Emma Roberts-Smith: I think I'm going to tell cs that I need to tell brs to tell kms, give him the chance

22/2/20, 22:13 - Emma Roberts-Smith: Cs knows my truth so it's up to him to be honest and that kms can call me anytime

22/2/20, 22:13 - Emma Roberts-Smith: Brs will never recover in such a fragile state mate

22/2/20, 22:13 - Danielle: Settle...

Breathe

22/2/20, 22:13 - Emma Roberts-Smith: I can't guarantee he won't make my life (and the girls) a living hell

22/2/20, 22:13 - Danielle: Sleep on it

22/2/20, 22:13 - Emma Roberts-Smith: I am, I feel comfy with that decision

22/2/20, 22:13 - Emma Roberts-Smith: I will

22/2/20, 22:16 - Danielle: Just tell Claire that you are too scared can you change your mind

22/2/20, 22:16 - Danielle: That way if they then want to tell kms it's up to them

22/2/20, 22:17 - Emma Roberts-Smith: They will want it to come from one of us

22/2/20, 22:17 - Emma Roberts-Smith: And it should be brs or at least given a chance

22/2/20, 22:17 - Danielle: Well can't force you too mate

22/2/20, 22:17 - Emma Roberts-Smith: If he lies then it's on him not me

22/2/20, 22:17 - Emma Roberts-Smith: I need to protect the girls

22/2/20, 22:18 - Danielle: Ok so I wouldn't even tell they RS if I was you

22/2/20, 22:18 - Danielle: Just tell Claire that you thought it overnight and you can't do it

22/2/20, 22:19 - Emma Roberts-Smith: Ben needs to man up and tell kms



22/2/20, 22:19 - Emma Roberts-Smith: Now cs knows, he needs to be told

22/2/20, 22:19 - Danielle: Even if you approach it with him & give him the chance to do it he's still going to be raging angry

22/2/20, 22:19 - Emma Roberts-Smith: Tomorrow after he drops the girls back

22/2/20, 22:20 - Emma Roberts-Smith: That's on him but he'll be less angry then if I tell him and the truth

22/2/20, 22:20 - Emma Roberts-Smith: Either way mate CS knows RE Monica

22/2/20, 22:20 - Emma Roberts-Smith: And that could effect the trial and brs drinking

22/2/20, 22:20 - Danielle: Ok mate just settle, it's up to you how you want to deal with it.

22/2/20, 22:20 - Emma Roberts-Smith: Yeh

22/2/20, 22:21 - Emma Roberts-Smith: What a disaster

22/2/20, 22:21 - Danielle: You are just rattled take the night to sleep on it

22/2/20, 22:21 - Emma Roberts-Smith: But I had to speak to Claire at some point

22/2/20, 22:21 - Emma Roberts-Smith: I will

22/2/20, 22:21 - Emma Roberts-Smith: Get some sleep mate chat tomorrow

22/2/20, 22:21 - Danielle: 🙌

23/2/20, 07:24 - Emma Roberts-Smith: Morning, you sleep ok?

23/2/20, 07:24 - Emma Roberts-Smith: Good morning 😊

I've had the shittiest nights sleep!

My family are very concerned about me telling K. They're worried about the backlash from B (as I am!) he will be beyond furious!! He has the girls today from 10-3 and they under no circumstance want me telling K while he has the girls!

My parents think I should tell B this afternoon that he needs to tell K, and give him the chance to be honest. I am absolutely devastated that B has put us in this position. The drinking/behavior and the inappropriate nature with MA, who's meant to be protecting him (us and K by default). B should've told K and asked for help.

I know K is the only person B will listen to, but Claire, I'm telling you, it won't end well for me! My parents are beside themselves!

I'm so stressed 😞

23/2/20, 07:59 - Danielle: You sent that?

23/2/20, 08:07 - Emma Roberts-Smith: Yep

23/2/20, 08:07 - Danielle: Any reply ?

23/2/20, 08:07 - Emma Roberts-Smith: She's just phoned

23/2/20, 08:07 - Danielle: call me

23/2/20, 10:06 - Emma Roberts-Smith: Omg disey is hiding in my cupboard

23/2/20, 10:06 - Emma Roberts-Smith: 🤔🤔

23/2/20, 10:07 - Emma Roberts-Smith: Do I ask brs to talk to the girls about homework, and notes teachers have sent RE lizzie distracted or don't give the opportunity?

23/2/20, 10:15 - Danielle: I wouldn't worry about it

23/2/20, 10:17 - Emma Roberts-Smith: Ok

23/2/20, 10:17 - Danielle: You have enough on your plate today mate just focus on what you have to do

23/2/20, 10:22 - Emma Roberts-Smith: You think brs is happy?

23/2/20, 10:25 - Danielle: I think he thinks he is

23/2/20, 10:25 - Danielle: Living his best life

23/2/20, 10:32 - Emma Roberts-Smith: He just picked them up

23/2/20, 14:06 - Emma Roberts-Smith: Omg he was here when I drove in!!

23/2/20, 14:07 - Emma Roberts-Smith: They got home at 130 and he's packing the car with stuff from the office

23/2/20, 16:04 - Danielle: Sorry mate I've just walked in the door call me back on the home phone

23/2/20, 17:36 - Emma Roberts-Smith: Just got the run down at dinner

23/2/20, 17:36 - Emma Roberts-Smith: 🤔

23/2/20, 17:37 - Danielle: Lol ... diarise it

23/2/20, 18:03 - Emma Roberts-Smith: Holy fuck you wait 🤔

23/2/20, 20:27 - Danielle: Very odd behaviour!

23/2/20, 20:27 - Emma Roberts-Smith: What's that about?

23/2/20, 20:29 - Danielle: Maybe spent the weekend (Sat) and went dark during that time

23/2/20, 20:29 - Danielle: then back home and back on ...

23/2/20, 20:30 - Emma Roberts-Smith: Bizarre mofos

23/2/20, 20:30 - Danielle: What was this about ?

23/2/20, 20:30 - Emma Roberts-Smith: Oh I call you now

23/2/20, 22:00 - Emma Roberts-Smith: <https://www.dailymail.co.uk/femail/article-8025649/Unhappy-middle-aged-spouses-affairs-theyre-people-pleasers-says-marital-therapist.html>

23/2/20, 22:00 - Emma Roberts-Smith: Fancy that!!

23/2/20, 22:16 - Danielle: 😊

24/2/20, 07:27 - Emma Roberts-Smith: How'd you sleep?

24/2/20, 15:18 - Emma Roberts-Smith: God...Bec Frizelle just called 📞 I let it go to voicemail

24/2/20, 15:18 - Danielle: Oh dear

24/2/20, 15:19 - Emma Roberts-Smith: Don't want her knowing

24/2/20, 16:40 - Emma Roberts-Smith: Just realised the douche bag has taken the rug that was in the walk way to the office 😞

24/2/20, 16:49 - Danielle: I really think he should be asking or telling you before he's taking things

24/2/20, 16:51 - Emma Roberts-Smith: You reckon

24/2/20, 17:37 - Danielle: Absolutely

24/2/20, 17:37 - Danielle: He told you not to remove things from the house

24/2/20, 17:41 - Emma Roberts-Smith: Yeh he told me not to see stuff

24/2/20, 17:42 - Emma Roberts-Smith: Kate said to take anything from there that you don't want him taking

24/2/20, 18:17 - Emma Roberts-Smith: Omg the girls are exhausted 😫

24/2/20, 18:18 - Emma Roberts-Smith: FOTY didnt call (and I didn't remind them tonight as they have an English assignment/writing test tomorrow) so we've been working on that

24/2/20, 19:24 - Danielle: 😊😊

24/2/20, 19:26 - Emma Roberts-Smith: They have an appointment Thursday after school. You can take them to that if you like, but they have to home straight after.

They're unsettled and emotional.

They're not focusing at school, both teachers have contacted me...Lizzie is very distracted in class and Evie forgetting to bring homework either home, or back to school.

It's week 5 of term and they're under pressure adjusting to the increase in work this year.

I'm trying to keep them in a strict routine so weeknight visits for dinner aren't in their best interests for now.

24/2/20, 19:27 - Danielle: Well said. You sent that ?

24/2/20, 19:27 - Emma Roberts-Smith: Nup just about to

24/2/20, 19:28 - Danielle: No ... Hi Em ?

24/2/20, 19:28 - Emma Roberts-Smith: WTF...not once has he asked what are their plans/needs

24/2/20, 19:28 - Danielle: no

24/2/20, 19:30 - Emma Roberts-Smith: Fucking idiot

25/2/20, 07:25 - Emma Roberts-Smith: Never heard back from douchey

25/2/20, 16:03 - Emma Roberts-Smith: Holy fuck...I just got a call



25/2/20, 16:03 - Emma Roberts-Smith: I'm at the pool with lizzie and the school car park has flooded...I just had to wade out to get my car out 🙄

25/2/20, 17:05 - Emma Roberts-Smith: Bet he doesn't rush to get back to me 😏👉

25/2/20, 17:59 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.theaustralian.com.au/nation/defence/australian-special-forces-in-afghanistan-probed-over-55-possible-unlawful-conduct-cases/news-story/087710317ac06d8b2a04c7ba043873d2>

25/2/20, 18:02 - Emma Roberts-Smith: <https://www.3aw.com.au/war-crimes-inquiry-more-than-50-incidents-involving-australian-special-forces-under-investigation/>

25/2/20, 18:18 - Emma Roberts-Smith: No text for ft call to the girls again 🙄

25/2/20, 18:45 - Danielle: Yep that will do it

25/2/20, 18:45 - Danielle: That's certainly enough to keep him busy

25/2/20, 18:46 - Danielle: This phone on 3%

25/2/20, 18:47 - Emma Roberts-Smith: Ok 👍

25/2/20, 18:47 - Emma Roberts-Smith: It'll be a big distraction that's for sure

25/2/20, 18:48 - Emma Roberts-Smith: Haven't been in the press for a bit

25/2/20, 18:48 - Emma Roberts-Smith: Will give kms an in to talk too

25/2/20, 21:47 - Emma Roberts-Smith: Again 🙄 what a fucking pussy having to run to your mum because you have no clue how to parent or even adult

25/2/20, 21:57 - Danielle: It's sad to say this but he's only using her for right now

25/2/20, 21:58 - Emma Roberts-Smith: Of course he bloody is

25/2/20, 21:58 - Emma Roberts-Smith: Until after the trial so he can have the house in Sydney

25/2/20, 21:58 - Emma Roberts-Smith: Imagine what he's told her...how terrible I am...what a joke

25/2/20, 21:58 - Danielle: Think about all the people around him he's using them

25/2/20, 21:58 - Emma Roberts-Smith: And she's dumb enough to believe him

25/2/20, 21:59 - Emma Roberts-Smith: Yeh using everyone and not making friends easily

25/2/20, 21:59 - Danielle: Yep she is. But honestly mate you can't worry about that

25/2/20, 21:59 - Danielle: You need to get yourself to a point where it doesn't matter to you what she thinks

25/2/20, 21:59 - Emma Roberts-Smith: I coudnbt care less what she thought of me

25/2/20, 22:00 - Danielle: Or he thinks. You do You

25/2/20, 22:00 - Emma Roberts-Smith: I'm already there

25/2/20, 22:00 - Danielle: Let them do each other

25/2/20, 22:01 - Emma Roberts-Smith: Fuck heads

25/2/20, 22:02 - Danielle: <https://www.psychologytoday.com/us/blog/the-mysteries-love/201611/narcissistic-men-and-their-mothers>

25/2/20, 22:03 - Emma Roberts-Smith: Omg what does it say I'll have to read

25/2/20, 22:04 - Danielle: That they are both fucked up

25/2/20, 22:05 - Emma Roberts-Smith: Well we know that

25/2/20, 22:06 - Danielle: Lol yep

25/2/20, 22:09 - Emma Roberts-Smith: As my mum said he can't ask me what the girls are doing because that gives me power

25/2/20, 22:10 - Emma Roberts-Smith: Wait til he goes to get in tomorrow ans his remote doesn't work

25/2/20, 22:10 - Emma Roberts-Smith: 🤔

25/2/20, 22:11 - Emma Roberts-Smith: I'll say I couldn't afford one for him

25/2/20, 22:12 - Danielle: She's right

25/2/20, 22:12 - Danielle: Is that done already ?

25/2/20, 22:12 - Emma Roberts-Smith: I know

25/2/20, 22:12 - Emma Roberts-Smith: They're here at 830

25/2/20, 22:12 - Emma Roberts-Smith: 🙏🤔

25/2/20, 22:12 - Danielle: Fantastic ;-

25/2/20, 22:13 - Emma Roberts-Smith: He can buzz like any other visitor

25/2/20, 22:13 - Danielle: As he should ....

25/2/20, 22:13 - Danielle: I can't see why he should have a problem buzzing ....

25/2/20, 22:14 - Emma Roberts-Smith: Entitled mate

25/2/20, 22:14 - Danielle: He knocks these days so buzzing should be fine too 🤔🤔

25/2/20, 22:21 - Emma Roberts-Smith: 🤔🤔

25/2/20, 22:21 - Emma Roberts-Smith: Fuck head

25/2/20, 22:21 - Emma Roberts-Smith: After he came in and took towels

25/2/20, 22:21 - Emma Roberts-Smith: What a cock

25/2/20, 22:21 - Danielle: loser

25/2/20, 22:21 - Emma Roberts-Smith: After already shopping at Sheridan

25/2/20, 22:22 - Danielle: Fall from grace ...

25/2/20, 22:22 - Emma Roberts-Smith: Do you reckon he'll use it against me for the password?

25/2/20, 22:22 - Emma Roberts-Smith: I'll say i was confused 🤔

25/2/20, 22:23 - Emma Roberts-Smith: He asked for his details

25/2/20, 22:23 - Emma Roberts-Smith: But wouldn't answer me

25/2/20, 22:28 - Danielle: Did you end up sending it to him ?

25/2/20, 22:28 - Emma Roberts-Smith: <Media omitted>

25/2/20, 22:28 - Danielle: ok, so no he can't use that against you

25/2/20, 22:28 - Emma Roberts-Smith: There's a word you use...plausable something

25/2/20, 22:28 - Emma Roberts-Smith: Yeh he confused men

25/2/20, 22:28 - Emma Roberts-Smith: Me

25/2/20, 22:29 - Danielle: You are simple .... after all

25/2/20, 22:29 - Danielle: Just say .... sorry, I was being simple

25/2/20, 22:29 - Danielle: lol

25/2/20, 22:29 - Emma Roberts-Smith: 🤔

25/2/20, 22:30 - Emma Roberts-Smith: The girls are super keen to get their own bank account, the kids at sxhool do

25/2/20, 22:30 - Emma Roberts-Smith: And they'll tell him I've set one up

25/2/20, 22:31 - Danielle: There is nothing wrong with that ... we had dollarmite accounts

25/2/20, 22:31 - Emma Roberts-Smith: No but he'll think I'm smuggling money

25/2/20, 22:31 - Danielle: lol ... let him audit them

25/2/20, 22:31 - Emma Roberts-Smith: And I don't need his approval

25/2/20, 22:31 - Emma Roberts-Smith: What a 🤔

25/2/20, 22:31 - Danielle: oh that would be so funny

25/2/20, 22:32 - Danielle: He would look like a paranoid FUCK

25/2/20, 22:32 - Emma Roberts-Smith: 🤔 🤔

25/2/20, 22:32 - Danielle: Do it ... hilarious

25/2/20, 22:32 - Emma Roberts-Smith: I'm going in as soon as the locks are changed

26/2/20, 06:10 - Danielle: Mum?

26/2/20, 06:11 - Emma Roberts-Smith: I doubt it

26/2/20, 06:11 - Danielle: Well lets see when they are read

26/2/20, 06:11 - Emma Roberts-Smith: Missed voice call

26/2/20, 06:12 - Emma Roberts-Smith: Did you just call?



26/2/20, 06:13 - Danielle: no

26/2/20, 06:13 - Emma Roberts-Smith: Ok

26/2/20, 06:14 - Danielle: Don't be surprised if he cancels tomorrow ... too busy / tired

26/2/20, 06:14 - Emma Roberts-Smith: There is actually nothing much on the app...just trying to be FOTY

26/2/20, 06:14 - Emma Roberts-Smith: He hasn't even confirmed tomorrow

26/2/20, 06:14 - Emma Roberts-Smith: He'll be tired as shit

26/2/20, 06:15 - Danielle: he will be pulling that report apart

26/2/20, 06:15 - Emma Roberts-Smith: Yeh he'll be focused on that

26/2/20, 06:17 - Emma Roberts-Smith: He'll be obccessed...guilty of something? 🤔

26/2/20, 06:17 - Danielle: yeah being a dick

26/2/20, 06:18 - Emma Roberts-Smith: His life has definitely changed hasn't it, late nights and sleep ins

26/2/20, 06:18 - Danielle: aha

26/2/20, 06:23 - Emma Roberts-Smith: 😏

26/2/20, 06:23 - Emma Roberts-Smith: Wonder why he didn't reply about Thursday?

26/2/20, 06:23 - Emma Roberts-Smith: Giving himself options in case he can't come up

26/2/20, 06:24 - Emma Roberts-Smith: Or doing something dodge to hose me in some way

26/2/20, 06:24 - Emma Roberts-Smith: Happy birthday to josh 💖 🎂

26/2/20, 06:26 - Danielle: I said thank you but you're still not the Queen mama is

26/2/20, 06:26 - Emma Roberts-Smith: 🤔🤔🤔🤔🤔 hes a suck

26/2/20, 07:06 - Danielle: I am staying home with JOsh today (playing hookie) ... 🤔🤔

26/2/20, 09:48 - Emma Roberts-Smith: When do I call Bec Frizelle back?

26/2/20, 09:51 - Emma Roberts-Smith: It's not like I can call her and not say something

26/2/20, 12:23 - Emma Roberts-Smith: Kept it basic

26/2/20, 18:22 - Emma Roberts-Smith: Omg they just told him they have a bank account getting set up

26/2/20, 18:22 - Emma Roberts-Smith: He said "why is she doing that??" 🤔

26/2/20, 18:27 - Emma Roberts-Smith: Omg....he sounds bloody pissed off

26/2/20, 18:27 - Emma Roberts-Smith: 🤔🤔🤔🤔

26/2/20, 21:04 - Emma Roberts-Smith: How was the burger?

27/2/20, 05:59 - Danielle: Burger was good

27/2/20, 06:14 - Emma Roberts-Smith: I forgot one of the girls (lizzie I think...evie hung up on him!!)  
☹️ told brs my car flooded

27/2/20, 06:14 - Emma Roberts-Smith: They were not happy when I tuck them in, poor things ☹️

27/2/20, 06:15 - Danielle: ☹️

27/2/20, 09:26 - Emma Roberts-Smith: Send his mail to 7...said it takes a couple of days, could afford express ☹️

27/2/20, 09:26 - Danielle: Perfect :)

27/2/20, 09:27 - Emma Roberts-Smith: There was 3 letters so I put it in a large envelope

27/2/20, 10:36 - Danielle: 👍

27/2/20, 11:00 - Emma Roberts-Smith: Omg Ben just called about the girls staying there next weekend

27/2/20, 13:36 - Emma Roberts-Smith: <Media omitted>

27/2/20, 13:36 - Emma Roberts-Smith: Is this cunt for real

27/2/20, 13:38 - Danielle: Just ignore

27/2/20, 13:38 - Danielle: Barking commands again

27/2/20, 13:38 - Emma Roberts-Smith: What a cunt

27/2/20, 15:36 - Emma Roberts-Smith: Christ....

27/2/20, 15:36 - Emma Roberts-Smith: <Media omitted>

27/2/20, 15:36 - Emma Roberts-Smith: I just googled 333

27/2/20, 15:36 - Emma Roberts-Smith: <Media omitted>

27/2/20, 15:38 - Emma Roberts-Smith: I think I just need to lay low??

27/2/20, 16:42 - Emma Roberts-Smith: Spoke to her ☹️☹️☹️☹️

27/2/20, 18:00 - Emma Roberts-Smith: You reckon brs will try and light me up in an email tonight?  
Seeing as I've missed the end of business?

27/2/20, 18:00 - Emma Roberts-Smith: I'm waiting for him to call the girls ☹️

27/2/20, 18:05 - Danielle: Yep probably

27/2/20, 18:12 - Emma Roberts-Smith: ☹️

27/2/20, 18:12 - Emma Roberts-Smith: Surely he's not that dumb

27/2/20, 18:12 - Danielle: Hmmm ☹️🐶

27/2/20, 18:13 - Emma Roberts-Smith: 🐶 I actually feel anxious

27/2/20, 18:13 - Emma Roberts-Smith: He hasn't called yet

27/2/20, 18:14 - Emma Roberts-Smith: He's just a bloody bully

27/2/20, 18:14 - Danielle: 🤔

27/2/20, 18:15 - Emma Roberts-Smith: They haven't asked about him either and they're just chilling now

27/2/20, 18:15 - Danielle: I think he'll be that enraged that he won't over

27/2/20, 18:15 - Emma Roberts-Smith: Yeh I wondered that too

27/2/20, 18:16 - Danielle: You defied his orders

27/2/20, 18:16 - Emma Roberts-Smith: He'll be too pissed off to call them

27/2/20, 18:16 - Emma Roberts-Smith: And he would've known it didn't go well last night

27/2/20, 18:16 - Emma Roberts-Smith: Yep, he's be mad I haven't jumped

27/2/20, 18:16 - Danielle: I thought he was supposed to be a good spy? Couldn't even get a recording of your phone call fucking amateur

27/2/20, 18:17 - Emma Roberts-Smith: That's damage is still so deep

27/2/20, 18:17 - Emma Roberts-Smith: 🤔 🤔

27/2/20, 18:17 - Danielle: Mate it will take a long time for you to get over this because of the things you have experienced

27/2/20, 18:17 - Emma Roberts-Smith: Worse thing for him is, I know his MO

27/2/20, 18:17 - Emma Roberts-Smith: Yeh I know

27/2/20, 18:17 - Emma Roberts-Smith: But fuck me ive learnt a lot in this time

27/2/20, 18:18 - Danielle: Yes you have and you should be very proud of yourself

27/2/20, 18:18 - Emma Roberts-Smith: 🤔 🤔

27/2/20, 18:18 - Danielle: You are finally on the road to goodness

27/2/20, 18:18 - Emma Roberts-Smith: It's bizarre hey

27/2/20, 18:18 - Danielle: You & your girls will rock this.

27/2/20, 18:19 - Emma Roberts-Smith: Christ mate I hope so

27/2/20, 18:19 - Danielle: You will.

27/2/20, 18:19 - Danielle: Remember what the solicitors said you are in the best possible position that you can be

27/2/20, 18:19 - Emma Roberts-Smith: It's just so new and so many things to think of, trying to stay 10 steps ahead

27/2/20, 18:20 - Danielle: Yes but you are doing a great job

27/2/20, 18:20 - Emma Roberts-Smith: <Media omitted>

27/2/20, 18:20 - Emma Roberts-Smith: It's just exhausting

27/2/20, 18:20 - Emma Roberts-Smith: But I need to be on my a game mate



27/2/20, 18:20 - Danielle: Always

27/2/20, 18:20 - Emma Roberts-Smith: I've spent too long being submissive

27/2/20, 18:21 - Emma Roberts-Smith: And I need to be prepared

27/2/20, 18:21 - Danielle: Yep

27/2/20, 18:21 - Emma Roberts-Smith: My spider senses just went nuts today...It's was bizarre behavior

28/2/20, 05:02 - Emma Roberts-Smith: Check your emails

28/2/20, 06:05 - Danielle: Read it. Since Darren is home I will call you on the way to work.

28/2/20, 06:32 - Emma Roberts-Smith: 👍

28/2/20, 14:59 - Emma Roberts-Smith: Anything??

28/2/20, 14:59 - Emma Roberts-Smith: Nothing in my emails

28/2/20, 15:00 - Danielle: Not yet, still watching

28/2/20, 15:31 - Danielle: Still nothing

28/2/20, 15:34 - Emma Roberts-Smith: 🙄

28/2/20, 15:47 - Emma Roberts-Smith: Maybe they'll wait 😏

28/2/20, 16:59 - Danielle: I was running in the front door to

28/2/20, 16:59 - Emma Roberts-Smith: 🙄

28/2/20, 16:59 - Emma Roberts-Smith: You only delete out of deleted if you are hiding

28/2/20, 18:26 - Emma Roberts-Smith: I totally took the wind out of brs today hey

28/2/20, 18:27 - Emma Roberts-Smith: It actually feels pretty miserable 😞 22 years together and I've just lit him up legally!! How did we get here?? 😞

28/2/20, 18:29 - Danielle: Yes it isn't a nice feeling. But that's what makes you a good person. You feel bad about lighting him up, he doesn't feel bad about doing it to u. He thrives off it.

28/2/20, 18:30 - Emma Roberts-Smith: True

28/2/20, 18:30 - Emma Roberts-Smith: I didn't want to hurt him mate

28/2/20, 18:33 - Emma Roberts-Smith: What do you think he'll do now?

28/2/20, 18:43 - Danielle: He'll get a lawyer or try to deal with it himself.

28/2/20, 18:47 - Emma Roberts-Smith: Surely he'll get a lawyer

28/2/20, 18:51 - Danielle: He's pretty cocky, wouldn't surprise me if he has a crack himself

28/2/20, 18:59 - Emma Roberts-Smith: 🙄

28/2/20, 21:08 - Emma Roberts-Smith: I said I wonder if [REDACTED] and [REDACTED] think maybe they should've touched base to help

28/2/20, 21:45 - Emma Roberts-Smith: He will be livid mate

28/2/20, 21:45 - Emma Roberts-Smith: I took the complete wind out of him!

28/2/20, 21:46 - Emma Roberts-Smith: He wouldn't have ever seen that from me before

28/2/20, 21:46 - Danielle: Nope

28/2/20, 21:47 - Emma Roberts-Smith: He'll regroup

28/2/20, 22:08 - Emma Roberts-Smith: Wouldn't you try and be sober for your kids?

28/2/20, 22:12 - Emma Roberts-Smith: I saw new apartments in Buderim, nearly finished 3 x 2 it he would never consider them

28/2/20, 22:12 - Danielle: no

28/2/20, 22:12 - Emma Roberts-Smith: I reckon his mum has gone troppo and said fuck her go heavy and seem legal and she will fold

28/2/20, 22:13 - Emma Roberts-Smith: Big disadvantage for her...she only remembers the old me, not the new one 😞

28/2/20, 22:13 - Emma Roberts-Smith: \*emma

28/2/20, 22:14 - Emma Roberts-Smith: He must know deep in his heart that I had his back

28/2/20, 22:14 - Emma Roberts-Smith: No matter what he tells anyone, then again, we know he loves to convince himself what he thinks is real

28/2/20, 22:28 - Danielle: Yeah sure he does mate, he's counting on that. He just wasn't counting on you cramping his style

28/2/20, 22:28 - Emma Roberts-Smith: 😊 idiot

28/2/20, 22:28 - Emma Roberts-Smith: He convinced himself I was simple

28/2/20, 22:29 - Danielle: Yeah he did

28/2/20, 22:29 - Danielle: but you are not

28/2/20, 22:29 - Emma Roberts-Smith: How'd that work out for him

28/2/20, 22:29 - Danielle: Terribly

28/2/20, 22:29 - Emma Roberts-Smith: 🤔

28/2/20, 22:29 - Danielle: It is sad to see it all come to this but you can't be unrespected and broken yourself, it's just not right

28/2/20, 22:29 - Emma Roberts-Smith: He's half checked out half expecting me to beg, didn't work

28/2/20, 22:30 - Emma Roberts-Smith: This is not what I wanted

28/2/20, 22:30 - Emma Roberts-Smith: I actually don't think he'd be this bad if it weren't for his mum

28/2/20, 22:31 - Emma Roberts-Smith: She's the catalyst for his deteriorating mental health...her and 🐱 close second

28/2/20, 22:32 - Emma Roberts-Smith: As KC said, she put it out to her universe that she wanted me gone and she got it

28/2/20, 22:35 - Emma Roberts-Smith: You think brs will try and get sober?

28/2/20, 22:37 - Danielle: Sadly, I dont think he will do it because you want him to

28/2/20, 22:38 - Emma Roberts-Smith: Christ

28/2/20, 22:38 - Danielle: I think he will do it because Kerry demands it

28/2/20, 22:38 - Emma Roberts-Smith: I was thinking you'd say because he can't or won't admit it

28/2/20, 22:39 - Emma Roberts-Smith: I do feel for the girls and he's made a half arse attempt to provide them a place to stay but I have this overwhelming feeling of protection

28/2/20, 22:39 - Emma Roberts-Smith: True

28/2/20, 22:39 - Emma Roberts-Smith: They're excited but he has no clue

28/2/20, 22:40 - Danielle: Alcos are very defiant. Especially towards the partner. You are enemy #1

28/2/20, 22:40 - Emma Roberts-Smith: Oh yeh and as kc said, the enemy just changed

28/2/20, 22:40 - Danielle: You wreck all their fun

28/2/20, 22:40 - Emma Roberts-Smith: Probably !!

28/2/20, 22:41 - Danielle: Ben's problem is the drinking is self medicating. He is not willing to address hire real issues

28/2/20, 22:41 - Emma Roberts-Smith: Mate he can't go out to work events fucking crying or picking fights, no matter how big his apartment is

28/2/20, 22:41 - Emma Roberts-Smith: For the girls

28/2/20, 22:41 - Danielle: Lol no he can't

28/2/20, 22:42 - Emma Roberts-Smith: He didn't plan this at all

28/2/20, 22:42 - Danielle: No he didn't

28/2/20, 22:42 - Emma Roberts-Smith: I still remember looking dumb when I asked where the girls would sleep 🤔😬😬

28/2/20, 22:42 - Danielle: And now he is just reacting

28/2/20, 22:42 - Emma Roberts-Smith: Cause he knows no different

28/2/20, 22:42 - Danielle: Nope

28/2/20, 22:42 - Emma Roberts-Smith: He's only ever had to look after himself

28/2/20, 22:43 - Emma Roberts-Smith: Someone once said to me in Perth, he provides for the family but that's it

28/2/20, 22:43 - Emma Roberts-Smith: There's a difference

28/2/20, 22:43 - Danielle: Sure is



28/2/20, 22:44 - Danielle: People are not silly Emma they know u hold it all together

28/2/20, 22:44 - Emma Roberts-Smith: Maybe

28/2/20, 22:44 - Danielle: Many people know they just don't talk about it

28/2/20, 22:45 - Emma Roberts-Smith: Out of respect for Ben i thinks

28/2/20, 22:45 - Emma Roberts-Smith: Think

28/2/20, 22:45 - Danielle: and you

28/2/20, 22:46 - Emma Roberts-Smith: Now profile was too big, we know no one ever held him accountable

28/2/20, 22:46 - Emma Roberts-Smith: \*his

28/2/20, 22:46 - Emma Roberts-Smith: And he knew it, and thrived knowing it

28/2/20, 22:47 - Danielle: Even if he stops drinking he still not have solved his issues and they are very very deep seeded. Then to top that off he will always have the drinking demon sitting on her shoulder ... begging to come back in.

28/2/20, 22:47 - Emma Roberts-Smith: Yeh it seems that's way

28/2/20, 22:47 - Danielle: \*his

28/2/20, 22:47 - Emma Roberts-Smith: He didn't ever want to give it up

28/2/20, 22:48 - Emma Roberts-Smith: Only after [REDACTED] because he needed me to stay and that was a deal breaker

28/2/20, 22:48 - Danielle: Yep, at the time.

28/2/20, 22:48 - Emma Roberts-Smith: He can tell mummy and ma all he wants has not a drunk but they know

28/2/20, 22:48 - Emma Roberts-Smith: Yep

28/2/20, 22:49 - Danielle: Of course they do

28/2/20, 22:49 - Emma Roberts-Smith: Tools

29/2/20, 08:51 - Emma Roberts-Smith: What time is josh party?

29/2/20, 08:55 - Danielle: Tomorrow 10am

29/2/20, 08:56 - Emma Roberts-Smith: 😊 I thought it was today

29/2/20, 08:59 - Danielle: Today is run around like a crazy idiot day

29/2/20, 08:59 - Emma Roberts-Smith: 🤔🤔 the joy of parties!!

29/2/20, 09:04 - Emma Roberts-Smith: I feel like a dog hey

29/2/20, 09:11 - Danielle: If you went to the media that would be a dog act but doing what any woman would do and getting some legal advice and protecting yourself and your children is not

29/2/20, 09:12 - Emma Roberts-Smith: Ha, that's true!

29/2/20, 09:12 - Emma Roberts-Smith: I don't actually want to hurt the guy it feels fucked

29/2/20, 09:13 - Danielle: I am sure you dont

29/2/20, 09:13 - Emma Roberts-Smith: I feel sorry for the girls that he's made a half arsed attempt to give the girls a home but I need to protect them too

29/2/20, 09:15 - Emma Roberts-Smith: The concerns they have for grog, and that he makes comment on me all the time makes me uncomfy

29/2/20, 09:15 - Emma Roberts-Smith: I was thinking last night, we rarely even speak about him 🙄

29/2/20, 09:18 - Emma Roberts-Smith: He shouldn't be telling them I take all his money, that he'll hang up on them on the phone and that lizzie can't take photos because She'll show mum

29/2/20, 09:18 - Emma Roberts-Smith: It's bad behaviour

29/2/20, 09:19 - Emma Roberts-Smith: Wonder if he's in Sydney or actually moving in 🙄 I do feel bad but if it were me I'd get that machine ASAP and prove I was sober for my kids

29/2/20, 09:21 - Danielle: Yes, he has a chance to work it out.

29/2/20, 09:22 - Danielle: I would be surprised if he accepted your conditions anyway, so you may have a opportunity to talk with him about all this in mediation

29/2/20, 09:23 - Emma Roberts-Smith: Yeh that's true

29/2/20, 09:23 - Emma Roberts-Smith: He'll organise that ASAP I guess

29/2/20, 09:25 - Danielle: Sometimes people need a big smack in the Forehead before they sort their shit out

29/2/20, 09:25 - Emma Roberts-Smith: He'd just been living the dream for 6 weeks with regard for the girls

29/2/20, 09:25 - Emma Roberts-Smith: Or 22 years with me

29/2/20, 09:27 - Danielle: He knows he has an issue

29/2/20, 09:27 - Danielle: When you start hiding it mate you know you have an issue

29/2/20, 09:37 - Emma Roberts-Smith: He's been hiding it for YEARS

29/2/20, 09:37 - Emma Roberts-Smith: Maybe this will be enough for him to want to change

29/2/20, 16:16 - Emma Roberts-Smith: Just booked turtle beach for 2 nights at Easter

29/2/20, 16:16 - Danielle: 👍

29/2/20, 16:16 - Emma Roberts-Smith: Not telling the girls for ages

29/2/20, 17:52 - Emma Roberts-Smith: You reckon brs hates me?

29/2/20, 18:26 - Danielle: nah mate, I don't

29/2/20, 18:32 - Emma Roberts-Smith: Really??

29/2/20, 18:32 - Emma Roberts-Smith: He'll be filthy

1/3/20, 06:28 - Emma Roberts-Smith: Good luck today 🤞

1/3/20, 06:44 - Danielle: thank you!

1/3/20, 20:30 - Emma Roberts-Smith: They both said dad thinks you're being stubborn

1/3/20, 20:30 - Emma Roberts-Smith: I said well dad doesn't like mum telling him no

1/3/20, 20:31 - Danielle: They are just repeating what they have heard

1/3/20, 20:31 - Emma Roberts-Smith: He told them I was

1/3/20, 20:31 - Danielle: Yes

1/3/20, 20:31 - Danielle: I think they have heard and seen a lot more than what you thought

1/3/20, 20:32 - Danielle: Just keep re-assuraining them that you are trying to protect them

1/3/20, 20:32 - Danielle: You are building them a new "girl" life

2/3/20, 20:57 - Emma Roberts-Smith: Omg he just phoned me

2/3/20, 20:58 - Danielle: wtf .. call me

2/3/20, 20:58 - Danielle: oh old mate you mean

2/3/20, 20:58 - Danielle: I thought you meant RS

3/3/20, 15:37 - Emma Roberts-Smith: Brs def had affair hey with MA?

3/3/20, 15:38 - Danielle: Are u for real?

3/3/20, 15:39 - Emma Roberts-Smith: I know!! 🤔🤔

3/3/20, 15:39 - Danielle: What have you done with my friend?

3/3/20, 15:39 - Emma Roberts-Smith: 🤔🤔

3/3/20, 15:41 - Danielle: No it never happened. there was no inappropriate text messages between them there was no inappropriate phone calls between them

there was no secret visits to Sydney

There was no money missing out of your account on every visit.

There was no text messages in LA airport

Never happened 🤔

3/3/20, 15:42 - Emma Roberts-Smith: 🤔🤔 just my head getting fucked over

3/3/20, 15:42 - Danielle: I thought you needed to see it in black and white

3/3/20, 15:44 - Danielle: <Media omitted>

3/3/20, 15:45 - Emma Roberts-Smith: Cunt

3/3/20, 15:47 - Emma Roberts-Smith: You crack me up

3/3/20, 15:48 - Emma Roberts-Smith: I just feel like a zombie



3/3/20, 15:50 - Danielle: Truly you need to reserve your energy this is just one day in many to come

3/3/20, 15:51 - Emma Roberts-Smith: (23) I know!

I'll let the girls know you'll be here at 10am tomorrow to collect them.

There won't be anyone home between 10am and 3pm.

In the best interest of the girls, I think it's more appropriate for you to have your personal items collected while they are at school, to minimise stress on them. Please let me know when you're on the coast and I will arrange access to the office. Your father's wig will be in there.

Emma

6/3/20, 18:41 - Emma Roberts-Smith: Ok?

6/3/20, 18:42 - Danielle: Yeah, sounds good

6/3/20, 18:48 - Emma Roberts-Smith: You reckon? Clear?

6/3/20, 18:48 - Emma Roberts-Smith: Fair?

6/3/20, 19:11 - Danielle: Sorry was on the phone to Darren. Yep I think that reply is fair.

6/3/20, 20:29 - Emma Roberts-Smith: Reckon brs is hating on me yet or understands??

6/3/20, 22:16 - Emma Roberts-Smith: Was thinking brs might push MA to sue me for defamation...But then again, he might not know what I actually have?

6/3/20, 22:16 - Emma Roberts-Smith: And I haven't published anything!!

7/3/20, 08:00 - Danielle: No. They can't afford any trouble

7/3/20, 08:14 - Emma Roberts-Smith: Yeh maybe

7/3/20, 16:46 - Danielle: They have just issued a state of emergency due to corona virus

7/3/20, 16:47 - Emma Roberts-Smith: Oh fuck

7/3/20, 19:54 - Danielle: That's what he wants

7/3/20, 19:56 - Emma Roberts-Smith: Yeh I know

8/3/20, 11:19 - Emma Roberts-Smith: Ben fucking threatened mum this morning

8/3/20, 15:03 - Emma Roberts-Smith: Mate where are you??

8/3/20, 15:58 - Emma Roberts-Smith: Omg the kids have just unloaded about "Monica Allen"

8/3/20, 16:07 - Emma Roberts-Smith: Mate...are you ok??

8/3/20, 17:20 - Emma Roberts-Smith: You reckon he knows he's 1 step closer to avo? What do you think he'll do now?

8/3/20, 17:20 - Emma Roberts-Smith: The girls didn't want to talk about anything...they might say more st bed but I won't ask. They might need to see the school counsellor this week

8/3/20, 17:23 - Danielle: He kinda stuffed up by writing you that email ... so maybe nothing.

8/3/20, 17:23 - Danielle: He will probably organise a removalist

8/3/20, 17:23 - Emma Roberts-Smith: Did you see the actual email?

8/3/20, 17:23 - Emma Roberts-Smith: He should organise a removalist mate!

8/3/20, 17:24 - Emma Roberts-Smith: That's what happens when he you move out of somewhere!!

8/3/20, 17:24 - Emma Roberts-Smith: You reckon he knows I know about ma full on now?

8/3/20, 17:57 - Danielle: Mate, On reflection, I think this has been going on for quite some time and only got more serious around Sept 19.

In his mind he built her up as this amazing thing (that could save him). He convinced himself that she was it. Its her legal mind and intelligence that is attractive to him, nothing else.

Is he using her ? Sure, of course. But I also think he has convinced himself this is the only way.

Sadly, she will also suffer a used by date .... but it won't be for some time yet.

8/3/20, 17:58 - Emma Roberts-Smith: It's what he does...he uses people and she's just his next victim

8/3/20, 17:58 - Danielle: I don't think he realises you have worked it all out and he has put enough doubt in your mind to throw you (which on occasion you have still doubted)

8/3/20, 17:59 - Emma Roberts-Smith: Yeh I still doubt myself at times, not about their relationship but more my reactions. But that's what he wants me to do

8/3/20, 17:59 - Danielle: No more doubting yourself ok ?

8/3/20, 17:59 - Emma Roberts-Smith: Hal Yep

8/3/20, 18:00 - Danielle: That question has been well and truly answered now.

8/3/20, 18:01 - Danielle: Morally he was struggling with what he was doing (back in January) so that is why he was acting out (again).

8/3/20, 18:01 - Emma Roberts-Smith: He's convincing himself that I won't allow him to see the girls in the week...it's total BS

8/3/20, 18:01 - Danielle: Does he think he has done the wrong thing ? No fucking chance ....

8/3/20, 18:01 - Emma Roberts-Smith: YEP...and why he cried in BC

8/3/20, 18:01 - Emma Roberts-Smith: He just didn't have the balls to tell me

8/3/20, 18:01 - Danielle: Correct

8/3/20, 18:01 - Emma Roberts-Smith: It will devastate the girls when they read it all

8/3/20, 18:01 - Danielle: He would never admit that to you

8/3/20, 18:02 - Emma Roberts-Smith: No

8/3/20, 18:02 - Danielle: of course it will, but you will be there to prop them up

8/3/20, 18:02 - Emma Roberts-Smith: Coward

8/3/20, 18:02 - Emma Roberts-Smith: Yep I will



8/3/20, 18:03 - Danielle: He may get himself in a position yet where he has to be with her publicly / marry her ... lets just wait and see

8/3/20, 18:03 - Emma Roberts-Smith: Marry her 🤔🤔

8/3/20, 18:03 - Emma Roberts-Smith: That will be a disaster

8/3/20, 18:03 - Danielle: You remember this conversation ..... I just have a feeling

8/3/20, 18:03 - Emma Roberts-Smith: And no one will ever believe him again

8/3/20, 18:04 - Emma Roberts-Smith: The girls said "dad said he'll never get married again"

8/3/20, 18:04 - Emma Roberts-Smith: Odd thing to say

8/3/20, 18:04 - Emma Roberts-Smith: He won't be able to afford it mate

8/3/20, 18:04 - Emma Roberts-Smith: This will be an intensely stressful week for him

8/3/20, 18:05 - Emma Roberts-Smith: He'll want to destroy me all while trying to get his shit packed up

8/3/20, 18:05 - Emma Roberts-Smith: Funny how he said to the girls mum

Is wasting her money on lawyers...code word for I can't afford one

8/3/20, 18:07 - Danielle: He needs his own built in Lawyer, his life of full of so much chaos

8/3/20, 18:07 - Emma Roberts-Smith: He will flip the fuck out

8/3/20, 18:07 - Emma Roberts-Smith: Yep!!!

8/3/20, 18:07 - Emma Roberts-Smith: He will be playing the victim

8/3/20, 18:07 - Emma Roberts-Smith: With her for the advice

8/3/20, 18:07 - Danielle: Yes .... and now she knows WAY too much

8/3/20, 18:08 - Emma Roberts-Smith: Which will ruin him

8/3/20, 18:08 - Emma Roberts-Smith: Yep

8/3/20, 18:08 - Emma Roberts-Smith: Trusted and grouple

8/3/20, 18:08 - Emma Roberts-Smith: I bet he didn't show his parents the email

He sent me today but only my reply

8/3/20, 18:08 - Danielle: I have heard that before 😏

8/3/20, 18:08 - Emma Roberts-Smith: 🤔🤔

8/3/20, 18:08 - Danielle: She is probably worth more than him

8/3/20, 18:09 - Emma Roberts-Smith: She's a dead set fucking retard

8/3/20, 18:09 - Danielle: So is he

8/3/20, 18:10 - Emma Roberts-Smith: Yep



8/3/20, 18:11 - Emma Roberts-Smith: Why would he even do what he did today? He's a fool

8/3/20, 18:11 - Emma Roberts-Smith: I sent you the actual email

8/3/20, 18:14 - Danielle: Yes I read it, he was angry and impulsive.

8/3/20, 18:15 - Emma Roberts-Smith: And dumb

8/3/20, 18:15 - Danielle: That will be (and always has been) his undoing

8/3/20, 18:15 - Emma Roberts-Smith: Why can't he just accept anything

8/3/20, 18:15 - Danielle: winning

8/3/20, 18:15 - Emma Roberts-Smith: But he's going to keep loosing

8/3/20, 18:15 - Danielle: Yep, but you can't tell him that

8/3/20, 18:16 - Danielle: You are barely a blip on his radar now

8/3/20, 18:44 - Emma Roberts-Smith: I doubt that...I'm a major fuck around for him

8/3/20, 19:56 - Danielle: Ok?

9/3/20, 13:55 - Emma Roberts-Smith: As expected...Brs sent another rant!

9/3/20, 13:55 - Emma Roberts-Smith: The lawyers are wild

9/3/20, 14:14 - Danielle: 😏

9/3/20, 14:14 - Danielle: 🙄

9/3/20, 19:33 - Emma Roberts-Smith: Got this from Emma Donaldson today...paranoid or not? I don't feel like replying...and she usually messages me on Facebook??!!

9/3/20, 19:37 - Emma Roberts-Smith: You reckon Deb Rolfe told brs I was with Kate?

9/3/20, 19:38 - Danielle: No I don't. Don't let your paranoia (learnt) set in 😏

9/3/20, 19:39 - Emma Roberts-Smith: Yeh ok

9/3/20, 19:39 - Emma Roberts-Smith: She's a major fence sitter

9/3/20, 19:39 - Danielle: She also offered to pay your legal fees.

9/3/20, 19:40 - Emma Roberts-Smith: Yeh but that was yonks ago...brs could've worked some manic with them between then and now

9/3/20, 19:40 - Emma Roberts-Smith: You know what he's like

9/3/20, 19:41 - Danielle: True but who cares ? Keep it in perspective. Even if he has, there is nothing you can do about it anyway. People will be what they will be.

9/3/20, 19:42 - Emma Roberts-Smith: Yeh and so what if I went out...who gives a fuck! It's clearly a sore point for him

9/3/20, 19:42 - Danielle: Exactly, keep it in perspective

9/3/20, 19:42 - Emma Roberts-Smith: Yeh the perspective is he's a fuck wlt

9/3/20, 19:51 - Emma Roberts-Smith: I wonder what it is he wants out of the office...I'm going through the paperwork now!

9/3/20, 19:51 - Emma Roberts-Smith: You doing uni?

9/3/20, 19:54 - Emma Roberts-Smith: Geez I took a lot of stuff 😊

9/3/20, 20:34 - Danielle: Was in the shower

9/3/20, 20:36 - Danielle: So trashed. I am going to have an early night. Exhausted.

9/3/20, 20:37 - Emma Roberts-Smith: Gimme a sec...found something

10/3/20, 13:44 - Danielle: All ok?

10/3/20, 14:03 - Emma Roberts-Smith: We're just going through what he's taken

10/3/20, 14:03 - Emma Roberts-Smith: All his ski gear

10/3/20, 14:03 - Emma Roberts-Smith: He's left a blt here...disey and I spied on him 😊

10/3/20, 14:23 - Emma Roberts-Smith: Odd??

10/3/20, 14:30 - Emma Roberts-Smith: His girlfriend must be using telegram again too...

10/3/20, 14:30 - Emma Roberts-Smith: He was told 15mins and stayed 40! And then told not to contact me and then asked disey about the mail...wonder what that was about, power play

10/3/20, 18:37 - Emma Roberts-Smith: Just got a text from CS...she wants me to send stuff to kms...call me when you can, I'm not sure

11/3/20, 20:03 - Emma Roberts-Smith: Brs being a tool again

11/3/20, 20:04 - Emma Roberts-Smith: Spoke to deb Rolfe before, dunno why I just get creepy senses there all of a sudden

11/3/20, 20:05 - Emma Roberts-Smith: I reckon she's annoyed I asked her about telling brs ?? Oh well, I don't trust many people right now

11/3/20, 20:08 - Danielle: Yeah she might be. It's understandable you don't trust many people. Try to see it from her point of view, perhaps she thought you trusted her ?

11/3/20, 20:09 - Danielle: Perhaps say to her that you didn't mean to offend her, you know you are being too paranoid but you get nervous like that sometimes and you never meant to hurt her feelings.

11/3/20, 20:11 - Emma Roberts-Smith: Yeh maybe

11/3/20, 20:11 - Emma Roberts-Smith: She's been a good friend but I'm

Probably heightened senses

12/3/20, 22:04 - Emma Roberts-Smith: Old mate is going to send you some info 😊

12/3/20, 22:10 - Emma Roberts-Smith: ??

12/3/20, 22:17 - Emma Roberts-Smith: Fuck...old mate just called me 😊

12/3/20, 22:52 - Emma Roberts-Smith: Ok....holy fuck mate...I can't believe what old mate is telling me

12/3/20, 22:53 - Danielle: Tell me here

12/3/20, 22:54 - Emma Roberts-Smith: He's been told stuff that is going to sink brs

12/3/20, 22:54 - Emma Roberts-Smith: It's coming and brs doesn't know yet

12/3/20, 22:54 - Emma Roberts-Smith: 7 related

12/3/20, 22:55 - Danielle: Do u think it's legit?

12/3/20, 22:56 - Emma Roberts-Smith: A dossier has been put together to bury him

12/3/20, 22:57 - Emma Roberts-Smith: Old mate said a copper mate phoned him and said 7 staff have put one together and handing it to the big kahoona

12/3/20, 22:57 - Danielle: By whom?

12/3/20, 22:58 - Emma Roberts-Smith: And if he does nothing they're leaking to 9

12/3/20, 22:58 - Danielle: Uh oh

12/3/20, 22:58 - Danielle: Too much tanning

12/3/20, 22:58 - Emma Roberts-Smith: Mate...I need to seriously look at what this means

12/3/20, 22:59 - Emma Roberts-Smith: Maybe I need to bail

12/3/20, 22:59 - Emma Roberts-Smith: Old mate said it's not going to go well

12/3/20, 22:59 - Emma Roberts-Smith: 😞

12/3/20, 22:59 - Emma Roberts-Smith: That's blind sided me

12/3/20, 23:01 - Emma Roberts-Smith: He listed every location that's on board and there's no way oldmmate would know they hate him...

12/3/20, 23:01 - Emma Roberts-Smith: Every location he mentioned brs had issues with

12/3/20, 23:03 - Emma Roberts-Smith: His advice "ball mate"

12/3/20, 23:03 - Emma Roberts-Smith: I can not believe the shit he's telling me

13/3/20, 11:01 - Emma Roberts-Smith: Are you in the Vegas yet?

13/3/20, 13:43 - Danielle: Yes

13/3/20, 13:43 - Danielle: On our way to the Gold Coast

13/3/20, 13:54 - Emma Roberts-Smith: How are you?

13/3/20, 14:05 - Danielle: Ok. Tired 😞

13/3/20, 14:21 - Emma Roberts-Smith: I bet!

13/3/20, 15:50 - Emma Roberts-Smith: Omg I'm so excited! The girls just said "what are we going to do with josh for the weekend!!?" 😞



13/3/20, 20:19 - Emma Roberts-Smith: Tell him the princess is waiting to see him tomorrow

13/3/20, 20:19 - Danielle: Lmao he goes Princess Fiona?

13/3/20, 20:20 - Emma Roberts-Smith: Ha ha I know he doesn't mean it

13/3/20, 20:20 - Danielle: 🤔

14/3/20, 09:06 - Emma Roberts-Smith: You see 9 Aussie's in aspen have Corona

14/3/20, 09:31 - Danielle: Holy crap

14/3/20, 09:46 - Emma Roberts-Smith: You guys roast lamb?

14/3/20, 09:47 - Emma Roberts-Smith: Josh might not?

14/3/20, 09:47 - Danielle: I do, Darren doesn't. It's a farm boy thing. Roast beef yes

14/3/20, 09:47 - Emma Roberts-Smith: 🙄 ok

14/3/20, 09:47 - Emma Roberts-Smith: Omg so free range

14/3/20, 10:40 - Emma Roberts-Smith: Maybe we just get pizza/pasta take away for dinner?

14/3/20, 10:44 - Danielle: Perfect

14/3/20, 15:57 - Emma Roberts-Smith: Let me know once you're on the road

14/3/20, 15:59 - Danielle: Will do!

14/3/20, 16:00 - Danielle: 20mins to go

14/3/20, 16:55 - Danielle: 😄😄😄😄

14/3/20, 16:55 - Danielle: Btw they won all 4 games undefeated

14/3/20, 16:55 - Emma Roberts-Smith: That's bloody awesome!! Josh will be happy

14/3/20, 17:13 - Danielle: Is it the Tanawah turn off motor way?

14/3/20, 17:16 - Emma Roberts-Smith: Yeh mate 665 Ilkley rd Ilkley (661 on gps)

14/3/20, 17:17 - Emma Roberts-Smith: Take the Tanawha tourist drive (Buderim exit)

14/3/20, 17:17 - Danielle: 👍

16/3/20, 14:51 - Emma Roberts-Smith: Hope your flight was ok...just sent you an email

16/3/20, 15:22 - Emma Roberts-Smith: Just sent another email too

16/3/20, 20:15 - Danielle: Don't forget Four Corners tonight to

16/3/20, 20:16 - Emma Roberts-Smith: What time is that on?

16/3/20, 20:18 - Danielle: 8.30

16/3/20, 20:56 - Emma Roberts-Smith: Christ !!

16/3/20, 20:56 - Danielle: Are you watching this?

16/3/20, 20:56 - Emma Roberts-Smith: Yep!!

16/3/20, 20:57 - Danielle: Was it one of your rotations?

16/3/20, 20:57 - Emma Roberts-Smith: Yep

16/3/20, 20:57 - Danielle: Oh crap

16/3/20, 20:57 - Emma Roberts-Smith: I'll buzz you as soon as it's done

16/3/20, 20:57 - Danielle: 📞 we have it on 5 min delay

16/3/20, 20:58 - Emma Roberts-Smith: Ok

16/3/20, 21:02 - Emma Roberts-Smith: This bit is brs

16/3/20, 21:02 - Emma Roberts-Smith: 2. Sqd

16/3/20, 21:03 - Emma Roberts-Smith: 100 percent

16/3/20, 21:06 - Danielle: Braden Chapman cuckoo?

16/3/20, 21:06 - Emma Roberts-Smith: Dunno?? Don't know him

16/3/20, 21:18 - Danielle: I'm guessing there would be a few nervous guys tonight

16/3/20, 21:18 - Emma Roberts-Smith: Oh yeh!!

16/3/20, 21:19 - Emma Roberts-Smith: Fuck mate I thought one of the voices were brs but then they said person A is still serving

16/3/20, 21:21 - Danielle: Yeah I thought that too!

16/3/20, 21:24 - Danielle: Soldier C will be shutting bricks

16/3/20, 21:41 - Emma Roberts-Smith: I was dead set sure a was old mate

20/3/20, 08:29 - Danielle: Mate you need to reset your phone it is screaming and buzzing

20/3/20, 09:29 - Emma Roberts-Smith: Spoke to the lawyers 🙏 think I got them just in time 🙏

20/3/20, 12:30 - Danielle: Yep

22/3/20, 16:20 - Emma Roberts-Smith: The girls said "dad was meant to be going to Perth this week but cancelled"

22/3/20, 16:20 - Emma Roberts-Smith: Something dodge no doubt!!

22/3/20, 16:22 - Danielle: <https://www.abc.net.au/news/2020-03-22/wa-sa-set-to-close-borders-amid-coronavirus-fight/12079044>

22/3/20, 16:22 - Danielle: \*boom\* that would do it ....

22/3/20, 16:26 - Emma Roberts-Smith: Yep!!

23/3/20, 20:15 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.brisbanetimes.com.au/national/war-hero-ben-roberts-smith-interviewed-by-police-over-alleged-killing-20200323-p54cze.html>

23/3/20, 20:20 - Emma Roberts-Smith: Deb Rolfe just messaged me

23/3/20, 20:22 - Emma Roberts-Smith: If only they knew he'd bailed on his family too!!

24/3/20, 15:03 - Emma Roberts-Smith: Holy fuck just got to school to get the girls and they've locked the school down 😡

24/3/20, 15:04 - Danielle: Why ????

24/3/20, 15:40 - Emma Roberts-Smith: Sorry mate that was Kerry on the phone 😊

24/3/20, 15:40 - Danielle: Are u ok?

24/3/20, 15:54 - Emma Roberts-Smith: Yeh buzz me when you're in the car

24/3/20, 18:07 - Emma Roberts-Smith: Girls talking to Ben and he's in Sydney

24/3/20, 18:08 - Danielle: 😊 😊

24/3/20, 18:08 - Danielle: 😊 😊

24/3/20, 18:08 - Danielle: Must have been "essential"

24/3/20, 18:09 - Emma Roberts-Smith: Lizzie said "he would be at Monica's" 😊

24/3/20, 18:09 - Danielle: Lol ... good old Lizzie

24/3/20, 18:10 - Emma Roberts-Smith: He's putting on such BS On FaceTime 😊

30/3/20, 18:39 - Emma Roberts-Smith: Reckon brs has had the grog blood test?

30/3/20, 19:01 - Emma Roberts-Smith: What's the bet he's done some sort of test to have them overnight and written to lawyers with results...and they're redrafting a response! That's why they're taking so long yo get back to me??

31/3/20, 21:15 - Emma Roberts-Smith: Lizzie said dad said he hopes we sleep over 😊

31/3/20, 21:21 - Danielle: I just finished reading it and I also told Darren about the file note. He agrees that this was put in there so that you had a warning that the solicitor was the person who would be in the mediation.

31/3/20, 21:26 - Danielle: Good old Dazza! He had a pearler reason you were sent the file note

31/3/20, 21:37 - Danielle: We think we know what they are up to ..

1/4/20, 11:25 - Emma Roberts-Smith: Buzz me when you can

1/4/20, 11:46 - Danielle: Sorry mate on meetings until 12.30

1/4/20, 11:46 - Danielle: U ok?

1/4/20, 11:46 - Emma Roberts-Smith: Yeh ok

1/4/20, 11:46 - Emma Roberts-Smith: Brs just emailed lawyers again

1/4/20, 11:47 - Emma Roberts-Smith: He's done some sort of blood test

1/4/20, 11:47 - Emma Roberts-Smith: Not sure if it's the actual one he needed

1/4/20, 11:47 - Emma Roberts-Smith: Read his letter...what a crock of shit

1/4/20, 11:48 - Emma Roberts-Smith: And deb/Richard Rolfe def in thick



1/4/20, 11:48 - Danielle: Why that apparent?

1/4/20, 11:49 - Emma Roberts-Smith: I sooke to her

1/4/20, 11:49 - Emma Roberts-Smith: The letter says the past 2 weeks

1/4/20, 11:50 - Emma Roberts-Smith: She's the only witness I've spoken to in the past 2 weeks

1/4/20, 11:50 - Danielle: About talking to witnesses?

1/4/20, 11:50 - Danielle: Ok

1/4/20, 11:50 - Emma Roberts-Smith: Yep

1/4/20, 11:50 - Emma Roberts-Smith: Falsely accusing him of affairs and alcohol

1/4/20, 11:50 - Emma Roberts-Smith: I want to send the car back

1/4/20, 11:50 - Danielle: Hmmmm

1/4/20, 11:51 - Emma Roberts-Smith: She said Richard has spoken to him a few times, including a speeding fine

1/4/20, 11:51 - Emma Roberts-Smith: Mate. What goes around comes around

1/4/20, 11:52 - Emma Roberts-Smith: Deb is shitting herself

1/4/20, 11:52 - Emma Roberts-Smith: I burst into tears

1/4/20, 11:53 - Danielle: What will u do then for a car?

1/4/20, 11:53 - Emma Roberts-Smith: I bet brs hasn't done the right test and the girls can't stay over...he's just being defiant and a cunt

1/4/20, 11:53 - Emma Roberts-Smith: I don't know otherwise it would be back there ASAP

1/4/20, 11:53 - Emma Roberts-Smith: I have no choice...cunt left us with no money

1/4/20, 11:54 - Danielle: Ok ..... take breath. Step back. This is his way of PRESSURING you.

1/4/20, 11:55 - Emma Roberts-Smith: Yeh I know

1/4/20, 11:55 - Emma Roberts-Smith: I just have to go lock down to what I know and who I can trust

1/4/20, 11:55 - Emma Roberts-Smith: I need to tell the lawyers I can't pay them anymore...that's very stressful

1/4/20, 11:56 - Danielle: Just wait, let's strategise

1/4/20, 11:56 - Emma Roberts-Smith: Ok

1/4/20, 11:56 - Emma Roberts-Smith: They're going to send me his new email

1/4/20, 16:33 - Emma Roberts-Smith: Just sent you an email

1/4/20, 16:34 - Danielle: Just doing soccer training with Josh, will read

1/4/20, 18:37 - Emma Roberts-Smith: That email says he stopped drinking? But that was 2 weeks after [REDACTED] turned up!!

1/4/20, 18:38 - Danielle: But it also proves the referral to Dr Lancaster and that he had had some issues

1/4/20, 18:38 - Danielle: Give it to Sarah and see what she thinks about using it

1/4/20, 18:38 - Emma Roberts-Smith: Yep and that same dr referred CDt

1/4/20, 18:38 - Danielle: On top of that it proved that they have a more than medical friendship

1/4/20, 18:44 - Danielle: Happy to read through your draft if you want to send it to me

1/4/20, 18:45 - Emma Roberts-Smith: Oh yeh they do!!

1/4/20, 18:45 - Emma Roberts-Smith: Thanks mate I'm really stressed

1/4/20, 18:46 - Emma Roberts-Smith: If I thought he did the test legit, not trying to do a half arsed job then it would be different

1/4/20, 18:46 - Danielle: You're only stressed because you are letting it stress you

1/4/20, 18:47 - Emma Roberts-Smith: Nothing that cunt does is legit

1/4/20, 18:47 - Emma Roberts-Smith: Yeh but I also know it'll drop an hammer on him

1/4/20, 18:47 - Emma Roberts-Smith: And it's a trigger 🤬

1/4/20, 18:47 - Danielle: We both know it was not legitimate so try to stay calm and type up your reply

1/4/20, 18:47 - Emma Roberts-Smith: Yep 👍

2/4/20, 10:25 - Emma Roberts-Smith: Spoke to Claire

2/4/20, 16:55 - Emma Roberts-Smith: Nothing from lawyers yet 🤔

2/4/20, 17:11 - Danielle: Oh well 😊

2/4/20, 17:22 - Emma Roberts-Smith: 😊

3/4/20, 09:14 - Emma Roberts-Smith: Got this from deb Rolfe

3/4/20, 09:15 - Emma Roberts-Smith: I'm ok Em, I was worried about your call and wanted to reassure you that I hadn't spoken with Ben. I guess that, with Kate having cut off IG I was feeling that perhaps this was related to you deciding that I wasn't to be trusted. I completely understand that you need to do whatever you have to do to protect yourself and your girls (and I care deeply about you all) and, if you need to reduce contact with me pending the trial, this I also understand.

I will be guided by you.

In other news, Zachy received all the evidence yesterday which we have started to go through. It will take hours and hours so the weekend will, no doubt, be spent doing this.

Stay well Em 😊xxx

3/4/20, 14:13 - Emma Roberts-Smith: What does your bones say brs will do?

3/4/20, 14:13 - Danielle: I think he will be stubborn

3/4/20, 14:13 - Emma Roberts-Smith: Not sign

3/4/20, 14:13 - Danielle: I think he will drag his feet

3/4/20, 14:13 - Emma Roberts-Smith: 😊

3/4/20, 14:13 - Emma Roberts-Smith: What a fool

3/4/20, 14:13 - Danielle: I think she will convince him to get it signed and get it done

3/4/20, 14:13 - Emma Roberts-Smith: It won't look good long term

3/4/20, 14:14 - Emma Roberts-Smith: I thought she'd do the opposite

3/4/20, 14:14 - Danielle: Unless she can come up with someone else to sign it this afternoon

3/4/20, 14:14 - Emma Roberts-Smith: Kate said Deb Rolfe could sign it...awkward

3/4/20, 14:14 - Danielle: They may even attempt to reword it

3/4/20, 14:14 - Danielle: It's a publicly available form so she could get another one and reword it

3/4/20, 14:14 - Emma Roberts-Smith: Wonder if MOB knows she spends so much time on it

3/4/20, 14:14 - Emma Roberts-Smith: Oh well, he's got 2 hrs

3/4/20, 14:15 - Danielle: Of course not

3/4/20, 14:15 - Emma Roberts-Smith: She's a fuck head also

3/4/20, 14:15 - Emma Roberts-Smith: She'll be the death of him mate

3/4/20, 14:15 - Emma Roberts-Smith: I've always said she will sink him I can feel it

3/4/20, 14:18 - Emma Roberts-Smith: I wonder what he'll tell the girls if they don't stay over

3/4/20, 14:18 - Emma Roberts-Smith: Wonder what he thought when he read they were throwing rocks off the verandah!! He'll think I've made that up

3/4/20, 14:19 - Emma Roberts-Smith: And then tell the girls "see you can't tell your mum anything she tells the lawyers"

3/4/20, 14:29 - Danielle: just be nice to him he's a lost soul

3/4/20, 14:29 - Danielle: Bee kind

3/4/20, 14:29 - Emma Roberts-Smith: Yeh I will

3/4/20, 17:12 - Emma Roberts-Smith: Fuck I'm nervous

3/4/20, 17:16 - Danielle: There's nothing to be nervous about mate

3/4/20, 17:16 - Danielle: Your solicitor's have it under control

3/4/20, 17:16 - Emma Roberts-Smith: Yeh

3/4/20, 17:16 - Emma Roberts-Smith: Just triggered from bullying

3/4/20, 17:20 - Danielle: Yep



3/4/20, 17:20 - Danielle: Anyway used to be acting like this because this is how he reacted when they defamation solicitors or enquiry came knocking

3/4/20, 17:20 - Danielle: \*reacting

3/4/20, 17:21 - Danielle: I think you will hear back by 6 p.m. either way

3/4/20, 20:09 - Emma Roberts-Smith: Brs is such a cunt hey

3/4/20, 20:37 - Danielle: He is but it's because he can't commit to what you ask him to

3/4/20, 22:00 - Emma Roberts-Smith: Brs did try and call them tonight

3/4/20, 22:02 - Emma Roberts-Smith: Should I encourage them in the morning? Or just wrote a file note...I don't want them to know they're going to mums

3/4/20, 22:38 - Danielle: Encourage them in morning

3/4/20, 22:38 - Danielle: At least it looks like you tried

3/4/20, 22:39 - Emma Roberts-Smith: What if he texts me?

3/4/20, 22:39 - Emma Roberts-Smith: And they're at mums?

3/4/20, 22:39 - Danielle: Ignore it

3/4/20, 22:39 - Emma Roberts-Smith: He might turn up here at 9

3/4/20, 22:39 - Emma Roberts-Smith: Ok 👍

3/4/20, 22:39 - Emma Roberts-Smith: He'll be furious

3/4/20, 22:39 - Danielle: No he wont

3/4/20, 22:39 - Emma Roberts-Smith: You don't reckon

3/4/20, 22:40 - Danielle: No way, not with solicitor involved

3/4/20, 22:40 - Emma Roberts-Smith: Ok

3/4/20, 22:40 - Emma Roberts-Smith: I said he could have them in the day

3/4/20, 22:40 - Danielle: He can't afford to do the wrong things

3/4/20, 22:41 - Danielle: If he signed but he refused

3/4/20, 22:41 - Emma Roberts-Smith: He still has the right to take them at 9

3/4/20, 22:41 - Danielle: No he doesn't

3/4/20, 22:41 - Emma Roberts-Smith: For the day

3/4/20, 22:41 - Danielle: Nope

3/4/20, 22:41 - Emma Roberts-Smith: Oh

3/4/20, 22:41 - Danielle: It had to be agreed

3/4/20, 22:41 - Emma Roberts-Smith: Oh ok

3/4/20, 22:42 - Danielle: He didn't agree. All bets are off

3/4/20, 22:42 - Emma Roberts-Smith: Oh ok

3/4/20, 22:42 - Danielle: Sleep, you need it.

3/4/20, 22:43 - Emma Roberts-Smith: Yeh I'll need it for next week shit is coming

5/4/20, 19:53 - Emma Roberts-Smith: Hey out of curiosity do you reckon brs or Adam are monitoring my ra group emails?

5/4/20, 19:54 - Emma Roberts-Smith: They appear on the desktop as unopened but when I refresh on my phone they've been read

5/4/20, 20:39 - Danielle: All of them?

5/4/20, 20:40 - Emma Roberts-Smith: The Rs group ones yes

5/4/20, 20:40 - Danielle: Is that before you have read them on the phone

5/4/20, 20:40 - Emma Roberts-Smith: They're unopened on desktop but seem to be open on my phone when I go to emails

5/4/20, 20:41 - Danielle: Odd

5/4/20, 20:41 - Emma Roberts-Smith: Yeh

5/4/20, 20:41 - Danielle: So you're not opening them on the desktop?

5/4/20, 20:41 - Emma Roberts-Smith: If they were reading them on server I'd see them opened ok desktop right?

5/4/20, 20:42 - Danielle: Correct

5/4/20, 20:42 - Emma Roberts-Smith: Ok

5/4/20, 20:43 - Danielle: If you are opening them on your desktop they are going to appear as read on your phone too

5/4/20, 20:43 - Emma Roberts-Smith: But I haven't opened

5/4/20, 20:43 - Danielle: I would need to check

6/4/20, 09:47 - Emma Roberts-Smith: Can't believe it's been 2 years today since [REDACTED] turned up here!! 😊

6/4/20, 10:23 - Danielle: I can't believe it either it seems like shorter

6/4/20, 10:33 - Emma Roberts-Smith: Ha, some days!

9/4/20, 16:43 - Emma Roberts-Smith: Fuck I'm nervous about what he's going to do 🤔🤔🤔

9/4/20, 16:43 - Emma Roberts-Smith: This too'ing and froo'ing all the time is fucking such bullshit and exhausting

9/4/20, 16:45 - Emma Roberts-Smith: You reckon he'll see them this weekend

9/4/20, 22:27 - Danielle: <https://mobile.abc.net.au/news/2020-04-09/coronavirus-queensland-restrictions-to-enter-the-state/12132612>

9/4/20, 22:28 - Danielle: <https://mobile.abc.net.au/news/2020-04-09/coronavirus-virgin-australia-suspends-domestic-flights/12139020>

9/4/20, 22:31 - Danielle: Hope Monica flew Qantas 🇺🇸

10/4/20, 00:35 - Emma Roberts-Smith: 🙄 ok...so much for a sore throat....

14/4/20, 11:19 - Emma Roberts-Smith: Just trying to go through the legal stuff for Sarah 🙄

14/4/20, 11:30 - Emma Roberts-Smith: Should I just wait for her to come to me, Ive written some notes! To be honest, it's all just fluff really from what I can see....mainly brs just told them shit and a tonne of lies 😏 and non relevant to family law matters

14/4/20, 11:31 - Emma Roberts-Smith: I wonder how he can live with himself and the absolute bullshit he says

14/4/20, 11:33 - Emma Roberts-Smith: I'm conscious that Sarah is in no rush, but man I'd love some direction/plans for the girls moving forward...it's bloody frustrating

15/4/20, 13:02 - Emma Roberts-Smith: Sorry just had a session with Carla

15/4/20, 15:16 - Emma Roberts-Smith: Still haven't heard from Sarah 🙄

15/4/20, 15:16 - Emma Roberts-Smith: She probably knows he hasn't signed the undertaking

24/4/20, 17:07 - Emma Roberts-Smith: Brs was at Jed's when the girls called him

24/4/20, 17:07 - Emma Roberts-Smith: You reckon he took her there??

24/4/20, 17:34 - Emma Roberts-Smith: I wonder what sort of advice he's giving brs

24/4/20, 17:48 - Danielle: Yep

24/4/20, 17:49 - Emma Roberts-Smith: That would be awkward as fuck, Jed would've worked it out

24/4/20, 17:49 - Danielle: Of course

24/4/20, 17:49 - Danielle: But brs doesn't care

24/4/20, 17:49 - Danielle: Like a steam roller

24/4/20, 17:52 - Emma Roberts-Smith: He'll be thinking he deserves to take her, entitled

28/4/20, 22:03 - Emma Roberts-Smith: Mate that cunt is in Sydney for sure

28/4/20, 22:03 - Danielle: Call u around 7am tomorrow

28/4/20, 22:04 - Danielle: I am going to work

28/4/20, 22:04 - Emma Roberts-Smith: 🙄

1/5/20, 22:55 - Emma Roberts-Smith: You still awake??

3/5/20, 09:12 - Emma Roberts-Smith: Are you awake?

3/5/20, 09:28 - Danielle: Just walking out the door to go to the beach call you later

3/5/20, 09:28 - Emma Roberts-Smith: Ok



3/5/20, 09:30 - Emma Roberts-Smith: Looks like Matt's been at Ben's

3/5/20, 09:30 - Emma Roberts-Smith: Dog c@nt!!

4/5/20, 10:39 - Danielle: Queensland Premier Anastacia Palaszczuk has announced a partial resumption of schools from next week, with kindergarten, prep, Year 1 and years 11 and 12 to return to school on May 11.

Ms Palaszczuk said the State Government would reassess the situation on May 15 and that, if everything had gone to plan, all students would return to classrooms from May 25.

4/5/20, 12:21 - Danielle: lol ... I am nervous for you! Hope it went ok

4/5/20, 12:26 - Emma Roberts-Smith: All done ✓

4/5/20, 12:26 - Danielle: How did it go??? 😬

4/5/20, 12:27 - Emma Roberts-Smith: Ha 😊 yeh good

4/5/20, 12:27 - Emma Roberts-Smith: Have you spoken to him?

4/5/20, 12:27 - Danielle: no not at all?

4/5/20, 12:28 - Danielle: I finished my essay and am getting ready to go to the national park

4/5/20, 12:28 - Emma Roberts-Smith: Ok 👍 I think he's happy to told them

4/5/20, 12:28 - Emma Roberts-Smith: Told Paul too

4/5/20, 12:28 - Emma Roberts-Smith: Ok cool

4/5/20, 12:28 - Danielle: How did mum take it?

4/5/20, 12:28 - Danielle: Did she seem ok with it?

4/5/20, 13:54 - Emma Roberts-Smith: Yeh buzz us later was just in the car with lizzie

5/5/20, 12:01 - Emma Roberts-Smith: You in a mtg?

5/5/20, 13:47 - Emma Roberts-Smith: <Media omitted>

5/5/20, 13:48 - Emma Roberts-Smith: Dinner bill with ma and sl

5/5/20, 13:56 - Danielle: Perfect!

7/5/20, 13:03 - Danielle: True

7/5/20, 13:03 - Danielle: Meanwhile back at The Ranch I am writing an essay on beer goggles and if they're real or not! Lol

7/5/20, 13:03 - Danielle: I should just interview Ben

7/5/20, 13:04 - Emma Roberts-Smith: Fuck yeh...

7/5/20, 13:04 - Emma Roberts-Smith: There's your case study

7/5/20, 13:04 - Danielle: But they must be real because it picked up

7/5/20, 19:22 - Emma Roberts-Smith: Funny lunch box

8/5/20, 05:37 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.theguardian.com/australia-news/2020/may/08/law-council-wants-changes-to-secrecy-laws-invoked-in-ben-roberts-smith-defamation-case>

8/5/20, 05:38 - Emma Roberts-Smith: One thing is certain, he fucking looks stressed

8/5/20, 11:29 - Emma Roberts-Smith: You snooze you loose BRS!!

8/5/20, 22:51 - Danielle: Fuck

8/5/20, 22:52 - Emma Roberts-Smith: What

8/5/20, 22:52 - Emma Roberts-Smith: Oh what's that say??

8/5/20, 22:54 - Danielle: <https://mobile.abc.net.au/news/2020-05-08/court-ruling-on-gag-orders-in-ben-roberts-smith-defamation-case/12228266>

8/5/20, 22:56 - Danielle: Obviously they're waiting for the enquiry to finish

8/5/20, 22:57 - Emma Roberts-Smith: Of course they are

8/5/20, 22:57 - Emma Roberts-Smith: Either way I won't be standing trial

9/5/20, 07:22 - Emma Roberts-Smith: WTAF

9/5/20, 07:22 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.theguardian.com/australia-news/2020/may/08/ben-roberts-smith-defamation-case-postponed-over-covid-19-and-national-security-concerns>

9/5/20, 12:00 - Emma Roberts-Smith: Liz just saw Monica in bens car again

10/5/20, 14:23 - Danielle: Yeah mate. Just rushing to finish my essay on beer goggles

10/5/20, 14:23 - Danielle: Lol

10/5/20, 14:24 - Emma Roberts-Smith: 🤔 and what's your theory?

10/5/20, 14:24 - Danielle: Yep they're definitely real

10/5/20, 14:25 - Emma Roberts-Smith: I agree

10/5/20, 14:25 - Danielle: I used Monica Allen as a theoretical example

10/5/20, 14:25 - Emma Roberts-Smith: 🤔 🤔

10/5/20, 14:25 - Emma Roberts-Smith: That's power

10/5/20, 14:25 - Danielle: 👍

10/5/20, 15:27 - Emma Roberts-Smith: Mum was typical

10/5/20, 15:28 - Emma Roberts-Smith: 😏 🤔

10/5/20, 16:00 - Danielle: Give me a second and I will call you

10/5/20, 16:00 - Emma Roberts-Smith: Ok

11/5/20, 16:54 - Emma Roberts-Smith: Should I open CSS message or just leave it as unread for a while?

11/5/20, 17:07 - Danielle: Leave it unread I would think.

11/5/20, 17:07 - Danielle: Those photos are terrible

11/5/20, 17:07 - Danielle: I am just cleaning out clothes and all sorts of other shit on a mission

13/5/20, 14:33 - Emma Roberts-Smith: Pay what back

13/5/20, 14:33 - Danielle: He can't really whinge about the fact you don't have any money to fix up the property

13/5/20, 14:33 - Danielle: The overdraft

13/5/20, 14:33 - Emma Roberts-Smith: I'll just forward him all the invoices for the house

13/5/20, 14:33 - Danielle: Yep

13/5/20, 14:33 - Emma Roberts-Smith: Surely not

13/5/20, 14:34 - Danielle: He has just seen an opening to move in for the kill ..... thinking you are disabled

13/5/20, 14:34 - Danielle: He must be reveling in it right now

13/5/20, 14:35 - Emma Roberts-Smith: Of course he is

13/5/20, 14:35 - Emma Roberts-Smith: I sent it to Jason

13/5/20, 14:35 - Danielle: More fool him ....

13/5/20, 14:35 - Emma Roberts-Smith: Mate...he's showing every force he can

13/5/20, 14:35 - Emma Roberts-Smith: I hope it fucking blows up in his face

13/5/20, 14:36 - Emma Roberts-Smith: It's the girls it's effecting too mate but he doesn't give a fuck

13/5/20, 14:36 - Danielle: Nope, all about the win

13/5/20, 14:39 - Emma Roberts-Smith: The trial is delayed so he has all the time in the world

13/5/20, 14:39 - Danielle: Yep

13/5/20, 14:40 - Danielle: That's a pretty cunt move

13/5/20, 14:47 - Emma Roberts-Smith: Ffx and kms would love knowing he's cut me off financially

13/5/20, 14:47 - Emma Roberts-Smith: He wants a reaction

13/5/20, 14:48 - Emma Roberts-Smith: I haven't shown my hand

14/5/20, 20:19 - Danielle: You heard from Deb ?

14/5/20, 20:19 - Emma Roberts-Smith: There's something for sure but it's definitely timing

14/5/20, 20:19 - Emma Roberts-Smith: Not a thing

14/5/20, 20:19 - Danielle: Touch base, check in re: zac

14/5/20, 20:19 - Danielle: I can see them getting pretty nasty ... got a feeling

14/5/20, 20:21 - Emma Roberts-Smith: Nup



14/5/20, 20:21 - Emma Roberts-Smith: I'm going underground

14/5/20, 20:21 - Emma Roberts-Smith: They're team Ben

14/5/20, 20:21 - Emma Roberts-Smith: I have nothing to hide

14/5/20, 20:21 - Danielle: What if they ask for the car back?

14/5/20, 20:21 - Emma Roberts-Smith: 🙄

14/5/20, 20:22 - Emma Roberts-Smith: I'll cross that bridge when it happens, I won't let me guard down they'll use it against me

14/5/20, 20:22 - Danielle: 👍

15/5/20, 09:53 - Emma Roberts-Smith: <https://www.canberratimes.com.au/story/6757071/roberts-smith-wants-to-testify-in-public/?cs=14231>

15/5/20, 09:54 - Emma Roberts-Smith: Be sounds like a cry baby

15/5/20, 09:55 - Emma Roberts-Smith: Instead of keeping national secrets hidden, it's about him exposing everyone else like he's thrown his dummy out of the cot

15/5/20, 10:08 - Danielle: I agree

15/5/20, 10:12 - Emma Roberts-Smith: Maybe it's just me thinking that because I know the truth

15/5/20, 10:30 - Emma Roberts-Smith: Reckon I add in hes repartnerd with her??

15/5/20, 10:30 - Danielle: Yes I believe you need to say that

15/5/20, 10:31 - Emma Roberts-Smith: They'd have to prove they're not??

15/5/20, 10:31 - Danielle: I'm on a meeting at the moment but the fact remains that they are Co habiting together

15/5/20, 10:31 - Emma Roberts-Smith: Yep but do I need to prove it

15/5/20, 10:31 - Danielle: To your knowledge you believe that they have been spending amounts of time together

15/5/20, 10:31 - Danielle: You can prove it because the girls have told you and witnessed her being in the apartment and car

15/5/20, 10:32 - Danielle: Put it down and Jason will advise if evidence is not enough

15/5/20, 10:32 - Danielle: The other thing is you can introduce the text messages between them and the email that you have as evidence of it they have a more substantial relationship

15/5/20, 10:32 - Emma Roberts-Smith: Yep

15/5/20, 10:33 - Danielle: So that is how you get to weave that into it

15/5/20, 10:33 - Danielle: You have a photograph of his apartment with her handbag sitting on the chair

15/5/20, 10:33 - Danielle: You need to make notes of when he said he was at Jed's place and Bob's place

15/5/20, 10:34 - Danielle: Yep perfect

15/5/20, 10:34 - Danielle: Just remember to give Jason absolutely everything and he will figure out what he can work with

15/5/20, 10:35 - Emma Roberts-Smith: Yep I've started making notes, I'll tinker the draft today and over the weekend and send to him first thing Monday

19/5/20, 07:34 - Emma Roberts-Smith:

<https://www.google.com.au/amp/s/amp.theage.com.au/politics/federal/top-sydney-barrister-to-oversee-war-crimes-probe-against-ben-roberts-smith-20200518-p54u49.html>

19/5/20, 07:34 - Emma Roberts-Smith: Wonder if he will reply to that

19/5/20, 07:36 - Danielle: Oh well the heat is on it's time for Jason to move in

19/5/20, 07:37 - Emma Roberts-Smith: I agree!

19/5/20, 07:37 - Emma Roberts-Smith: He will be stressed as fuck

19/5/20, 07:37 - Emma Roberts-Smith: Hopefully I hear from Jason today

19/5/20, 07:37 - Emma Roberts-Smith: He won't like that story I guarantee it

19/5/20, 07:42 - Emma Roberts-Smith: He'll be stressed!!

19/5/20, 07:42 - Emma Roberts-Smith: The poor girls having to go there with him this weekend

19/5/20, 07:42 - Danielle: VERY STRESSED

19/5/20, 07:43 - Emma Roberts-Smith: He will be totally distracted and effect them

19/5/20, 07:43 - Emma Roberts-Smith: He's never had to worry about them and deal with that stress, I've always been there

19/5/20, 07:43 - Danielle: Multiple special forces sources have also confirmed more of Mr Roberts-Smith's fellow SAS soldiers have come forward to allege he was involved in other serious war crimes during his various tours of Afghanistan.

19/5/20, 07:43 - Emma Roberts-Smith: All he'll want to do is drink and talk on his phone in damages control

19/5/20, 07:44 - Emma Roberts-Smith: Yeh...I bet they have

19/5/20, 07:44 - Danielle: Me too. The longer it goes on, I reckon the more will come forward

19/5/20, 07:44 - Emma Roberts-Smith: Yep

19/5/20, 07:45 - Emma Roberts-Smith: No wonder he hadn't released a statement about us...he doesn't want more heat

19/5/20, 18:21 - Emma Roberts-Smith: Just had a missed call from  
Quentin Bryce

19/5/20, 18:24 - Danielle: fuk do not respond

19/5/20, 18:24 - Danielle: They are all on the same team

19/5/20, 18:24 - Emma Roberts-Smith: I'm not going to

19/5/20, 18:25 - Danielle: They will be packing a scrum right now

19/5/20, 18:25 - Danielle: Claire will be next

19/5/20, 18:25 - Emma Roberts-Smith: Yeh I'm not sure but I'm not taking the risk

19/5/20, 18:25 - Danielle: Yeah fair enough

19/5/20, 19:15 - Emma Roberts-Smith: The girls heard the convo about Brs cheating and the antlers  
👹 little creeps!!

19/5/20, 19:15 - Danielle: Oh well maybe they'll learn something

19/5/20, 19:15 - Danielle: 🙄

19/5/20, 19:16 - Emma Roberts-Smith: Yeh I said one day you'll know it all

19/5/20, 19:16 - Danielle: It might not hurt to also have a discussion about eavesdropping

21/5/20, 17:43 - Emma Roberts-Smith: Should I call her back?

21/5/20, 17:43 - Danielle: Yeah I think you probably should but I would be very diplomatic and not say too much

21/5/20, 17:43 - Emma Roberts-Smith: Yeh ok

21/5/20, 17:43 - Emma Roberts-Smith: I'll wait til girls are in bed

21/5/20, 17:43 - Danielle: Unless she raises that I would not say anything about you being separated

21/5/20, 17:44 - Emma Roberts-Smith: She'll ask how Ben is for sure

21/5/20, 17:49 - Danielle: Well what are you gonna say what's your plan

21/5/20, 17:49 - Emma Roberts-Smith: Busy with girls etc, brs and I separated Jan but just keep it dignified

21/5/20, 17:50 - Danielle: Yeah as long as you're not nasty or specific about any details I think that's a good plan

21/5/20, 17:50 - Emma Roberts-Smith: Yep

21/5/20, 17:50 - Danielle: You could just say something like everything just took it's toll unfortunately

21/5/20, 17:50 - Danielle: And the marriage was Collateral Damage

21/5/20, 17:51 - Emma Roberts-Smith: Yep

21/5/20, 17:51 - Danielle: If she asks if you are on good terms you could just say it's ok enough but sometimes it can be strained

21/5/20, 18:41 - Emma Roberts-Smith: Phoned her back...she was calling to say are knew etc

21/5/20, 19:32 - Danielle: Oh that's interesting.... I wonder how she knew?

25/5/20, 07:57 - Emma Roberts-Smith: Ben



Can you please confirm the following for the girls:

Friday 5 June

3:12pm pick up at high school drive through

Sunday 7 June

5pm drop off at the Ilkley house

Friday 19th June

3:12pm pick up at high school drive through

(Commencement of school holidays)

Wednesday 1 July

5pm drop off at the Ilkley house

Emma

25/5/20, 08:11 - Danielle: I would put in up till September

25/5/20, 09:21 - Emma Roberts-Smith: I told him he needs a new plan because I ruined his last one



25/5/20, 09:42 - Emma Roberts-Smith: Ben

Can you please confirm the following for the girls:

Friday 5 June

3:12pm pick up at high school drive through

Sunday 7 June

5pm drop off at the Ilkley house

Friday 19th June

3:12pm pick up at high school drive through

(Commencement of school holidays)

Wednesday 1 July

5pm drop off at the Ilkley house

You will then collect them from school as per above from 17 July and have them every second weekend from this date during term 3.

The email from your lawyers only stated up to the June/July school holidays, and I would like to ensure the girls have as much stability as possible moving forward.

Emma

25/5/20, 09:52 - Danielle: That's fine

25/5/20, 09:58 - Danielle: Its simple & clean.

25/5/20, 10:00 - Emma Roberts-Smith: He might slap me with a family court thing by then

25/5/20, 10:03 - Emma Roberts-Smith: He's going to be in the hurt locker if they're all the same!!

25/5/20, 21:08 - Danielle: Perhaps she did, perhaps she didn't. Who knows. You need to control what you can - your reaction

25/5/20, 21:08 - Emma Roberts-Smith: And my reaction is to do nothing

25/5/20, 21:09 - Danielle: Good. Nothing is ok.

25/5/20, 21:10 - Emma Roberts-Smith: Yeh

27/5/20, 17:18 - Emma Roberts-Smith: Check your emails

27/5/20, 17:22 - Danielle: Ok I will check it but I'm just helping Darren with something

27/5/20, 17:22 - Emma Roberts-Smith: It's from the lawyer

27/5/20, 17:25 - Emma Roberts-Smith: My draft to brs

27/5/20, 17:54 - Emma Roberts-Smith: Geez I feel nauseous

27/5/20, 18:04 - Danielle: That's a pearler, don't you dare change a thing

27/5/20, 18:04 - Danielle: 10.3 there is an error and they make reference to a property in Helensvale

27/5/20, 18:05 - Danielle: Other than that fill it out and get it done ASAP

27/5/20, 18:05 - Danielle: If you reply with your changes and inserts they might even get it out tomorrow

27/5/20, 18:14 - Emma Roberts-Smith: Check emails again

27/5/20, 19:27 - Danielle: Can you talk

28/5/20, 06:30 - Emma Roberts-Smith:

<https://www.google.com.au/amp/s/amp.theguardian.com/australia-news/2020/may/27/ben-roberts-smith-defamation-trial-delayed-as-fairfax-lawyers-look-to-introduce-new-evidence>

28/5/20, 06:33 - Danielle: Good, the heat is on somewhere else!

28/5/20, 06:34 - Danielle: I dare say that's what has been keeping him busy

28/5/20, 06:34 - Emma Roberts-Smith: Yep!! He will be taking hits mate

28/5/20, 10:46 - Danielle: I wonder if someone else is coming forward

28/5/20, 10:46 - Emma Roberts-Smith: 🤔

28/5/20, 10:46 - Emma Roberts-Smith: Me 🤔

28/5/20, 10:47 - Emma Roberts-Smith: I'm back home making the changes now

28/5/20, 10:54 - Emma Roberts-Smith: Would you say the book ownership is solely brs?

28/5/20, 11:11 - Danielle: Yes

28/5/20, 11:14 - Emma Roberts-Smith: 👍

28/5/20, 11:14 - Emma Roberts-Smith: Sending you draft to look at while I make couple small

28/5/20, 12:56 - Emma Roberts-Smith: You in a mtg?

28/5/20, 22:27 - Danielle: Mate, are u ok? Got a feeling.....

29/5/20, 05:39 - Emma Roberts-Smith: Mate, I've had a very rough week! I've been put back in a position where I've been scared of Ben...getting that stuff to Jason was so much more exhausting than I had expected!! I know it's the only chance I have of surviving and making a new life for the girls and I so I will keep fighting.

29/5/20, 05:40 - Emma Roberts-Smith: What feeling did you have??

29/5/20, 07:14 - Danielle: It was probably a feeling of uncertainty more than anything. That you were wondering what will happen. Perhaps come to place in your mind where Ben is a chore / must do. It's a step you have to take / complete.

29/5/20, 07:15 - Emma Roberts-Smith: I know it's part of the process...but he's evil and will want nothing less than to see me fail

1/6/20, 14:20 - Emma Roberts-Smith: Can you check your emails?

1/6/20, 14:22 - Danielle: Just on phone

1/6/20, 14:22 - Emma Roberts-Smith: Ok 👍 from JM

1/6/20, 14:25 - Danielle: Just had a look, nothing appears different. What am I missing?

1/6/20, 14:25 - Emma Roberts-Smith: Maybe it's the Rs Group attachment?

1/6/20, 14:25 - Emma Roberts-Smith: I couldn't see anything different too

1/6/20, 14:25 - Danielle: Yes it appears so

1/6/20, 14:25 - Emma Roberts-Smith: Ok so hit go?

1/6/20, 14:26 - Danielle: Yep!

1/6/20, 14:26 - Emma Roberts-Smith: Ok



2/6/20, 19:59 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.theguardian.com/media/2020/jun/02/ben-roberts-smith-defamation-case-newspapers-claim-they-have-four-new-witnesses>

2/6/20, 19:59 - Emma Roberts-Smith: "The poor human"

2/6/20, 20:07 - Danielle: Sheesh.... loads of trouble

2/6/20, 20:07 - Emma Roberts-Smith: Fucking hell mate

2/6/20, 20:07 - Danielle: I gotta run mate cause I have to study for this exam on Thursday and I've also got to get Josh bathed & into bed

2/6/20, 20:07 - Emma Roberts-Smith: Coollo 🤔

2/6/20, 22:21 - Danielle: [https://www.smh.com.au/national/ben-roberts-smith-involved-in-seven-unlawful-killings-new-witness-statements-allege-20200519-p54u7s.html?fbclid=IwAR3L8t8kFz0J12akd2txA9OK0\\_BA\\_\\_g8-NNx9ptXRzsSpsNieMuVI3Lu3DE](https://www.smh.com.au/national/ben-roberts-smith-involved-in-seven-unlawful-killings-new-witness-statements-allege-20200519-p54u7s.html?fbclid=IwAR3L8t8kFz0J12akd2txA9OK0_BA__g8-NNx9ptXRzsSpsNieMuVI3Lu3DE)

2/6/20, 22:21 - Danielle: oopsie! 7 now

3/6/20, 06:30 - Emma Roberts-Smith: Charged with WC isn't mentioned

3/6/20, 06:31 - Emma Roberts-Smith: Had the worst nights sleep

3/6/20, 06:31 - Danielle: no, it's a weird article!

3/6/20, 06:31 - Danielle: I cannot figure out how they get 7 ???

3/6/20, 06:32 - Emma Roberts-Smith: They already had 6

3/6/20, 06:33 - Emma Roberts-Smith: There must've been another person flip

3/6/20, 06:33 - Danielle: what the ?

3/6/20, 06:33 - Danielle: the article is saying 7 unlawful kills ? not witnesses

3/6/20, 06:33 - Emma Roberts-Smith: I took it as 7 in total

3/6/20, 06:34 - Emma Roberts-Smith: 6 originally and now an extra one

3/6/20, 06:35 - Emma Roberts-Smith: The defo started because they said he had committed 6 acts of wc

3/6/20, 06:35 - Danielle: still confused mate. Jan was one victim .... where did the other 6 come from ??

3/6/20, 06:35 - Danielle: I think it's purposefully written to mislead

3/6/20, 06:36 - Emma Roberts-Smith: Of course

3/6/20, 09:21 - Emma Roberts-Smith: Front fucking page

3/6/20, 09:21 - Danielle: Yep

3/6/20, 09:22 - Danielle: Send that

3/6/20, 09:22 - Emma Roberts-Smith: I just sent

3/6/20, 09:22 - Danielle: Charming

3/6/20, 09:31 - Danielle: Ben, Honestly, things are not looking good. I am concerned about the girls at school today after the press this morning. I am trying to get organised and establish some stability for them. We cannot stay in this house and it will need to be sold. I have decided to move to Brisbane so I will need to organise schooling for them.

3/6/20, 09:31 - Danielle: I would appreciate your support on this matter so we can get our girls established.

3/6/20, 09:31 - Danielle: Emma

3/6/20, 10:45 - Emma Roberts-Smith: It must be good having your lawyer girlfriend draft all your messages

3/6/20, 10:45 - Danielle: Even if Monica wrote it!

3/6/20, 10:45 - Danielle: Sic ... haha

3/6/20, 10:45 - Emma Roberts-Smith: Of course she did

3/6/20, 10:46 - Danielle: Loser 😏

3/6/20, 10:46 - Emma Roberts-Smith: She thinks she's winning at life 😏

3/6/20, 10:46 - Danielle: More fool her

3/6/20, 10:47 - Emma Roberts-Smith: She's meant to be smart

3/6/20, 10:49 - Emma Roberts-Smith: You think talk with the girls in person this weekend when he brings them home?

3/6/20, 10:49 - Emma Roberts-Smith: United front I guess?

3/6/20, 10:51 - Emma Roberts-Smith: Still can't think it's a stitch up

3/6/20, 10:52 - Danielle: No

3/6/20, 10:53 - Danielle: Have the conversation separately

3/6/20, 10:53 - Emma Roberts-Smith: Ok

3/6/20, 10:53 - Emma Roberts-Smith: He's typing something else

3/6/20, 10:53 - Danielle: Do not lay down your shield just yet

3/6/20, 10:53 - Danielle: If he sees a way in, he will take it

3/6/20, 10:53 - Emma Roberts-Smith: Ok 👍

3/6/20, 10:54 - Danielle: that's what narcissists do

3/6/20, 10:54 - Danielle: They look for an opening

3/6/20, 10:54 - Emma Roberts-Smith: They do!!

3/6/20, 10:57 - Danielle: Just remember the condescending email that he sent you about how you are getting better advice now

3/6/20, 10:58 - Danielle: There is nothing wrong with co-parenting as long it is open and genuine

3/6/20, 10:58 - Emma Roberts-Smith: He's typing something...I can't help but think it's the kicker

3/6/20, 10:58 - Danielle: However at the moment with the stakes so high I don't believe that can be the case

3/6/20, 10:59 - Danielle: If it is about paying for the school or anything like that that is negative just don't reply

3/6/20, 10:59 - Emma Roberts-Smith: Yeh ok

3/6/20, 11:01 - Emma Roberts-Smith: Told ya...

3/6/20, 11:01 - Emma Roberts-Smith: Emma,

To be clear I am simply providing my consent for the interview process to go ahead. Applying to schools for the children should be a joint decision and at a minimum a decision that is discussed well before any interview process is arranged.

Given I was not even aware you had applied to this particular school as you hadn't mentioned it I will not be able to provide my consent to the girls changing schools at this time.

It is not in their interests to change their schools mid term or potentially to avoid multiple moves, until high school.

As your new lawyers would have discussed with you the children's schooling and where you and the girls choose to live is something that will be considered as part of the final orders.

For that reason I'm happy to attend the St Aildens interview to gain an understanding of the school however the girls schooling will ultimately form part of the final orders and for that reason it's not appropriate for any changes to be made until that time.

Ben

3/6/20, 11:02 - Danielle: 🍑 boom & there it is.

3/6/20, 11:03 - Danielle: Control

3/6/20, 11:03 - Emma Roberts-Smith: I know how the cunt works

3/6/20, 11:03 - Emma Roberts-Smith: Yep!!

3/6/20, 11:03 - Emma Roberts-Smith: No mother fucker, you don't have a say where the girls and I live

3/6/20, 11:03 - Danielle: He cannot dictate that you stay in the same area so he's fucked

3/6/20, 11:03 - Emma Roberts-Smith: And the dumb cunt hasn't realised that it's there until end of high school

3/6/20, 11:06 - Danielle: Ben, thanks for your reply. I understand you're concerned, however you are not able to dictate where myself and my girls live as long as it is in a respectable vicinity to yourself. Obviously any change in schooling will need to be discussed with you as this would be necessary when we move. Staying at Flinders would not be viable.



3/6/20, 11:06 - Emma Roberts-Smith: I reckon I just let him sweat it for a few hours while I think about it...I might phone Jason too

3/6/20, 11:06 - Danielle: Yep.

3/6/20, 11:07 - Danielle: Phone Jason

3/6/20, 11:07 - Emma Roberts-Smith: It's the kicker I needed

3/6/20, 11:08 - Emma Roberts-Smith: There's no way I will put the girls through the conversation or interview process unless he agrees...that's not child focused

3/6/20, 11:08 - Danielle: But he can't not agree to change schools because you are moving

3/6/20, 11:08 - Emma Roberts-Smith: No!!

3/6/20, 11:09 - Danielle: He has to be seen as reasonable

3/6/20, 11:09 - Emma Roberts-Smith: He's fucked hi self again by being a controlling cunt

3/6/20, 11:09 - Danielle: I suspect that he doesn't want to pay the fees and he will insist on a cheaper school

3/6/20, 11:09 - Emma Roberts-Smith: He can afford it

3/6/20, 11:09 - Danielle: No he can't

3/6/20, 11:09 - Emma Roberts-Smith: And there isn't any parenting orders in place

3/6/20, 11:10 - Danielle: Also just remember that those consent orders will dictate where he lives to

3/6/20, 11:10 - Emma Roberts-Smith: He can afford the school fees mate

3/6/20, 11:10 - Danielle: Dumb cunt

5/6/20, 07:26 - Danielle: I think you need to book an appointment with Carla and talk about a way forward

5/6/20, 07:26 - Emma Roberts-Smith: 😊 what the divorce diet

5/6/20, 07:26 - Emma Roberts-Smith: I'm seeing her next week

5/6/20, 07:27 - Emma Roberts-Smith: I tell ya, it's the yoga that makes me strong in every part of my life

5/6/20, 07:27 - Emma Roberts-Smith: Yeh she wants to spend tomorrow with Georgia before she heads back to Sydney

5/6/20, 07:27 - Emma Roberts-Smith: And I'm seeing Sidone tomorrow too

Sunday

5/6/20, 07:29 - Danielle: 🍷

5/6/20, 07:33 - Emma Roberts-Smith: That'll be a fun night

5/6/20, 07:34 - Danielle: 🍷

5/6/20, 08:00 - Emma Roberts-Smith: <Media omitted>

5/6/20, 08:02 - Danielle: Tell him to contact your lawyer

5/6/20, 08:03 - Danielle: Tell him that you think this Falls under property matters 🙄 🙄

5/6/20, 08:04 - Emma Roberts-Smith: Mate I have a real estate here at 2...I'm going to say no!

5/6/20, 08:04 - Danielle: Yeah I think you'll do need to say no

5/6/20, 08:04 - Danielle: That you have other plans at that time

5/6/20, 08:04 - Danielle: Or you can bring the appointments with them forward

5/6/20, 08:05 - Danielle: If you don't allow him access he may not be able to get the documents

5/6/20, 08:05 - Danielle: That will give him an excuse to delay

5/6/20, 08:05 - Emma Roberts-Smith: Oh actually it's midday they're here

5/6/20, 08:06 - Danielle: Ok but I do not think that you should be in the house when this happens especially removing a firearm

5/6/20, 08:06 - Danielle: Or you will need to get Di to deal with him

5/6/20, 08:20 - Emma Roberts-Smith: "My study"

5/6/20, 08:20 - Emma Roberts-Smith: 🙄 🙄

5/6/20, 10:37 - Emma Roberts-Smith: <Media omitted>

5/6/20, 10:37 - Emma Roberts-Smith: <Media omitted>

5/6/20, 10:43 - Danielle: Good 👍

5/6/20, 15:02 - Emma Roberts-Smith: <Media omitted>

5/6/20, 15:02 - Emma Roberts-Smith: <Media omitted>

5/6/20, 15:02 - Emma Roberts-Smith: <Media omitted>

5/6/20, 15:02 - Emma Roberts-Smith: <Media omitted>

5/6/20, 15:28 - Emma Roberts-Smith: I'm still laughing

5/6/20, 15:29 - Emma Roberts-Smith: I don't think it's Rs Group financials...he could get that info from the mutt

5/6/20, 15:30 - Danielle: Yes

5/6/20, 15:30 - Emma Roberts-Smith: It's got to be the photos

5/6/20, 15:31 - Emma Roberts-Smith: Or he thinks I'm unpredictable

5/6/20, 15:31 - Emma Roberts-Smith: Do I stay poker face??

5/6/20, 15:32 - Emma Roberts-Smith: I think he doesn't think I'm smart enough to go and dig for it

5/6/20, 15:38 - Danielle: Nope

5/6/20, 15:39 - Emma Roberts-Smith: Surely he can't think he can add up what the household furniture is worth

5/6/20, 16:37 - Emma Roberts-Smith: Missed voice call

5/6/20, 20:51 - Emma Roberts-Smith: I know what brs did with his treasure

5/6/20, 20:54 - Danielle: What the??

5/6/20, 20:55 - Emma Roberts-Smith: lizzie just phoned to say goodnight and said Matt came in to see them tonight

5/6/20, 20:55 - Emma Roberts-Smith: Bingo!

5/6/20, 20:55 - Emma Roberts-Smith: It will now be in Kenmore

5/6/20, 20:56 - Danielle: 🙄

5/6/20, 20:57 - Emma Roberts-Smith: Maybe he is going to sydney and knew he had to get the lunch box

5/6/20, 20:57 - Emma Roberts-Smith: Before we sold

5/6/20, 21:05 - Danielle: Yeah most likely

5/6/20, 21:06 - Emma Roberts-Smith: Who knows what that dodgy cunt thinks

6/6/20, 13:20 - Emma Roberts-Smith: I wonder who person 66 is??

6/6/20, 17:41 - Emma Roberts-Smith: <Media omitted>

6/6/20, 20:28 - Emma Roberts-Smith: <Media omitted>

6/6/20, 20:30 - Emma Roberts-Smith: 🙄

6/6/20, 20:30 - Danielle: That will be interesting I wonder how he proposes to get the key? I bet he just pretends to take the firearm

6/6/20, 20:31 - Emma Roberts-Smith: Idiot

6/6/20, 20:31 - Emma Roberts-Smith: Plus he can't take them the second week as I have plans with them for their 10th birthday celebrations

6/6/20, 20:32 - Danielle: So write back to him and tell him that you will need to go with option one because you have already made plans for the second week of the holidays.

6/6/20, 20:32 - Danielle: Yes best left till tomorrow

6/6/20, 20:32 - Emma Roberts-Smith: I can give him 5 days after IGADF early July

6/6/20, 20:33 - Danielle: What is he referring to when he says that he noted your comments about remaining flexible I thought that was something that he asked you to do..... not what you offered?

6/6/20, 20:33 - Emma Roberts-Smith: Fuck stick

6/6/20, 20:34 - Emma Roberts-Smith: Because I referred to it in my email

About moving to brissy

6/6/20, 20:34 - Danielle: Ok 👍



6/6/20, 20:34 - Emma Roberts-Smith: That means for sure he has been slapped with a notice from the inquiry

6/6/20, 20:34 - Danielle: Yep 🙄

6/6/20, 20:34 - Emma Roberts-Smith: 😏

6/6/20, 20:35 - Emma Roberts-Smith: Told you that's why he got a haircut

6/6/20, 20:35 - Danielle: Yep!

6/6/20, 20:35 - Emma Roberts-Smith: 🙄

6/6/20, 20:35 - Emma Roberts-Smith: And now makes sense why he got the gardening done

6/6/20, 20:35 - Danielle: Yep 😏

6/6/20, 20:35 - Danielle: 🙄🙄

6/6/20, 20:35 - Emma Roberts-Smith: I'm at Vicki Wilson's house and she's head of sport at Moreton

6/6/20, 20:37 - Emma Roberts-Smith: I will take the girls for the 5 days he's with Igadf and then offer him 5 days once he's back?

6/6/20, 20:37 - Danielle: Just sleep on it and have a think about it

6/6/20, 20:38 - Emma Roberts-Smith: I can't swap the second week

6/6/20, 20:42 - Emma Roberts-Smith: I need to be able to think straight

6/6/20, 20:43 - Emma Roberts-Smith: He can take them 1-5 July right as make up time??

7/6/20, 00:06 - Emma Roberts-Smith: Make sense...

7/6/20, 00:06 - Emma Roberts-Smith: <Media omitted>

7/6/20, 09:28 - Emma Roberts-Smith: Sent the email

7/6/20, 09:28 - Emma Roberts-Smith: I wanna ask him today if he's going to Sydney 🙄

7/6/20, 10:18 - Danielle: Negative

7/6/20, 10:18 - Emma Roberts-Smith: Ha

7/6/20, 10:19 - Emma Roberts-Smith: You think I mention the school to him  
Again?

7/6/20, 10:19 - Danielle: I don't know what to think mate

7/6/20, 10:20 - Danielle: I am not sure if pushing agenda is going to get you very far

7/6/20, 10:21 - Danielle: I think you guys are better to have a cordial 5-minute conversation sit down about the fact that your house could get raided and what else you need to expect you he at least owes you that

7/6/20, 10:21 - Danielle: Ultimately the place you want to get to is to be able to cope parent reasonably amicably

7/6/20, 10:22 - Emma Roberts-Smith: Yeh that's true

7/6/20, 10:22 - Danielle: After all it's the kids that are the most important thing

7/6/20, 10:22 - Emma Roberts-Smith: Yes but I'm not convinced he thinks the same

7/6/20, 10:22 - Danielle: So if you do have a talk this afternoon just don't talk about either person's agenda

7/6/20, 10:23 - Danielle: You're not at that spot just yet

7/6/20, 10:23 - Emma Roberts-Smith: Nup

7/6/20, 10:24 - Emma Roberts-Smith: He won't be keen to talk I know

7/6/20, 10:25 - Emma Roberts-Smith: And I still have to protect myself cause I don't trust him

7/6/20, 10:25 - Danielle: So maybe what you need to say to him is Ben we need to get to a point where we can co-parent amicably so I appreciate if you could let me know if anything I need to know about this process and if a house is going to be search

7/6/20, 10:26 - Emma Roberts-Smith: Yeh...that would be ideal

7/6/20, 10:26 - Danielle: You will get to the point where you can talk about the other stuff but I'm not sure that he's ready yet

7/6/20, 10:27 - Emma Roberts-Smith: Maybe not until I see what he comes back with in a week too

7/6/20, 10:27 - Danielle: Yes

7/6/20, 10:28 - Emma Roberts-Smith: I just have to wait a week I think

7/6/20, 10:28 - Danielle: Just remember it takes a lot of energy to be fighting with each other and being defensive mode all the time

7/6/20, 10:28 - Emma Roberts-Smith: Yeh no shit

7/6/20, 18:48 - Emma Roberts-Smith: They heard him watching porn in the shower this arvo 🤔

7/6/20, 19:02 - Danielle: Lmao I

7/6/20, 19:02 - Danielle: Loser

10/6/20, 14:27 - Danielle: Still in a meeting but just checking you are ok?

10/6/20, 18:20 - Danielle: U ok?

11/6/20, 05:16 - Emma Roberts-Smith: Yep, just heading home now

11/6/20, 14:39 - Emma Roberts-Smith: Hey 🤔 the girls said brs didn't ring them last night...maybe flew to Sydney for the weekend 😊

11/6/20, 20:23 - Emma Roberts-Smith: Christ I'm tired 🤔

11/6/20, 21:07 - Danielle: Off to bed for you

11/6/20, 21:07 - Emma Roberts-Smith: I'm in bed so over tired

11/6/20, 21:07 - Emma Roberts-Smith: What you doing ?

11/6/20, 21:21 - Danielle: Watching telly

15/6/20, 12:26 - Emma Roberts-Smith: Geezuz watching Epstein...it's brs carbon copy huh

15/6/20, 12:27 - Danielle: Yes!

15/6/20, 12:27 - Emma Roberts-Smith: Insane the control and manipulation

15/6/20, 12:27 - Emma Roberts-Smith: Same same

15/6/20, 13:32 - Emma Roberts-Smith: That's all going to coincide with going back to Igadf

15/6/20, 16:01 - Emma Roberts-Smith: Old mate Bali just called and said he had a missed call from Jed today

15/6/20, 16:01 - Emma Roberts-Smith: Another minion of brs chasing something up...brs must be worried about something!!!!

15/6/20, 16:10 - Danielle: No doubt

15/6/20, 16:11 - Emma Roberts-Smith: He said he's now blocked him! And told him he'd only ever called if brs wanted someone to do something

15/6/20, 16:29 - Danielle: oooh serious business!

15/6/20, 16:29 - Danielle: Old mate owes them nothing

15/6/20, 16:30 - Danielle: if anything he did the right thing going underground / silent

15/6/20, 16:32 - Emma Roberts-Smith: Yes and did himself a favour

15/6/20, 16:32 - Emma Roberts-Smith: We all have dodge a massive bullet and taken way too much for the team

16/6/20, 20:02 - Danielle: How much do u love me?

16/6/20, 20:02 - Emma Roberts-Smith: Ha ha why

16/6/20, 20:02 - Emma Roberts-Smith: A lot

16/6/20, 20:02 - Emma Roberts-Smith: What have you done

16/6/20, 20:03 - Danielle: Quick thinking...

16/6/20, 20:03 - Danielle: I have the first four chapters of the book

16/6/20, 20:03 - Danielle: The one that doesn't exist

16/6/20, 20:04 - Danielle: I also have a very graphic email about everything he was asked about and also mentions your interviews with Peter

16/6/20, 20:07 - Emma Roberts-Smith: You are the bomb 🍌🙌👊

16/6/20, 20:08 - Emma Roberts-Smith: He's a dumb lying cunt

16/6/20, 20:08 - Danielle: And when Jason tables this he's going to look like a dumb lying cunt too

16/6/20, 20:08 - Emma Roberts-Smith: Good he deserves it



16/6/20, 20:08 - Danielle: You should just tell Jason to put me on speed dial for the negotiations and I'll just pull out anything he lies about

16/6/20, 20:11 - Emma Roberts-Smith: We'll call you from Canberra next week 🌐

20/6/20, 20:26 - Danielle: BOOM - THERE IT IS !

20/6/20, 20:26 - Danielle: MONICA'S ADDRESS

20/6/20, 20:26 - Emma Roberts-Smith: What now??

20/6/20, 20:26 - Emma Roberts-Smith: Huh??

20/6/20, 20:26 - Danielle: <Media omitted>

20/6/20, 20:27 - Emma Roberts-Smith: HOLY FUCK WHAT THE ACTUAL FUCK

20/6/20, 20:29 - Emma Roberts-Smith: God I love you

20/6/20, 20:29 - Danielle: 🙏

20/6/20, 20:30 - Emma Roberts-Smith: Yeh we're not in a relationship

20/6/20, 20:30 - Danielle: Yes

20/6/20, 20:30 - Emma Roberts-Smith: With who?

20/6/20, 20:30 - Danielle: It was on 30 March

20/6/20, 20:31 - Emma Roberts-Smith: Why get it sent to her??

20/6/20, 20:31 - Emma Roberts-Smith: Oh??

20/6/20, 20:31 - Emma Roberts-Smith: I'll have to look at that date in my diary

20/6/20, 20:31 - Danielle: Yep

20/6/20, 20:32 - Danielle: Have a good night! - oh you just did ! bahahaha

20/6/20, 20:32 - Emma Roberts-Smith: He was probably staying with her for a period of time

20/6/20, 20:32 - Danielle: Yep

20/6/20, 20:33 - Danielle: <Media omitted>

20/6/20, 20:34 - Emma Roberts-Smith: Are you shitting me??

20/6/20, 20:34 - Emma Roberts-Smith: You can't swing a fucking cat in there

20/6/20, 20:34 - Emma Roberts-Smith: <Media omitted>

20/6/20, 20:35 - Emma Roberts-Smith: Yep!!! Check this out...the girls noticed different curtains in the lead up

20/6/20, 20:35 - Danielle: Yep - in the 9 weeks he did not see them!

20/6/20, 20:35 - Emma Roberts-Smith: It's a 65m2 1.1 million dollar hotel fucking room

20/6/20, 20:35 - Emma Roberts-Smith: Oh was it??

20/6/20, 20:40 - Emma Roberts-Smith: Who's fucking simple now

20/6/20, 20:42 - Danielle: That was only 6 weeks after he left the house

20/6/20, 20:43 - Emma Roberts-Smith: Yep!!!!

20/6/20, 20:43 - Emma Roberts-Smith: Cunt

20/6/20, 20:43 - Danielle: You got him - red handed

20/6/20, 20:44 - Emma Roberts-Smith: That cunt said he'd go to mediation at 4 weeks...douche bag

20/6/20, 20:45 - Emma Roberts-Smith: I mean counselling

20/6/20, 20:45 - Danielle: He was already living with her by then

20/6/20, 20:45 - Emma Roberts-Smith: Yep

20/6/20, 20:45 - Danielle: Oh well if Kerry wants proof that's it

20/6/20, 20:45 - Emma Roberts-Smith: They'll all stick their heads in the sand

20/6/20, 20:46 - Danielle: Of course they will mate

20/6/20, 20:46 - Emma Roberts-Smith: Whats

20/6/20, 20:46 - Danielle: They already know it's true and they're already sticking their head in the sand

20/6/20, 20:46 - Emma Roberts-Smith: Yep

20/6/20, 20:47 - Danielle: Don't you back down on anything in that negotiation

20/6/20, 20:47 - Danielle: Go for gold

20/6/20, 20:47 - Emma Roberts-Smith: Fuck no mate

20/6/20, 20:47 - Danielle: I know there was a part of u back then that still wondered if you were right? .... ummmm

20/6/20, 20:51 - Emma Roberts-Smith: Yep there was

20/6/20, 20:51 - Emma Roberts-Smith: Cause he brain washed me

20/6/20, 20:53 - Danielle: He certainly did .... so glad the fog has lifted

20/6/20, 21:09 - Emma Roberts-Smith: And she's a mutt

20/6/20, 23:54 - Emma Roberts-Smith: Was just looking at Monica's apartment again...fuck me!! What is he thinking?? I know him and he'd be planning on giving her a life where she could live in something bigger than a hotel room...dreaming!!

20/6/20, 23:55 - Emma Roberts-Smith: He's lost his mind...ironic how back then I was still wondering!! So that was around the same time that I told Kerry and he denied it...dumb digger move

21/6/20, 08:19 - Danielle: The apartment is probably what she got (or could afford) out of her divorce settlement. It's a shoebox alright.

21/6/20, 08:19 - Emma Roberts-Smith: Oh yep

21/6/20, 08:20 - Emma Roberts-Smith: Bens gone from 700 m2 to 65 🤔

21/6/20, 08:20 - Danielle: Right now I would suggest both of them are just surviving so they don't care

21/6/20, 08:21 - Danielle: It's interesting how he's changed tack and he's hooked himself up with some woman who's got money ....because he's got none

21/6/20, 08:25 - Emma Roberts-Smith: Probably

21/6/20, 08:25 - Emma Roberts-Smith: You reckon she's got money?? I don't

21/6/20, 08:49 - Danielle: I think she would have enough to get them by if needed

21/6/20, 09:01 - Emma Roberts-Smith: She gets 250 he told me

21/6/20, 09:01 - Emma Roberts-Smith: That's good \$\$

21/6/20, 09:01 - Emma Roberts-Smith: Where's he going to put his shlt

22/6/20, 07:05 - Emma Roberts-Smith: What you doing?

22/6/20, 07:20 - Danielle: Just waiting for the bus 😊

22/6/20, 07:21 - Emma Roberts-Smith: 😊

22/6/20, 07:53 - Emma Roberts-Smith: Call me when you're driving home

23/6/20, 16:07 - Emma Roberts-Smith: Just sent you an email

23/6/20, 17:03 - Danielle: Will read, just on way to soccer

23/6/20, 17:03 - Emma Roberts-Smith: Oh ok 🙌 for the Jap

24/6/20, 06:49 - Emma Roberts-Smith: Mate I re read the legal letter this morning...there was a couple of things in there I wanted to ask you??

24/6/20, 07:07 - Danielle: Will call u on way to work

29/6/20, 09:15 - Danielle: It was about this article

29/6/20, 09:24 - Emma Roberts-Smith: Self righteousness...go figure!!

29/6/20, 09:24 - Danielle: The senior army officer in charge of Australia's special forces has admitted some elite soldiers committed war crimes in Afghanistan and blamed the atrocities on "poor moral leadership" ..... isn't that what Ben said too?

29/6/20, 09:24 - Emma Roberts-Smith: Yeh

29/6/20, 09:25 - Danielle: Major-General Adam Findlay <<<< what's that dude like?

29/6/20, 09:25 - Emma Roberts-Smith: Met him a few times...they're all the same

29/6/20, 09:26 - Danielle: True

29/6/20, 09:26 - Emma Roberts-Smith: He was on the show last night It think. The grey haired unformed guy

29/6/20, 11:49 - Emma Roberts-Smith: Brs is online...there's no way he's in IG this morning

29/6/20, 12:39 - Danielle: Hmmmm



29/6/20, 12:40 - Emma Roberts-Smith: Who knows

29/6/20, 12:41 - Danielle: I reckon it's tomorrow only that he's going in

29/6/20, 12:42 - Emma Roberts-Smith: Yeh same

29/6/20, 16:03 - Emma Roberts-Smith: <Media omitted>

29/6/20, 16:05 - Danielle: The plot thickens

29/6/20, 16:07 - Emma Roberts-Smith: Might want an extra night with the mutt

29/6/20, 16:07 - Danielle: Or will drink himself silly

29/6/20, 16:07 - Emma Roberts-Smith: Yeh 🤔

29/6/20, 16:07 - Emma Roberts-Smith: <Media omitted>

29/6/20, 16:10 - Emma Roberts-Smith: <Media omitted>

29/6/20, 16:11 - Emma Roberts-Smith: See if he wants to cut the end a day short or have a day again at the end

29/6/20, 16:12 - Danielle: Yeah

29/6/20, 16:14 - Emma Roberts-Smith: <Media omitted>

29/6/20, 16:14 - Emma Roberts-Smith: Yup...didn't want another day at the other end 🤔

29/6/20, 16:37 - Danielle: Yep, hes going in tomorrow and may roll over to the 1st

29/6/20, 16:38 - Emma Roberts-Smith: Yeh maybe

29/6/20, 16:38 - Danielle: or it has been delayed to the 1st

29/6/20, 18:12 - Emma Roberts-Smith: Who knows

29/6/20, 20:30 - Emma Roberts-Smith: Wonder if Brs is seeing kms in Sydney

30/6/20, 09:07 - Danielle: hmmm maybe

30/6/20, 10:30 - Emma Roberts-Smith: I wondered if brs was seeing Chris and kms cause it's her bday tomorrow

30/6/20, 10:30 - Emma Roberts-Smith: Something seems odd with him extending...I have a feeling

30/6/20, 10:34 - Danielle: Yeah it could be something simple like that

30/6/20, 10:35 - Danielle: Or it could be just the fact that the inquiry rolled over

30/6/20, 10:35 - Emma Roberts-Smith: Yeh dunno

30/6/20, 10:36 - Emma Roberts-Smith: Who gives a fuck 🤔

30/6/20, 10:36 - Emma Roberts-Smith: Apparently the girls heard him on the phone saying "he won't go to jail" 🤔

30/6/20, 10:36 - Emma Roberts-Smith: He's a complete cock

30/6/20, 10:39 - Danielle: hi charming so now they know that jail maybe on the cards 🤔

30/6/20, 10:41 - Emma Roberts-Smith: Fuck wit  
30/6/20, 10:41 - Emma Roberts-Smith: Parenting 101  
30/6/20, 11:12 - Danielle: Yep  
1/7/20, 08:58 - Emma Roberts-Smith: I msg Chris  
1/7/20, 09:22 - Danielle: How did that go?  
1/7/20, 09:23 - Emma Roberts-Smith: Yeh ok...I'll send you the message, she replied straight away  
1/7/20, 09:23 - Emma Roberts-Smith: Brs isn't in there today, he just replied to a text I sent him  
1/7/20, 09:23 - Emma Roberts-Smith: He's dodge  
1/7/20, 10:27 - Emma Roberts-Smith: Westpac called and said brs just asked for the joint account to be closed...he can't be in ig  
1/7/20, 10:28 - Danielle: Yep sounds like he only went in yesterday  
1/7/20, 10:28 - Danielle: Maybe he has stayed down there so he can see Chris  
1/7/20, 10:28 - Emma Roberts-Smith: Nup...she said kms has taken the day off to spend with her. He wouldn't be there  
1/7/20, 10:28 - Emma Roberts-Smith: Too  
1/7/20, 10:29 - Emma Roberts-Smith: Whatever it is it'll be dodge  
1/7/20, 10:29 - Danielle: Yep  
1/7/20, 10:30 - Emma Roberts-Smith: Douche  
4/7/20, 14:00 - Emma Roberts-Smith: You on comms??  
4/7/20, 14:00 - Emma Roberts-Smith: Old mate just phoned me  
4/7/20, 14:05 - Danielle: Just about to go in and get some lunch ...  
4/7/20, 14:05 - Emma Roberts-Smith: Ok  
4/7/20, 14:05 - Emma Roberts-Smith: WhatsApp me when you can call  
4/7/20, 16:27 - Danielle: Ok to call?  
6/7/20, 14:35 - Emma Roberts-Smith: Where are you??  
6/7/20, 14:45 - Danielle: I was on the phone to you ! .... I had to get off so I could take the photo  
6/7/20, 14:46 - Emma Roberts-Smith: 🙄 ok  
7/7/20, 10:54 - Emma Roberts-Smith: <Media omitted>  
7/7/20, 11:52 - Emma Roberts-Smith: <Media omitted>  
7/7/20, 11:58 - Emma Roberts-Smith: Someone will have the shits  
7/7/20, 12:15 - Emma Roberts-Smith: <Media omitted>  
7/7/20, 12:15 - Emma Roberts-Smith: <Media omitted>

7/7/20, 12:16 - Emma Roberts-Smith: Kate can see "loan" written on the letters inside...ace is kms Private co

7/7/20, 13:17 - Danielle: Oh that's very interesting up probably an up-to-date loan letter

7/7/20, 18:19 - Emma Roberts-Smith: Yep

7/7/20, 18:19 - Emma Roberts-Smith: Just another fuck fight

7/7/20, 18:20 - Danielle: You never know perhaps that letter from Ace equity is an extension of his loan

7/7/20, 18:20 - Emma Roberts-Smith: Waiting for Bec to call me back

7/7/20, 18:20 - Emma Roberts-Smith: Yeh wish I knew

7/7/20, 18:20 - Danielle: Maybe he's borrowed more money off Kerry

7/7/20, 18:20 - Emma Roberts-Smith: But why send it here

7/7/20, 18:20 - Emma Roberts-Smith: They would've confirmed the address surely

7/7/20, 18:20 - Danielle: Fuck I wouldn't put it past him and he seems very desperate and very negative at the moment

7/7/20, 18:21 - Danielle: That was actually interesting because Darren raise the point that he thought that they might have sent it to your home address on purpose

7/7/20, 18:21 - Danielle: So that you would see it

7/7/20, 18:21 - Danielle: Because he said the same thing he said surely they would have checked the address

7/7/20, 18:21 - Emma Roberts-Smith: I did see it

7/7/20, 18:21 - Emma Roberts-Smith: And didn't open it !!

7/7/20, 18:21 - Danielle: It is very strange that it was even sent there

7/7/20, 18:22 - Emma Roberts-Smith: He can't accuse me of shit!!

7/7/20, 18:22 - Danielle: No

7/7/20, 18:23 - Emma Roberts-Smith: Either way, if he tried stitching me up, it made the Penny drop

7/7/20, 18:25 - Danielle: seem to think that perhaps Kerry wanted you to see that he had requested a copy of the loan letter

7/7/20, 18:25 - Danielle: So it might have purposely been sent to your house

7/7/20, 18:25 - Emma Roberts-Smith: Oh??

7/7/20, 18:26 - Emma Roberts-Smith: Oh ya reckon

7/7/20, 18:26 - Danielle: Just a thought

7/7/20, 18:26 - Emma Roberts-Smith: Whatever It was, it was a sign...I absolutely feel that!!

7/7/20, 18:26 - Danielle: Yes



7/7/20, 18:27 - Emma Roberts-Smith: And I've been saying to the universe "I surrender the sale of the house to you"...and that ray white was my pick!! 😊

7/7/20, 18:29 - Danielle: Yay! Win

7/7/20, 18:29 - Emma Roberts-Smith: Yup

8/7/20, 12:02 - Emma Roberts-Smith: Had hour chat with JM too

8/7/20, 12:03 - Danielle: Thank you!

8/7/20, 17:59 - Emma Roberts-Smith: Just sent you an email 📧

8/7/20, 19:43 - Emma Roberts-Smith: <Media omitted>

8/7/20, 19:43 - Emma Roberts-Smith: <Media omitted>

8/7/20, 19:48 - Danielle: I will call u as soon as Manda goes

8/7/20, 19:48 - Emma Roberts-Smith: 👍

8/7/20, 21:36 - Danielle: Jason sent your letter with all assets listed on June 1

8/7/20, 21:36 - Emma Roberts-Smith: Yep

8/7/20, 21:36 - Danielle: This included the defamation payout

8/7/20, 21:36 - Emma Roberts-Smith: Yep

8/7/20, 21:36 - Emma Roberts-Smith: When did I say I wasn't interested in that part of the assets?

8/7/20, 21:37 - Danielle: June 26 you recinded that interest in the payout

8/7/20, 21:37 - Danielle: The letter was written June 24

8/7/20, 21:37 - Emma Roberts-Smith: Yep!!!!

8/7/20, 21:37 - Emma Roberts-Smith: They've had 3 weeks to come up with a cover story

8/7/20, 21:38 - Danielle: No.

8/7/20, 21:38 - Danielle: I think Ben has asked for a statement of debt

8/7/20, 21:38 - Danielle: But you foiled that

8/7/20, 21:38 - Emma Roberts-Smith: I don't get it??

8/7/20, 21:39 - Danielle: and beat him to the punch

9/7/20, 07:27 - Emma Roberts-Smith: Mate you don't have on your phone that draft budget I sent to Sarah at Pippa Colman did you by chance?

9/7/20, 07:27 - Emma Roberts-Smith: I think I've deleted my sent and trashed from rs group

9/7/20, 07:31 - Emma Roberts-Smith: Think I've found it

9/7/20, 07:31 - Emma Roberts-Smith: <Media omitted>

9/7/20, 08:14 - Danielle: Yes that looks about right

9/7/20, 08:14 - Danielle: We're just packing up to leave to go home

9/7/20, 14:15 - Emma Roberts-Smith: Reckon it's a cover for the mutt? Or legit

9/7/20, 14:22 - Danielle: Legit 😊

9/7/20, 14:24 - Emma Roberts-Smith: Already cheating on her

10/7/20, 07:54 - Danielle: Sorry mate, the cleaners are making a hell of a noise with the blower out here ... call you soon

10/7/20, 08:41 - Danielle: <Media omitted>

10/7/20, 08:50 - Emma Roberts-Smith: <Media omitted>

10/7/20, 08:51 - Emma Roberts-Smith: <Media omitted>

10/7/20, 08:51 - Emma Roberts-Smith: <Media omitted>

10/7/20, 08:51 - Emma Roberts-Smith: <Media omitted>

10/7/20, 08:51 - Emma Roberts-Smith: <Media omitted>

10/7/20, 17:14 - Emma Roberts-Smith: Check your emails

10/7/20, 17:24 - Danielle: No. Check yours!

10/7/20, 17:31 - Danielle: He's using your allocation of money to pay the bills

10/7/20, 17:33 - Danielle: I think you will find that Jason will need to file financial orders because of that

10/7/20, 17:38 - Emma Roberts-Smith: I would think so

10/7/20, 17:38 - Emma Roberts-Smith: He just called the girls and they said he was in a "taxi"

10/7/20, 22:52 - Danielle: He has thought about it quite considerably

10/7/20, 22:52 - Emma Roberts-Smith: You reckon?

10/7/20, 22:52 - Danielle: This is a way of controlling you

10/7/20, 22:52 - Emma Roberts-Smith: No but he hasn't thought about anything I'm still paying for

10/7/20, 22:52 - Danielle: If he is able to dictate exactly how much money you have and your standard of living then he can control you

10/7/20, 22:53 - Emma Roberts-Smith: Of course he can

10/7/20, 22:53 - Danielle: He doesn't care

10/7/20, 22:53 - Emma Roberts-Smith: He's holding on like a fucking scared little prick on a roller coaster...holding on while he can cause he knows it's got an expiry date

10/7/20, 22:54 - Danielle: He's just regurgitating crap so that he can manipulate the finances

10/7/20, 22:54 - Danielle: Yep

10/7/20, 22:54 - Emma Roberts-Smith: Funny how it didn't come from his lawyer

10/7/20, 22:55 - Emma Roberts-Smith: She was ok, just pissed and gobby

13/7/20, 15:05 - Danielle: By the way I reread Ben's email to you or open letter and it was really fucking bad

13/7/20, 15:05 - Danielle: That last paragraph is out of this world

13/7/20, 15:05 - Danielle: Just so we're clear I will not have a repeat performance and you will not dictate to me about access

13/7/20, 15:05 - Emma Roberts-Smith: You're a dick!

13/7/20, 15:05 - Danielle: What a condescending cunt

13/7/20, 15:05 - Emma Roberts-Smith: Cunt of a thing

13/7/20, 15:06 - Danielle: I can't wait till you fell on that restrict that letter

13/7/20, 15:06 - Danielle: Sorry spellcheck I cannot wait until you show a magistrate that letter

13/7/20, 15:07 - Emma Roberts-Smith: Same!! I thinks it won't go to trial but I can be convinced

13/7/20, 15:11 - Emma Roberts-Smith: <Media omitted>

13/7/20, 16:04 - Emma Roberts-Smith: <Media omitted>

13/7/20, 16:23 - Danielle: <https://moneysmart.gov.au/how-super-works/find-lost-super>

14/7/20, 10:33 - Emma Roberts-Smith: <Media omitted>

14/7/20, 12:56 - Danielle: <https://www.abc.net.au/news/2020-07-14/australian-special-forces-killed-unarmed-civilians-in-kandahar/12441974>

14/7/20, 16:08 - Danielle: <https://www.screenleap.com/>

14/7/20, 16:23 - Danielle: <Media omitted>

14/7/20, 16:52 - Emma Roberts-Smith: Mate the final accounts should now be with you! 🙏

14/7/20, 16:53 - Emma Roberts-Smith: I wanted to drain the accounts before he transferred \$\$ overnight

14/7/20, 22:13 - Danielle: Whats this?

14/7/20, 22:13 - Danielle: <Media omitted>

14/7/20, 22:20 - Emma Roberts-Smith: Geezuz I dunno?? Something with the girls

14/7/20, 22:20 - Danielle: Digital media ?

14/7/20, 22:21 - Emma Roberts-Smith: Last Tuesday 🗓️

14/7/20, 22:21 - Danielle: Think about it

14/7/20, 22:21 - Danielle: look at your diary

14/7/20, 22:21 - Emma Roberts-Smith: Ok

14/7/20, 22:29 - Danielle: Seriously .... who would want to fuck with us? 🤖🤖



14/7/20, 22:33 - Emma Roberts-Smith: It would be some discretionary spend or food

14/7/20, 22:34 - Danielle: This one?

14/7/20, 22:34 - Danielle: <Media omitted>

14/7/20, 22:35 - Emma Roberts-Smith: Lunch with Kate

14/7/20, 22:36 - Danielle: 👍

14/7/20, 22:37 - Emma Roberts-Smith: And I insisted on paying so that cunt could see I went there after he took slut #1 there

14/7/20, 22:37 - Danielle: 🤔🤔

14/7/20, 22:38 - Emma Roberts-Smith: 🤔 strategic

14/7/20, 22:38 - Emma Roberts-Smith: And I'm going to go there in 2 weeks for Kate's bday weekend so he can suck it hard

14/7/20, 23:12 - Danielle: U awake?

14/7/20, 23:13 - Emma Roberts-Smith: Yeh just 🤔

14/7/20, 23:17 - Emma Roberts-Smith: Just had a quick look, I'll need to break down but that's a massive help

15/7/20, 06:32 - Emma Roberts-Smith: Just making changes to docs now before girls are up I'll check on desktop

15/7/20, 07:04 - Danielle: I can make changes to it after I have dropped Josh off

15/7/20, 07:04 - Danielle: If u need

15/7/20, 07:05 - Emma Roberts-Smith: Ok 👍

15/7/20, 07:05 - Emma Roberts-Smith: I've just made all the notes changes so I'll email them to him now

15/7/20, 07:06 - Emma Roberts-Smith: He still hasn't paid me yet??

15/7/20, 07:42 - Emma Roberts-Smith: <Media omitted>

15/7/20, 09:23 - Emma Roberts-Smith: <Media omitted>

15/7/20, 09:23 - Emma Roberts-Smith: I sent her brs email...sometimes we need to make our own strategy

15/7/20, 11:07 - Emma Roberts-Smith: Call me when you're off the phone??

15/7/20, 13:14 - Danielle: I'm going to lay down cuz I'm not feeling so great I will talk to you later this afternoon

15/7/20, 14:48 - Emma Roberts-Smith: You ok?

15/7/20, 16:17 - Danielle: Yeah just tired

15/7/20, 16:17 - Emma Roberts-Smith: Ok, you had a late night! Hopefully you can sleep tonight

15/7/20, 16:18 - Danielle: 👍

15/7/20, 16:53 - Emma Roberts-Smith: Didn't hear back from Jason

15/7/20, 20:10 - Emma Roberts-Smith: How you feeling?

15/7/20, 20:22 - Danielle: Better mate, only just got home from soccer at 7:30 😊

15/7/20, 20:28 - Emma Roberts-Smith: Hmmmmm no wonder he didn't call the girls tonight

15/7/20, 20:29 - Danielle: So that reads that BRS has been subpoenaed to give up copies of his show cause notice ..... no wonder he is pissed!

15/7/20, 20:30 - Emma Roberts-Smith: Mate, that cunt needs to think all his lucky stars are with me, I am the least of his issues right now

15/7/20, 20:30 - Danielle: Exactly

15/7/20, 20:30 - Danielle: but you are a pest ... a pain in his side that will not comply .....

15/7/20, 20:31 - Emma Roberts-Smith: Good luck mother fucker

15/7/20, 20:31 - Danielle: Yep, keep not complying!

15/7/20, 20:31 - Emma Roberts-Smith: Until he gets served with property shit ASAP

15/7/20, 22:01 - Danielle: The government won't want to make a mockery of the tradition and history etcetera but he will not get vindication

15/7/20, 22:03 - Danielle: But we both agree that he will go to trial for it

15/7/20, 22:03 - Emma Roberts-Smith: Geezuz

15/7/20, 22:03 - Danielle: Yep

15/7/20, 22:03 - Emma Roberts-Smith: Oh well

15/7/20, 22:03 - Danielle: Knowing his personality he will seek full vindication and exoneration but he will not get it

15/7/20, 22:04 - Danielle: It makes sense when you think about it they don't want to fry their own but they need to be seen to be doing something

15/7/20, 22:06 - Emma Roberts-Smith: He won't be able to live with that

15/7/20, 22:06 - Danielle: He won't have a choice

15/7/20, 22:06 - Emma Roberts-Smith: It'll be a demon for him to fight for the rest of it

15/7/20, 22:07 - Danielle: The Stokes' ain't gonna pay for his vindication they are just going to be happy that it's gone away

15/7/20, 22:07 - Emma Roberts-Smith: They have cash but they can't save him mate

15/7/20, 22:08 - Danielle: Correct

15/7/20, 22:08 - Emma Roberts-Smith: They can only make sure he survives

15/7/20, 22:08 - Danielle: It's Lindy Chamberlain 2.0

15/7/20, 22:18 - Emma Roberts-Smith: He's fucked

16/7/20, 14:23 - Emma Roberts-Smith: Just sent you another email

16/7/20, 14:59 - Emma Roberts-Smith: <Media omitted>

16/7/20, 14:59 - Emma Roberts-Smith: <Media omitted>

16/7/20, 15:00 - Emma Roberts-Smith: <Media omitted>

16/7/20, 20:41 - Emma Roberts-Smith: You reckon the Jap is going to respond to brs letter for the kids this weekend?

16/7/20, 20:56 - Danielle: Probably not

16/7/20, 20:57 - Emma Roberts-Smith: 😏

16/7/20, 20:57 - Emma Roberts-Smith: I guess what's there to say?

16/7/20, 20:57 - Danielle: Exactly

16/7/20, 20:58 - Emma Roberts-Smith: He takes them from netball and drops them at school Monday...I guess I've already said I didn't agree to Evie missing Choir

16/7/20, 20:58 - Emma Roberts-Smith: Maybe he shouldn't have been a massive cunt and just asked me in person

16/7/20, 20:58 - Danielle: Yes

18/7/20, 19:15 - Emma Roberts-Smith: Just worked out why Jed was there...brs would've thought I wasn't handing the kids over because I didn't agree with his proposal!! He took Jed to be a witness! Little does he know Jason already advised me to not go and just send the kids and not taking Eve to choir would be on him....and we didn't reply to his lawyers email 😏👊

18/7/20, 19:16 - Emma Roberts-Smith: It shows he's shitting that I'm unpredictable

18/7/20, 22:25 - Danielle: Good point. 😏😏

20/7/20, 17:45 - Emma Roberts-Smith: Evie just cried saying "dad told uncle Matt that you were a fucking piece of shit, you're a fuck fight and I have no heart"

20/7/20, 18:04 - Emma Roberts-Smith: He also asked if I or the girls were seeing Carla...he can't understand why I'm so strong

20/7/20, 20:44 - Emma Roberts-Smith: Mate I have a plan

22/7/20, 06:32 - Emma Roberts-Smith: Do you have any questions I should be asking the Jap today?

22/7/20, 07:48 - Emma Roberts-Smith: Put it out there

22/7/20, 07:49 - Danielle: 🤔

22/7/20, 12:27 - Emma Roberts-Smith: The at the time that I pulled up at Jason's office...

22/7/20, 12:28 - Danielle: 👍



22/7/20, 12:28 - Emma Roberts-Smith: Keep your fingers crossed

23/7/20, 10:40 - Emma Roberts-Smith: Hey call me when you're out?

23/7/20, 10:40 - Danielle: Will do

23/7/20, 10:40 - Danielle: Should I open signal?

23/7/20, 10:43 - Emma Roberts-Smith: Yes !!

23/7/20, 10:43 - Danielle: Onto it

23/7/20, 13:44 - Emma Roberts-Smith: I just heard Qld are preparing for home schooling again from week 5 of this term 🙄🙄

23/7/20, 14:23 - Danielle: FARRRRK

23/7/20, 14:23 - Emma Roberts-Smith: Yep!!

23/7/20, 14:24 - Emma Roberts-Smith: Jodie just got out of the meeting at school 🙄

23/7/20, 16:30 - Emma Roberts-Smith: Let the games begin

23/7/20, 16:30 - Emma Roberts-Smith: 🙄

23/7/20, 17:20 - Emma Roberts-Smith: Do I still send that msg to CS and CS?

23/7/20, 17:21 - Danielle: I would say yes for sure why wouldn't you?

23/7/20, 17:21 - Danielle: Don't let him rattle you mate

23/7/20, 17:34 - Emma Roberts-Smith: Just scared mate

23/7/20, 17:34 - Emma Roberts-Smith: He's a bully

23/7/20, 17:47 - Danielle: He's rattled you

23/7/20, 17:48 - Danielle: Let it go.... shake it off

23/7/20, 17:48 - Danielle: Jason said that he would come back at you with parenting stuff and he has

23/7/20, 18:25 - Emma Roberts-Smith: Dear Chris

Im so sorry I haven't been in touch, you've certainly been in my thoughts and I apologise for the lack of communication. As you can imagine, the past 6 months has been incredibly tough personally for me. I've had to focus on the girls, and didn't want to put you and Kerry in a difficult or complicated position.

Unfortunately today, I've filed in the Family Court as I've been left with no other option. Obviously this not something I wanted or ever thought would happen. I desperately tried to hold my family together over the past several years, and this is not the outcome I wanted, but I have to protect the girls.

You've been in my thoughts often Chris, and I do hope we can catch up sometime soon.

Much love and friendship always,

Emma

Dear Claire

I'm so sorry I've missed your birthday!

As you could imagine, I've been in survival mode. The past 6 months have been brutal. I've needed to focus on the girls and moving forward. I also haven't wanted to put you or Ryan in a difficult or complicated position.

Unfortunately today I've filed in the Family Court, as I was left with no option! As you know, I desperately tried to hold my family together but decisions were made that I had no choice in.


I look forward to this being over so we can get back to some sort of normality.

Sending big hugs to Vivi xx

You're often in my thoughts,

Much love and friendship always,

Emma

23/7/20, 18:25 - Emma Roberts-Smith: Sent 

23/7/20, 19:00 - Emma Roberts-Smith: Yeh don't reckon Claire and Chris will try and fuck me over?

23/7/20, 19:59 - Danielle: Stop it go to sleep

23/7/20, 19:59 - Danielle: You are second-guessing yourself and you need to stop it

23/7/20, 20:00 - Emma Roberts-Smith: Nar it is actually possible mate they back brs

23/7/20, 20:00 - Emma Roberts-Smith: I'm not being weird, otherwise I wouldn't have sent it

23/7/20, 20:00 - Danielle: Of course they will because that's where their money is



23/7/20, 20:00 - Emma Roberts-Smith: Yep!



23/7/20, 20:00 - Danielle: However they have already fucked you over and not assisted in any way

23/7/20, 20:00 - Danielle: Nothing lost nothing gained

23/7/20, 20:01 - Emma Roberts-Smith: There's a huge chance I won't hear a thing

24/7/20, 18:06 - Emma Roberts-Smith: The girls reckon brs was picking Monica up from the airport, he was driving his car at this time of the night


24/7/20, 18:06 - Emma Roberts-Smith: There's no way he'd be coming home from work  

24/7/20, 18:10 - Emma Roberts-Smith: They'll be busy all weekend working on his reply   suck it hard

24/7/20, 21:32 - Danielle: oooohh yeah they are probably sharing the traveling!

24/7/20, 22:09 - Emma Roberts-Smith: Of course they will be

24/7/20, 22:09 - Emma Roberts-Smith: Gross

24/7/20, 22:09 - Danielle: 

24/7/20, 22:09 - Emma Roberts-Smith: You can back it in he won't be up early tomorrow

24/7/20, 22:09 - Emma Roberts-Smith: 🙄

25/7/20, 07:33 - Danielle: Maybe he was driving to Jeds last night?

25/7/20, 07:33 - Emma Roberts-Smith: Idiot

25/7/20, 07:33 - Emma Roberts-Smith: Nar

25/7/20, 07:34 - Emma Roberts-Smith: He wouldn't have driven 🙄

25/7/20, 07:34 - Danielle: True

25/7/20, 07:35 - Emma Roberts-Smith: I bet any money there was a flight from syd that landed around 530 yesterday

25/7/20, 07:37 - Emma Roberts-Smith: You know they'll lie in the affidavit

25/7/20, 07:40 - Emma Roberts-Smith: I need the universe to help me catch them out

25/7/20, 07:40 - Emma Roberts-Smith: Cause they'll lie

25/7/20, 07:40 - Danielle: Yep

25/7/20, 07:40 - Danielle: There were no other flights until 7.30 last night

25/7/20, 07:40 - Danielle: so it would have been one of them

25/7/20, 07:40 - Emma Roberts-Smith: Yep for sure

25/7/20, 07:40 - Danielle: they are prob using points to do it

25/7/20, 07:41 - Danielle: it's easy to do that at the moment

25/7/20, 07:41 - Emma Roberts-Smith: Yep

25/7/20, 07:41 - Emma Roberts-Smith: I know something will happen and we'll find out

25/7/20, 07:42 - Danielle: 🙏🙏🙏🙏

25/7/20, 07:42 - Emma Roberts-Smith: Surely mate

25/7/20, 07:43 - Emma Roberts-Smith: You can't do what you've done and the universe be ok with it

25/7/20, 07:43 - Danielle: no

25/7/20, 07:43 - Emma Roberts-Smith: We've been good humans and they've been dumb

29/7/20, 12:29 - Emma Roberts-Smith: Emma,

I would not put the girls' health at risk. However, to ensure that you do not once again try and manufacture an excuse to prevent me having access to the girls, on this occasion only, I am prepared to confirm that I have not travelled to Sydney. That said, we have had staff from Sydney in our Brisbane office last week - but no one from identified hot spots or who has exhibited and signs or symptoms of Covid.



If you have a genuine concern for the girls' health (as opposed to what is an obvious attempt to pry into my personal life), I am happy to swap weekends so I have them on 8 and 9 August instead or leave our arrangements as is.

Let me know by 4pm today what you would prefer so I can make the necessary arrangements.

Ben

29/7/20, 12:31 - Danielle: That's exactly what I thought he would say

29/7/20, 12:31 - Danielle: And furthermore it's interesting how he refers to delving into his "private life" when he refers to the only contact as work colleagues

29/7/20, 12:32 - Emma Roberts-Smith: 😬 dead set give away...how's the guilt

29/7/20, 12:32 - Danielle: I would say that you need to let them go and type up a response.

29/7/20, 18:50 - Emma Roberts-Smith: #fuckyoubrs 😬

3/8/20, 06:51 - Emma Roberts-Smith: You driving to work this morning?

3/8/20, 08:20 - Danielle: No at home RDO

3/8/20, 08:20 - Emma Roberts-Smith: Ok cool

3/8/20, 09:10 - Emma Roberts-Smith: Forgot to ask do I send brs a message today offering time with the girls after school on Friday for their bday?

3/8/20, 10:21 - Danielle: I think is good idea

3/8/20, 10:37 - Emma Roberts-Smith: Ok 👍

3/8/20, 10:46 - Emma Roberts-Smith: Thoughts??...

Ben

I'm just finalising plans for the girls birthday. Would you like to see them after school

Friday?

Emma

3/8/20, 11:27 - Danielle: Sounds good

3/8/20, 11:29 - Emma Roberts-Smith: Ok

3/8/20, 18:13 - Emma Roberts-Smith: Brs is such a cunt...won't let the girls call or out my number on the girls new watches

3/8/20, 18:13 - Emma Roberts-Smith: I'm not going to bite

3/8/20, 18:18 - Danielle: Nup, not worth it

3/8/20, 18:19 - Danielle: It's no problem really when you think about it you just make sure that they don't ever wear them lol

3/8/20, 20:02 - Emma Roberts-Smith: What was that document about??

3/8/20, 20:05 - Danielle: It was a news article that was published today in London

4/8/20, 08:35 - Danielle: In a meeting, everything OK?

4/8/20, 13:05 - Danielle: Are you back at home now?

4/8/20, 13:06 - Emma Roberts-Smith: Yep

4/8/20, 18:00 - Emma Roberts-Smith: The Jap called me this arvo

4/8/20, 20:42 - Danielle: Ooohh what did he say?

5/8/20, 11:24 - Emma Roberts-Smith: Call me!!!!!!

5/8/20, 11:25 - Emma Roberts-Smith: A Journo just called me

5/8/20, 13:18 - Danielle: Mate, QLD has closed its borders to NSW & ACT as of Saturday

5/8/20, 21:18 - Emma Roberts-Smith: I reckon we add in the msg to brs that we have proof for the past 6months but I stayed dignified and did everything to protect the girls

5/8/20, 21:21 - Emma Roberts-Smith: <https://www.themercury.com.au/news/national/exclusive-seven-west-media-chairman-defends-ben-robertssmith-vc-over-allegations/video/d269c977f3e7b3838361998c60e6b170>

5/8/20, 21:23 - Danielle: nah, just blast him for incompetence

5/8/20, 21:28 - Emma Roberts-Smith: That cunt will never call me simple again

5/8/20, 22:11 - Emma Roberts-Smith: It's such a huge thing to try and unpack hey

5/8/20, 22:12 - Danielle: Yep, but for now you need to preserve your energy and sleep

5/8/20, 22:12 - Emma Roberts-Smith: Yeh

5/8/20, 22:12 - Danielle: Or you will wake up tonight (in the middle of the night) anxious

5/8/20, 22:12 - Emma Roberts-Smith: I've just taken melatonin

5/8/20, 22:12 - Danielle: You will need your strength

5/8/20, 22:12 - Danielle: Good

5/8/20, 22:14 - Emma Roberts-Smith: I know...I'm going to get shit for the girls done tomorrow so I can be organised if shit hits the fan Friday/sat

5/8/20, 22:16 - Emma Roberts-Smith: Night mate, thanks for being there

6/8/20, 06:56 - Danielle: will call you when I get in the car

7/8/20, 08:14 - Danielle: Terrible reception

7/8/20, 08:14 - Emma Roberts-Smith: Ok

8/8/20, 11:47 - Emma Roberts-Smith: <Media omitted>

8/8/20, 11:47 - Emma Roberts-Smith: WTF????

8/8/20, 14:27 - Danielle: u ok?

8/8/20, 16:38 - Emma Roberts-Smith: Nick M just text me

8/8/20, 16:38 - Danielle: farrkkk so he had your number?

8/8/20, 16:40 - Emma Roberts-Smith: He's got it from someone?? Not me

8/8/20, 16:41 - Emma Roberts-Smith: <Media omitted>

8/8/20, 16:55 - Danielle: Oh wow

8/8/20, 16:55 - Danielle: Are you going to respond

8/8/20, 16:55 - Emma Roberts-Smith: Call when you can

10/8/20, 12:04 - Emma Roberts-Smith: You in a mtg?

10/8/20, 12:04 - Danielle: Give me 2 minutes I just arrived home with a new bag of ice 🧊

10/8/20, 12:05 - Emma Roberts-Smith: 🤔🤔 you're funny

10/8/20, 12:05 - Danielle: I'm on double quota this week

10/8/20, 12:05 - Emma Roberts-Smith: 😏😏

10/8/20, 12:05 - Emma Roberts-Smith: Fucker is killing us

10/8/20, 12:21 - Danielle: <https://www.abc.net.au/news/2020-03-16/new-allegations-unarmed-civilians-killed-by-sas-in-afghanistan/12028448>

12/8/20, 10:41 - Danielle: Interesting ....

12/8/20, 10:41 - Emma Roberts-Smith: What??

12/8/20, 10:41 - Danielle: Did you know if you are diagnosed with PTSD that you cannot hold a weapon or licence?

12/8/20, 10:41 - Danielle: I just saw it while I was looking up PTSD

12/8/20, 11:16 - Emma Roberts-Smith: Was sage nice??

12/8/20, 11:17 - Danielle: Yes .... funky but elegant

12/8/20, 11:17 - Emma Roberts-Smith: Quiet?

12/8/20, 11:17 - Danielle: Yes

12/8/20, 11:18 - Emma Roberts-Smith: Ok

14/8/20, 11:21 - Emma Roberts-Smith: That prick hasn't transferred money yet...he would've been paid and will wait until tomorrow to pay me

14/8/20, 11:21 - Emma Roberts-Smith: Cunt

14/8/20, 11:27 - Danielle: Do u need \$\$ ?

14/8/20, 11:28 - Emma Roberts-Smith: No I'm

Good thanks mate

14/8/20, 11:28 - Danielle: U want me to transfer some?

14/8/20, 11:28 - Emma Roberts-Smith: Nar I'm



Good

14/8/20, 11:28 - Emma Roberts-Smith: Thanks though

14/8/20, 11:29 - Emma Roberts-Smith: It's just a control thing...typical and there's no way I'm asking for it

14/8/20, 16:09 - Emma Roberts-Smith: Then again, he thinks I did that shit last weekend when I did not and this will be punishment...we know he's impulsive and his anger will get the better of him so we'll see

14/8/20, 20:53 - Danielle: He sounds like he's being super painful

16/8/20, 17:21 - Emma Roberts-Smith: <https://www.theguardian.com/australia-news/2020/aug/16/australias-special-forces-problem-why-the-sas-is-facing-a-crisis>

17/8/20, 09:09 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.theage.com.au/national/covert-war-crimes-inquiry-compromised-by-former-afp-chief-mick-keelty-20200812-p55kzj.html>

17/8/20, 09:10 - Emma Roberts-Smith: Well well well

17/8/20, 21:29 - Emma Roberts-Smith: Fuck!!

20/8/20, 21:46 - Emma Roberts-Smith: You asleep already?

21/8/20, 19:17 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.smh.com.au/national/ben-roberts-smith-case-should-go-to-trial-court-told-20200821-p55nzx.html>

21/8/20, 20:33 - Emma Roberts-Smith: You see the text from jap

21/8/20, 20:34 - Danielle: Yeah but reading into that it looks like he gets a second chance

21/8/20, 20:34 - Danielle: And he will have until 14 days after the directions hearing

21/8/20, 20:35 - Emma Roberts-Smith: Yeh

21/8/20, 20:35 - Emma Roberts-Smith: Just being an arrogant prick

21/8/20, 20:35 - Emma Roberts-Smith: It's like a fuck you emma

21/8/20, 20:35 - Danielle: So I wonder what happened in court article it sounds like they have gone to court to try to bring the trial forward ?

21/8/20, 20:36 - Emma Roberts-Smith: Yeh for his mental health

21/8/20, 20:36 - Danielle: Yeah I was reading that

21/8/20, 20:36 - Emma Roberts-Smith: No surprises there

21/8/20, 20:36 - Danielle: I can see a claim for damages for mental health coming on here

21/8/20, 20:36 - Emma Roberts-Smith: Yep

21/8/20, 20:36 - Danielle: And they could be setting him up to go off to a facility

21/8/20, 20:36 - Emma Roberts-Smith: Yep he needs to

21/8/20, 20:37 - Danielle: Something is happening they have a strategy

21/8/20, 20:38 - Emma Roberts-Smith: Yep

22/8/20, 08:36 - Emma Roberts-Smith: Yeh...the fucking count is accusing me of shit that didn't happen...he has lost his mind!!!!

22/8/20, 08:39 - Danielle: Yeah he has mate

1/9/20, 16:27 - Danielle: <https://www.abc.net.au/news/2020-09-01/kumanjayi-walker-zachary-rolfe-committal-hearing-explainer/12612828>

1/9/20, 16:28 - Emma Roberts-Smith: Ohhhhh I'll have a read

1/9/20, 16:33 - Danielle: oooooohhhhhh!!!!

1/9/20, 16:33 - Danielle: OHHHHHHHH

1/9/20, 16:33 - Danielle: Farkkkkkkkkkkk

1/9/20, 17:03 - Danielle: <https://www.abc.net.au/news/2020-09-01/ben-roberts-smith-defamation-trial-hears-war-crime-allegations/12617280>

1/9/20, 19:51 - Emma Roberts-Smith: The dude can't even commit to school holidays let alone anything else

1/9/20, 19:57 - Danielle: True, don't let it worry you. He has to get over his own ego and actually send you a message before anything happens

1/9/20, 20:12 - Emma Roberts-Smith: Or pay a shit tonne for his lawyers to do it

1/9/20, 20:14 - Danielle: yep

2/9/20, 13:12 - Emma Roberts-Smith: You see dick head response ??

2/9/20, 13:13 - Danielle: Yep what a sarcastic prick

2/9/20, 22:09 - Emma Roberts-Smith: You reckon??

2/9/20, 22:27 - Danielle: Yep

3/9/20, 06:03 - Emma Roberts-Smith: I can get over the amount of lies...do you think he's aware of how mad he sounds, or he actually believes what he's written??

3/9/20, 06:12 - Danielle: I think he is aware he is twisting the truth 🤔

3/9/20, 06:13 - Emma Roberts-Smith: I'm actually unsure to be honest

3/9/20, 06:16 - Danielle: you now he abuses alcohol

3/9/20, 06:17 - Emma Roberts-Smith: Mate....he has massive mental health issues

3/9/20, 07:17 - Danielle: <https://mobile.abc.net.au/news/2020-09-03/instagram-account-from-australian-special-forces-mocks-killings/12595062>

3/9/20, 21:30 - Danielle: In mediation Jason can do and say whatever he likes including the pink lunch box

3/9/20, 21:31 - Danielle: But you just got to get there

3/9/20, 21:31 - Emma Roberts-Smith: Yep

3/9/20, 21:32 - Danielle: That's why you are better off running your own agenda 🙌

3/9/20, 21:32 - Emma Roberts-Smith: Yeh...like living well and being happy

3/9/20, 21:32 - Emma Roberts-Smith: There's no way that fuck head will be happy

3/9/20, 21:33 - Danielle: No

3/9/20, 21:34 - Danielle: That will motivate you to keep going

4/9/20, 07:44 - Emma Roberts-Smith: Maybe brs had plans already this weekend?? 🐱

7/9/20, 14:27 - Emma Roberts-Smith: See the letter brs sent today?

7/9/20, 14:27 - Emma Roberts-Smith: Wants Ilkley sold ASAP

7/9/20, 14:27 - Emma Roberts-Smith: Didn't mention Perth

7/9/20, 14:27 - Emma Roberts-Smith: And wants confirmation (based on them assuming I've leaked the Monica shit) that I won't stand trial in ffx

7/9/20, 14:28 - Danielle: Its just a follow up letter to Court Docs. However they contradict themselves

7/9/20, 14:28 - Emma Roberts-Smith: He's just applying pressure

7/9/20, 14:28 - Emma Roberts-Smith: They do!!

7/9/20, 14:28 - Danielle: Yep. Sit tight

7/9/20, 14:29 - Emma Roberts-Smith: I'm not fazed

7/9/20, 14:29 - Danielle: Good, don't be

7/9/20, 14:29 - Emma Roberts-Smith: I'm not 🙌

7/9/20, 14:29 - Emma Roberts-Smith: He's in the press again

7/9/20, 14:31 - Danielle: Hes rattled

7/9/20, 14:31 - Emma Roberts-Smith: You reckon??

7/9/20, 14:31 - Danielle: Absolutely

7/9/20, 14:31 - Emma Roberts-Smith: You think he thinks I'll stand trial  
For Ffx ??

7/9/20, 14:31 - Danielle: And you do not need to confirm or deny that

7/9/20, 14:32 - Emma Roberts-Smith: I reckon they've convinced themselves I'm talking to FFX when I am not

7/9/20, 14:32 - Danielle: Agree

7/9/20, 14:32 - Emma Roberts-Smith: Do you??

7/9/20, 14:33 - Danielle: Jason won't even reply to that



7/9/20, 14:33 - Emma Roberts-Smith: Nup

7/9/20, 14:33 - Emma Roberts-Smith: It reads that way

7/9/20, 14:33 - Emma Roberts-Smith: That I say no...to both sides

7/9/20, 14:37 - Danielle: You can never guarantee that at the moment because if you are subpoenaed by The Other Side you may have to appear

7/9/20, 14:37 - Emma Roberts-Smith: Yeh that's right

7/9/20, 14:37 - Danielle: But I wouldn't answer that question at all because that will keep him rattled

7/9/20, 14:37 - Emma Roberts-Smith: Jason will word it that way

7/9/20, 14:38 - Danielle: He's just being a bully again and back in you into a corner

7/9/20, 14:38 - Emma Roberts-Smith: Yep

7/9/20, 14:38 - Emma Roberts-Smith: And that's I made no effort to communicate and only take him to court

7/9/20, 14:38 - Danielle: I really know that you're rattled already cause I can tell by your response but you know something you've just got to settle and let Jason do his job

7/9/20, 14:38 - Emma Roberts-Smith: But why would we put the house on the market yet while we're waiting for court date

7/9/20, 14:39 - Emma Roberts-Smith: I'm not too bad

7/9/20, 14:39 - Emma Roberts-Smith: Just bullying me

7/9/20, 14:39 - Danielle: You wouldn't

7/9/20, 14:39 - Emma Roberts-Smith: Nol

7/9/20, 14:39 - Danielle: Bully bully bully

7/9/20, 14:40 - Emma Roberts-Smith: He's in more shit than the early settlers

7/9/20, 14:40 - Danielle: Agree

9/9/20, 08:40 - Emma Roberts-Smith: What date are you coming to brissy? 10th weekend...or too \$\$

9/9/20, 12:37 - Danielle: 10th /11th

9/9/20, 12:37 - Emma Roberts-Smith: Ok

11/9/20, 09:12 - Emma Roberts-Smith: Sept 11 today...wasn't that a significant date for fuck wit??

11/9/20, 09:22 - Danielle: Yeah ....

11/9/20, 13:16 - Emma Roberts-Smith: 😊

11/9/20, 15:40 - Emma Roberts-Smith: You ok?

11/9/20, 17:58 - Emma Roberts-Smith: Is it illegal for him, what he asked of you?

11/9/20, 17:59 - Emma Roberts-Smith: 🙄 ok

11/9/20, 17:59 - Danielle: To regsiter a sim ?

11/9/20, 17:59 - Emma Roberts-Smith: No

11/9/20, 17:59 - Emma Roberts-Smith: Using it the way he did?

11/9/20, 18:00 - Danielle: No ... BUT it depends on what he did with it

11/9/20, 18:00 - Danielle: It's illegal to interfere in an investigation

11/9/20, 18:00 - Emma Roberts-Smith: Yeh but that's not your fault

11/9/20, 18:00 - Emma Roberts-Smith: Do you think they know what he did??

11/9/20, 18:01 - Emma Roberts-Smith: They must've seen the number on one of the guys phones?

11/9/20, 18:04 - Emma Roberts-Smith: Just had the shivers...

11/9/20, 18:33 - Emma Roberts-Smith: You stressed??

11/9/20, 18:33 - Danielle: no

11/9/20, 18:33 - Emma Roberts-Smith: Ok 🙌

11/9/20, 18:33 - Emma Roberts-Smith: It's the 10/11 October weekend

11/9/20, 18:34 - Emma Roberts-Smith: Not this one

11/9/20, 18:34 - Emma Roberts-Smith: I'll be in brissy with you

11/9/20, 18:34 - Danielle: oh yeah!

13/9/20, 07:39 - Danielle: Hey 😊

13/9/20, 07:39 - Emma Roberts-Smith: What are you up to?

13/9/20, 07:39 - Danielle: Soccer Carnival today

13/9/20, 19:17 - Emma Roberts-Smith: When did the IG start?

13/9/20, 19:17 - Danielle: IG?

13/9/20, 19:17 - Emma Roberts-Smith: I know McKenzie contacted him may 2018 when we were in London

13/9/20, 19:17 - Emma Roberts-Smith: lgadf

13/9/20, 19:17 - Danielle: Oh ....

13/9/20, 19:17 - Danielle: hang on

13/9/20, 19:18 - Emma Roberts-Smith: I'm sure there's a part where I need to add that

13/9/20, 19:18 - Emma Roberts-Smith: Point 20 needs to be locked tight

13/9/20, 19:20 - Danielle: 13 October 2018

13/9/20, 19:20 - Danielle: <https://www.legislation.gov.au/Details/F2018C00771>

13/9/20, 19:20 - Emma Roberts-Smith: Oh...

13/9/20, 19:20 - Emma Roberts-Smith: Why was McKenzie email before that

13/9/20, 19:22 - Emma Roberts-Smith: Hmmmm ok

13/9/20, 19:22 - Emma Roberts-Smith: I know McKenzie def emailed brs when we were in Mayfair hotel

13/9/20, 19:22 - Emma Roberts-Smith: Yep got that on pics

13/9/20, 19:35 - Danielle: I think you need to attach those and let Jason decide if he wants to put them in

13/9/20, 19:35 - Emma Roberts-Smith: Ok 👍

13/9/20, 20:35 - Danielle: I wonder if they will call me again tomorrow 🤔

13/9/20, 20:35 - Emma Roberts-Smith: Dunno??

13/9/20, 20:35 - Emma Roberts-Smith: Makes me feel anxious

13/9/20, 20:35 - Emma Roberts-Smith: I gotta get that stuff to Jap so I can focus

13/9/20, 20:36 - Danielle: Oh no, at least you know. I got fucken side swiped

13/9/20, 20:36 - Emma Roberts-Smith: I know!!!! Fucking brs the cunt

13/9/20, 20:37 - Danielle: It would be different if they just got our names to randomly talk to us but it's because of some sh!t that he did

13/9/20, 20:37 - Emma Roberts-Smith: Yeh being a dodgie prick

13/9/20, 20:37 - Danielle: They told me that they don't have the data off the SIM card yet but I'm not so sure about that

13/9/20, 20:38 - Danielle: I reckon they have it and it's not good and that's why they need me to write a statement to exonerate myself

13/9/20, 20:38 - Emma Roberts-Smith: Of course they'd have it

13/9/20, 20:38 - Emma Roberts-Smith: They were just testing you

13/9/20, 20:38 - Danielle: Yep

13/9/20, 20:39 - Emma Roberts-Smith: Someone was looking after us that morning mate

13/9/20, 20:39 - Danielle: Fuck yeah

13/9/20, 20:39 - Emma Roberts-Smith: We had just said no lies

13/9/20, 20:39 - Danielle: Yep

13/9/20, 20:43 - Emma Roberts-Smith: When did I last see brs?

13/9/20, 20:44 - Emma Roberts-Smith: The day he dropped the girls back when Kate as Pete was here

13/9/20, 20:44 - Emma Roberts-Smith: Pissed off

13/9/20, 20:44 - Danielle: Ok



13/9/20, 20:44 - Emma Roberts-Smith: June July hols??

13/9/20, 20:44 - Danielle: yeah, check diary

13/9/20, 20:44 - Emma Roberts-Smith: Yep

13/9/20, 20:45 - Emma Roberts-Smith: <Media omitted>

13/9/20, 20:45 - Emma Roberts-Smith: That was the day they came here

13/9/20, 20:45 - Emma Roberts-Smith: 5 July back from

13/9/20, 20:46 - Emma Roberts-Smith: He was here before that when he was going to pap interview

13/9/20, 20:54 - Danielle: We will be ok mate ... we just tell the truth. We will be fine ... x

13/9/20, 21:04 - Emma Roberts-Smith: Yeh I know 🙏

13/9/20, 21:05 - Emma Roberts-Smith: I just feel bad your involved

13/9/20, 21:25 - Danielle: It's all good mate it is what it is so let's just do what we have to do

13/9/20, 21:27 - Emma Roberts-Smith: Yep!

14/9/20, 14:04 - Emma Roberts-Smith: Cars are there sometimes but I'm super sensitive of it now

14/9/20, 14:04 - Danielle: Why do they stop there

14/9/20, 20:21 - Emma Roberts-Smith: There was something else I didn't send Jason....can't remember 🤔

14/9/20, 20:22 - Emma Roberts-Smith: It was something else that shows him lying

14/9/20, 20:22 - Danielle: 🤔

14/9/20, 20:23 - Emma Roberts-Smith: I thought of it in the shower and can't remember now

14/9/20, 20:29 - Emma Roberts-Smith: Oh...it was the lie about the book and PP only discussing for 2 days

14/9/20, 20:29 - Danielle: ??

14/9/20, 20:30 - Emma Roberts-Smith: He lied about nothing done on the book with Peter Pederson

14/9/20, 20:30 - Danielle: Of course!

14/9/20, 20:31 - Danielle: I would send that tomorrow

14/9/20, 20:31 - Emma Roberts-Smith: Yeh

15/9/20, 07:15 - Emma Roberts-Smith: I reckon I won't get any visitors today...I don't feel it in my bones

15/9/20, 07:44 - Danielle: Sorry was just putting the washing on and tried to call you back

15/9/20, 13:12 - Emma Roberts-Smith: You free?

15/9/20, 13:12 - Danielle: Yep

17/9/20, 07:47 - Emma Roberts-Smith: Are you at home this morning?

17/9/20, 07:48 - Danielle: Yes

17/9/20, 13:58 - Emma Roberts-Smith: Mate...we're fierce and from the wrong side of the tracks!!

B

17/9/20, 13:58 - Emma Roberts-Smith: And I've taken enough hits from that lying cheating cunt

17/9/20, 13:59 - Emma Roberts-Smith: Ironical much...

17/9/20, 17:36 - Danielle: But that's not for him to determine

17/9/20, 17:36 - Emma Roberts-Smith: So I'll have to take the hit regardless

17/9/20, 17:37 - Emma Roberts-Smith: \*hit

17/9/20, 17:37 - Danielle: Yes .... but Ben will take it too .....

17/9/20, 17:37 - Emma Roberts-Smith: Worth the risk

17/9/20, 17:38 - Emma Roberts-Smith: So I don't have an income amount as salary

17/9/20, 17:38 - Danielle: And as he is the main bread winner, Jason will argue that for you

17/9/20, 17:38 - Danielle: I believe so .... yes

17/9/20, 17:38 - Emma Roberts-Smith: It's worth the risk

17/9/20, 17:38 - Danielle: Yes it is

17/9/20, 17:38 - Emma Roberts-Smith: Otherwise I earn technically \$132 grand

17/9/20, 17:39 - Emma Roberts-Smith: Cunts

17/9/20, 17:39 - Danielle: Yep and IF you need Centrelink ... you get NOTHING

17/9/20, 17:39 - Danielle: That my friend .... is financial abuse

17/9/20, 17:39 - Emma Roberts-Smith: You reckon?

17/9/20, 17:39 - Danielle: Yes I do

1/10/20, 13:37 - Emma Roberts-Smith: That cunt only brought me shit to suck up post affairs...it means nothing

1/10/20, 13:38 - Emma Roberts-Smith: Between you and I, the watch was a gift that he gave me when the girls were born...if he takes that, that's on him!

1/10/20, 13:38 - Emma Roberts-Smith: I don't want revenge...he can't take my kids and that's all I fight for

1/10/20, 22:00 - Emma Roberts-Smith: You know brs is going to come out swinging post my affidavit

1/10/20, 22:01 - Emma Roberts-Smith: It mentions the grog and gogs and the dr in brissy

1/10/20, 22:01 - Emma Roberts-Smith: They will go to town on me in defo

1/10/20, 22:01 - Emma Roberts-Smith: If FFX subpoena me

1/10/20, 22:02 - Danielle: Sure they will, but you know that right? But mate ... you have nothing to lose by then

1/10/20, 22:02 - Emma Roberts-Smith: They'll be mean cunts

1/10/20, 22:02 - Danielle: Of course they will ... but you can't avoid it

1/10/20, 22:02 - Emma Roberts-Smith: That's why he asked Jason if I'm going to testify

1/10/20, 22:02 - Emma Roberts-Smith: He's trying to strategise

1/10/20, 22:02 - Danielle: Yep

1/10/20, 22:03 - Danielle: Sure he is

1/10/20, 22:03 - Danielle: Now you need to strategise and steel yourself

1/10/20, 22:03 - Emma Roberts-Smith: I better get some big balls

1/10/20, 22:03 - Danielle: You will have to do it either way .... you just gotta pick the way you want to do it?

1/10/20, 22:04 - Emma Roberts-Smith: Well I can go in there without legal rep

1/10/20, 22:04 - Danielle: Yep you can

1/10/20, 22:04 - Emma Roberts-Smith: They'll crucify me

1/10/20, 22:04 - Danielle: Yep they will

1/10/20, 22:04 - Emma Roberts-Smith: Mate that cunt has left me out to dry again

1/10/20, 22:05 - Emma Roberts-Smith: He thinks I'm going to lie for him

1/10/20, 22:05 - Danielle: No

1/10/20, 22:05 - Danielle: he thinks you will lie for the sake of the girls

1/10/20, 22:05 - Emma Roberts-Smith: How the fuck did I end up having to testify for Ffx

1/10/20, 22:06 - Emma Roberts-Smith: No chance

1/10/20, 22:06 - Danielle: He knows your weakness

1/10/20, 22:06 - Emma Roberts-Smith: I'm not going to lie to keep myself out of prison

1/10/20, 22:06 - Danielle: Don't get confused ... you are not testifying for Fairfax

1/10/20, 22:07 - Danielle: You are a BRS witness .... who submitted a statement.

1/10/20, 22:08 - Danielle: You will be cross examined by FFX OR you will be subpoenaed regardless

1/10/20, 22:08 - Emma Roberts-Smith: Well brs crew won't use me

1/10/20, 22:08 - Danielle: Don't be so sure

1/10/20, 22:08 - Danielle: They may still call you

1/10/20, 22:08 - Danielle: Doesn't matter

1/10/20, 22:08 - Emma Roberts-Smith: But then FFX will cross examine me

1/10/20, 22:09 - Emma Roberts-Smith: He'd be mad to call me



1/10/20, 22:09 - Danielle: they are banking on the fact that you wrote a statement

1/10/20, 22:09 - Danielle: you guys were very convincing ... managed to convince ppl that you were seperated

1/10/20, 22:09 - Emma Roberts-Smith: Surely they know I'm going to say I was coerced

1/10/20, 22:10 - Emma Roberts-Smith: Yeh...cause he had a strategy

1/10/20, 22:10 - Danielle: nope. They think you won't because they think your statement is true

1/10/20, 22:10 - Emma Roberts-Smith: And I ended up agreeing...I was the ticket they needed

1/10/20, 22:10 - Emma Roberts-Smith: But he knows it's not

1/10/20, 22:10 - Emma Roberts-Smith: His is not true either

1/10/20, 22:11 - Emma Roberts-Smith: In more ways than one

1/10/20, 22:11 - Danielle: Doesn't matter. He thinks he knows you. He thinks you will not admit it was not true

1/10/20, 22:11 - Danielle: Can I call?

1/10/20, 22:12 - Emma Roberts-Smith: Yeh

8/10/20, 05:40 - Emma Roberts-Smith: I hope you slept ok mate! I feel bloody awful that you're involved in this drama...I should've listened to you back in '98!! I want you to know I would be lost without you and wouldn't have survived without you by my side 🙏 can't wait to see you Saturday 😊 I know you're excited to see me 😊

8/10/20, 07:01 - Emma Roberts-Smith: Up at 4 🤖🤖 started printing out all the disclosure stuff

8/10/20, 07:04 - Danielle: It's ok mate, not your fault. Just had a big day yesterday. And again today ..... 🤖

8/10/20, 10:36 - Emma Roberts-Smith: Hmmmmm....know you're busy but Ellen Whinnitt just sent me a text!!

8/10/20, 11:09 - Emma Roberts-Smith: <Media omitted>

14/10/20, 19:27 - Emma Roberts-Smith: Jus RE read that letter from minter...it looks like they originally wrote to 🤖 on 24 September, the same day we went to family court!! Coincidence much??

14/10/20, 19:29 - Emma Roberts-Smith: I didn't do my response affidavit until 30th

14/10/20, 19:29 - Emma Roberts-Smith: You think it will effect my settlement?

14/10/20, 20:04 - Danielle: Shouldn't do

14/10/20, 20:04 - Emma Roberts-Smith: Dunno 🤖

14/10/20, 20:07 - Emma Roberts-Smith: You don't think brs would do anything dumb to me or the girls do you??

14/10/20, 21:33 - Danielle: No mate, I don't. Don't overthink it.

14/10/20, 21:55 - Emma Roberts-Smith: Ok 👍

19/10/20, 11:29 - Emma Roberts-Smith: How you feeling?

19/10/20, 11:49 - Danielle: I feel ok mate tomorrow morning might be a different story

19/10/20, 11:49 - Emma Roberts-Smith: 😞 😞

19/10/20, 17:24 - Emma Roberts-Smith: How are you feeling?

19/10/20, 17:25 - Danielle: I'm actually feeling ok I'm just going to sit down and watch a couple of movies with Josh

19/10/20, 17:26 - Emma Roberts-Smith: Ok cool 👍

20/10/20, 06:39 - Emma Roberts-Smith: He wants me cut out financially first and foremost

20/10/20, 06:41 - Emma Roberts-Smith: Revenge and winning

20/10/20, 06:46 - Danielle: Mate if that is what he has done they will see right through it he is not a Pioneer

20/10/20, 06:47 - Danielle: But just remember to focus on what you can control and your circle of influence

20/10/20, 06:48 - Emma Roberts-Smith: I know!

20/10/20, 06:49 - Emma Roberts-Smith: I'm not married to him anymore and my girls aren't exposed to his toxic behaviour as much so i will always be happy

20/10/20, 06:50 - Danielle: Exactly 👍

23/10/20, 18:22 - Danielle: By the way you need to let me know about the payment to Jason

23/10/20, 18:53 - Emma Roberts-Smith: Sorry mate was trying to calm mum down 🙏

23/10/20, 18:58 - Emma Roberts-Smith: Sorry for stressing, the reality of the financial position I'm in is bad enough, let alone the criminal shit I'm facing...I cannot believe I'm in this nightmare!! But...I can see a bonus...I'll never have to be married to that complete cunt again! Have a good night xx

23/10/20, 19:40 - Danielle: All good. Is Mum calmer?

23/10/20, 19:40 - Emma Roberts-Smith: I don't think so, she went home

23/10/20, 19:41 - Danielle: Ok, do you want me to call her ?

23/10/20, 19:41 - Emma Roberts-Smith: Yeh that might help but don't stress if Darren is home

23/10/20, 19:41 - Emma Roberts-Smith: She's just terrified of brs

23/10/20, 19:41 - Danielle: So what seems to be the sticking point ?? I got a bit lost with both of you on the phone

23/10/20, 19:42 - Emma Roberts-Smith: I lost it

23/10/20, 19:42 - Danielle: Ok. But that is true and you both can't lie about that now

23/10/20, 19:44 - Emma Roberts-Smith: 🙏 🙏



23/10/20, 19:44 - Emma Roberts-Smith: I was trying to explain that

23/10/20, 19:44 - Danielle: That won't work

23/10/20, 19:44 - Danielle: Ok, I will call her

23/10/20, 19:45 - Emma Roberts-Smith: Ok 🙏🙏

23/10/20, 19:47 - Emma Roberts-Smith: She's angry at me too for asking her to lie

23/10/20, 20:15 - Danielle: Shes ok, shes calmed down

23/10/20, 20:15 - Emma Roberts-Smith: Ok 🙏 thanks mate

23/10/20, 20:49 - Danielle: All good. We will be ok, one step at a time. Deal with mediation and everything else later.

23/10/20, 20:50 - Emma Roberts-Smith: I know

23/10/20, 20:51 - Danielle: Don't forget you have proof that he asked you to do that

23/10/20, 21:15 - Emma Roberts-Smith: What did mum say?

23/10/20, 21:15 - Emma Roberts-Smith: She went for my throat

23/10/20, 21:19 - Emma Roberts-Smith: She didn't get that if she stuck to her statement she'd be fucked because they know we lied

23/10/20, 21:19 - Danielle: Yeah she gets it

23/10/20, 21:20 - Danielle: BUT she didn't realise how fucked everything was .... make sure to keep her up to date. She has been out of the loop a bit and she has just as much at stake

23/10/20, 21:21 - Danielle: You are in this together mate, like it or not.

23/10/20, 21:38 - Emma Roberts-Smith: I've done nothing wrong other than protect ben, then fight to survive once he threw me out!

23/10/20, 21:38 - Emma Roberts-Smith: I tried telling him twice this year and perhaps now the penny has dropped...all along, with me not doing anything other than telling the truth if asked

23/10/20, 21:40 - Emma Roberts-Smith: "The truth will always set you free"...brs will never know what that feel like for the rest of the days he's breathing

23/10/20, 21:41 - Emma Roberts-Smith: That's a desperately sad place to be in

26/10/20, 08:07 - Danielle: You need to find out about that payment to Jason today

26/10/20, 08:07 - Danielle: Its due 28th

26/10/20, 08:07 - Emma Roberts-Smith: Was just thinking about you

26/10/20, 08:07 - Emma Roberts-Smith: All good 🙏

3/11/20, 15:43 - Danielle: Yeah I just read it well obviously they are rattled by it but I don't see that it's anything to do with you or that you have to do anything

3/11/20, 15:44 - Danielle: They are obviously the ones that provided their redacted affidavits and therefore it's their sh!t to sort out



3/11/20, 15:44 - Danielle: Technically you never gave them permission to provide those affidavits

3/11/20, 15:51 - Danielle: #fuckwits

3/11/20, 15:57 - Emma Roberts-Smith: FFX that is

3/11/20, 15:57 - Danielle: Well we don't know that Fairfax has actually got a copy of it other than the redacted one brs gave them

3/11/20, 15:57 - Danielle: The redacted one was provided by Ben & idiot

3/11/20, 15:58 - Emma Roberts-Smith: I assumed they didn't have an actual copy

3/11/20, 15:58 - Danielle: No where is it written that they actually have a copy of it unredacted

3/11/20, 15:58 - Emma Roberts-Smith: That still shows he submitted something

3/11/20, 15:58 - Emma Roberts-Smith: It I never used the words "I lied" in my affidavit

3/11/20, 15:58 - Emma Roberts-Smith: That's not a quote from me

3/11/20, 15:59 - Emma Roberts-Smith: As per their letter this arvo

3/11/20, 15:59 - Emma Roberts-Smith: I didn't even message Jap about it

3/11/20, 15:59 - Danielle: I wouldn't worry too much about that what the letter this afternoon shows is that they did submit the affidavits redacted

3/11/20, 16:00 - Danielle: So this is on them mate, not on you

3/11/20, 16:00 - Danielle: at no stage any where does it say that Fairfax had an original copy of the affidavit they are only assuming that and you know you did not send them anything

3/11/20, 16:02 - Emma Roberts-Smith: Jap confirmed he didn't even reply

3/11/20, 20:37 - Danielle: Yeah

4/11/20, 13:57 - Emma Roberts-Smith: Just sent you an email

4/11/20, 13:57 - Emma Roberts-Smith: Email

4/11/20, 14:00 - Danielle: Yep I read it mate I bet that they don't send it through

4/11/20, 14:00 - Emma Roberts-Smith: Of course they won't

4/11/20, 14:00 - Emma Roberts-Smith: Well that means they won't get us to sign or support anything

4/11/20, 14:01 - Emma Roberts-Smith: That's why Jap suggested "redacted"

Copies which means they'd have to get them from Monica

4/11/20, 14:03 - Emma Roberts-Smith: I honestly think HG redacted fuck all

4/11/20, 14:04 - Danielle: I would make a fair guess that that horse has already bolted and they have responded to Fairfax

4/11/20, 14:04 - Danielle: They said that the Jap needed to respond by 4 p.m. yesterday

4/11/20, 14:05 - Emma Roberts-Smith: Of course they did

4/11/20, 14:05 - Danielle: That way they could get the letter across to minter by 5 p.m.

4/11/20, 14:05 - Emma Roberts-Smith: HG are trying to clean up 🤮 mess

4/11/20, 14:05 - Danielle: But truly your solicitor should not have to be writing letters about this shit

4/11/20, 14:05 - Emma Roberts-Smith: Nope!!

4/11/20, 14:05 - Danielle: That is costing you money

4/11/20, 14:06 - Danielle: And he had no authority to hand over those affidavits

4/11/20, 14:06 - Emma Roberts-Smith: Yep but I'll be blamed by brs

4/11/20, 14:06 - Emma Roberts-Smith: That still plays on my mind

4/11/20, 14:06 - Danielle: But why?

4/11/20, 14:07 - Emma Roberts-Smith: Just cause I could completely ruin him

4/11/20, 14:07 - Emma Roberts-Smith: It's a big thing because it was never my plan

4/11/20, 14:07 - Danielle: Oh no my friend he has done that himself

4/11/20, 14:07 - Emma Roberts-Smith: I know that in my sane brain

4/11/20, 14:08 - Danielle: Well maybe that's something you need to talk to Carla about because you have to get your head straight around that shit

4/11/20, 14:08 - Emma Roberts-Smith: Yep

4/11/20, 20:17 - Emma Roberts-Smith: It's probably just the brain washing

4/11/20, 20:17 - Danielle: Mate, try to re-frame it.

4/11/20, 20:17 - Emma Roberts-Smith: Hey I'm trying

4/11/20, 20:17 - Emma Roberts-Smith: I will even hand over my sessions with Carla to prove he asked me to lie

4/11/20, 20:18 - Danielle: You didn't destroy anything. He destroyed it for himself. Just because you know stuff doesn't give him a green light to do whatever he wants / when he wants at all costs ..... that is pure manipulation

4/11/20, 20:21 - Danielle: You haven't fucked anything

4/11/20, 20:22 - Emma Roberts-Smith: He will come for me

4/11/20, 20:23 - Emma Roberts-Smith: And he will never co parent

4/11/20, 20:23 - Danielle: Mate, he will come for all of us.

4/11/20, 20:23 - Emma Roberts-Smith: And it's just fear that he brainwashed me that I had to protect him and the girls

4/11/20, 20:23 - Danielle: No. That's just the spin the media need to put on it

4/11/20, 20:24 - Emma Roberts-Smith: But I guess this is me protecting the girls

4/11/20, 20:24 - Emma Roberts-Smith: That's true



4/11/20, 20:24 - Danielle: This is you protecting everybody

4/11/20, 20:24 - Emma Roberts-Smith: They want me to panic

4/11/20, 20:24 - Emma Roberts-Smith: Yes he will!!

9/11/20, 08:38 - Emma Roberts-Smith: Feeling a little nervous...

9/11/20, 08:39 - Danielle: Completely expected ..... breathe

9/11/20, 08:40 - Emma Roberts-Smith: 😊

9/11/20, 10:32 - Emma Roberts-Smith: Just ran into the cunt at the coffee shop

9/11/20, 10:33 - Emma Roberts-Smith: Of course said hello to me when people were around

9/11/20, 10:34 - Emma Roberts-Smith: Dressed as expected in his power suit

9/11/20, 10:38 - Danielle: Its going to be a long day

9/11/20, 10:38 - Emma Roberts-Smith: Yes!!

9/11/20, 12:30 - Danielle: Call me when you get a break

9/11/20, 12:37 - Danielle: Just tried to call you back

9/11/20, 12:50 - Emma Roberts-Smith: Just back in with Jason

9/11/20, 16:33 - Danielle: Is it done?

9/11/20, 16:38 - Emma Roberts-Smith: Nope!!

9/11/20, 16:39 - Danielle: Of course not 🤔

9/11/20, 16:40 - Emma Roberts-Smith: I think we're close

9/11/20, 16:41 - Emma Roberts-Smith: My head is spinning

9/11/20, 16:44 - Danielle: No doubt after so long. Re-centre yourself and take the drama out of it.

9/11/20, 16:44 - Emma Roberts-Smith: It's so complicated

9/11/20, 17:08 - Emma Roberts-Smith: I reckon I'll burst into tears as soon as I walk out

9/11/20, 17:09 - Emma Roberts-Smith: He told the girls "Danielle is in a mtg with mum and I today"

9/11/20, 20:02 - Danielle: You want to talk?

9/11/20, 20:02 - Emma Roberts-Smith: Ok 👍

10/11/20, 06:19 - Danielle: I hope you are ok this morning. I know you and I know you will be grieving a little today. That's completely normal by the way. All the hype and drama yesterday will settle and you will have to deal with normal again. Take your time to get your head around it, be kind to yourself. Please book an appointment with Carla and unpack what just happened ..... The next steps are going to take your energy too xx

10/11/20, 06:30 - Emma Roberts-Smith: Morning mate



Yes, I agree with all the above!! It's been massive and I'm trying to unpack what it all means moving forward but one day at a time...it will all be ok 🙏

How are you feeling?

10/11/20, 08:34 - Emma Roberts-Smith: <Media omitted>

10/11/20, 09:37 - Emma Roberts-Smith: Christ...Ellen Whinnitt just text me again on WhatsApp...I haven't opened it

11/11/20, 18:02 - Emma Roberts-Smith: Jason called...buzz me later! Not urgent

11/11/20, 19:58 - Emma Roberts-Smith:

<https://www.google.com.au/amp/s/amp.theaustralian.com.au/breaking-news/ben-robertssmith-newspapers-win-bid-for-documents-in-defamation-case/news-story/66c547fad5c7a6d8a069c69a2d541f20>

11/11/20, 20:04 - Danielle: 🙏

11/11/20, 21:10 - Emma Roberts-Smith:

<https://www.google.com.au/amp/s/amp.theguardian.com/australia-news/2020/nov/11/ben-roberts-smith-defamation-case-ex-soldier-ordered-to-hand-over-war-crimes-inquiry-documents>

11/11/20, 21:11 - Emma Roberts-Smith: Wonder who person 62 is... Reckon it's J

12/11/20, 11:40 - Danielle: Apparently PM is making announcement at midday!

12/11/20, 12:03 - Danielle: Fuck mate! They are saying very bad 🗨️

12/11/20, 14:24 - Danielle: I am in the car now ready to take your call whenever you are ready

12/11/20, 14:24 - Danielle: Just keep looking ahead and stay silent, you haven't spoken to media and that has been a good solid plan

12/11/20, 14:51 - Danielle: Kids ok?

13/11/20, 06:50 - Danielle: mate, be on watch today. basically every front page in the country is running this

13/11/20, 06:50 - Emma Roberts-Smith: Oh shit really??

13/11/20, 06:51 - Danielle: Yes .... there was just a big segment on TODAY about it

13/11/20, 06:52 - Emma Roberts-Smith: Oh!!

13/11/20, 06:54 - Danielle: 😊

13/11/20, 06:55 - Danielle: You need to ignore all this and get your shit sorted

13/11/20, 06:56 - Emma Roberts-Smith: Yeh I have been! I was sorting the house yesterday and then couldn't leave my house in peace!

13/11/20, 06:57 - Emma Roberts-Smith: I'm just staying very low profile

13/11/20, 13:32 - Danielle: On teleconference

13/11/20, 13:32 - Emma Roberts-Smith: Ok

13/11/20, 14:06 - Emma Roberts-Smith: Jason just called, call me when you're on the way to get josh  
13/11/20, 14:07 - Danielle: Will do!  
15/11/20, 20:43 - Danielle: Watching ..... 🤔  
15/11/20, 21:07 - Danielle: 🤔  
15/11/20, 21:07 - Danielle: there it is .....  
15/11/20, 21:08 - Emma Roberts-Smith: Yup!  
15/11/20, 21:08 - Emma Roberts-Smith: Not in the ad so they couldn't stop the show airing  
15/11/20, 21:08 - Danielle: Poor Brendan 🤔  
15/11/20, 21:08 - Danielle: Yep  
15/11/20, 21:09 - Emma Roberts-Smith: Yup!  
15/11/20, 21:09 - Emma Roberts-Smith: Brendan will be spewing  
15/11/20, 21:09 - Danielle: Undeniably so  
15/11/20, 21:09 - Emma Roberts-Smith: Another victim of brs association  
15/11/20, 21:09 - Danielle: Yes he is.  
15/11/20, 21:13 - Emma Roberts-Smith: Idiot  
15/11/20, 21:14 - Danielle: Mention #5  
15/11/20, 21:15 - Emma Roberts-Smith: 🤔  
15/11/20, 21:15 - Danielle: Lets play RS Bingo !  
15/11/20, 21:15 - Emma Roberts-Smith: 🤔 🤔  
15/11/20, 21:19 - Emma Roberts-Smith: Hmmmmm  
15/11/20, 21:19 - Emma Roberts-Smith: Lots of old footage and mix mash back and forward  
15/11/20, 21:19 - Emma Roberts-Smith: But generally, they want brs head!!  
15/11/20, 21:20 - Danielle: Yep agreed  
15/11/20, 21:23 - Emma Roberts-Smith: And unfortunately brs keep sticking his head up and getting it wacked!  
15/11/20, 21:24 - Danielle: Yep .... like one of those games at Grundy's 🤔  
15/11/20, 21:26 - Emma Roberts-Smith: 🤔 🤔  
16/11/20, 06:17 - Emma Roberts-Smith: What??  
16/11/20, 06:20 - Emma Roberts-Smith: Fuck!  
16/11/20, 06:20 - Danielle: ROFL .... special friendship  
16/11/20, 06:21 - Danielle: Man that was a nasty piece! KMS will be pissed

16/11/20, 06:21 - Emma Roberts-Smith: They've mentioned all those guys so they keep a wide berth and kms and brs potential support crew (burr, McMahon etc) will keep clear

16/11/20, 06:21 - Emma Roberts-Smith: They do it because they know he bites

16/11/20, 06:21 - Emma Roberts-Smith: I'm more concerned they reckon my house Isn't worth shit 😊

16/11/20, 06:21 - Danielle: Oh well, happy monday BRS

16/11/20, 06:23 - Emma Roberts-Smith: Oh It was fin review!!?? That's bad

16/11/20, 06:23 - Emma Roberts-Smith: They're all having a dig

16/11/20, 06:23 - Emma Roberts-Smith: Wonder how they knew amount owing

16/11/20, 06:24 - Danielle: Internet front page though!

16/11/20, 06:24 - Danielle: <Media omitted>

16/11/20, 06:24 - Emma Roberts-Smith: Oh bugger

16/11/20, 06:24 - Danielle: Was it in his court docs he handed over? DICK

16/11/20, 06:24 - Emma Roberts-Smith: Joe Aston doesn't like brs, he's written shit before

16/11/20, 06:24 - Emma Roberts-Smith: Maybe??!!

16/11/20, 06:25 - Danielle: Probably was the idiot

16/11/20, 06:25 - Emma Roberts-Smith: We asked for a copy of what was handed over but no reply

16/11/20, 06:25 - Emma Roberts-Smith: Ok 👍

16/11/20, 06:27 - Emma Roberts-Smith: I'll get the blame you watch

16/11/20, 06:27 - Emma Roberts-Smith: They'll think I leaked it when it was them

16/11/20, 06:30 - Danielle: probably 🙄

16/11/20, 06:30 - Emma Roberts-Smith: They would've seen the place look like a run down hovel last week

16/11/20, 06:31 - Emma Roberts-Smith: Brs will be horrified!! His prized position trophy home was looking like someone hadn't cared for it for months...and there's never been any recent pics of it

16/11/20, 06:32 - Emma Roberts-Smith: He'll be embarrassed if that was ever aired up at the gate last week, and spewing if they've rattled him about price because if it sells for less than a certain amount, he gets nothing

16/11/20, 06:51 - Danielle: yes .... all their good names go down with this

16/11/20, 06:51 - Emma Roberts-Smith: Yep

16/11/20, 06:51 - Emma Roberts-Smith: That's their plan! Poor fuckers

16/11/20, 06:52 - Emma Roberts-Smith: Even if he somewhat survives

18/11/20, 19:39 - Emma Roberts-Smith: Old mate reckons I'll have media here again tomorrow



18/11/20, 19:39 - Danielle: Yeah I kind of have to agree with that so you might need to think about what you have to do tomorrow

19/11/20, 10:05 - Emma Roberts-Smith: Fuck

19/11/20, 10:13 - Danielle: Have u vomited yet?

19/11/20, 10:13 - Emma Roberts-Smith: 🤢

19/11/20, 10:13 - Danielle: Oh man 25 operators

19/11/20, 10:13 - Danielle: 39 dead

19/11/20, 10:37 - Danielle: He has a bad nerve tic I

19/11/20, 10:38 - Emma Roberts-Smith: He has bells Paulsie

19/11/20, 10:38 - Danielle: Oh ok makes sense

19/11/20, 10:38 - Danielle: I reckon no one is game to mention Bens name

19/11/20, 10:39 - Emma Roberts-Smith: No way!!!!

19/11/20, 10:42 - Danielle: 2nd squadron?

19/11/20, 10:42 - Emma Roberts-Smith: Yep!!!!

19/11/20, 10:42 - Danielle: Rs was 3 yeah?

19/11/20, 10:42 - Emma Roberts-Smith: At start but 2 in Afghanistan

19/11/20, 10:43 - Emma Roberts-Smith: He's going down mate!! This is not good

19/11/20, 10:43 - Danielle: Oh fuck, this is terrible

19/11/20, 10:43 - Emma Roberts-Smith: Yep

19/11/20, 10:43 - Danielle: Strike the record = strike the medals

19/11/20, 10:43 - Emma Roberts-Smith: Yep

19/11/20, 10:52 - Emma Roberts-Smith: ✖

19/11/20, 10:52 - Danielle: 🤔🤔

19/11/20, 10:56 - Danielle: Sorry couldn't hear name properly

19/11/20, 10:56 - Danielle: It might be better on the TV

19/11/20, 13:50 - Danielle: Mate, that iPhone sign in is the other handbag!!

19/11/20, 13:50 - Emma Roberts-Smith: Oh no shit!??

19/11/20, 13:53 - Emma Roberts-Smith: So he's using one of them??

19/11/20, 13:54 - Danielle: It appears that way

19/11/20, 13:54 - Danielle: So that tells me that he must have taken it out of the house prior

19/11/20, 13:54 - Emma Roberts-Smith: No, only since he's left cause I packed it in one of those boxes

19/11/20, 13:55 - Danielle: Maybe when he moved the gun safe key?

19/11/20, 13:55 - Emma Roberts-Smith: Maybe

19/11/20, 13:55 - Danielle: Talk after

19/11/20, 13:55 - Danielle: 🤔

19/11/20, 13:57 - Danielle: Weird!

19/11/20, 13:57 - Danielle: Unless it is a completely different iPhone 7 handset

19/11/20, 14:04 - Danielle: Mate you might need to go through those boxes you packed up and check to see if it's in there

19/11/20, 17:22 - Emma Roberts-Smith: <Media omitted>

19/11/20, 22:20 - Emma Roberts-Smith: <https://www.news.com.au/national/politics/shameful-lie-that-changes-australia-forever/news-story/007570fc09bb59c22cdda8a0b6905f8b>

19/11/20, 22:20 - Danielle: <Media omitted>

19/11/20, 22:21 - Emma Roberts-Smith: Geezuz

19/11/20, 22:21 - Emma Roberts-Smith: What an idiot

22/11/20, 20:23 - Danielle: 60 minutes!

22/11/20, 20:23 - Emma Roberts-Smith: What??

22/11/20, 20:23 - Danielle: Watch 6 minutes

22/11/20, 20:24 - Danielle: oops

22/11/20, 20:24 - Danielle: watch 60 minutes

22/11/20, 20:24 - Emma Roberts-Smith: What's it about

22/11/20, 20:25 - Danielle: Just saw a short ... think it is Rick Burr ??

22/11/20, 20:25 - Emma Roberts-Smith: Oh

22/11/20, 20:25 - Emma Roberts-Smith: Ok

22/11/20, 20:25 - Danielle: 👍

27/11/20, 15:42 - Danielle: <https://www.abc.net.au/news/2020-11-27/defence-confirms-13-soldiers-face-being-sacked-afghanistan-war/12928006>

27/11/20, 17:22 - Emma Roberts-Smith: 🤔

28/11/20, 11:31 - Emma Roberts-Smith: Just sent you an email

28/11/20, 15:29 - Danielle: <Media omitted>

28/11/20, 16:09 - Emma Roberts-Smith: Thanks for looking at that stuff mate, it's stressful 🤔

28/11/20, 16:09 - Emma Roberts-Smith: I don't want to hold shit up, but also don't want to hose myself over 🤔🙄

30/11/20, 13:44 - Danielle: So I reckon we put our heads together and we get you as financially sufficient in the next 2 to 3 years as possible

30/11/20, 13:44 - Danielle: Then it doesn't matter what happens to him or what jail cell he rots in

30/11/20, 13:44 - Emma Roberts-Smith: Yes 🙏

30/11/20, 13:44 - Emma Roberts-Smith: 🤔🤔

30/11/20, 13:45 - Emma Roberts-Smith: He won't go to jail

30/11/20, 13:45 - Danielle: yeah i don't think he will either but it'll be destroyed

30/11/20, 13:46 - Emma Roberts-Smith: Because he's a lying cheating cunt human

30/11/20, 13:47 - Danielle: Yes and you can't run away from that ship forever

30/11/20, 13:48 - Emma Roberts-Smith: Nup

30/11/20, 13:48 - Emma Roberts-Smith: #titanic

1/12/20, 21:32 - Emma Roberts-Smith:

<https://www.news.com.au/technology/innovation/military/shocking-picture-emerges-of-australian-soldier-drinking-out-of-dead-mans-fake-leg/news-story/393c456867def5bc2fc6a604eedce88c>

1/12/20, 21:33 - Emma Roberts-Smith: 🤔

1/12/20, 21:33 - Danielle: is the guardian stokes camp?

1/12/20, 21:33 - Emma Roberts-Smith: No way

1/12/20, 21:33 - Danielle: 🙄 #backup

1/12/20, 21:34 - Emma Roberts-Smith: I've seen it but reckon brs had it

1/12/20, 21:34 - Emma Roberts-Smith: 🤔 of course

1/12/20, 21:34 - Danielle: #nottotallyunexpected

1/12/20, 21:34 - Emma Roberts-Smith: FFX aren't happy defence have gone soft

1/12/20, 21:34 - Danielle: no

1/12/20, 21:35 - Emma Roberts-Smith: Pressure!

1/12/20, 21:36 - Emma Roberts-Smith: I'm pretty sure it's a high ranking guy in the pic

1/12/20, 21:40 - Danielle: You don't want to sign the documents RS ?

1/12/20, 21:42 - Emma Roberts-Smith: Oh yeh "I didn't drink overseas".....lying cunt! That looks like a beer there champ

1/12/20, 21:44 - Danielle: <Media omitted>

1/12/20, 21:45 - Emma Roberts-Smith: Knew I'd seen it 🤔



1/12/20, 21:45 - Danielle: who is he?

1/12/20, 21:45 - Danielle: BRS leaked that for sure

1/12/20, 21:45 - Emma Roberts-Smith: SSM

1/12/20, 21:46 - Danielle: Think about it

1/12/20, 21:46 - Emma Roberts-Smith: Yep

1/12/20, 21:46 - Danielle: they don't want the pressure on brass

1/12/20, 21:46 - Emma Roberts-Smith: BRS wants officers to take the hit

1/12/20, 21:47 - Danielle: Yep he does

1/12/20, 21:47 - Emma Roberts-Smith: Ok 👍

1/12/20, 21:47 - Emma Roberts-Smith: And brs is a spiteful prick

1/12/20, 21:47 - Danielle: YEP

1/12/20, 21:47 - Danielle: MA involved

1/12/20, 21:47 - Emma Roberts-Smith: I reckon

1/12/20, 21:49 - Danielle: He just fucked up - now they know it WAS him

1/12/20, 21:49 - Emma Roberts-Smith: Yep

1/12/20, 21:49 - Danielle: 🤔🤔🤔🤔🤔🤔🤔

1/12/20, 21:50 - Danielle: #lunchbox

1/12/20, 21:50 - Emma Roberts-Smith: Yep

1/12/20, 21:53 - Danielle: def him mate

1/12/20, 21:54 - Danielle: I have the 2nd pic as well

1/12/20, 21:54 - Danielle: inside the story

1/12/20, 21:54 - Danielle: <Media omitted>

1/12/20, 21:54 - Emma Roberts-Smith: Yep!!!!

1/12/20, 21:54 - Emma Roberts-Smith: I saw that too

1/12/20, 21:54 - Danielle: Who is the SSM ?

1/12/20, 21:54 - Danielle: Senr Sgt Major ?

1/12/20, 21:54 - Emma Roberts-Smith: Thought of the hallway pics straight away

1/12/20, 21:55 - Emma Roberts-Smith: Yep

1/12/20, 21:55 - Danielle: Fark .... there are plenty more there

1/12/20, 21:55 - Emma Roberts-Smith: Yep I bet

1/12/20, 21:58 - Emma Roberts-Smith: That's  and the guy who was in Canberra hotel that morning he flipped out

1/12/20, 21:58 - Emma Roberts-Smith: Watch this space...there will be more come out

1/12/20, 21:58 - Danielle: Yep

1/12/20, 21:58 - Emma Roberts-Smith: Brs will get caught

2/12/20, 05:27 - Emma Roberts-Smith: <https://www.dailymail.co.uk/news/article-9005341/Aussie-soldiers-seen-drinking-beer-dead-Taliban-fighters-prosthetic-leg-Afghanistan.html>

2/12/20, 08:39 - Emma Roberts-Smith: Holy shit

2/12/20, 08:39 - Emma Roberts-Smith: <Media omitted>

2/12/20, 08:39 - Emma Roberts-Smith: Definitely leaked by brs

2/12/20, 08:40 - Danielle: Yep

2/12/20, 08:40 - Emma Roberts-Smith: Dog

2/12/20, 18:36 - Emma Roberts-Smith: <Media omitted>

2/12/20, 18:37 - Emma Roberts-Smith: <Media omitted>

3/12/20, 06:48 - Emma Roberts-Smith: RSM so comand

3/12/20, 06:49 - Danielle: ?

3/12/20, 06:49 - Emma Roberts-Smith: <Media omitted>

3/12/20, 06:49 - Emma Roberts-Smith: 

3/12/20, 06:49 - Emma Roberts-Smith: That's why brs leaked that picl

3/12/20, 06:49 - Danielle: oh yeah


3/12/20, 06:49 - Danielle: <https://www.theguardian.com/australia-news/2020/dec/03/commanders-who-ignored-australian-soldiers-drinking-from-taliban-fighters-prosthetic-leg-must-be-accountable-senator>

3/12/20, 06:51 - Emma Roberts-Smith: Mother fucker

3/12/20, 06:51 - Emma Roberts-Smith: That's brs for sure 

3/12/20, 06:51 - Emma Roberts-Smith: I've seen that pic on his laptop

3/12/20, 06:51 - Danielle: Yeah of course

3/12/20, 06:51 - Emma Roberts-Smith: I'm certain  is in that new pic too

3/12/20, 06:52 - Emma Roberts-Smith: With the boot on his backpack

3/12/20, 06:52 - Danielle: Yep

3/12/20, 10:52 - Danielle: You have to watch the 3 min video of Jackie Lambie in at the bottom of this story ! She goes off !!!

3/12/20, 10:52 - Danielle: <https://www.abc.net.au/news/2020-12-03/chief-defence-force-angus-campbell-war-crimes-statement/12938454>

3/12/20, 10:53 - Emma Roberts-Smith: Ok

3/12/20, 10:59 - Emma Roberts-Smith: How long before brs legal team realise it's him leaking the pics??

3/12/20, 11:00 - Danielle: no idea

3/12/20, 11:00 - Danielle: 🤔

3/12/20, 11:00 - Emma Roberts-Smith: If they do, they'd never admit they know anyone  
#proppingup

3/12/20, 20:39 - Danielle: <Media omitted>

3/12/20, 20:40 - Emma Roberts-Smith: Yup!!

3/12/20, 20:40 - Emma Roberts-Smith: [REDACTED] and [REDACTED]

3/12/20, 20:40 - Emma Roberts-Smith: Same 2 in the pic from yesterday

3/12/20, 20:40 - Danielle: ok

3/12/20, 20:40 - Emma Roberts-Smith: Can't work out who the 3rd guy is

3/12/20, 20:40 - Danielle: 🤔

3/12/20, 20:41 - Emma Roberts-Smith: I thought it was the yank

3/12/20, 20:41 - Emma Roberts-Smith: He's in one of them

3/12/20, 20:42 - Danielle: <Media omitted>

3/12/20, 20:42 - Danielle: zoom in to british flag

3/12/20, 20:42 - Emma Roberts-Smith: American??

3/12/20, 20:42 - Danielle: sorry in front of union jack

3/12/20, 20:43 - Emma Roberts-Smith: Fuck!

3/12/20, 20:43 - Emma Roberts-Smith: That's [REDACTED]

3/12/20, 20:43 - Emma Roberts-Smith: He's in same position as [REDACTED]

3/12/20, 20:43 - Danielle: No sir ... we didn't know what was happening in that unit .....

3/12/20, 20:43 - Danielle: no idea ....

3/12/20, 20:44 - Danielle: I mean, they just ran a muck and we had no idea ?? 🤔

3/12/20, 20:44 - Danielle: oh shit ... are we in that photo too ?? how bizarre ... must be photoshopped ...

3/12/20, 20:46 - Danielle: I call BS

3/12/20, 20:46 - Emma Roberts-Smith: <Media omitted>



3/12/20, 20:47 - Danielle: Righto

3/12/20, 20:47 - Emma Roberts-Smith: <Media omitted>

3/12/20, 20:47 - Emma Roberts-Smith: <Media omitted>

3/12/20, 20:47 - Danielle: lol@fuckface

3/12/20, 20:47 - Emma Roberts-Smith: 🤔🤔

3/12/20, 20:49 - Danielle: <Media omitted>

3/12/20, 20:49 - Danielle: whos that ?

3/12/20, 20:49 - Emma Roberts-Smith: I don't know??

3/12/20, 20:49 - Emma Roberts-Smith: Someone from 2 sqd

3/12/20, 20:49 - Emma Roberts-Smith: See the bush ranger ??

3/12/20, 20:50 - Danielle: <Media omitted>

3/12/20, 20:50 - Danielle: yep

3/12/20, 20:50 - Emma Roberts-Smith: That's 2 sqd logo

3/12/20, 20:50 - Emma Roberts-Smith: Dunno that guy??

3/12/20, 20:50 - Danielle: no surprise there

3/12/20, 20:51 - Emma Roberts-Smith: Who's pics you reckon they are?

3/12/20, 20:51 - Danielle: <Media omitted>

3/12/20, 20:52 - Danielle: his

3/12/20, 20:52 - Emma Roberts-Smith: 🐿 what makes you think that

3/12/20, 20:52 - Danielle: there is a few of him in the folders

3/12/20, 20:52 - Emma Roberts-Smith: You know who that is??

3/12/20, 20:52 - Emma Roberts-Smith: Ok 🐿

3/12/20, 20:53 - Danielle: Yep - Beaver

3/12/20, 20:53 - Emma Roberts-Smith: Nup

3/12/20, 20:53 - Emma Roberts-Smith: [REDACTED]

3/12/20, 20:53 - Emma Roberts-Smith: Nz

3/12/20, 20:53 - Danielle: Right!

3/12/20, 20:53 - Danielle: makes sense

3/12/20, 20:53 - Emma Roberts-Smith: Yep

3/12/20, 20:53 - Danielle: yep gotcha

3/12/20, 20:53 - Emma Roberts-Smith: I wouldn't be surprised

3/12/20, 20:53 - Danielle: oh I see beaver !

3/12/20, 20:54 - Emma Roberts-Smith: Yeh??

3/12/20, 20:54 - Danielle: <Media omitted>

3/12/20, 20:54 - Emma Roberts-Smith: The boot guy in group shot was a beaver catch up too but that was def [REDACTED]...he had that pointy beard

3/12/20, 20:54 - Emma Roberts-Smith: No!! That's not him

3/12/20, 20:54 - Emma Roberts-Smith: That'll be the next guy who appears in paper...he's bff with [REDACTED] and [REDACTED]

3/12/20, 20:55 - Danielle: <Media omitted>

3/12/20, 20:55 - Emma Roberts-Smith: He was the one with dunny paper up his bum and sucking the sausage

3/12/20, 20:55 - Emma Roberts-Smith: Dick head and [REDACTED]

3/12/20, 20:56 - Danielle: <Media omitted>

3/12/20, 20:56 - Emma Roberts-Smith: Oh shit

3/12/20, 20:57 - Emma Roberts-Smith: [REDACTED] is that guy, a high ranking officer and [REDACTED] to the right again

3/12/20, 20:57 - Danielle: oh well .... that will be the next Guardian story

3/12/20, 20:57 - Emma Roberts-Smith: 🤔

3/12/20, 20:57 - Emma Roberts-Smith: You reckon they'll do another??

3/12/20, 20:57 - Danielle: of course .... there are hundreds of photos here

3/12/20, 20:57 - Danielle: hundreds

3/12/20, 20:59 - Emma Roberts-Smith: Geezuz

3/12/20, 21:02 - Emma Roberts-Smith: Surely he'll stop now

3/12/20, 21:02 - Emma Roberts-Smith: Didn't really get the traction??

3/12/20, 21:20 - Danielle: Surely

3/12/20, 21:24 - Emma Roberts-Smith: 🤔

3/12/20, 21:49 - Danielle: <Media omitted>

3/12/20, 21:49 - Danielle: who are they?

3/12/20, 21:50 - Emma Roberts-Smith: Dunno who in cowboy hat but [REDACTED] in cap

3/12/20, 21:50 - Emma Roberts-Smith: [REDACTED] the short guy behind him

3/12/20, 21:50 - Danielle: ok

3/12/20, 21:50 - Emma Roberts-Smith: Can't quite make out the guy in blue shirt

3/12/20, 21:52 - Danielle: weirdos  
3/12/20, 21:52 - Danielle: <Media omitted>  
3/12/20, 21:53 - Emma Roberts-Smith: Wankers  
3/12/20, 21:53 - Emma Roberts-Smith: Dunno who he is  
3/12/20, 21:53 - Danielle: Strange activities they kept  
3/12/20, 21:53 - Danielle: very very odd  
3/12/20, 21:53 - Emma Roberts-Smith: Massivel  
3/12/20, 21:53 - Emma Roberts-Smith: Closet  
3/12/20, 21:54 - Danielle: Mate there is so many people drinking out of this leg  
3/12/20, 21:54 - Danielle: They use it like it's a coffee cup  
3/12/20, 21:54 - Emma Roberts-Smith: Yep  
3/12/20, 22:36 - Emma Roberts-Smith: <Media omitted>  
3/12/20, 22:37 - Emma Roberts-Smith: Josh would freak  
4/12/20, 06:31 - Emma Roberts-Smith: <https://www.dailymail.co.uk/news/article-9010017/Hillsong-founder-accuses-Carl-Lentz-having-one-affair-bombshell-leaked-audio.html>  
4/12/20, 06:31 - Emma Roberts-Smith: Sound familiar 🙄  
4/12/20, 07:19 - Danielle: Just on phone  
4/12/20, 07:19 - Emma Roberts-Smith: 👍  
4/12/20, 14:42 - Danielle: U ok?  
4/12/20, 18:48 - Emma Roberts-Smith: <Media omitted>  
4/12/20, 22:16 - Emma Roberts-Smith: You reckon I just forward Jap emails to rob??  
4/12/20, 22:17 - Emma Roberts-Smith: Or break it down?  
4/12/20, 22:17 - Danielle: Yeah you could forward the 3  
4/12/20, 22:18 - Emma Roberts-Smith: Ok  
4/12/20, 22:18 - Emma Roberts-Smith: Lots of info in there  
4/12/20, 22:18 - Danielle: And also the email trail with Adam  
4/12/20, 22:18 - Emma Roberts-Smith: Ok  
4/12/20, 22:18 - Emma Roberts-Smith: Cost me a million bucks  
4/12/20, 22:20 - Danielle: Yeah ... but I think he needs to see that you didn't understand and that is in the email trail  
4/12/20, 22:20 - Emma Roberts-Smith: Ok 👍



4/12/20, 22:21 - Emma Roberts-Smith: Just going through it all now

4/12/20, 22:46 - Emma Roberts-Smith: You awake?

4/12/20, 22:49 - Danielle: Yes

4/12/20, 23:52 - Emma Roberts-Smith: <Media omitted>

5/12/20, 14:45 - Emma Roberts-Smith: <https://www.dailymail.co.uk/news/article-9020247/Media-tycoon-Ryan-Stokes-wife-Claire-reveal-theyre-expecting-second-child.html>

5/12/20, 17:44 - Emma Roberts-Smith: <Media omitted>

8/12/20, 20:47 - Danielle:  
<https://www.google.com/amp/s/amp.news.com.au/finance/business/media/former-special-forces-commando-heston-russell-clashes-with-abc-reporter-over-war-medals-saga/news-story/3487926bc0a2b39fe81fb77d10d99079>

8/12/20, 20:47 - Danielle: Who is that dude?

8/12/20, 20:51 - Emma Roberts-Smith: I reckon he might be 2cdo

8/12/20, 20:52 - Danielle: 👍

8/12/20, 20:54 - Emma Roberts-Smith: He's been in the press a bit

15/12/20, 22:23 - Emma Roberts-Smith: The rsm socom just stood down post leg drinking incident

15/12/20, 22:23 - Emma Roberts-Smith: Brs got what he was after!!

15/12/20, 22:23 - Danielle: oh fuck !

15/12/20, 22:23 - Emma Roberts-Smith: Yep

15/12/20, 22:23 - Emma Roberts-Smith: Mel just sent it to me

15/12/20, 22:23 - Danielle: They will be absolutely gunning for him now

15/12/20, 22:23 - Emma Roberts-Smith: Guess he got what he wanted

<https://www.theaustralian.com.au/nation/top-special-forces-soldier-steps-down-over-legdrink-photo/news-story/9655899df0a65509a2e136c1a34a72dc>

15/12/20, 22:24 - Emma Roberts-Smith: 🤔

15/12/20, 22:27 - Emma Roberts-Smith: <Media omitted>

15/12/20, 22:27 - Emma Roberts-Smith: Poor prick

15/12/20, 22:28 - Emma Roberts-Smith: Brs is playing with fire 🤔

Dig 2 holes!!

15/12/20, 22:31 - Danielle: yep

15/12/20, 22:32 - Danielle: I am guessing that wasn't an intentional fallout ... but prolific all the same

15/12/20, 22:32 - Emma Roberts-Smith: He would've been made to to take the heat off chief of army and CDF

15/12/20, 22:32 - Danielle: of course

15/12/20, 22:32 - Emma Roberts-Smith: BRS has just fucked that guys career when they all did it

15/12/20, 22:33 - Danielle: Yep ... and that will enrage the estranged troops

15/12/20, 22:34 - Emma Roberts-Smith: BRS will be hated more, they all know it's him

15/12/20, 22:34 - Danielle: of course

16/12/20, 21:02 - Danielle: <https://www.abc.net.au/news/2020-12-16/afghanistan-war-crime-allegation-investigators-appointed/12991386>

16/12/20, 21:04 - Emma Roberts-Smith: Oh!??

16/12/20, 21:05 - Danielle: Some big hitters in there ... not rubbish

16/12/20, 21:06 - Emma Roberts-Smith: <Media omitted>

16/12/20, 21:06 - Emma Roberts-Smith: <Media omitted>

16/12/20, 21:06 - Danielle: 🍷

16/12/20, 21:07 - Emma Roberts-Smith: No! And a qpol guy!!

16/12/20, 21:07 - Danielle: I have to do an exam now ... so will see if I get to it tonight.

16/12/20, 21:07 - Danielle: I am in office tomrrow

16/12/20, 21:08 - Emma Roberts-Smith: Yeh no stress mate! Good luck 🍀

16/12/20, 22:39 - Danielle: U awake?

16/12/20, 22:39 - Emma Roberts-Smith: Yeh

16/12/20, 22:39 - Danielle: Ok I will try and log into your account

16/12/20, 22:39 - Emma Roberts-Smith: You need help with your exam? 🤔🤔

16/12/20, 22:39 - Emma Roberts-Smith: Ok

16/12/20, 22:40 - Danielle: No mate, I got an A 🏆

16/12/20, 22:40 - Emma Roberts-Smith: 😊

16/12/20, 22:41 - Danielle: You will have to come to my graduation 🍷🍷🍷

16/12/20, 22:45 - Emma Roberts-Smith: Bloody taken my melatonin 😊

17/12/20, 17:49 - Emma Roberts-Smith: <https://7news.com.au/lifestyle/health-wellbeing/sydney-northern-beaches-residents-told-to-stay-at-home-as-covid-outbreak-worsens--c-1788881>

17/12/20, 21:28 - Emma Roberts-Smith: <https://www.dailymail.co.uk/news/article-9061725/SAS-veterans-facing-sack-picture-doing-haka-Taliban-fighters-fake-leg.html>

17/12/20, 21:32 - Danielle: wow

17/12/20, 21:32 - Emma Roberts-Smith: Yep!!

17/12/20, 21:32 - Emma Roberts-Smith: Person B is the warrant officer you watch!!

17/12/20, 21:53 - Danielle: Yes

17/12/20, 21:53 - Danielle: SOOOO .. can you talk ?

17/12/20, 21:53 - Emma Roberts-Smith: Yep

4/2/21, 11:21 - Danielle: In a meeting till 12

4/2/21, 11:23 - Danielle: Everything ok?

4/2/21, 11:36 - Emma Roberts-Smith: Yeh all good

18/2/21, 06:16 - Emma Roberts-Smith:  
<https://www.google.com.au/amp/s/amp.smh.com.au/national/soldiers-to-oppose-document-release-in-ben-roberts-smith-defamation-case-20210217-p573fe.html>

18/2/21, 06:16 - Emma Roberts-Smith: Wonder who person 5 and 11 are

18/2/21, 06:17 - Emma Roberts-Smith: Wonder if basenko will want more stuff from my affidavit that idiot blacked out

18/2/21, 06:19 - Danielle: Probably [REDACTED] & [REDACTED]

18/2/21, 06:20 - Emma Roberts-Smith: I wondered [REDACTED]

20/2/21, 15:28 - Emma Roberts-Smith: What are you up to?

20/2/21, 15:30 - Danielle: Working 🤖🤖

20/2/21, 15:30 - Danielle: Trying to keep up

20/2/21, 15:30 - Emma Roberts-Smith: Work work??

20/2/21, 15:31 - Danielle: Yes

20/2/21, 15:31 - Emma Roberts-Smith: 😊

20/2/21, 15:35 - Emma Roberts-Smith: I'm signing orders Monday

20/2/21, 15:35 - Emma Roberts-Smith: 22/2 😊

20/2/21, 15:36 - Emma Roberts-Smith: Can't fucking wait !! I need to get my cash all settled ASAP

20/2/21, 15:36 - Danielle: And your divorce!

20/2/21, 15:37 - Emma Roberts-Smith: Yep and name change

26/2/21, 15:59 - Emma Roberts-Smith: Orders signed ✓



Form 59  
Rev 29 Oct 19

### Affidavit

As of 15/05/21 of 2021

Federal Court of Australia  
District Registry, New South Wales  
Sydney, General

Re: Roberts Smith

Applicant

Emma Roberts

First Respondent

NS Crime Australia Pty Ltd (NCA) (s213(2) (b))

Second Respondent

Address of Emma Roberts (Formerly Emma Roberts Smith)  
Address: 104 Hunter Street, Indooroopilly in the State of Queensland  
Occupation: Administration Assistant  
Date: 9 July 2021

### Contents

Document	Details	Paragraph	Page
1	Affidavit of Emma Roberts (Formerly Emma Roberts Smith) sworn on 9 July 2021	1-10	1-9
2	Appendix 1B being true copy of the email from the Applicant to me enclosing the two chapters of the book and forwarding Mr Pedersen's email	15	6-8
3	Appendix 1B 2 being a true copy of the email forwarded to Mr Scott	16	10-11

I declare under oath that the contents of this Affidavit are true and correct.  
Declarant: Emma Roberts (First Respondent)

Declarant: Jason Murakami

Declarant: Jason Murakami Group

Declarant: Jason Murakami Group

Declarant: Jason Murakami Group

Declarant: Jason Murakami Group

385

Declarant: Jason Murakami Group

Handwritten signature

Handwritten signature

Document Details  
Number

Paragraph Page

4 Annexure B4.3 being a true copy of the message exchange on WhatsApp which includes the screen shots of my Driver's Licence and Passport provided to Ms Scott

5 Emma Roberts, administration assistant, c/o Brian Muzakani, Chief IF, Suite 2020, Deringda, near Gold Coast Highway and Mid Street, Southport state on page

6 and the Respondent's case proceedings

7 On Friday 2 July 2021, I was provided a copy of the Applicant's Outline of Submissions dated 2 July 2021 (the Applicant's Submissions).

8 At the time of availing this affidavit, I had read the Applicant's Submissions.

9 (Notwithstanding the Applicant's Submissions, I was not aware precisely why the Applicant's have alleged that I have failed to comply with the Orders of this Court dated 1 June 2021 (the 1 June 2021 Orders).

10 As I understand those submissions, the Applicant is alleging I have not complied with the 1 June 2021 Orders because of certain messages I exchanged with Ms Danielle Scott on WhatsApp messenger service. The Applicant's Submissions refer to three message exchanges which I will address in this affidavit under separate headings.

#### First message exchange

11 The first message exchange, referred to at paragraph 23 of the Applicant's Submissions occurred on 5 April 2020. The entire message exchange is set out in the affidavit of Mr Paul Swales filed by the Applicant and, without further repetition,

12 this exchange Ms Scott states amongst other things, at approximately 20:43 that I would need to check.

13 Understanding the Applicant contends this message is evidence upon which it can be inferred that I provided Ms Scott with access to the Applicant's RS Group account. I have never provided Ms Scott with access to the Applicant's RS Group account.

14 When Ms Scott states at 20:43, "would need to check", she is referring to my question of "yes at 15:33 where I ask 'Hey out of curiosity, do you receive sms or Adams and monitor my 1st group email?'

15 Ms Scott's message was a response to this question asked by me. The reference to "first" is by the Applicant. The reference to Adams is a reference to Mr Adam Moore, a known friend of the Applicant's and the accountant for the RS Group.

386

*Handwritten signature*

*Handwritten signature*

### Second message exchange

- 11 The second message exchange referred to at paragraph 24 of the Applicant's Statement occurred on 16 June 2020.
- 12 In the second exchange, which is also in Mr Scott's affidavit, Ms Scott states at 70-03 that she had four chapters of the book.
- 13 I understand the Applicant alleges that this is evidence under which it can be inferred that I have provided Ms Scott access to the Applicant's RS Gmail account from which I have and access to documents referred to in my affidavit.
- 14 What Ms Scott was referring to in the second message exchange was an email I had sent to her over 2 years before this exchange occurred. This email, which was described below, was an email the Applicant had in fact sent me.
- 15 As stated at 70-04, on 23 June 2018 the Applicant sent me an email enclosing the four chapters of the book together with an email from the book's author, Peter Pedersen, dated 23 April 2018. As stated at 70-05, I did not receive this email until 2 years after it was sent from the Applicant to me enclosing the four chapters of the book and forwarding Mr Pedersen's email. I have not included the attached manuscript because of its size, but can produce a copy to the Court if required.
- 16 On 25 June 2018, I forwarded the email the Applicant had sent me referred to above and the four chapters of the book to Ms Scott. At the time the second message exchange occurred, I had forgotten I had sent the email, and attachment to Ms Scott two years previously. I have now located a copy of the email, forwarded to Ms Scott. As stated below in my affidavit, I have now located a copy of the email with the attachments referred to above.
- 17 Ms Scott says the message to her occurred at a time when I had not yet started my second message exchange with her. I had retained family lawyers with respect to my marriage separation and breakdown with the Applicant and the existence of the book was potentially relevant to the property and I could not find the email or its attachment.
- 18 The reference in the second message exchange by Ms Scott at 70-04 to having "a very good friend" about everything he was asked about and also mentions your interviews with Peter is the above email Mr Pedersen sent the Applicant and which the Applicant forwarded to me.
- 19 When Ms Scott states "Peter also mentions your interviews with Peter" she is referring to paragraph 5 of Mr Pedersen's email where he states "My description of I am's thoughts and feelings in the chapter was based on my interviews with her."



20. I do not understand the basis upon which the Applicant alleges that this email is a document over which the Applicant has made a claim for legal professional privilege. I have never given Ms Scott or anyone any privileged document.

#### Third message exchange

21. The third message exchange referred to at paragraph 26 of the Applicant's Submissions occurred on 16 December 2020. The time dates attributed to the messages in the Applicant's Submissions are incorrect. They all occurred at 22:30.

22. In this third exchange Ms Scott states: "amongst other things at 22:30 'OK I will try to log into your account'".

23. I understand the Applicant alleges that this is evidence upon which it can be inferred that I gave access to Ms Scott to the Applicant's RS Group account. I deny this.

24. What Ms Scott is referring to logging into is in fact my My Gov Account. Ms Scott was helping me set up this account which I required for the purpose of child maintenance payments. The entire message exchange between me and Ms Scott includes media files I sent her in order for Ms Scott to set this up for me.

25. As to this on 16 December 2020 at 21:06 I sent Ms Scott a copy of my licence and passport in response to which at 21:57 Ms Scott states that I "are so close now if only I had a passport". At 22:30 Ms Scott states "OK I will try to log into your account" as a reference to Ms Scott logging into My Gov Account. In order to complete the set up of this account Ms Scott required my details and passed the details to me. Annexes 1, 2, 3 and 4 are marked B4-3 is a full copy of the third message exchange on WhatsApp which includes the screen shots of my Drivers License and Passport provided to Ms Scott.

#### Other matters

26. I understand the Applicant has alleged that I have deleted emails from account on RS Group Account and flagged certain emails. I deny this. I have never deleted any emails from my RS Group email account and I have never flagged any of the emails the Applicant alleges I have.

27. I have never provided any person with access to the Applicant's RS Group email account.

28. Other than to comply with the subpoena referred to above, I have never provided any person or entity with any privileged information regarding to the Applicant and I have never disclosed the contents of the Applicant's RS Group email account to any person.

29. Other than under compulsion from a subpoena issued by the Applicant I have never accessed, read, taken copies of or in any way provided any documents or told any third

388

*[Signature]*


*[Signature]*

parties about the contents of any such documents which were marked with the words "legal professional privilege" or contained material which after reading such documents thought or suspected to be confidential from the Applicant to his legal representatives or in relation to any matter to be put to him.

- 31 As to the subpoena, I have set out the circumstances in which I was seized with the subpoena and my response to it in my last affidavit, including steps I took to preserve the Applicant's privilege in a document which I understood might be privileged.
- 32 Understanding from my lawyers that in these proceedings the Applicant seeks the production of said "app 1" of the application.
- 33 As to this, I wish to inform the court that I agree to an order in those terms, namely, whether by myself, my servants or agents (including but not limited to Daniel Scott), be restrained from using, disseminating, divulging or disclosing to any person or giving access to any person, and destroying, deleting or erasing, all information in my possession, custody or control (in whatever form) and including any copies obtained or derived by accessing, viewing, extracting, copying and/or downloading data from the email account [ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com).
- 34 All the facts and circumstances herein deposed to are within my knowledge and belief and have been as are deposed to from information and are my means of knowledge and sources of information appear on the face of this my Affidavit.

Sworn by the deponent  
at Brisbane  
in presence of  
28 July 2017  
Before me,

  
Signature of deponent

  
Signature of witness  
Jason Marakani  
Legal Practitioner Director  
Belinda Marakani Grant LLP  
Suite 7, Gateway Centre, 137 Bridge Rd  
Law Asia Solicitors & Marine Parade  
Southport Queensland 4215

# CERTIFICATE IDENTIFYING ANNEXURE "ER-1"

No NSD511 of 2021

Federal Court of Australia  
District Registry New South Wales  
Division General

Ben Roberts-Smith VC MG

Applicant

Emma Roberts (formerly Emma Roberts-Smith)

First Respondent

RS Group Australia Pty Ltd (ACN 152 427 597)

Second Respondent

This is the annexure marked "ER-1" now produced and shown to Emma Roberts (formerly Emma Roberts Smith) at the time of swearing her Affidavit on 9 July 2021

Before me



Signature of person taking Affidavit.

Filed on behalf of	<u>Emma Roberts (First Respondent)</u>
Prepared by	<u>Jason Murakami</u>
Law firm	<u>Behlau Murakami Grant</u>
Tel <b>07 5527 0686</b>	Fax <u>N/A</u>
Email <u><a href="mailto:Jasonm@bmlegal.com.au">Jasonm@bmlegal.com.au</a></u>	and cc: <u><a href="mailto:cecilyf@bmlegal.com.au">cecilyf@bmlegal.com.au</a></u>
Address for service (include state and postcode)	<u>Suite 2, H20 Building Cnr Nind St &amp; Marine Pde, Southport QLD 4215</u>

[Form approved 01/08/2011]



**From:** Ben Roberts-Smith <[ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)>  
**Date:** 25 June 2018 at 7:22:07 pm AEST  
**To:** "emma@rsgrouppaustralia.com" <[emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com)>  
**Subject:** Fwd: Drafts

**Attachments:** TWO.docx THREE.docx FOUR.docx

Sent from my iPhone

Begin forwarded message:

**From:** Peter Pedersen <[papedersen@bigpond.com](mailto:papedersen@bigpond.com)>  
**Date:** 22 April 2018 at 6:49:37 pm AEST  
**To:** "Ben" <[ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)>  
**Subject:** Drafts

**Attachments:** TWO.docx THREE.docx FOUR.docx

Hi RS,

Three draft chapters attached. They cover SOTG 3, PSD and leaving for SOTG 4.

Some points to note while you're reading.

Don't pay any attention to the numbers I've used as chapter headings. They show the sequence of the chapters that I can write based on the material I have. I think there should be three, but probably four chapters before these but I don't have the wherewithal to do them. We really do need to sit down again. There's quite a few things, particularly in the first two chapters, that will seem to you to appear out of the blue without any prelim explanation. That's because the necessary background will appear in the chapter immediately preceding, which I haven't written yet. I've made a list of everything that needs to be covered

and it's quite extensive. I couldn't do that chapter before I'd done the list.

I've had to interpolate quite a bit to convey the atmospherics and some of the context. This was especially the case with chapter 3 on the PSD because we hardly spoke about the PSD. Did you go to Kandahar for example? My description of Em's thoughts and feelings in the chapter was based on my interviews with her – they were great! BTW, this is an important chapter because it allows a change of pace from the excitement of the two Afghan chapters.

Because I'm a nit-picking pedant, I came across a number of inconsistencies and gaps in logic as I wrote eg if the AHP 'secured' your route to Chora when you went to the white house, why didn't they do it when you went up there on the OP job? If the AC130 warned you about all the insurgents coming towards you on the first night of Op Perth, why didn't it tell you about those guys who tried to ambush the cars and were ambushed by you in the green? Did Matt leave your patrol after the OP job? If so, who replaced him? If not, did he take some of your patrol on the recce in the green?

These are the sorts of questions that occur AFTER an interview – it's impossible to think of them all during. Again, I've tried to smooth over the gaps as best I can. I'm not sure that anyone with a normal mind would pick them up anyway.

I had a lot of trouble with the Chora geography. I can't make sense of it from the maps, yours and mine. I understood it when we spoke because you drew it for me, but I didn't take the sketches with me. *Mea culpa!*

One thing that comes up time and again is the lack of detail on your patrols eg who was on the .50 cal next to you at Sorkh Morghab – one of the guys from your OP patrol? When Matt left after the PSD, who came in for your 2007 trip – had he been to Afghanistan before? How many new operators were on the 2007 trip? Don't need their names – we can concoct those – but we do need to put some flesh on bones here.

Again, this all speaks to the need to chat again -- we never did get round to doing it in Feb.

I'll no doubt think of a whole lot more points after sending, but no matter

As always mate, amend, delete, trash, do whatever you like with this. I won't be offended.

Trust all good with you, Em and girls. Pls say hello to them from Marylou and me.

Cheers,

p.



# CERTIFICATE IDENTIFYING ANNEXURE "ER-2"

No. NSD511 of 2021

Federal Court of Australia  
District Registry New South Wales  
Division: General

Ben Roberts-Smith VC MG  
Applicant

Emma Roberts (formerly Emma Roberts-Smith)  
First Respondent

RS Group Australia Pty Ltd (ACN 152 427 597)  
Second Respondent

This is the annexure marked "ER-2" now produced and shown to Emma Roberts (formerly Emma Roberts Smith) at the time of swearing her Affidavit on 9 July 2021.

Before me:



Signature of person taking Affidavit.

Filed on behalf of	Emma Roberts (First Respondent)
Prepared by	Jason Murakami
Law firm	Behlau Murakami Grant
Tel 07 5527 0686	Fax N/A
Email	<a href="mailto:jasonm@bmglegal.com.au">jasonm@bmglegal.com.au</a> and cc: <a href="mailto:cecilyf@bmglegal.com.au">cecilyf@bmglegal.com.au</a>
Address for service (include state and postcode)	Suite 2, H20 Building Cnr Hind St & Marine Pde, Southport QLD 4215

[Form approved 01/08/2011]

From: Emma <[emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com)>  
 Sent: Monday, 25 June 2018 7:31 PM  
 To: [dscottfl@bigpond.com](mailto:dscottfl@bigpond.com)  
 Subject: Fwd: Drafts

Attachments: TWO.docx THREE.docx FOUR.docx

Sent from my iPhone

Begin forwarded message:

From: Ben Roberts Smith <[ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)>  
 Date: 25 June 2018 at 7:22:07 pm AEST  
 To: "emma@rsgrouppaustralia.com" <[emma@rsgrouppaustralia.com](mailto:emma@rsgrouppaustralia.com)>  
 Subject: Fwd: Drafts

Attachments: TWO.docx THREE.docx FOUR.docx

Sent from my iPhone

Begin forwarded message:

From: Peter Pedersen <[papedersen@bigpond.com](mailto:papedersen@bigpond.com)>

Date: 22 April 2018 at 6:49:37 pm AEST  
 To: "Ben" <[ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)>  
 Subject: Drafts

Attachments: TWO.docx THREE.docx FOUR.docx

Hi RS,

Three draft chapters attached. They cover SOTG 3, PSD and leaving for SOTG 4.

Some points to note while you're reading.

Don't pay any attention to the numbers I've used as chapter headings. They show the sequence of the chapters that I can write based on the material I have. I think there should be three, but probably four chapters before these but I don't have the wherewithal to do them. We really do need to sit down again. There's quite a few things, particularly in the first two chapters, that will seem to you to appear out of the blue without any prelim explanation. That's because the necessary background will appear in the chapter immediately preceding, which I haven't written yet. I've made a list of everything that needs to be covered and it's quite extensive. I couldn't do that chapter before I'd done the list.

I've had to interpolate quite a bit to convey the atmospherics and some of the context. This was especially the case with chapter 3 on the PSD because we hardly spoke about the PSD. Did you go to Kandahar for example? My description of Em's thoughts and feelings in the chapter was based on my interviews with her – they were great! BTW, this is an important chapter because it allows a change of pace from the excitement of the two Afghan chapters.

Because I'm a nit-picking pedant, I came across a number of inconsistencies and gaps in logic as I wrote eg if the AHP 'secured' your route to Chora when you went to the white house, why didn't they do it when you went up there on the OP job? If the AC130 warned you about all the insurgents coming towards you on the first night of Op Perth, why didn't it tell you about those guys who tried to ambush the cars and were ambushed by you in the green? Did Matt leave your patrol after the OP job? If so, who replaced him? If not, did he take some of your patrol on the recce in the green?

These are the sorts of questions that occur AFTER an interview – it's impossible to think of them all during. Again, I've tried to smooth over the gaps as best I can. I'm not sure that anyone with a normal mind would pick them up anyway.

I had a lot of trouble with the Chora geography. I can't make sense of it from the maps, yours and mine. I understood it when we spoke because you drew it for me, but I didn't take the sketches with me. *Mea culpa!*



One thing that comes up time and again is the lack of detail on your patrols eg who was on the .50 cal next to you at Sarkh Morghab – one of the guys from your OP patrol? When Matt left after the PSD, who came in for your 2007 trip – had he been to Afghan before? How many new operators were on the 2007 trip? Don't need their names – we can concoct those – but we do need to put some flesh on bones here.

Again, this all speaks to the need to chat again – we never did get round to doing it in Feb.

I'll no doubt think of a whole lot more points after sending, but no matter.

As always mate, amend, delete, trash, do whatever you like with this. I won't be offended.

Trust all good with you. Em and girls. Pis say hello to them from Marylou and me.

Cheers,

P

# CERTIFICATE IDENTIFYING ANNEXURE "ER-3"

No. NSD511 of 2021

Federal Court of Australia  
District Registry New South Wales  
Division General

Ben Roberts-Smith VC MG

Applicant

Emma Roberts (formerly Emma Roberts-Smith)

First Respondent

RS Group Australia Pty Ltd (ACN 152 427 597)

Second Respondent

This is the annexure marked "ER-3" now produced and shown to Emma Roberts (formerly Emma Roberts Smith) at the time of swearing her Affidavit on 9 July 2021.

Before me:



Signature of person taking Affidavit

Filed on behalf of	Emma Roberts (First Respondent)
Prepared by	Jason Murakami
Law firm	Behlau Murakami Grant
Tel	07 5527 0686
	Fax N/A
Email	<a href="mailto:Jasonm@bmglegal.com.au">Jasonm@bmglegal.com.au</a> and cc: <a href="mailto:cecilyf@bmglegal.com.au">cecilyf@bmglegal.com.au</a>
Address for service (include state and postcode)	Suite 2, H20 Building Cnr Nind St & Marine Pde, Southport QLD 4215

[Form approved 01/08/2011]



Danielle Scott



<https://www.abc.com.au/news/2020-12-16/afghanistan-war-crime-allegation-investigators-appointed/12991386> 16 Dec 2020 /

9:12 pm

Oh!!??

9:04 pm ✓

Some big hitters in there ... not rubbish

9:15 pm



9:06 pm ✓







**Danielle Scott**



**Danielle Scott**

Some big hitters in there ... not rubbish

No!! And a qpol guy!!

9:07 pm

I have to do an exam now ... so will see if I get to it tonight.

I am in office tomrrow

Yeh no stress mate! Good luck 🍀

9:06 pm 

U awake?

Yeh



Ok I will try and log into your account



400

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/08/2021 11:39:37 AM 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:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 20/08/2021 3:04:04 PM AEST

*Sia Lagos*

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.



Figure 5B  
R<sup>2</sup> = 0.72

● 2017 年 12 月 25 日

[illegible]

Federal Court of Australia  
District Registry, New South Wales  
Sydney, Australia

Будет ли это возможно, мы не знаем.

1. *Chrysomelidae*

Source: Group, Author, and Date: 10/1/2015, 12:52:59 PM  
Generated by: Researcher

Address of	Central Records (Planning) Florida Watershed District
Address	10 Hunter Street, Leesburg, in the State of Florida and
Occupation	Administration Assistant
Date	19 Aug. of 2021

$$[C_1C_2]n = 10$$

**Public Reports**, information available on Genealogy Star™ 2007-2008 are as follows: County gray and North Street Source are on call.

Prepared by: Jason M. Mason  
 Tel: 617 527-0664  
 Fax: None  
 Email: [Jason.m@bmglegal.com.au](mailto:Jason.m@bmglegal.com.au) and cc: [cecilyf@bmglegal.com.au](mailto:cecilyf@bmglegal.com.au)  
 Address for service: Suite 3, 100 Harding Circle, 3rd Floor, Southport, QLD 4215  
 include date of posting

Received 10 February 2006; accepted 20 July 2006

Chen

402



1. I am the first Respondent in these proceedings. There were two other affidavits in the proceedings.
2. There have been provided any case was the Appellant's further submissions dated 2 August 2021, Appellant's further submissions and the Orders of this Honourable Court dated 16 August 2021 and 5 August 2021 (Orders).
3. This affidavit is prepared in accordance with the 15 August 2021 Orders to address the WhatsApp evidence referred to in paragraph 24 of the Appellant's further submissions.
4. On 20 January 2020 the Appellant and I separated.
5. Shortly after we split we had some problems for the purposes of managing our relationship. Although I subsequently changed my phone number in June 2020 the numbers I used related to Pappa Company & Associates, who acted for me for several months.
6. On around April 2020 I received a telephone call from the Property Manager of a property the Applicant and I owned in Perth which was tenanted.
7. The Property Manager informed me that she had not been able to get in touch with the Applicant and was chasing approval for a renewal of the lease and agreement for the rent to be increased based on market grounds following the onset of Covid.
8. Following this conversation I believe I was on the same day logged on to the RSG Group Australia domain and checked we email [emma@rsgrouppaustralia.com.au](mailto:emma@rsgrouppaustralia.com.au) and also the Appellant's email [ben@rsgrouppaustralia.com.au](mailto:ben@rsgrouppaustralia.com.au) to check whether any emails had been received by the Property Manager. They had not. I accessed both emails using the admin user name and password from where both the Appellant and I accessed our emails.
9. When I accessed the Appellant's email I received an email from the Velocity Rewards Store. This is the 20 March 2020 email, annexure B35-14, annexed to the Appellant's affidavit filed on 2 August 2021. It is an email which records a purchase of Apple AirPods using Velocity frequent flyer points.
10. Before I opened the email I saw the email was a purchase using Velocity frequent flyer points. As Velocity is the frequent flyer membership offered by Virgin Airline, as I understand matters, points are accumulated by traveling Virgin Airlines. They can also be accumulated by using credit cards attached to Velocity. The Appellant and I had credit cards attached to Velocity.
11. I opened the email because I recall being told by my then solicitor to provide information about the Appellant's and my assets and I also recall my solicitor mentioning "velocity frequent flyer points" and that the Appellant was to provide information about the Appellant's and my assets.
12. After I opened the email I noticed that the Appellant had two email addresses. The first address was in Perth and was the Appellant's registered address. The second address the Appellant used was in Sydney.
13. I did not see any Sydney address in the Appellant's email. We had not separated yet. I did not see any Sydney address in the Appellant's email. The Appellant's email was in Sydney and I did not see any Sydney address in the Appellant's email. When we split we had a Sydney address.
14. The fact that the Appellant had a Sydney address concerned me for two reasons. The first reason was whether our twin daughters, who were at the time 9 years old, would be staying with the Appellant at that Sydney address as they were with the Appellant. The second reason was whether the Appellant had purchased a property in Sydney which would have been part of the property pool for the purposes of our separation.
15. I took a screenshot of the email which recorded the order for AirPods and the Appellant's Sydney address. I wanted to keep a copy of this address for our family property dispute.
16. On 1 April 2020 I sent a copy of the screenshot to my friend Ms Danielle Scott. The messenger service is Signal. Annexed and marked B-142 is a copy of the message I sent Ms Scott using Signal on 1 April 2020.

*Emma*

*[Signature]*



CERTIFICATE IDENTIFYING ANNEXURE

"ER-1"

No. NSD511 of 2021

Federal Court of Australia

District Registry New South Wales

Division: General

Bert Roberts-Smith VC MG

Applicant

Emma Roberts (formerly Emma Roberts-Smith)

First Respondent

RS Group Australia Pty Ltd (ACN 152 427 597)

Second Respondent

This is the annexure marked "ER-1" now produced and shown to Emma Roberts (formerly Emma Roberts Smith) at the time of swearing her Affidavit on 19 August 2021.

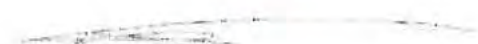
Before me:



Signature of person taking Affidavit.

Filed on behalf of	Emma Roberts (First Respondent)
Prepared by	Jason Murakami
Law firm	Behlau Murakami Grant
Tel 07 5527 0686	Fax N/A
Email	<a href="mailto:Jasonm@bmlegal.com.au">Jasonm@bmlegal.com.au</a> and cc: <a href="mailto:cecilyf@bmlegal.com.au">cecilyf@bmlegal.com.au</a>
Address for service (include state and postcode)	Suite 2, H20 Building Cor Nind St & Marine Pde, Southport QLD 4215

[Form approved 01/08/2011]







The following order #4700117728 has been processed and the Points have been deducted from your Velocity Frequent Flyer account.

Your order number is: **#4700117728** (placed on 30 March 2020 1:04:59 PM AEDT)

Contact details	Delivery address
<b>BENJAMIN ROBERTS-SMITH</b>  Australia T: 0467774635	<b>BENJAMIN ROBERTS-SMITH</b>  Australia T: 0467774635

Item	SKU	Qty	Points	Pay
Apple - AirPods with Charging Case - White	MV7N2ZAA	1	46,891 Points	
Partner contact details: <a href="mailto:hncfp_promotions@au.harveynorman.com">hncfp_promotions@au.harveynorman.com</a>				
Grand total			46,891 Points	

Have you ordered a gift card?

If you have ordered a physical gift card you will receive it from the merchant within 14 working days.

Have you ordered a physical product?

If you have ordered a physical product you will soon receive it from the merchant. Please check the time it takes for each merchant to process orders.

## Details



5 April 2020 23:18



signal-2020-04-05-135505.jpg

/Internal storage/Pictures

380.78 KB 612x433

# CERTIFICATE IDENTIFYING ANNEXURE

"ER-2"

No. NSD511 of 2021

Federal Court of Australia

District Registry New South Wales

Division: General

Ben Roberts-Smith VC MIG

Applicant

Emma Roberts (formerly Emma Roberts-Smith)

First Respondent

RS Group Australia Pty Ltd (ACN 152 427 597)

Second Respondent

This is the annexure marked "ER-2" now produced and shown to Emma Roberts (formerly Emma Roberts Smith) at the time of swearing her Affidavit on 19 August 2021

Before me:

Signature of person taking Affidavit

Filed on behalf of	Emma Roberts (First Respondent)
Prepared by	Jason Murakami
Law firm	Behlau Murakami Grant
Tel 07 5527 0686	Fax N/A
Email	<a href="mailto:jasonm@bmglegal.com.au">jasonm@bmglegal.com.au</a> and cc: <a href="mailto:cecilyf@bmglegal.com.au">cecilyf@bmglegal.com.au</a>
Address for service (include state and postcode)	Suite 2, H20 Building Cor Nind St & Marine Pde, Southport QLD 4215

[Form approved 01/08/2011]

407





## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/08/2021 5:44:12 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:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 25/08/2021 5:46:40 PM AEST

*Sia Lagos*

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.



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

### **Ben Roberts-Smith VC MG**

Applicant

### **Emma Roberts**

First Respondent

### **RS Group Australia Pty Ltd (ACN 152 427 597)**

Second Respondent

Affidavit of: **Ben Roberts-Smith**  
Address: 140-142 Horton Parade, Maroochydore QLD 4558  
Occupation: General Manager Seven Brisbane/Regional Queensland  
Date: 25 August 2021

### Contents

No.	Details	Paragraph	Page
1.	Affidavit of Ben Roberts-Smith sworn 25 August 2021	1-19	1-6
2.	Annexure "BRS-15" being an account log from Crazy Domains	4	7
3.	Annexure "BRS-16" being a screenshot of the RS Group Australia email hosting account web page	4	12
4.	Annexure "BRS-17" being a Subpoena to Produce Documents to Telstra Corporation Ltd	7	14
5.	Annexure "BRS-18" being documents produce on subpoena by Telstra Corporation Ltd	8	22

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9830 Fax \_\_\_\_\_  
Email paul.svilans@markobrienlegal.com.au; monica.allen@markobrienlegal.com.au  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

No.	Details	Paragraph	Page
6.	Annexure "BRS-19" being a colour coded copy of the Crazy Domains account log	16	40
7.	Annexure "BRS-20" being copies of IP address search results together with page 5 of Energy Queensland's Annual Report	18	45

I Ben Roberts-Smith, General Manager Seven Brisbane/Regional Queensland of 140-142 Horton Parade, Maroochydhore in the State of Queensland, say on oath:

1. I am the Applicant. I have sworn three other affidavits in these proceedings.
2. Unless otherwise stated, the facts in this affidavit are matters within my own knowledge.
3. Nothing in this affidavit is intended to waive any legal professional privilege.
4. Annexed and marked **BRS-15** is an account log from Crazy Domains recording the IP address and location details of a person or persons logging onto the RS Group Australia email hosting account between 20 January 2020 and 24 May 2021. As I stated in paragraph 27 of my affidavit sworn on 10 June 2021, logging onto the RS Group Australia email hosting account enables a person to access the email account of any RS Group Australia user. Annexed and marked **BRS-16** is a screenshot of the RS Group Australia email hosting account web page.
5. In the period between 20 January 2020 and 24 May 2021, the only time I accessed the RS Group Australia email hosting account was on or around 20 April 2021. I repeat and rely upon paragraph 29 of my affidavit sworn on 10 June 2021.
6. As stated in paragraph 30 of my affidavit sworn on 10 June 2021, on or about 2 May 2021, I provided Monica Allen, a solicitor acting for me in these proceedings with the password to the RS Group Australian email hosting account. Prior to that time I had never provided Ms Allen or anyone else with the login details to the RS Group Australia email hosting account.
7. On 22 July 2021, I was granted leave to issue a Subpoena to Produce Documents to Telstra Corporation Ltd. That subpoena sought subscriber information about a number of the IP addresses recorded in the Crazy Domains account log. A copy of that subpoena is at **BRS-17**.

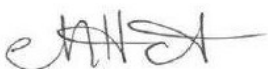




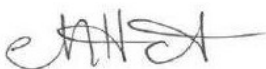

8. On 23 August 2021, my solicitors provided me with copies of documents produced by Telstra Corporation Ltd pursuant to a subpoena dated 22 July 2021 (**Telstra subpoenaed documents**). Annexed and marked **BRS-18** are copies of the Telstra subpoenaed documents.
9. The Telstra subpoenaed documents record that a number of the IP addresses in respect of which information was sought are associated with the usernames "[darren.phil@bigpond.com](mailto:darren.phil@bigpond.com)" and "[jess.simpson97@bigpond.com](mailto:jess.simpson97@bigpond.com)".
10. The Telstra subpoenaed documents record that the username "[darren.phil@bigpond.com](mailto:darren.phil@bigpond.com)" is associated with Mr Darren Graham Pill and Ms Danielle Scott at 2 Whelk Close, Trinity Beach in the Cairns region, Queensland. I understand that Mr Pill is Ms Scott's husband.
11. The Telstra subpoenaed documents record that someone associated with the username "[darren.phil@bigpond.com](mailto:darren.phil@bigpond.com)" accessed the RS Group Australia email hosting account on at least 101 occasions on the following dates:
  - (a) three times on 20 January 2020;
  - (b) 23 January 2020;
  - (c) four times on 27 January 2020;
  - (d) six times on 28 January 2020;
  - (e) four times on 29 January 2020;
  - (f) 30 January 2020;
  - (g) twice on 31 January 2020;
  - (h) twice on 1 February 2020;
  - (i) twice on 2 February 2020;
  - (j) five times on 3 February 2020;
  - (k) four times on 4 February 2020;
  - (l) 5 February 2020;



- (m) three times on 6 February 2020;
- (n) twice on 7 February 2020;
- (o) twice on 8 February 2020;
- (p) nine times on 9 February 2020;
- (q) 10 February 2020;
- (r) twice on 12 February 2020;
- (s) four times on 13 February 2020;
- (t) twice on 14 February 2020;
- (u) three times on 21 February 2020;
- (v) four times on 22 February 2020;
- (w) 23 February 2020;
- (x) four times on 24 February 2020;
- (y) twice on 25 February 2020;
- (z) three times on 26 February 2020;
- (aa) three times on 27 February 2020;
- (bb) eight times on 28 February 2020;
- (cc) 3 March 2020;
- (dd) 6 March 2020;
- (ee) 5 April 2020;
- (ff) 30 April 2020;
- (gg) twice on 11 August 2020;



- (hh) twice on 16 December 2020 as well as making changes to the RS Group Australia domain payments;
  - (ii) 28 March 2021;
  - (jj) 29 March 2021;
  - (kk) 30 March 2021;
  - (ll) 22 April 2021; and
  - (mm) 27 April 2021.
12. At no time have I ever provided Ms Scott or Mr Pill with authority to access the RS Group Australia email hosting account.
13. The Telstra subpoenaed documents record that the username and "[jess.simpson97@bigpond.com](mailto:jess.simpson97@bigpond.com)" is associated with Mr Bryce Laning and Ms Jessica Simpson at 100-102 Nucifora Access, Gordonvale, in the Cairns region, Queensland. I do not know anyone by the name of Bryce Laning or Jessica Simpson.
14. The Telstra subpoenaed documents record that someone associated with the username "[jess.simpson97@bigpond.com](mailto:jess.simpson97@bigpond.com)" accessed the RS Group Australia email hosting account on 10 occasions on the following dates:
- (a) twice on 15 February 2020;
  - (b) twice on 16 February 2020;
  - (c) three times on 17 February 2020;
  - (d) 18 February 2020; and
  - (e) twice on 20 February 2020.
15. At no time have I provided Bryce Laning or Jessica Simpson with authority to access the RS Group Australia email hosting account.
16. Annexed and marked **BRS-19** is a copy of the account log from Crazy Domains of the logins to the RS Group Australia email hosting account for the period from 20 January 2020 to 24 May 2021 which has been colour coded as follows:





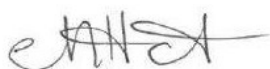
- (a) Yellow indicates logins to the RS Group Australia email hosting account by an IP address associated with the username "[darren.phil@bigpond.com](mailto:darren.phil@bigpond.com)";
- (b) Green indicates logins to the RS Group Australia email hosting account by an IP address associated with the username "[jess.simpson97@bigpond.com](mailto:jess.simpson97@bigpond.com)"; and
- (c) Blue indicates logins to the RS Group Australia email hosting account by me in Brisbane on 20 April 2021, my solicitor in Sydney on 2 May 2021 and by the third director of RS Group Australia, Adam Veale in Perth on 6 and 8 May 2021.
17. A list of the 2021 logins to the RS Group Australia email hosting account was annexure BRS-12 to my affidavit sworn on 10 June 2021.
18. I have undertaken IP address searches on the IP addresses 147.209.220.36 and 147.209.220.37 identified in the account log from Crazy Domains as having accessed the RS Group Australia email hosting account on 21 January 2020 and 30 January 2020 respectively. Both IP addresses are registered to Energex Pty Ltd. Energex Pty Ltd is a company owned by Energy Queensland Ltd. Energex together with Ergon Energy Network provide electricity throughout regional Queensland as part of Energy Queensland Ltd. To the best of my knowledge, Ms Danielle Scott is employed as a Relationship Manager with Ergon Energy Network. I understand that Ms Scott regularly travels between Cairns and Energex's headquarters in Brisbane. Annexed and marked **BRS-20** are copies of the IP address search results together with page 5 of Energy Queensland's Annual Report identifying that Energex and Ergon Energy are 100% owned subsidiaries of Energy Queensland.
19. The Telstra subpoenaed documents were produced on 18 August 2021. I am concerned that those documents reveal that Ms Scott or Mr Pill have regularly accessed the RS Group Australia email hosting account between 20 January 2020 and 7 May 2021. Any person who can access RS Group Australia email hosting account can also readily access my RS Group Australia email account without the need to enter a password.

Sworn by the deponent  
via AV link pursuant to the Electronic  
Transactions Amendment (COVID-19)  
Witnessing Documents Regulation  
on 25 August 2021  
Before me:

)  
)  
)  
)  
)



Signed by deponent



Signed by witness  
Monica Allen  
Lawyer for the Applicant

**Certificate Identifying Annexure**  
**"BRS-15"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-15" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 25 August 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

**416**

[Form approved 01/08/2011]

Action Date	Performed By	Action	Description	IP Address	Location
20/01/2020 16:30	M1292501	Member Login	Login from two factor auth token	144.131.199.202	Smithfield, QLD
20/01/2020 17:37	M1292501	Member Login	Login from two factor auth token	144.131.199.202	Smithfield, QLD
20/01/2020 19:54	M1292501	Member Login	Login from two factor auth token	144.131.199.202	Smithfield, QLD
21/01/2020 19:22	M1292501	Member Login	Login from two factor auth token	147.209.220.36	Brisbane, QLD
21/01/2020 19:36	M1292501	Member Login	Login from two factor auth token	43.245.28.249	Sydney, NSW
21/01/2020 19:40	M1292501	Member Login	Login from two factor auth token	43.245.28.249	Sydney, NSW
22/01/2020 4:32	M1292501	Member Login	Login from two factor auth token	43.245.28.249	Sydney, NSW
23/01/2020 15:52	M1292501	Member Login	Login from two factor auth token	101.162.71.21	Townsville, QLD
24/01/2020 5:10	M1292501	Member Login	Login from two factor auth token	101.162.71.21	Townsville, QLD
26/01/2020 17:29	M1292501	Member Login	Login from two factor auth token	58.96.40.170	Brisbane, QLD
27/01/2020 5:04	M1292501	Member Login	Login from two factor auth token	58.96.40.170	Brisbane, QLD
27/01/2020 13:38	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
27/01/2020 14:53	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
27/01/2020 17:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
27/01/2020 19:09	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 4:22	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 12:51	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 17:12	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 19:15	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 19:16	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 19:17	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 6:21	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 9:10	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 13:09	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 19:15	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
30/01/2020 12:03	M1292501	Member Login	Login from two factor auth token	147.209.220.37	Brisbane, QLD
30/01/2020 12:17	M1292501	Member Login	Login from two factor auth token	1.132.109.104	Zillmere, QLD
30/01/2020 19:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
31/01/2020 4:14	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
31/01/2020 17:52	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
1/02/2020 6:06	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
1/02/2020 15:24	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
2/02/2020 13:33	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
2/02/2020 19:07	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 4:59	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 9:59	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 15:20	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 18:57	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 20:10	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 4:01	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 18:35	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 21:39	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 21:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
5/02/2020 19:31	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
6/02/2020 4:37	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
6/02/2020 17:52	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
6/02/2020 19:43	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
7/02/2020 3:56	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
7/02/2020 15:03	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD



8/02/2020 5:45	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
8/02/2020 7:06	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
8/02/2020 19:09	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 5:55	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 8:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 9:23	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 11:28	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 11:28	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 13:30	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 14:21	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 18:31	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
9/02/2020 19:12	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsbrough, QLD
10/02/2020 3:58	M1292501	Member Login	Login from two factor auth token	1.128.104.208	Murrumba Downs, QLD
10/02/2020 18:24	M1292501	Member Login	Login from two factor auth token	1.128.104.208	Murrumba Downs, QLD
11/02/2020 3:59	M1292501	Member Login	Login from two factor auth token	1.128.104.208	Murrumba Downs, QLD
11/02/2020 19:15	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
11/02/2020 19:32	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 4:33	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 6:56	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 7:17	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 17:45	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
12/02/2020 19:49	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 4:05	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 17:27	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 17:57	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 18:41	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
14/02/2020 3:53	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
14/02/2020 15:05	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
15/02/2020 5:57	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
15/02/2020 8:36	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
16/02/2020 10:04	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
16/02/2020 11:40	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
17/02/2020 4:12	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
17/02/2020 7:37	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
17/02/2020 15:43	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
21/02/2020 15:11	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
21/02/2020 15:43	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
22/02/2020 6:16	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
22/02/2020 8:49	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
22/02/2020 13:51	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
23/02/2020 6:00	M1292501	Member Login	Login from two factor auth token	193.37.32.46	Singapore
23/02/2020 19:06	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
24/02/2020 4:05	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
24/02/2020 17:51	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
24/02/2020 18:32	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD

24/02/2020 20:18	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
25/02/2020 3:56	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
25/02/2020 18:05	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
26/02/2020 3:58	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
26/02/2020 7:06	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
26/02/2020 11:51	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
27/02/2020 3:55	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
27/02/2020 16:29	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
27/02/2020 18:59	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
28/02/2020 3:55	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
28/02/2020 12:34	M1292501	Member Login	Login from two factor auth token	1.132.108.126	Chernside West, QLD
28/02/2020 14:43	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 16:44	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 18:22	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 18:55	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 18:56	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 19:29	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 19:30	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
3/03/2020 15:07	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
6/03/2020 15:20	M1292501	Member Login	Login from two factor auth token	101.162.75.87	Townsville, QLD
5/04/2020 18:44	M1292501	Member Login	Login from token	101.162.75.87	Townsville, QLD
30/04/2020 12:05	M1292501	Member Login	Login from token	101.162.75.87	Townsville, QLD
18/05/2020 14:07	M1292501	Member Login	Login from two factor auth token	1.132.111.153	The Gap, QLD
16/06/2020 18:42	M1292501	Member Login	Login from two factor auth token	101.167.14.82	Townsville, QLD
11/08/2020 6:01	M1292501	Member Login	Login from two factor auth token	101.167.63.220	Townsville, QLD
11/08/2020 9:09	M1292501	Member Login	Login from two factor auth token	101.167.63.220	Townsville, QLD
16/12/2020 8:53	M1292501	Order has been created	{ "order_id": "70921771", "is_reseller_transaction": "false", "net_sell_price": "24.189999999999998", "buy_price": "101.167.55.49" }	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Order has been created	{ "order_id": "70921773", "is_reseller_transaction": "false", "net_sell_price": "118.8", "buy_price": "9.400000" }	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Change Product Status	Status of Product ID #945427 was updated from Renewal Due (10) to Unpaid (1)	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Domain, rsgrroupaustralia.com	reiStatus: Unpaid	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Group Email - renewed	Status: Unpaid	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Member Login	Login from token	101.167.55.49	Townsville, QLD
16/12/2020 8:56	M1292501	Member Login	Login from two factor auth token	101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Credit card, 5163XXXXXXX3592 (mastercard) with expiry, 05/2024 added		101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Order has been updated in pay ur { "order_data": { "order_id": "70921771", "product_id": "1946341", "sell_price": "21.989999999999998", "buy_price": "101.167.55.49" }, "order_id": "70921773", "product_id": "945427", "sell_price": "108.00", "product_price": "101.167.55.49" }		101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Change Product Status	Status of product ID #945427 was updated from Unpaid (1) to Pending Fraud Check (19)	101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Payment made for invoice #44900025		101.167.55.49	Townsville, QLD
28/03/2021 7:12	M1292501	Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
29/03/2021 14:40	M1292501	Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
30/03/2021 18:01	M1292501	Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
20/04/2021 8:31	M1292501	Member Login	Login from two factor auth token	103.100.225.171	Kangaroo Point, QLD
22/04/2021 16:24	M1292501	Member Login	Login from two factor auth token	101.167.29.235	Townsville, QLD
27/04/2021 11:43	M1292501	Member Login	Login from two factor auth token	101.167.29.235	Townsville, QLD
2/05/2021 11:27	M1292501	Member Login	Login from two factor auth token	49.176.161.46	Sydney
2/05/2021 11:27	M1292501	Member Login	Login from two factor auth token	49.176.161.46	Mascot, NSW
6/05/2021 10:10	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth, WA
6/05/2021 12:08	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth, WA
6/05/2021 10:10	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth
6/05/2021 12:08	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth

8/05/2021 14:58	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth
8/05/2021 16:11	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth
10/05/2021 15:29	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
10/05/2021 15:56	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
17/05/2021 17:39	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
17/05/2021 18:30	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
22/05/2021 4:42	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
24/05/2021 16:07	M1292501	Member Login	Login from two factor auth token	175.103.23.226	Sydney



**Certificate Identifying Annexure**  
**"BRS-16"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-16" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 25 August 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

















[Form approved 01/08/2011]

421

Create Account

☒ Send welcome email with mail client configuration instructions.

## Email Accounts

Search Email	Search	Page Size	10
ACCOUNT @ DOMAIN	USAGE / QUOTA / %	ACTIONS	
adam@rsgroupaustralia.com	394 / ∞ MB	   	
admin@rsgroupaustralia.com	268 / ∞ MB	   	
ben@rsgroupaustralia.com	622 / ∞ MB	   	
emma@rsgroupaustralia.com	799 / ∞ MB	<div>Access Webmail Set Up Mail Client</div>	
ers@rsgroupaustralia.com	109 / 1024 MB		
jen@rsgroupaustralia.com	858 / ∞ MB	   	

**Certificate Identifying Annexure**  
**"BRS-17"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-17" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 25 August 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

[Form approved 01/08/2011]

423



## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 22/07/2021 3:39:23 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged:	Subpoena to Produce Documents - Form 43B - Rule 24.13(1)(b)
File Number:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Return of Subpoena
Time and date for hearing:	04/08/2021, 9:30 AM
Place:	Court Room 19B, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



Dated: 22/07/2021 3:47:57 PM AEST

A handwritten signature in blue ink that reads "Sia Lagos".

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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.

LAST DATE FOR SERVICE IS 27 JULY 2021 BY C.O.B.



## Subpoena to produce documents

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

### Ben Roberts-Smith VC MG

Applicant

### Emma Roberts

First Respondent

### RS Group Australia Pty Ltd (ACN 152 427 597)

Second Respondent

To: The Proper Officer  
Telstra Corporation Limited ACN 051 775 556  
Level 41, 242 Exhibition Street  
MELBOURNE VIC 3000

**You are ordered to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents. See next page for details.**

**Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.**

Please read Notes 1 to 13 at the end of this subpoena.

The last date for service of this subpoena is 27 July 2021 (See Note 1)

Date:

Signed by an officer acting with the authority  
of the District Registrar

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant
Prepared by (name of person/lawyer)	Mark O'Brien
Law firm (if applicable)	Mark O'Brien Legal
Tel	+61 2 9216 9898
Fax	-
Email	<a href="mailto:mark.obrien@markobrienlegal.com.au">mark.obrien@markobrienlegal.com.au</a> ; <a href="mailto:monica.allen@markobrienlegal.com.au">monica.allen@markobrienlegal.com.au</a>
Address for service (include state and postcode)	Level 19, 68 Pitt Street, Sydney, New South Wales 2000

425





Issued at the request of Ben Roberts-Smith VC MG, whose address for service is:

Place: c/- Mark O'Brien Legal, Level 19, 68 Pitt Street, Sydney, New South Wales, 2000

Email: [mark.obrien@markobrienlegal.com.au](mailto:mark.obrien@markobrienlegal.com.au) and [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

### **Details of subpoena**

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule of documents below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule of documents below to the Registrar at the address below, or if there is more than one address below, at any one of those addresses, so that they are received not less than 2 clear business days before the date specified for attendance and production. (See Notes 5–9)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things, unless you receive a notice of a later date or time from the issuing party, in which case the later date or time is substituted:

Date: 4 August 2021

Time: 9.30am

Place: Federal Court of Australia, Law Courts Building, Queens Square, Sydney NSW 2000

Address, or any address, to which the subpoena (or copy) and documents or things may be delivered or posted:

The Registrar  
Federal Court of Australia  
New South Wales District Registry  
Locked Bag A6000  
Sydney South NSW 1235





### Schedule of documents

The documents and things you must produce are as follows:

1. Documents indicating the names and addresses of account holders of the following IP addresses between 1 January 2020 and 30 June 2021:
  - a. 144.131.199.202
  - b. 147.209.220.36
  - c. 43.245.28.249
  - d. 101.162.71.21
  - e. 58.96.40.170
  - f. 101.177.12.131
  - g. 147.209.220.37
  - h. 1.132.109.104
  - i. 1.128.104.208
  - j. 1.128.105.76
  - k. 121.217.77.33
  - l. 144.131.200.28
  - m. 121.208.66.46
  - n. 1.132.108.126
  - o. 121.208.85.189
  - p. 101.162.75.87
  - q. 1.132.111.153
  - r. 101.167.63.220
  - s. 101.167.55.49



- t. 101.167.43.198
  - u. 101.167.29.235
  - v. 101.167.82.244
  - w. 175.103.23.226
2. The IP address of any Telstra account registered at the following addresses between 1 January 2020 and 30 June 2021:
- a. 665 Ilkley Road, Ilkley, Queensland 4554
  - b. 10 Hunter Street, Indooroopilly, Queensland 4068
  - c. 2 Whelk Close, Trinity Beach, Queensland 4879



## **Notes**

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for service of the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a corporation**

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

### **Conduct money**

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date your attendance is required.

### **Production of subpoena or copy of it and documents or things by delivery or post**

5. If this subpoena requires production of the subpoena (or a copy of it) and a document or thing, instead of attending to produce the subpoena (or a copy of it) and the document or thing, you may comply with the subpoena by delivering or sending the subpoena (or a copy of it) and the document or thing to the Registrar:
  - (a) at the address specified in the subpoena for the purpose; or
  - (b) if more than one address is specified - at any of those addresses;so that they are received not less than 2 clear business days before the date specified in the subpoena for attendance and production, or if you receive notice of a later date from the issuing party, before the later date or time.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.



**Production of a number of documents or things**

8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.

**Production of copy instead of original**

9. You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the subpoena requires you to produce.
- 9A. The copy of a document may be:
- (a) a photocopy; or
  - (b) in an electronic form in any of the following electronic formats:
    - .doc and .docx – Microsoft Word documents
    - .pdf – Adobe Acrobat documents
    - .xls and .xlsx – Microsoft Excel spreadsheets
    - .jpg – image files
    - .rtf – rich text format
    - .gif – graphics interchange format
    - .tif – tagged image format

**Applications in relation to subpoena**

10. You have the right to apply to the Court:
- (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
  - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

**Loss or expense of compliance**

11. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs, reasonably incurred in complying with the subpoena.

**Contempt of court - arrest**

12. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
13. Note 12 is without prejudice to any power of the Court under any rules of the Court (including any rules of the Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.



**Certificate Identifying Annexure**  
**"BRS-18"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-18" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 25 August 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

[Form approved 01/08/2011]

431

10 August 2021

The Registrar  
Federal Court of Australia - NSW Registry  
Level 17  
184 Phillip St  
Queens Square, Sydney  
NSW 2000

Dear Sir or Madam

In the matter of: **Ben Roberts-Smith VC MG v Emma Roberts & Anor**

I refer to the subpoena for production of records in the above matter addressed to Telstra Corporation ("Telstra"). A copy of the subpoena is enclosed. I respond accordingly as follows:

1. Telstra was unable to perform a query on the following mobile IP addresses as source port number is required.
  - a. 1.132.109.104
  - b. 1.128.104.208
  - c. 1.128.105.76
  - d. 1.132.108.126
  - e. 1.132. 111 .153
2. Telstra is unable to perform a query on the following non-Telstra IP addresses.
  - a. 147.209.220.36
  - b. 43.245.28.249
  - c. 58.96.40.170
  - d. 147.209.220.37
  - e. 175.103.23.226
3. Mark O'brien Legal has provided Telstra with a list of corresponding dates and time for the following IP addresses. A query was performed for on the first date that the IP address appears on the list.
  - a. A query performed on IP address **144.131.199.202** on **20/01/2020 at 16:30 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure A**.
  - b. A query performed on IP address **101.162.71.21** on **23/01/2020 at 15:52 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure B**.

Cont.

- c. A query performed on IP address **101.177.12.131** on **27/01/2020 at 13:38 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure C**.
  - d. A query performed on IP address **121.217.77.33** on **12/02/2020 at 17:45 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure D**.
  - e. A query performed on IP address **144.131.200.28** on **15/02/2020 at 05:57 AEST** produced records identifying the username **jess.simpson97@bigpond.com**. The result is attached as **Annexure E**.
  - f. A query performed on IP address **121.208.66.46** on **21/02/2020 at 04:11 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure F**.
  - g. A query performed on IP address **121.208.85.189** on **28/02/2020 at 14:43 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure G**.
  - h. A query performed on IP address **101.162.75.87** on **5/04/2020 at 18:44 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure H**.
  - i. A query performed on IP address **101.167.63.220** on **11/08/2020 at 06:01 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure i**.
  - j. A query performed on IP address **101.167.55.49** on **16/12/2020 at 08:53 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure J**.
  - k. A query performed on IP address **101.167.43.198** on **28/03/2021 at 07:12 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure K**.
  - l. A query performed on IP address **101.167.29.235** on **22/04/2021 at 16:24 AEST** produced records identifying the username **darren.phil@bigpond.com**. The result is attached as **Annexure L**.
4. Subscriber information for usernames **darren.phil@bigpond.com** and **jess.simpson97@bigpond.com** are attached as **Annexure M**.
5. A query performed on **665 Ilkley Road, Ilkley, Queensland 4554** did not produce any Telstra accounts.

Cont.

6. A query performed on **665 Ilkley Road, Ilkley, Queensland 4554** did not produce a Telstra account with an internet service.
7. A query performed on **2 Whelk Close, Trinity Beach, Queensland 4879** did not produce a Telstra account with an internet service.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Vive Renganathan', with a stylized, flowing script.

Vive Renganathan  
Security Liaison Officer  
Law Enforcement Liaison  
Operations Security and Enablement, Networks and IT



Request Summary: Internet Subscriber

Summary

CSP Reference: 2149911  
Agency Reference: Subpoena 21-22-051 A 144, 131, 199, 202  
Request Completion Duration: 14 second(s)  
Date Submitted: 05-Aug-2021 11:57:11  
Completed On: 05-Aug-2021 11:57:25  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 11:57:11  
Date To: 20-Jan-2020 16:30:00 - Australia/Brisbane (AEST)  
IPv4 Address: 144.131.199.202  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 11:57:14  
Total Result Count : 3  
Results for table : Multiple Source Record Table  
Result count : 3  
Date/Time UTC  
2020-01-19T16:19:10.000Z  
2020-01-19T18:38:58.000Z  
2020-01-20T06:23:56.000Z

Data Source	Event Type	Access Type	IMEI	IMSI	MSISDN	CGI	eCGI	Username	Service Identifier	Ops Handle
T-AAA Dumptruck	Start/Interim	nbn						darren.phil@bigpond.com	avc000031522388	
NII-DHCPv4	DHCPv4-DHCPACK									
NII-RADIUS	RADACCT-Interim-Update							avc000031522388	avc000031522388	

Request Summary: Internet Subscriber

Summary

CSP Reference: 2149919  
Agency Reference: Subpoena 21-22-051 B 101.162.71.21  
Request Completion Duration: 17 second(s)  
Date Submitted: 05-Aug-2021 12:01:06  
Completed On: 05-Aug-2021 12:01:23  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:01:06  
Date To: 23-Jan-2020 15:52:00 - Australia/Brisbane (AEST)  
IPv4 Address: 101.162.71.21  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:01:16  
Total Result Count : 3

Results for table : Multiple Source Record Table

Result count : 3	Date/Time UTC	Data Source	Event Type	Access Type	IMEI	IMSI	MSISDN	CGI	ecGI	Username	Service Identifier	Ops Handle
	2020-01-23T01:35:06.000Z	T-AAA Dumphruck	Start/Interim	nbn						darren.phil@bigpond.com	avc000031522388	
	2020-01-23T02:05:02.000Z	NII-DHCPv4	DHCPv4-DHCPACK									
	2020-01-23T05:49:56.000Z	NII-RADIUS	RADACCT-Interim-Update							avc000031522388		

Request Summary: Internet Subscriber

Summary

CSP Reference: 2149923  
Agency Reference: Subpoena 21-22-051 C 101.177.12.131  
Request Completion Duration: 13 second(s)  
Date Submitted: 05-Aug-2021 12:02:22  
Completed On: 05-Aug-2021 12:02:35  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:02:22  
Date To: 27-Jan-2020 13:38:00 - Australia/Brisbane (AEST)  
IPv4 Address: 101.177.12.131  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:02:26  
Total Result Count : 3

Results for table : Multiple Source Record Table

Result count : 3		
Date/Time UTC	Data Source	Event Type
2020-01-26T16:17:39.000Z	T-AAA Dumptruck	Start/Interim
2020-01-27T02:56:14.000Z	NII-DHCPv4	DHCPv4-DHCPACK
2020-01-27T03:37:49.000Z	NII-RADIUS	RADACCT-Interim-Update

Access Type	IMEI	IMSI	MSISDN	CGI	eCGI	Username	Service Identifier	Ops Handle
nbn						darren.phil@bigpond.com	avc000031522388	
						avc000031522388	avc000031522388	

Request Summary: Internet Subscriber

Summary

CSP Reference: 2149927  
Agency Reference: Subpoena 21-22-051 D 121.217.77.33  
Request Completion Duration: 12 second(s)  
Date Submitted: 05-Aug-2021 12:05:03  
Completed On: 05-Aug-2021 12:05:15  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:05:03  
Date To: 12-Feb-2020 17:45:00 - Australia/Brisbane (AEST)  
IPv4 Address: 121.217.77.33  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:05:07  
Total Result Count : 4

Results for table : Multiple Source Record Table

Result count : 4							
Date/Time UTC	Data Source	Event Type	Access Type	IMEI	MSI	MSISDN	Ops Handle
2020-02-11T13:00:00.000Z	TID		Ethernet				
2020-02-11T23:21:58.000Z	T-AAA Dumpttruck	Start/Interim	nbn				N2066522R
2020-02-11T23:51:51.000Z	NII-DHCPv4	DHCPv4-DHCPACK					awc000031522388
2020-02-12T07:36:54.000Z	NII-RADIUS	RADACCT-Interim-Update					awc000031522388



Request Summary: Internet Subscriber

Summary

CSP Reference: 2149931  
Agency Reference: Subpoena 21-22-051 E 144.131.200.28  
Request Completion Duration: 21 second(s)  
Date Submitted: 05-Aug-2021 12:06:29  
Completed On: 05-Aug-2021 12:06:50  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:06:29  
Date To: 15-Feb-2020 05:57:00 - Australia/Brisbane (AEST)  
IPv4 Address: 144.131.200.28  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:06:38  
Total Result Count : 3

Results for table : Multiple Source Record Table

Result count : 3	Date/Time UTC	Data Source	Event Type	Access Type	IMEI	MSI	MSISDN	CGI	eCGI	Username	Service Identifier
	2020-02-14T19:00:14.000Z	NIL-DHCPv4	DHCPv4-DHCPACK							jess.simpson97@bigpond.com	avc000100146490
	2020-02-14T19:00:24.000Z	T-AAA Dumpttruck	Start/Interim	nbn							
	2020-02-14T19:56:46.000Z	NIL-RADIUS	RADACCT-Interim-Update							avc000100146490	



Request Summary: Internet Subscriber

Summary

CSP Reference: 2149935  
Agency Reference: Subpoena 21-22-051 F 121.208.66.46  
Request Completion Duration: 29 second(s)  
Date Submitted: 05-Aug-2021 12:07:29  
Completed On: 05-Aug-2021 12:07:58  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:07:29  
Date To: 21-Feb-2020 04:11:00 - Australia/Brisbane (AEST)  
IPv4 Address: 121.208.66.46  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:07:38  
Total Result Count : 4

Results for table : Multiple Source Record Table

Result count : 4											
Date/Time UTC	Data Source	Event Type	Access Type	IMEI	MSI	MSISDN	CGI	eCGI	Username	Service Identifier	Ops Handle
2020-02-20T13:00:00.000Z	TID		ADSL						telstr0	N7824052R	telstr
2020-02-20T15:13:13.000Z	NII-DHCPv4	DHCPv4-DHCPACK									
2020-02-20T16:18:17.000Z	T-AAA Dumptruck	Start/Interim	nbn						darren.phil@bigpond.com	awc000031522388	
2020-02-20T18:09:44.000Z	NII-RADIUS	RADACCT-Interim-Update							awc000031522388		

Request Summary: Internet Subscriber

Summary

CSP Reference: 2149937  
Agency Reference: Subpoena 21-22-051 G 121.208.85.189  
Request Completion Duration: 15 second(s)  
Date Submitted: 05-Aug-2021 12:08:35  
Completed On: 05-Aug-2021 12:08:50  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:08:35  
Date To: 28-Feb-2020 14:43:00 - Australia/Brisbane (AEST)  
IPv4 Address: 121.208.85.189  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:08:39  
Total Result Count : 4

Results for table : Multiple Source Record Table

Result count : 4			
Date/Time UTC	Data Source	Event Type	Access Type
2020-02-27T13:00:00.000Z	TID		ADSL
2020-02-28T03:22:05.000Z	T-AAA Dumptruck	Start/Interim	nbn
2020-02-28T03:51:57.000Z	NII-DHCPv4	DHCPv4-DHCPACK	
2020-02-28T04:36:48.000Z	NII-RADIUS	RADACCT-Interim-Update	

Username	Service Identifier	Ops Handle
telstr0	N7824052R	telstr
darren.phill@bigpond.com	avc000031522388	
avc000031522388	avc000031522388	



Request Summary: Internet Subscriber

Summary

CSP Reference: 2149943  
Agency Reference: Subpoena 21-22-051 H 101.162.75.87  
Request Completion Duration: 16 second(s)  
Date Submitted: 05-Aug-2021 12:09:51  
Completed On: 05-Aug-2021 12:10:07  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:09:51  
Date To: 05-Apr-2020 18:44:00 - Australia/Brisbane (AEST)  
IPv4 Address: 101.162.75.87  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:09:59  
Total Result Count : 3

Results for table : Multiple Source Record Table

Result count : 3	Date/Time UTC	Data Source	Event Type	Access Type	IMEI	MSI	MSISDN	CGI	eCGI	Username	Service Identifier	Ops Handle
	2020-04-04T16:17:38.000Z	T-AAA Dumphruck	Start/Interim	nbn						darren.phil@bigpond.com	avc000031522388	
	2020-04-05T03:07:26.000Z	NII-DHCPv4	DHCPv4-DHCPACK									
	2020-04-05T08:37:17.000Z	NII-RADIUS	RADACCT-Interim-Update							avc000031522388		

Request Summary: Internet Subscriber

Summary

CSP Reference: 2149945  
Agency Reference: Subpoena 21-22-051 i 101.167.63.220  
Request Completion Duration: 18 second(s)  
Date Submitted: 05-Aug-2021 12:10:53  
Completed On: 05-Aug-2021 12:11:11  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:10:53  
Date To: 11-Aug-2020 06:01:00 - Australia/Brisbane (AEST)  
IPv4 Address: 101.167.63.220  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:10:59  
Total Result Count : 3  
Results for table : Multiple Source Record Table

Result count : 3		
Date/Time UTC	Data Source	Event Type
2020-08-10T15:34:01.000Z	NIL-DHCPv4	DHCPv4-DHCPACK
2020-08-10T16:19:00.000Z	T-AAA Dumptruck	Start/Interim
2020-08-10T19:49:17.000Z	NIL-RADIUS	RADACCT-Interim-Update
Access Type	IMEI	IMSI
nbn		
CGI	eCGI	Username
		darren.phill@bigpond.com
Service Identifier	Ops Handle	
avc000031522388		
avc000031522388		

Request Summary: Internet Subscriber

Summary

CSP Reference: 2149949  
Agency Reference: Subpoena 21-22-051 J 101.167.55.49  
Request Completion Duration: 20 second(s)  
Date Submitted: 05-Aug-2021 12:11:51  
Completed On: 05-Aug-2021 12:12:11  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:11:51  
Date To: 16-Dec-2020 08:53:00 - Australia/Brisbane (AEST)  
IPv4 Address: 101.167.55.49  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:12:00  
Total Result Count : 3

Results for table : Multiple Source Record Table

Result count : 3		
Date/Time UTC	Data Source	Event Type
2020-12-15T16:16:54.000Z	T-AAA Dumptruck	Start/Interim
2020-12-15T17:18:37.000Z	NII-DHCPv4	DHCPv4-DHCPACK
2020-12-15T22:49:42.000Z	NII-RADIUS	RADACCT-Interim-Update

Access Type	IMEI	IMSI	MSISDN	CGI	eCGI	Username	Service Identifier	Ops Handle
nbn						darren.phil@bigpond.com	avc000031522388	

avc000031522388

Request Summary: Internet Subscriber

Summary

CSP Reference: 2149951  
Agency Reference: Subpoena 21-22-051 K 101.167.43.198  
Request Completion Duration: 17 second(s)  
Date Submitted: 05-Aug-2021 12:12:51  
Completed On: 05-Aug-2021 12:13:08  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:12:51  
Date To: 28-Mar-2021 07:12:00 - Australia/Brisbane (AEST)  
IPv4 Address: 101.167.43.198  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:13:00  
Total Result Count : 2

Results for table : Multiple Source Record Table

Result count : 2  
Date/Time UTC  
2021-03-27T16:17:02.000Z  
2021-03-27T20:46:43.000Z

Data Source  
T-AAA Dumptruck  
NII-RADIUS

Event Type  
Start/Interim  
RADACCT-Interim-Update

Access Type  
nbn  
IMEI  
IMSI  
MSISDN  
CGI  
eCGI

Username  
darren.phil@bigpond.com  
awc000031522388

Service Identifier  
awc000031522388

Ops Handle



Request Summary: Internet Subscriber

Summary

CSP Reference: 2149957  
Agency Reference: Subpoena 21-22-051 L 101.167.29.235  
Request Completion Duration: 8 second(s)  
Date Submitted: 05-Aug-2021 12:13:59  
Completed On: 05-Aug-2021 12:14:07  
Submitted By: LEL Queries for DR data  
Assigned To: Vive Renganathan

Status: Complete

More Details

Organisation making Request: ZZZInternal - LEL Agency

Relevant Legislation: LEL Legislation for DR  
Case Agency Reference: Subpoena 21-22-051  
Request Type: Internet Subscriber  
Repeat Interval: Non Repeatable  
Priority: Routine  
Execution Start Date: 05-Aug-2021 12:13:59  
Date To: 22-Apr-2021 16:24:00 - Australia/Brisbane (AEST)  
IPv4 Address: 101.167.29.235  
IPv6 Address:  
IPv4 Port:

GST EXCL AMT: \$18.00

Results

Query Start Time : 05-Aug-2021 12:14:00  
Total Result Count : 3

Results for table : Multiple Source Record Table

Result count : 3	Date/Time UTC	Data Source	Event Type	Access Type	IMEI	MSI	MSISDN	CGI	eCGI	Username	Service Identifier	Ops Handle
	2021-04-21T16:18:49.000Z	T-AAA Dumphruck	Start/Interim	nbn						darren.phil@bigpond.com	avc000031522388	
	2021-04-22T06:16:11.000Z	NII-DHCPv4	DHCPv4-DHCPACK									
	2021-04-22T06:16:22.000Z	NII-RADIUS	RADACCT-Interim-Update							avc000031522388		

Username: darren.phil@bigpond.com

Access: NBN (Activated 09/02/2017)  
AVC000031522388

Account Status: Active

Account Created: 23-May-2011 11:36:42 AM

Billing Account Number: 2000261238495

Account Holder Details: 2 WHELK CL, ,TRINITY BEACH,QLD,4879

Legal Lessee: MR DARREN GRAHAM PILL DOB: 18/03/1968  
Full Authority: MS DANIELLE SCOTT DOB: 21/02/1976  
Asset User: MRS DANIELLE CHRISTINE SCOTT DOB: 21/02/1976

Bill to Email Address: dscottfl@bigpond.com

---

Username: jess.simpson97@bigpond.com

Access (For date requested):  
NBN (Activated 07/02/2020 Disconnected 25/03/2020)  
AVC000100146490

Current Account Status: Active Applications & Entertainment Services – Inactive Telstra Internet

Account Created: 21-Feb-2019 12:31:08 PM

Billing Account Number: 2000652533868

Account Holder Details: 100 - 102 NUCIFORA ACCS, ,GORDONVALE,QLD,4865

Legal Lessee: MR BRYCE LANING DOB: 26/08/1992  
Full Authority: JESSICA SIMPSON DOB: 04/03/1997

Bill to Email Address: admin@cwater.com.au

**Certificate Identifying Annexure**  
**"BRS-19"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-19" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 25 August 2021.

Before me:



.....  
Signature of person taking affidavit

---

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9815 Fax -  
Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)  
**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

Action Date	Performed By	Action	Description	IP Address	Location
20/01/2020 16:30	M1292501	Member Login	Login from two factor auth token	144.131.199.202	Smithfield, QLD
20/01/2020 17:37	M1292501	Member Login	Login from two factor auth token	144.131.199.202	Smithfield, QLD
20/01/2020 19:54	M1292501	Member Login	Login from two factor auth token	144.131.199.202	Smithfield, QLD
21/01/2020 19:22	M1292501	Member Login	Login from two factor auth token	147.209.220.36	Brisbane, QLD
21/01/2020 19:36	M1292501	Member Login	Login from two factor auth token	43.245.28.249	Sydney, NSW
21/01/2020 19:40	M1292501	Member Login	Login from two factor auth token	43.245.28.249	Sydney, NSW
22/01/2020 4:32	M1292501	Member Login	Login from two factor auth token	43.245.28.249	Sydney, NSW
23/01/2020 15:52	M1292501	Member Login	Login from two factor auth token	101.162.71.21	Townsville, QLD
24/01/2020 5:10	M1292501	Member Login	Login from two factor auth token	101.162.71.21	Townsville, QLD
26/01/2020 17:29	M1292501	Member Login	Login from two factor auth token	58.96.40.170	Brisbane, QLD
27/01/2020 5:04	M1292501	Member Login	Login from two factor auth token	58.96.40.170	Brisbane, QLD
27/01/2020 13:38	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
27/01/2020 14:53	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
27/01/2020 17:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
27/01/2020 19:09	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 4:22	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 12:51	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 17:12	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 19:15	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 19:16	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
28/01/2020 19:17	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 6:21	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 9:10	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 13:09	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
29/01/2020 19:15	M1292501	Member Login	Login from two factor auth token	147.209.220.37	Brisbane, QLD
30/01/2020 12:03	M1292501	Member Login	Login from two factor auth token	1.132.109.104	Zillmere, QLD
30/01/2020 12:17	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
30/01/2020 19:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
31/01/2020 4:14	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
31/01/2020 17:52	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
1/02/2020 6:06	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
1/02/2020 15:24	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
2/02/2020 13:33	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
2/02/2020 19:07	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 4:59	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 9:59	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 15:20	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 18:57	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
3/02/2020 20:10	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 4:01	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 18:35	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 21:39	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
4/02/2020 21:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
5/02/2020 19:31	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
6/02/2020 4:37	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
6/02/2020 17:52	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
6/02/2020 19:43	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
7/02/2020 3:56	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
7/02/2020 15:03	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD



8/02/2020 5:45	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
8/02/2020 7:06	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
8/02/2020 19:09	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 5:55	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 8:40	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 9:23	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 11:28	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 11:28	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 13:30	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 14:21	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 18:31	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
9/02/2020 19:12	M1292501	Member Login	Login from two factor auth token	101.177.12.131	Goldsborough, QLD
10/02/2020 3:58	M1292501	Member Login	Login from two factor auth token	1.128.104.208	Murrumba Downs, QLD
10/02/2020 18:24	M1292501	Member Login	Login from two factor auth token	1.128.104.208	Murrumba Downs, QLD
11/02/2020 3:59	M1292501	Member Login	Login from two factor auth token	1.128.104.208	Murrumba Downs, QLD
11/02/2020 19:15	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 4:33	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 6:56	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 7:17	M1292501	Member Login	Login from two factor auth token	1.128.105.76	Paddington, QLD
12/02/2020 17:45	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
12/02/2020 19:49	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 4:05	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 17:27	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 17:57	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
13/02/2020 18:41	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
14/02/2020 3:53	M1292501	Member Login	Login from two factor auth token	121.217.77.33	Townsville, QLD
14/02/2020 15:05	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
15/02/2020 5:57	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
15/02/2020 8:36	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
16/02/2020 10:04	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
16/02/2020 11:40	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
17/02/2020 4:12	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
17/02/2020 7:37	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
18/02/2020 5:03	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
20/02/2020 10:48	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
20/02/2020 16:58	M1292501	Member Login	Login from two factor auth token	144.131.200.28	Townsville, QLD
21/02/2020 4:11	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
21/02/2020 15:43	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
22/02/2020 6:16	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
22/02/2020 8:49	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
22/02/2020 13:51	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
23/02/2020 6:00	M1292501	Member Login	Login from two factor auth token	193.37.32.46	Singapore
23/02/2020 19:06	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
24/02/2020 4:05	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
24/02/2020 17:51	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
24/02/2020 18:32	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD

24/02/2020 20:18	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
25/02/2020 3:56	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
25/02/2020 18:05	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
26/02/2020 3:58	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
26/02/2020 7:06	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
26/02/2020 11:51	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
27/02/2020 3:55	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
27/02/2020 16:29	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
27/02/2020 18:59	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
28/02/2020 3:55	M1292501	Member Login	Login from two factor auth token	121.208.66.46	Townsville, QLD
28/02/2020 12:34	M1292501	Member Login	Login from two factor auth token	1.132.108.126	Chernside West, QLD
28/02/2020 14:43	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 16:44	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 18:22	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 18:55	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 18:56	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 19:29	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
28/02/2020 19:30	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
3/03/2020 15:07	M1292501	Member Login	Login from two factor auth token	121.208.85.189	Smithfield, QLD
6/03/2020 15:20	M1292501	Member Login	Login from two factor auth token	101.162.75.87	Townsville, QLD
5/04/2020 18:44	M1292501	Member Login	Login from token	101.162.75.87	Townsville, QLD
30/04/2020 12:05	M1292501	Member Login	Login from token	1.132.111.153	The Gap, QLD
18/05/2020 14:07	M1292501	Member Login	Login from two factor auth token	101.167.14.82	Townsville, QLD
16/06/2020 18:42	M1292501	Member Login	Login from two factor auth token	101.167.63.220	Townsville, QLD
11/08/2020 6:01	M1292501	Member Login	Login from two factor auth token	101.167.63.220	Townsville, QLD
11/08/2020 9:09	M1292501	Member Login	Login from two factor auth token	101.167.63.220	Townsville, QLD
16/12/2020 8:53	M1292501	Order has been created	{ "order_id": "70921771", "is_reseller_transaction": "false", "net_sell_price": "24.189999999999998", "buy_price": "101.167.55.49" }	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Order has been created	{ "order_id": "70921773", "is_reseller_transaction": "false", "net_sell_price": "118.8", "buy_price": "9.400000" }	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Change Product Status	Status of Product ID #945427 was updated from Renewal Due (10) to Unpaid (1)	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Domain, rsgrroupaustralia.com	reiStatus: Unpaid	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Group Email - renewed	Status: Unpaid	101.167.55.49	Townsville, QLD
16/12/2020 8:53	M1292501	Member Login	Login from token	101.167.55.49	Townsville, QLD
16/12/2020 8:56	M1292501	Member Login	Login from two factor auth token	101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Credit card, 5163XXXXXXX3592 (mastercard) with expiry 05/2024 added		101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Order has been updated in pay ur { "order_data": { "order_id": "70921771", "product_id": "1946341", "sell_price": "21.989999999999998", "buy_price": "101.167.55.49" }		101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Order has been updated in pay ur { "order_data": { "order_id": "70921773", "product_id": "945427", "sell_price": "108.00", "product_price": "101.167.55.49" }		101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Change Product Status	Status of product ID #945427 was updated from Unpaid (1) to Pending Fraud Check (19)	101.167.55.49	Townsville, QLD
16/12/2020 8:57	M1292501	Payment made for invoice #44900025		101.167.55.49	Townsville, QLD
28/03/2021 7:12	M1292501	Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
29/03/2021 14:40	M1292501	Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
30/03/2021 18:01	M1292501	Member Login	Login from two factor auth token	101.167.43.198	Townsville, QLD
20/04/2021 8:31	M1292501	Member Login	Login from two factor auth token	103.100.225.171	Kangaroo Point, QLD
22/04/2021 16:24	M1292501	Member Login	Login from two factor auth token	101.167.29.235	Townsville, QLD
27/04/2021 11:43	M1292501	Member Login	Login from two factor auth token	101.167.29.235	Townsville, QLD
2/05/2021 11:27	M1292501	Member Login	Login from two factor auth token	49.176.161.46	Sydney
2/05/2021 11:27	M1292501	Member Login	Login from two factor auth token	49.176.161.46	Mascot, NSW
6/05/2021 10:10	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth, WA
6/05/2021 12:08	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth, WA
6/05/2021 10:10	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth
6/05/2021 12:08	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth

8/05/2021 14:58	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth
8/05/2021 16:11	M1292501	Member Login	Login from two factor auth token	203.59.224.103	Perth
10/05/2021 15:29	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
10/05/2021 15:56	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
17/05/2021 17:39	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
17/05/2021 18:30	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
22/05/2021 4:42	M1292501	Member Login	Login from two factor auth token	101.167.82.244	Townsville
24/05/2021 16:07	M1292501	Member Login	Login from two factor auth token	175.103.23.226	Sydney

**Certificate Identifying Annexure**  
**"BRS-20"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "BRS-20" now produced and shown to BEN ROBERTS-SMITH at the time of swearing his affidavit on 25 August 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9815

Fax -

Email [Paul.svilans@markobrienlegal.com.au](mailto:Paul.svilans@markobrienlegal.com.au); [monica.allen@markobrienlegal.com.au](mailto:monica.allen@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

[Form approved 01/08/2011]

454





IP Details For: 147.209.220.36

Decimal:	2480004132
Hostname:	147.209.220.36
ASN:	17750
ISP:	ENERGEX
Organization:	ENERGEX
Services:	None detected
Type:	<u>Corporate (/corporate)</u>
Assignment:	<u>Likely Static IP (/dynamic-static)</u>
Continent:	Oceania
Country:	Australia
State/Region:	Queensland
City:	Brisbane



Leaflet (<https://leafletjs.com>) | © OpenStreetMap Terms (<http://www.openstreetmap.org/copyright>)

Latitude: 27.4670 (27° 28' 4.44" S)



**GET PAID FASTER**  
with professional invoicing

TRY FOR FREE

455



## User Comments About 147.209.220.36

No comments. Be the first to add one.

Enter up to 500 characters in your comment about this IP address.  
If you have a question contact support (/contact) or post in the community  
([//forums.whatismyipaddress.com/viewforum.php?f=3](https://forums.whatismyipaddress.com/viewforum.php?f=3)).

**POST COMMENT**





## MY IP

([HTTPS://WHATISMYIPADDRESS.COM/](https://whatismyipaddress.com/))

## IP LOOKUP

([HTTPS://WHATISMYIPADDRESS.COM/IP-LOOKUP](https://whatismyipaddress.com/ip-lookup))

**HIDE MY IP**

([HTTPS://WHATISMYIPADDRESS.COM/HIDE-IP](https://whatismyipaddress.com/hide-ip))

VPNS ▼

**TOOLS ▾**

LEARN ▼

([HTTPS://WHATISMYIPADDRESS.COM/LEARNING](https://whatismyipaddress.com/learning))

## Privacy Policy

(<https://whatismyipaddress.com/privacy-policy>)

## Terms of Use

(<https://whatismyipaddress.com/terms-of-use>)

Media

(<https://whatismyipaddress.com/media>)

## Community

(<https://forums.whatismyipaddress.com/>)

## About

(<https://whatismyipaddress.com/about>)

## Contact

(<https://whatismyipaddress.com/contact>)



book  
(http://www.facebook.com/



ter  
(http://  
2000  
ps./  
/twi  
tter.  
co  
m/  
wim  
ia)



agr  
am  
21 W  
(htt  
ps:/  
Right  
/ww  
w.in  
stag  
ram  
.co  
m/



ere  
st  
Is My  
(http  
ps:/  
eserv  
/ww  
w.pi  
nter  
est.  
co  
m/



Address (http://www.linkedin.com/c



Tube  
(<https://www.youtube.com/c>

© 2000-2021 What Is My IP Address.

All Rights Reserved



IP Details For: 147.209.220.37

Decimal:	2480004133
Hostname:	147.209.220.37
ASN:	17750
ISP:	ENERGEX
Organization:	ENERGEX
Services:	None detected
Type:	<u>Corporate (/corporate)</u>
Assignment:	<u>Likely Static IP (/dynamic-static)</u>
Continent:	Oceania
Country:	Australia
State/Region:	Queensland
City:	Brisbane



Latitude: 27 46'30" S (27° 28' 14.44" S)





## User Comments About 147.209.220.37

No comments. Be the first to add one.

Enter up to 500 characters in your comment about this IP address.  
If you have a question contact support (/contact) or post in the community  
([//forums.whatismyipaddress.com/viewforum.php?f=3](https://forums.whatismyipaddress.com/viewforum.php?f=3)).

POST COMMENT





WhatIsMyIPAddress.com

What's My IP Address  
(<https://whatismyipaddress.com>)

(<https://whatismyipaddress.com>)

([HTTPS://WHATISMYIPADDRESS.COM/](https://whatismyipaddress.com/))

([HTTPS://WHATISMYIPADDRESS.COM/IP-LOOKUP](https://whatismyipaddress.com/ip-lookup))

([HTTPS://WHATISMYIPADDRESS.COM/HIDE-IP](https://whatismyipaddress.com/hide-ip))

VPNS ▼

**TOOLS ▾**

([HTTPS://WHATISMYIPADDRESS.COM/LEARNING](https://whatismyipaddress.com/learning))

(<https://whatismyipaddress.com/privacy-policy>)

(<https://whatismyipaddress.com/terms-of-use>)

(<https://whatismyipaddress.com/media>)

(<https://forums.whatismyipaddress.com/>)

(<https://whatismyipaddress.com/about>)

(<https://whatismyipaddress.com/contact>)



Tube  
(<https://www.youtube.com/c>

© 2000-2021 What Is My IP Address.  
All Rights Reserved.



---

# ANNUAL REPORT 2019-20

---

# About us

Energy Queensland is Queensland's 100% owned group of electricity distribution, retail and services businesses.

As a Government Owned Corporation, we deliver electricity across Queensland through our 'poles and wires' businesses Energex and Ergon Energy Network.

Our retailer, Ergon Energy Retail sells this electricity to customers throughout regional Queensland.

These essential service activities are also supported by a range of innovative products and services delivered through Yurika and our other market brands.

The Group, formed in June 2016, energises Queensland communities from Tweed River to Torres Strait and from Brisbane across to Birdsville. We also deliver services across Australia.



## Our vision

We energise Queensland communities.

## Our purpose

To safely deliver secure, affordable and sustainable energy solutions with our communities and customers.

# Our statistics

- **7,570** Employees
- **458** Total apprentices
- **3** Customer solutions centres
- **3** Network control centres
- **29,000km** Underground power cable
- **763,000** Regional retail customers
- **2.3 million** Connected customers
- **35,000GWh** electricity delivered annually
- **178,000km** Overhead powerlines
- **1.7 million** Power poles
- **33 Standalone** power stations
- **37** Total large-scale solar renewables connected
- **617,000** Small-scale solar energy systems connected
- **10,800km** Owned and operated fibre optic cable

462



## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 26/08/2021 5:03:04 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:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 26/08/2021 5:05:38 PM AEST

*Sia Lagos*

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.



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts**

First Respondent

**RS Group Australia Pty Ltd (ACN 152 427 597)**

Second Respondent

Affidavit of: **Adam Veale**

Address: Suite 6, 40 Cedric Street, Stirling, Western Australia

Occupation: Accountant

Date: 26 August 2021

I Adam Veale, Accountant and Director of Alleviate Accounting and Taxation of Suite 6, 40 Cedric Street, Stirling in the State of Western Australia, ~~sworn~~ oath: *affirm* *A.V.*

1. I am a director of the Second Respondent, RS Group Australia Pty Ltd.
2. Unless otherwise stated, the facts in this affidavit are matters within my own knowledge.
3. Since on or about 11 August 2011, the Applicant, Mr Roberts-Smith, the First Respondent, Ms Roberts and I have been directors of the Second Respondent (RS Group Australia Pty Ltd ACN 152 427 597). An ASIC search of RS Group Australia dated 25 August 2021 is annexed and marked **AV-1**. The ASIC extract confirms that each of myself, Mr Roberts-Smith and Ms Roberts remain directors of RS Group Australia.

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant
Prepared by (name of person/lawyer)	Paul Svilans
Law firm (if applicable)	Mark O'Brien Legal
Tel	+61 2 9216 9830
Fax	
Email	paul.svilans@markobrienlegal.com.au; monica.allen@markobrienlegal.com.au
Address for service (include state and postcode)	Level 19, 68 Pitt Street, Sydney NSW 2000

[Version 2 form approved 09/05/2013]

*Adam Veale* *Paul Svilans*

464

4. As an accountant, I am responsible for managing RS Group Australia's books and records and correspondence with the Australian Taxation Office and the Australian Securities and Investments Commission. I also manage the renewal of the registration of the RS Group Australia email hosting account and RS Group Australian domain name with Crazy Domains, a domain name register in Australia, Europe, India and the Middle East.
5. I have an RS Group email account ([adam@rsgrouppaustralia.com](mailto:adam@rsgrouppaustralia.com)). I do not need to login to the RS Group email hosting account in order to access my RS Group email account.
6. To the best of my recollection, the only time I have accessed the RS Group Australia email hosting account in approximately the last four years was on 6 and 8 May 2021. None of the work I undertake on behalf of the company requires me to login to the RS Group Australia email hosting account. I accessed the RS Group Australia email hosting account on 6 and 8 May 2021 following a discussion with the Applicant during which he said to me words to the following effect: *"I think Emma has been accessing my RS Group emails. Fairfax's lawyers have details of my emails – how else could they know that stuff?"*
7. I have never accessed the Applicant's RS Group Australia email account or provided any emails stored in that account to any third parties, including, but not limited to Fairfax Media Publications Pty Ltd, The Age Company Pty Ltd, Nick McKenzie, Chris Masters or David Wroe.
8. Other than my fellow directors, Mr Roberts-Smith and Ms Roberts, I have never provided anyone including Danielle Scott, Darren Pill, Bryce Laning or Jessica Simpson, with the password to the RS Group Australia email hosting account. I do not know who Danielle Scott, Darren Pill, Bryce Laning or Jessica Simpson are or why they would have access to the RS Group Australia email hosting account. I have never given any other person access to any email sent or received from any of the RS Group Australia email accounts or any email sent or received using the Applicant's RS Group Australia email address ([ben@rsgrouppaustralia.com](mailto:ben@rsgrouppaustralia.com)).

A.V.

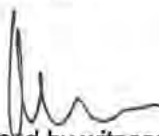
Affirmed



Sworn by the deponent  
via AV link pursuant to the Electronic  
Transactions Amendment (COVID-19)  
Witnessing Documents Regulation  
on 26 August 2021  
Before me:

)  
)  
)  
)  
)

  
Signed by deponent

  
Signed by witness  
Paul Svilans  
Lawyer for the Applicant



**Certificate Identifying Annexure**  
**"AV-1"**

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts** and Anor

Respondents

This is the annexure marked "AV-1" now produced and shown to ADAM VEALE at the time of swearing his affidavit on 26 August 2021.

Before me:



.....  
Signature of person taking affidavit

Filed on behalf of (name & role of party)	Ben Roberts-Smith VC MG, Applicant
Prepared by (name of person/lawyer)	Paul Svilans
Law firm (if applicable)	Mark O'Brien Legal
Tel	+61 2 9216 9815
Fax	-
Email	Paul.svilans@markobrienlegal.com.au; monica.allen@markobrienlegal.com.au
Address for service (include state and postcode)	Level 19, 68 Pitt Street, Sydney NSW 2000

[Form approved 01/08/2011]

3  
**466**



## ASIC Data Extracted 25/08/2021 at 10:53

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

This On-File Report is a company extract that at the time of order (//), was already held by InfoTrack and had not changed since it was last ordered on 25/08/2021.

## - 152 427 597 RS GROUP AUSTRALIA PTY LTD -

ACN (Australian Company Number):	152 427 597	Document No.
ABN:	61 152 427 597	
Current Name:	RS GROUP AUSTRALIA PTY LTD	
Registered in:	Western Australia	
Registration Date:	02/08/2011	
Review Date:	02/08/2021	
Company Bounded By:		

## - Current Organisation Details -

Name:	RS GROUP AUSTRALIA PTY LTD	1E7980491
Name Start Date:	14/12/2011	
Status:	Registered	
Type:	Australian Proprietary Company	
Class:	Limited By Shares	
Sub Class:	Proprietary Company	

## - Company Addresses -

## - Registered Office

Address:	SUITE 6 40 CEDRIC STREET STIRLING WA 6021	2E0689145
Start Date:	03/07/2014	

## - Principal Place of Business

Address:	865 ILKLEY ROAD ILKLEY QLD 4554	2E2145543
Start Date:	15/07/2015	

## - Company Officers -

## Note:

A date or address shown as UNKNOWN has not been updated since ASIC took over the records in 1991. For details, order the appropriate historical state or territory documents, available in microfiche or paper format.

\* Check documents listed under ASIC Documents Received for recent changes.

### Director

Name: BENJAMIN ROBERTS-SMITH 2E2145543  
Address: 665 ILKLEY ROAD ILKLEY QLD 4554  
Birth Details: 01/11/1978 PERTH WA  
Appointment Date: 15/06/2012  
Cease Date: //

Name: EMMA LEA ROBERTS-SMITH 2E2146332  
Address: 665 ILKLEY ROAD ILKLEY QLD 4554  
Birth Details: 02/02/1975 BRISBANE QLD  
Appointment Date: 15/06/2012  
Cease Date: //

Name: ADAM WADE VEALE 2E2246870  
Address: 29 BLAIR STREET KARRINYUP WA 6018  
Birth Details: 21/01/1978 PERTH WA  
Appointment Date: 02/08/2011  
Cease Date: //

### Secretary

Name: ADAM WADE VEALE 2E2246870  
Address: 29 BLAIR STREET KARRINYUP WA 6018  
Birth Details: 21/01/1978 PERTH WA  
Appointment Date: 02/08/2011  
Cease Date: //

### **- Share Structure -**

#### Current

Class: ORDINARY 1E7622796  
Number of Shares Issued: 100  
Total Amount Paid / Taken to be Paid: \$100.00  
Total Amount Due and Payable: \$0.00

---

#### **Note:**

For each class of shares issued by a company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

---

## **- Share/Interest Holding -**

### **Current**

#### **- Holding -**

<b>Class:</b>	ORD	<b>Number Held:</b>	100	2E2246870
<b>Beneficially Owned:</b>	No	<b>Fully Paid:</b>	Yes	

#### **- Members -**

<b>Name:</b>	ADAM WADE VEALE
<b>Address:</b>	29 BLAIR STREET KARRINYUP WA 6018
<b>Joint Holding:</b>	No

## **- External Administration Documents -**

**There are no external administration documents held for this organisation.**

## **- Charges -**

**There are no charges held for this organisation.**

### **Notes:**

On 30 January 2012, the Personal Property Securities Register (PPS Register) commenced.

At that time ASIC transferred all details of current charges to the PPS Registrar.

ASIC can only provide details of satisfied charges prior to that date.

Details of current charges, or charge satisfied since 30 January 2012 can be found on the PPS Register, [www.ppsr.gov.au](http://www.ppsr.gov.au).

InfoTrack may cap documents for on-file searches to 250.

## **- Document List -**

### **Notes:**

\* Documents already listed under Registered Charges are not repeated here.

\* Data from Documents with no Date Processed are not included in this Extract.

\* Documents with '0' pages have not yet been imaged and are not available via DOCIMAGE. Imaging takes approximately 2 weeks from date of lodgement.

\* The document list for a current/historical extract will be limited unless you requested ALL documents for this extract.

\* In certain circumstances documents may be capped at 250.

Form Type	Date Received	Date Processed	No. Pages	Effective Date	Document No.
484	06/08/2015	06/08/2015	2	06/08/2015	2E2246870
484	Change to Company Details				
484A1	Change Officeholder Name or Address				
484A2	Change Member Name or Address				
484	15/07/2015	15/07/2015	2	15/07/2015	2E2146332

484A1	Change to Company Details Change Officeholder Name Or Address				
484	15/07/2015	15/07/2015	2	14/07/2015	2E2146262
484A1	Change to Company Details Change Officeholder Name Or Address				
484	15/07/2015	15/07/2015	2	15/07/2015	2E2146061
484A1	Change to Company Details Change Officeholder Name Or Address				
484	15/07/2015	15/07/2015	2	15/07/2015	2E2145543
484	Change to Company Details				
484C	Change of Principal Place of Business (Address)				
484A1	Change Officeholder Name or Address				
484	26/06/2014	26/06/2014	2	25/06/2014	2E0689145
484B	Change to Company Details Change of Registered Address				
484	13/06/2014	14/07/2014	4	13/06/2014	1F0535015
484	Change to Company Details				
484B	Change of Registered Address				
484C	Change of Principal Place of Business (Address)				
484A1	Change Officeholder Name or Address				
484A2	Change Member Name or Address				
484	27/06/2012	27/06/2012	2	15/06/2012	1E8486652
484E	Change to Company Details Appointment or Cessation of A Company Officeholder				
205	14/12/2011	14/12/2011	2	14/12/2011	1E7980491
205A	Notification of Resolution Changing Company Name				
201	02/08/2011	02/08/2011	3	02/08/2011	1E7622796
201C	Application For Registration as a Proprietary Company				

**- Company Contact Addresses -**

**- Contact Address for ASIC use only**

**Address:** SUITE 6 40 CEDRIC STREET STIRLING WA 6021  
**Start Date:** 23/06/2014

\*\*\* End of Document \*\*\*



## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 31/05/2022 1:33:16 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:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 31/05/2022 1:42:15 PM AEST

*Sia Lagos*

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.



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**Ben Roberts-Smith VC MG**

Applicant

**Emma Roberts**

First Respondent

**RS Group Australia Pty Ltd (ACN 152 427 597)**

Second Respondent

Affidavit of: **Ben Roberts-Smith**  
Address: Sir Samuel Griffith Drive, Mt Coot-tha QLD 4068  
Occupation: General Manager Seven Brisbane/Regional Queensland  
Date: 31 May 2022

I Ben Roberts-Smith, General Manager Seven Brisbane/Regional Queensland of Sir Samuel Griffith Drive, Mt Coot-tha in the State of Queensland, say on oath:

1. I am the Applicant.
2. Unless otherwise stated, the facts in this affidavit are matters within my own knowledge.
3. I refer to paragraph 12 of my affidavit sworn on 25 August 2021 in which I deposed that at no time have I ever provided Ms Danielle Scott (or Mr Darren Pill, who I understand is Ms Scott's husband) with authority to access the RS Group Australia email hosting account (being the hosting account as defined in paragraph 6 of my affidavit sworn 10 June 2021 in these proceedings)(my June 2021 Affidavit) .
4. I also refer to the evidence of my former wife Ms Emma Roberts given in the defamation proceedings brought by me in this honourable Court as against Fairfax Media Publications Pty

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilians  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9830 Fax \_\_\_\_\_  
Email paul.svilians@markobrienlegal.com.au; monica.allen@markobrienlegal.com.au  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

[Version 2 form approved 09/05/2013]

472

Limited and others (being NSD1485 of 2018, NSD1486 of 2018 and NSD 1487 of 2018) (the Defamation proceedings).

5. In her evidence in the Defamation proceedings, Ms Roberts alleged that in April 2018 I had provided Ms Scott with the passwords to the RS Group Australia email hosting account, and also to my RS Group email account (being my email as defined in paragraph 8(a) of my June 2021 affidavit) for the purpose of Ms Scott writing to a person known as Person 17 to "ask her to stop harassing us" – see for example transcript of Ms Roberts' evidence in the Defamation proceedings at T1948, lines 9 – 22.
6. I deny that I have ever provided Ms Scott with either the passwords to the RS Group Australia email hosting account, and/or to my RS Group email account, as alleged by Ms Roberts in her evidence in the Defamation proceedings, or at all. I would never have provided Ms Scott with the passwords to, or access, to either the RS Group Australia email hosting account, or to my RS Group email account, noting that my RS Group email account has contained
- a) from 2012 to 2018 communications relating to my public speaking engagements as well as personal correspondence; and
  - b) since the end of 2018 to about April 2021, correspondence with my legal advisers concerning the Defamation proceedings and the Afghanistan Inquiry conducted by the Inspector-General of the Australian Defence Force, as well as correspondence with persons associated with my employer.

Sworn by the deponent  
via AV link pursuant to the Electronic  
Transactions Amendment (COVID-19)  
Witnessing Documents Regulation  
on 31 May 2022

Before me:



Signed by witness  
Paul Svilans  
Lawyer for the Applicant

}  
}  
}  
}  
}   
Signed by deponent

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 31/05/2022 1:30:24 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:	NSD511/2021
File Title:	BEN ROBERTS-SMITH VC MG v EMMA ROBERTS & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 31/05/2022 1:39:22 PM AEST

*Sia Lagos*

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.





Form 59  
Rule 29.02(1)

## Affidavit

No. NSD. 511 of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: General

### Ben Roberts-Smith VC MG

Applicant

Emma Roberts and Anor

Respondents

Affidavit of: **Paul Svilans**  
Address: Level 19, 68 Pitt Street, New South Wales, 2000  
Occupation: Solicitor  
Date: 31 May 2022

### Contents

No.	Details	Paragraph	Page
1.	Affidavit of Paul Svilans sworn 31 May 2022	1-2	1-2
2.	Annexure "PVS-17" being copy of copy of t transcript of the evidence of Ms Emma Roberts dated 14 and 15 February 2022	2	3-184

I Paul Svilans, solicitor of Level 19, 68 Pitt Street, Sydney in the State of New South Wales, make oath and say as follows:

1. I am a Partner with the firm Mark O'Brien Legal (**MOBL**), the solicitors for the Applicant in the proceedings and, with Mark O'Brien, I have the day-to-day conduct of this matter on behalf of the Applicant.

Filed on behalf of (name & role of party) Ben Roberts-Smith VC MG, Applicant  
Prepared by (name of person/lawyer) Paul Svilans  
Law firm (if applicable) Mark O'Brien Legal  
Tel +61 2 9216 9830 Fax \_\_\_\_\_  
Email paul.svilans@markobrienlegal.com.au; monica.allen@markobrienlegal.com.au  
Address for service Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

475

2. Annexed hereto and marked with the letter "**PVS-17**" is a copy of the transcript of the evidence of the Applicant's former wife Ms Emma Roberts given in the defamation proceedings brought by the Applicant in this honourable Court as against Fairfax Media Publications Pty Limited and others (being NSD1485 of 2018, NSD1486 of 2018 and NSD 1487 of 2018).

Sworn by the deponent  
at Sydney  
in New South Wales  
on 31 May 2022  
Before me:



Signature of witness  
Mark O'Brien Legal  
Level 19, 68 Pitt Street  
Sydney New South Wales 2000  
An Australian Legal Practitioner within the  
meaning of the Legal Profession Uniform Law

)  
)  
)  
)  
)



Signature of deponent



**VIQ SOLUTIONS AUSTRALIA PTY LTD**

ACN 008 711 877

**T:** 1800 AUSCRIPT (1800 287 274)

**E:** [clientservices@auscript.com.au](mailto:clientservices@auscript.com.au)

**W:** [www.auscript.com.au](http://www.auscript.com.au)

**Ordered by:** Sanya Jain

**For:** Mark O'Brien Legal

**Email:** [paralegal@markobrienlegal.com.au](mailto:paralegal@markobrienlegal.com.au)

## **TRANSCRIPT OF PROCEEDINGS**

---

O/N H-1662913

**FEDERAL COURT OF AUSTRALIA**

**NEW SOUTH WALES REGISTRY**

**BESANKO J**

**No. NSD 1485 of 2018**

**No. NSD 1486 of 2018**

**No. NSD 1487 of 2018**

**BEN ROBERTS-SMITH**

**and**

**FAIRFAX MEDIA PUBLICATIONS PTY LTD and OTHERS**

**SYDNEY**

**10.15 AM, MONDAY, 14 FEBRUARY 2022**

**Continued from 11.2.22**

**DAY 31**

**MR A. MOSES SC appears with MR B. McCLINTOCK SC, MR M. RICHARDSON SC and MR P. SHARP for the applicant in each matter**

**MR N. OWENS SC appears with MS L. BARNETT and MR C. MITCHELL for the respondent in each matter**

**MS A. MITCHELMORE SC appears with MR J. EDWARDS and MS C. ERNST for the Commonwealth**

Copyright in Transcript is owned by the Commonwealth of Australia. Apart from any use permitted under the Copyright Act 1968 you are not permitted to reproduce, adapt, re-transmit or distribute the Transcript material in any form or by any means without seeking prior written approval from the Federal Court of Australia.

HIS HONOUR: Yes. Now, Mr Owens, you're proposing to call Ms Roberts this morning.

MR OWENS: Yes, I am, your Honour.

5  
HIS HONOUR: Yes. Well, I think I raised with the parties as to whether we should proceed with open livestreaming or the livestreaming and publication on the YouTube, which has been referred to in previous orders that I've made in relation to the sensitive witnesses. And I'm persuaded by the submission from the  
10 Commonwealth that the orders in the case of Ms Roberts-Smith should be the same as they have been in the case of the soldiers. So I will proceed to make those orders now.

(1) Having regard to public safety considerations resulting from the COVID-19 pandemic and restrictions on access to the court building effective from 21  
15 January 2022, and pursuant to section 17(4) of the Federal Court of Australia Act 1976 and all other enabling powers, the public be excluded from the courtroom during the hearing of the evidence of Ms Emma Roberts, subject to the following conditions:

(a) Members of the media and other persons approved by the court have  
20 given the undertaking set out in roman (i) to (v) below and who are identified in the court's records will be given access, consistent with the orders under section 19(3A) and 38B of the National Security Information Criminal and Civil Proceedings Act 2004 Commonwealth made on 6 December 2021, to an audio visual recording made of the  
25 proceeding as it occurs. The undertakings are as follows: (i) they will not disseminate the link to the livestream to any other person, (ii) they will ensure that the livestream cannot be seen or heard by any other person, (iii) they will remain muted with their camera off, (iv) they will not record the proceeding in accordance with division 6.2 of the  
30 Federal Court Rules 2011 Commonwealth, and (v) they will identify themselves by entering their full name upon entering the livestream.

(b) Within one business day of the relevant evidence given, or such  
further period as the court may allow, a recording of the proceeding consistent with the 38B orders and any other non-publication or  
35 suppression orders made by the court, and excluding any information the disclosure of which is prohibited by those orders, will be available in the Federal Court's YouTube channel. Members of the public can view and listen to the proceeding in the manner indicated in this paragraph (b) do so on the condition that they are prohibited from  
40 making any recording or photographic record of the hearing or any part thereof by any means whatsoever and advised that any failure to observe this condition may constitute a contempt of court and be punishable as such.



Now, the difference between this witness and the sensitive witnesses is that the camera will pick up the witness, whereas that was not the case in the case of the sensitive witnesses. So that needs to be arranged in the normal way. All right. Now, are you ready, Mr Owens?

5

MR OWENS: I am. I think Mr McClintock looks like he wants to do something, your Honour. But I'm ready.

HIS HONOUR: As does Ms Mitchelmore.

10

MR McCLINTOCK: I will go first, your Honour.

HIS HONOUR: Yes.

15 MR McCLINTOCK: Without any discourtesy to my learned friend Ms Mitchelmore. It's simply to call on a notice to produce addressed to my learned friend's clients. There has been correspondence about it. Part of the purposes of the notice to produce really is to clarify what the actual position is. I call upon a notice to produce dated 11 February 2022 calling for one copy of all documents concerning  
20 or touching upon the agreement referred to by my learned friend of the hearing on 9 February, transcript page 4, line 38.

HIS HONOUR: Sorry. What was the transcript?

25 MR McCLINTOCK: 9 February 2022. Page 4, line 38.

HIS HONOUR: Yes.

30 MR OWENS: Yes. Thank you, your Honour. I produced, in response to that, a document which my learned friends already have, but I'm happy to produce that directly to – well, I will produce it to the court.

HIS HONOUR: Yes.

35 MR OWENS: And I also provide your Honour an objection schedule in respect of one document which is responsive to the notice.

HIS HONOUR: All right. Well, I gather this can be dealt with at a subsequent time. Is that right?

40

MR McCLINTOCK: Certainly. May it please, your Honour. Certainly.

HIS HONOUR: Yes. All right. Well, I will mark the document and the objection schedule with the letter B and record that they relate to a notice to produce dated 9  
45 February 2022. Yes. Thank you. Yes.

MS MITCHELMORE: Sorry, your Honour. Can I just deal briefly with providing a copy to the court of a pseudonym list for the purposes of this witness giving evidence. Your Honour will see that it is a much shorter list, but it is consistent with the list that your Honour and the court already have, but just relates to persons on the  
5 pseudonym list in respect of whom we anticipate the witness may give some evidence.

HIS HONOUR: Yes. Well, I was going to raise that, Ms Mitchelmore. So you've anticipated that. That's two copies, is it? So one - - -  
10

MS MITCHELMORE: Yes. One for your Honour, and one for the witness box.

HIS HONOUR: Yes. All right. Yes. I think there are some others in the witness box. They need to be returned. Yes. All right. And, Mr Owens, the witness has  
15 some understanding of the sensitive - - -

MR OWENS: The rules.

HIS HONOUR: - - - witnesses and so on?  
20

MR OWENS: She does both because we have told her, but I understand she has also been given a briefing by the Commonwealth.

HIS HONOUR: All right. Yes.  
25

MR OWENS: So if there's nothing else I call Ms Roberts. Ms Emma Roberts, your Honour.

HIS HONOUR: Yes. Thank you.  
30

**<EMMA ROBERTS, SWORN** **[10.24 am]**

35 **<EXAMINATION-IN-CHIEF BY MR OWENS**

HIS HONOUR: Yes. Thank you. You may remove your mask. Thank you. Yes, Mr Owens.  
40

MR OWENS: Thank you, your Honour.

Could you please tell his Honour your full name?---My name is Emma Roberts.

45 And have you previously been known by the name Emma Roberts-Smith?---Yes.

And it's the case, isn't it, that your address is known to both parties in this litigation?---Yes.

5 Now, it's right, isn't it, that you were previously married to the applicant, Mr Ben Roberts-Smith?---Yes.

Do you remember when you were married?---6 December 2003.

10 And when did you cease living together as a married couple?---20 January 2020.

And you have children with Mr Roberts-Smith; is that correct?---Yes, I do.

Yes. How many?---Two.

15 Now, had you and Mr Roberts-Smith ever been separated, in the sense of not living together as a married couple, before you separated in January 2020?---Yes. We were briefly separated when we were in Perth.

20 What year was that?---It was approximately 2005.

Right. And is that the only time before January 2020 that you were separated?---Yes.

25 Can I ask you, in particular, about the period from October 2017 to April 2018, where you separated in the sense of not living together as a married couple during that period?---We were not separated.

30 Right. In that period, so October 2017 to April 2018, where was Mr Roberts-Smith living?---In our family home on the Sunshine Coast.

And where was he sleeping at that point in time?---In our bed.

35 Did your house have a spare bedroom or a granny flat or separate living quarters?---Yes, it did.

Right. Did he ever, in that period October 2017 to April 2018, sleep in the spare room or separate living quarters?---No, he did not.

40 All right. What was it, was it a spare - - -

HIS HONOUR: Just - - -

MR OWENS: I'm sorry.

45 HIS HONOUR: Yes. Yes. Just pause for a moment, Mr Owens. I'm told that we need to disconnect and reconnect - - -

MR OWENS: Yes, your Honour.

HIS HONOUR: - - - with the live stream.

5 MR OWENS: Okay. It's also just been drawn to my attention, your Honour, that perhaps the pseudonym list might, if one were particularly eagle-eyed, be visible on the video feed.

HIS HONOUR: Yes, yes. Is there a way the camera can be adjusted? All right.  
10 Well, I'm told I need to ask those on the limited live streaming whether they can hear us. And I'm told they can. So I think we can proceed now. Yes.

MR OWENS: Thanks, your Honour.

15 HIS HONOUR: Yes. I'm sorry about that.

MR OWENS: Thanks, your Honour.

Ms Roberts, you might recall I just asked you a question about a spare room or  
20 separate living quarters. Can you tell his Honour what was that in your house in the period October to April?---It was a self-contained apartment on the lower level of our home.

And did anyone sleep in that self-contained apartment in that period October 2017 to  
25 April 2018?---Yes, my parents.

For what period did your parents sleep in that apartment?---Between October and up to December.

30 Right. Every day or for – intermittently?---Pretty much full time, as I had just had foot surgery and my mum was there looking after our children.

All right. Do you know a person by the name of Jed Wheeler?---Yes, I do.

35 Who is he?---A friend of Ben's.

To your knowledge, in that period October 2017 to April 2018, did Mr Roberts-Smith ever stay overnight at Mr Wheeler's house?---More than likely, yes.

40 All right. Do you know how often he did?---Every couple of weeks while he was working in Brisbane, he would stay for one night before returning back to the Sunshine Coast.

All right. Do you know a person called Neil Mooney?---Yes, I do.

45 Who is Neil Mooney?---He was Ben's boss at Seven.



All right. To your knowledge, in that period October 2017 to April 2018, did Mr Roberts-Smith ever stay at Mr Mooney's house in that period?---No, he did not.

5 In that period October 2017 to April 2018, did you and Mr Roberts-Smith attend events together as a couple or a family?---Yes, we did.

10 Are you able to give his Honour any examples of those events?---We had a number of school events. We had a wedding. We had a family holiday. We had Australian War Memorial commitments.

Right. Now, the wedding, do you remember when that wedding was?---It was early December 2018.

15 Do you remember whose wedding it was?---It was John MacLeod's daughter's.

You mentioned a family holiday. When was that family holiday?---January 2018 to Singapore.

20 How long was the holiday for?---10 days.

Now, in that period that I've asked you about, October 2018 to April 2018, did you and Mr Roberts-Smith attend – I've just had a note passed to me. Can I just clarify something. I asked you when the wedding that you attended was and I think I didn't catch this, but I think what you said was December 2018?---Sorry.

25 I was only asking for things that you attended in the period October 2017 to April 2018?---Sorry. I believe it was December 2017.

30 HIS HONOUR: Would you mind speaking up a little bit?---Sure.

Thank you.

MR OWENS: So the wedding was in December 2017?---Yes, it was, in Brisbane.

35 So what – okay. Now, in that period October 2017 to April 2018, did you attend marriage counselling with Mr Roberts-Smith?---Yes, we did.

40 All right. Do you remember what, from your perspective, what the purpose of that marriage counselling was?---Ben and I were having marriage problems and Ben suggested that we went to counselling prior to Singapore. We didn't go until after. And I asked him whether it was – whether it was to wrap up our relationship or to save it.

45 And what did he say?---To save it.

All right. Do you remember how many sessions you attended?---We went to four.

Can I – do you remember why – why did you stop attending the sessions after four?---The counsellor said that we were back on track and he was happy with how we were feeling.

5 And what was your perspective at the end of the four sessions of marriage counselling, about how things were looking?---I felt they were better than what they had been during that period.

10 Did – did anyone tell the marriage counsellor that, in the period you were seeing him, you were separated?---No.

Now, you said before that I think your wedding was on 6 December in 2003; is that right?---Correct.

15 Do you recall your wedding anniversary on 6 December in 2017?---Yes, I do.

20 What do you recall about that?---I went to our PO Box in Buderim, as I did most days, and there was an anonymous letter that was in the letterbox addressed to Ben. I opened it. I opened all our mail. And there was an anonymous letter written – written by a friend at Seven that described, in detail, the hotel that Ben was staying in and the dates and that he was having an affair.

25 Can I show you a document. Could the witness be shown, please, exhibit A34, your Honour. Do you – could you just show me what – I’m sorry. This doesn’t look like what I thought it would look like. Is that exhibit A34, or have I got the wrong one?

HIS HONOUR: Sorry. No.

30 MR OWENS: Can I just have a look, sorry?

HIS HONOUR: No. No. I think - - -

MR OWENS: No. Sorry. That’s 33.

35 HIS HONOUR: Yes. Yes. Yes.

MR OWENS: Do you recognise that document?---Yes, I do.

40 What is it?---It was the letter that was in the mailbox that day.

Now, what did you do once you had read that letter?---I rang Ben from the post office and told him what I had received. He was working at Channel Seven at Maroochydore at the time, and he asked me to bring it in and show him, which I drove straight to his office.

45 All right. And what happened when you got to his office? Do you remember?---I saw his PA out the front of his office. I went into Ben’s office and he shut the door,

and I asked him was it true. Was he having an affair. And he denied it and said that Person 6 had sent it to him in the mail.

What did you say to him when he told you that?---Nothing.

5

What happened after that?---I didn't believe him.

What did you do after that?---I went back home.

10 All right. Now, do you remember anything else happening on the day of your wedding anniversary in 2017?---Yes. Ben and I went out for dinner at the Spirit House in Yandina.

That night?---That night, yes.

15

All right. And can you tell his Honour what happened at that dinner?---We had dinner as a normal married couple. In the back of my mind, I knew that Ben was lying to me, and I was terrified of what it now looked like.

20 Did you buy each other gifts for your wedding anniversary?---Yes. I had bought Ben a set of cufflinks.

Do you remember anything about those cufflinks?---They were skull and crossbone Alexander McQueen ones.

25

Did he buy you anything?---I don't recall.

Now, you mentioned that he denied to you that he was having an affair. Did you ever become aware that he was having an affair?---Not until 6 April 2018.

30

All right. Your Honour, the exhibit A34 could be returned.

HIS HONOUR: Yes. Thank you.

35 MR OWENS: Now, I will come to 6 April in a minute, but do I understand your previous answer that, before 6 April, you did not know that Mr Roberts-Smith was having an affair?---Yes. That's correct.

Did you have suspicions?---Yes, I did.

40

Why did you have suspicions?---I had heard another mobile phone in our bedroom vibrate. I asked him if he had a second phone, and he denied it. His behaviour was very, very different to what it had been during our marriage.

45 Can you tell his Honour in what way the behaviour was different?---When he travelled, he would turn his phones off. The conversations we had as a married

couple were very limited. He would be constantly taking selfies of himself, and I knew they weren't for me.

5 Can I show you a document, please. I've got two for his Honour and one for the witness. Now, do you see this is a – well, can you tell his Honour what this is?---This is a text message exchange between myself and Danielle Scott.

Right. And you will see that the date is 17 January 2018?---Yes.

10 You see that. And who is Danielle Scott?---She is my best friend.

How often did you speak to her around this period of late 2017, early 2018?---Potentially up to 10 times a day.

15 All right. And about what would you talk with Ms Scott?---About my relationship with Ben.

Now, you will see in these messages you've said, at the top of the page:

20 *You –*

meaning Danielle –

*still don't think he's seeing someone else huh?*

25 Can you tell his Honour what you meant by that?---I had suspected that he was seeing somebody else. On our holiday in Singapore he was behaving very erratically. Not spending a lot of time with the girls and I. And I had my doubts. He kept denying it to me, and I was trying to source comfort from her.

30 At this point in time did you know that he was seeing someone else?---No.

I tender that document, your Honour.

35 MR McCLINTOCK: No objection.

HIS HONOUR: Yes. Thank you. R106: exchange of text messages between Ms Roberts and Danielle Scott, 17 January 2018.

40

**EXHIBIT #R106 EXCHANGE OF TEXT MESSAGES BETWEEN MS ROBERTS AND DANIELEL SCOTT DATED 17/01/2018**

45 MR OWENS: Now, can I show you another document, please. And perhaps the officer could remove that one. Now, do you recognise what this is?---Yes. It's another text message between Dan and I.



All right. And you will see the date of this one is 30 January 2018?---Yes.

And you will see at the top you say:

5           *I thought I heard another phone ring when I was on the phone to him. Surely he's not running two phones.*

Do you see that?---Yes.

10       Can you tell his Honour what that message was about, please?---He must have been away, and I could hear another mobile phone ringing in the hotel room. And that was a text exchange that I had sent with Danielle Scott.

I tender that, your Honour.

15       MR McCLINTOCK: No objection, your Honour.

HIS HONOUR: Yes. R107: text message exchange between Ms Roberts and Danielle Scott, 30 January 2018.  
20

**EXHIBIT #R107 TEXT MESSAGE EXCHANGE BETWEEN MS ROBERTS AND DANIELLE SCOTT DATED 30/01/2018**

25       MR OWENS: Thank you. And, Officer, that could be returned to the associate, please.

30       Ms Roberts, other than the conversation you've told us about after you received the – or you read the letter on your wedding anniversary, and before 6 April 2018, did you ever ask Mr Roberts-Smith whether he was having an affair?---Yes, I did.

Do you remember when?---I don't remember the dates, no, but it was often.

35       All right. And do you remember, in these conversations, what you would say to him?---Is he having an affair.

And what was his response to you, if you recall it?---No.

40       All right. And how many of those conversations do you think you would have had with him?---Every few weeks.

All right. Now, you mentioned before that you found out that he was having an affair on 6 April 2018. Do you remember that?---Yes, I do.

45       All right. What happened on that date?---It was the Easter school holidays. I had taken our children to an art class in Buderim. It was a Friday. Our housekeeper had

already arrived to the house. I dropped the girls at the art class. I went to the supermarket, and I got a phone call from our housekeeper, which wasn't unusual if she needed something while I was out. I answered. Said, "Hi, Dizzy," which is what I called her. And it wasn't Di on the phone.

5

All right. Who was on the phone?---Person 17.

And what did Person 17 say to you?---She said, "It's not Di. I'm a friend of your husband's."

10

Do you remember anything else that she said?---Yes. She told me – or she asked me to come back to the house and that she wanted to see me. I asked her to tell me on the phone what she was going to tell me. And she said, "No, I need to see you in person." I asked what her name was and she told me her name. And I hung up.

15

Went back to my car and drove home. On that drive home, I rang Di's phone back. Di answered and I said, "Is it what I think it is?" And she said, "Yes."

What did you mean by, "Is it what I think it is"?---Was it Ben's girlfriend?

20

And did you do anything else on the drive home?---Yes. Di made me stay on the phone to her, because I was severely distressed. And I asked her to make sure she didn't leave. And she continued, until I got back home, talking to me on the phone.

And so in between receiving the call from Person 17 - - -?---Yes.

25

- - - and arriving home – is this right – the only person you spoke to was your cleaner, Ms Young?---I also phoned Ben.

When did you phone Mr Roberts-Smith?---As soon as I hung up from Person 17 - - -

30

All right?--- - - - and asked him who she was by name.

Yes. And what did he say to you?---He said, "Who are you talking about?" And I said, "Ben, she is on our front doorstep."

35

And did he say anything in response to that?---He said, "I will ring you back." He was getting out of a car in Canberra. He rang me back, but when he did, I was already back at home.

40

All right. Can you tell his Honour what happened when you arrived back at your house?---When I drove down the driveway, my parents had also arrived to the property. They were sitting with her in the garden on the chair. And I pulled up next to the car that she was driving. I walked from the car into the garden to where she was sitting.

45

And what happened when you reached her?---She was crying. I asked her who she was and where she worked, where they had met, how long they had been seeing each other for.

5 And did she answer these questions that you were asking her?---Yes, she did.

Yes. And do you remember what – you asked her her name. You – I won't  
-- -?---Yes. I asked. I already knew.

10 Don't say her name?---Yes.

Yes?---She was wearing a pink and black dress, black shoes.

MR McCLINTOCK: Your Honour, could I interrupt. I would ask that this be given  
15 in direct speech, the .....

MR OWENS: All right. Doing the best you can, can I – you gave evidence a moment ago of some questions that you asked Person 17?---Yes.

20 So if we take them one by one?---On the phone or at the house?

No, when you arrived - - -?---Mmm.

- - - at the house?---Mmm.  
25

So when you were talking to Person 17 at the house - - -?---Yes.

- - - doing the best you can, can you tell his Honour what the conversation was in terms of you said and then the words that you remember saying?---Okay.  
30

And then she said and the words that you remember her saying - - -?---Okay.

- - - in response to whatever you said. If you can't remember the exact words, if you could indicate to his Honour your best recollection of the words that were  
35 used?---Okay.

So can you – perhaps if we start from the beginning - - -?---Yes.

- - - if you can try and recall, at the point that you walked up to her - - -?---Yes.  
40

- - - in the garden, tell his Honour what was said by you and her from that point onwards?---She was wearing a big pair of black sunglasses. I asked her to remove them.

45 So just – again, just to try to get into it – what you said to her?---I asked her to remove her sunglasses.

By using what words?---“Can you please remove your sunglasses so I can see your face.”

5 All right. So if you could try and put it in those – like, actually, the words that you used - - -?---Okay.

- - - to the extent you can remember. So after you said that to her - - -?---Yes.

10 - - - “Please remove your sunglasses so I can see your face” - - -?---Yes.

- - - what did she say or do after that?---She took them off and I noticed a black eye.

All right. And did you or she say anything or do anything after that?---Yes.

15 What?---I asked her, “What happened to your face?”

And what did she say in response to that?---She said, “I fell down, drunk, a set of stairs at Parliament House.” I asked her, “When?” and she said the date and, from memory, it was at the end of March.

20 And what do you remember you said or she said next after that?---I asked her. She – she told me that she also had a bruise on her hip from when she fell. I said to her I didn’t need to see that. I asked her why she came to the house? What was it that she wanted.

25 What did she say in response? When you said, “What do you want?” what did she say in response to that?---I asked her whether she had come for money or whether she was going to the press.

30 And do you remember what she said in response to that?---Yes. She said, “I’m not a prostitute.”

All right. And do you remember what was said or done after that?---I stood there for three hours and read the text messages. In that time, Ben was - - -

35 Just if I could just stop you there. So which text messages did you read?---Her conversations between her and Ben - - -

40 So how did you - - -?--- - - - on her - - -

How did you come to see those text messages?---She picked her phone up out of her handbag while I was standing there, because Ben was calling her. I asked her not to answer his call while she was there at the house. And she said, “Would you like to see the messages that I have?” I said, “Yes,” and I read them for about three hours.

45 And do you remember what those messages said?---Not all of them, no.



Are you able to describe to his Honour in general terms your recollection of those messages?---Yes. It was very clear that they were having an affair. They were planning to be together. There was photos of - - -

5 MR McCLINTOCK: I object to this, your Honour. Summary.

HIS HONOUR: Yes. Are they available, Mr Owens, these - - -

MR OWENS: They've been produced to Mr McClintock.

10

HIS HONOUR: Yes. Well, I will allow it, Mr McClintock.

MR OWENS: Yes, your Honour, if it please.

15 HIS HONOUR: Yes. You continue?---Okay. There was photos of our children. There was photos of her.

MR OWENS: All right. Do you remember any – you said three hours?---Yes.

20 How long was Person 17 at your house for?---For the three hours.

All right. And what else do you remember about those three hours?---My parents were coming in and out from the house into the garden. Our housekeeper had come in and out as well. I did go off, at one point, to make a phone call to Danielle Scott to tell her. And Person 17 was crying a lot. I asked her what she had come to tell me. She was visibly upset. I asked them when they had last seen each other. And she said the night prior. She told me what hotel they had been at and she waited for Ben to leave and drove up to the Sunshine Coast to our home. I asked her how she got our address, because it was suppressed because of Ben's profile. She told me that she looked on the back of his driver's licence when he was in the shower.

30

And do you remember anything else that Person 17 told you in those three hours?---I asked her why she was not going to be seeing him any more and she kept pointing to her black eye, saying, "Because of this." And I said, "What do you mean 'because of this?'" She had told me that she had fallen down the stairs. And she said, "Because of this, he won't see me any more." And my mum said, "Are you saying that Ben did that to you?"

35

And what did she say in response?---She didn't answer us.

40

Do you remember anything else that Person 17 said in those three hours?---No.

No. Do you remember how it was that her stay at your house concluded?---Yes. My children were due to be finished at the art class, so I asked her to leave and to never come back.

45

All right. And what did she do when you asked her to leave?---She was still crying. She probably waited a couple of minutes. And I returned back inside and asked Di to open the gate for her.

5 And what happened then?---She left.

Now, after that meeting, did you have a conversation with Mr Roberts-Smith about what had happened?---Yes.

10 When did you have – when did you next speak to him?---Later that day. He had asked - - -

Do you remember where you were when you had that conversation?---No, I – at my property.

15 All right?---I had returned back home with the children. My parents were there. Di was still there. Ben had asked Jed Wheeler to come to the house and - - -

20 Was he there when you had this conversation? He, Jed Wheeler, there when you had this conversation - - -?---With Ben?

With Mr Roberts-Smith?---No.

25 No. All right. So can you tell his Honour what you remember about the conversation you had with Mr Roberts-Smith at this point?---When he returned home, the girls had gone back to my parents' house. I didn't want them there. I was sitting on the front veranda, and he walked up and I asked him how he will ever live with himself.

30 Do you remember what he said in response?---He was very apologetic.

Did you ever have any other conversation with him or further conversation with him about Person 17?---Yes.

35 What's the next conversation that you remember having with him?---We sat up until midnight. He told me about their relationship. I read most of it on text message. It was complete chaos, pretty much. He did sleep that night. I asked him to sleep in the spare room downstairs.

40 Do you remember anything in particular about that conversation that you had with him that night?---No, just how devastated I was.

Can I show you a document, please. Do you recognise that document?---Yes, I do.

45 And what is it?---It's another text message between Danielle Scott and I.

And you will see the date of this is 8 April 2018?---Yes.

What can you tell his Honour about that exchange?---I was terrified that she was going to go to the press.

And is that the reference to the first message that you've – you've sent there?---Yes.

5

All right. And then if you look at the second message. Can you explain to his Honour what – what that's about?---Yes, I remember something else that she had said to me in the garden.

10 What's that?---That she was pregnant.

Yes. Can you remember – try and remember as best you can the words that she used when she told you?---Yes. She told me that she had fallen pregnant during their relationship.

15

Yes?---She told me that it was definitely Ben's, because I asked if it was her husband's. She said it was definitely Ben's, and I said, "Did you lose it or did you have an abortion?" And she didn't answer me. And the reference there that says, "I feel sick that she might be pregnant": because both Ben and Person 17 told me that they had slept together on 5 April.

20

Thank you. I tender that, your Honour.

MR McCLINTOCK: No objection.

25

HIS HONOUR: Yes. R108 will be exchange of text messages between Ms Roberts and Ms Scott, 8 April 2018.

30 **EXHIBIT #R108 EXCHANGE OF TEXT MESSAGES BETWEEN MS ROBERTS AND MS SCOTT DATED 08/04/2018**

MR OWENS: Now, do you remember – do you remember doing anything else in particular after you found out about the affair on 6 April?---On that day?

35

Or soon after. Do you remember what, if anything, you did after you found out about the affair other than you've already told us?---I know my life was in complete chaos, so – no.

40

Now, can I – can I ask this: who is John MacLeod?---John MacLeod was a family friend who sometimes worked for Ben and my company.

How – when did you first meet Mr MacLeod?---In approximately 2012.

45

And did you have any dealings with Mr MacLeod in or around April 2018?---Yes. Ben had asked me to withdraw \$1500 cash that he needed to pay John because he had Person 17 followed to Greenslopes Hospital.

5 And did you do that?---Yes, I did.

All right. Did you and Mr Roberts-Smith have a joint bank account?---Yes.

10 Right. And is that the account that you took the \$1500 out of?---Yes. We only had joint accounts.

I see. Were you responsible for – or you had access to the joint bank accounts, I assume?---Yes. Actually, speaking of bank accounts, the day that Person 17 came to the house, after she left and I went and picked up our children from - - -

15 MR McCLINTOCK: I object. It's not responsive to a question.

MR OWENS: Well - - -

20 HIS HONOUR: No, I will allow it, Mr McClintock.

Yes, you go ahead?---When I went to pick our children up from the art class, I went to Westpac and withdrew \$1000 from the ATM, and I also transferred \$50,000 from a joint account into my parents' account.

25 MR OWENS: Why did you do that?---Because my life had just imploded in front of me and I wasn't sure what was happening and I wanted to protect myself. I knew that I was potentially entitled to half of what was in that account.

30 And do you know what has become of the \$50,000 that you transferred to your parents?---Yes, they at some point returned it back to us.

Do you remember when they returned it?---No. It was within a month, from memory.

35 Do you remember anything else about that transaction?---Yes. I know that Adam Veale, our company accountant, questioned why I had transferred \$50,000 to my parents on that particular day, and Ben and I told him that it was lending my parents money.

40 Okay. Now, you might remember in the text message exchange that we looked at a moment ago you expressed a concern that Person 17 would go to the media; do you remember that?---Yes.

45 Did you ever have any discussions with Mr Roberts-Smith about the possibility that Person 17 would go to the media?---Yes.



Can you tell his Honour, please, what you remember about those discussions?---We were very paranoid about her going to the press. I had made the decision to stay with Ben and to try and work on our marriage. Ben had suggested that the only way we would survive is if we said we were separated.

5

And - - -?---If it hit the press.

I see. And what – what did you understand him to mean to say the only way - - -?---That during that period that he was seeing Person 17, that we weren't together, and that I was to lie.

10

All right. Do you remember the words that he used? As best you can, what words did Mr Roberts-Smith use to you when he said that?---We were standing in our bedroom, and he – and I didn't want to lie, because there was enough lies. And he pointed to our children that were in the lounge room and he said, "If you don't lie, you will lose them."

15

And do you remember what, if anything, you said in response to that?---I knew at that point I had to lie for him.

20

Did you tell anyone about the fact that he had said that to you?---Yes, our housekeeper and Danielle Scott.

All right?---My parents also knew that.

25

Did you tell them?---Pardon.

You told your parents? Or how did they know?---Yes.

30

Can I show you a document, please. Do you recognise that document?---Yes, I do.

What is it?---It's a text message between Danielle Scott and I.

All right. Now, you will see that the date is 27 April 2018?---Yes.

35

And you will see that the first message you sent was:

*BRS thinks if it hits the press, I say we were separated.*

40

Do you see that?---Yes.

Can you tell his Honour what you remember about the circumstances in which you came to send this message?---That was after Ben had asked me to say we were separated. I was communicating with Dan about whether that was a good idea or not.

45

Thank you. I tender that, your Honour.

MR McCLINTOCK: No objection.

HIS HONOUR: Yes. R109 will be text message exchange between Ms Roberts and Ms Scott, 27 April 2018.

5

**EXHIBIT #R109 TEXT MESSAGE EXCHANGE BETWEEN MS ROBERTS  
AND MS SCOTT DATED 27/04/2018**

10

MR OWENS: Now, do you remember that my clients published a newspaper article in I think it was August 2018 which referred to Mr Roberts-Smith having an extramarital affair?---Yes, I do.

15 Can you tell his Honour, please, what you remember about what happened when you came to learn about that newspaper article?---It was a Friday morning at about 7 o'clock. I was getting our daughters ready for netball training before school, and my phone was ringing and it was – I was getting a lot of text messages. As I was about to run out the door I read one of them, and it said, "You must be devastated." And it  
20 dawned on me then that it must have hit the press. I put the girls in the car and ran back inside and Googled Ben's name. Ben was, at the time, staying in a Brisbane hotel. He was down there for work. I tried ringing his phone and it was off, so I rang the hotel reception and got put through to his room. He answered, and I said to him, "You need to read the press."

25

Did you have – or do you remember anything else about that conversation you had with Mr Roberts-Smith?---Yes. Ben had asked me to stay at home. He was going to drive straight back up to the Sunshine Coast. I said no. I had committed to an excursion with the girls in Maleny and that I made a commitment to them and I  
30 would leave and go with them for the day.

And when's the next time that you spoke with Mr Roberts-Smith about that article?---On the way back after the excursion. It was in Maleny, and reception was not good that day thankfully. And I didn't catch the bus with the girls because of  
35 what had happened that morning. I drove back down and spoke to Ben, and he said that - - -

MR McCLINTOCK: I object. .... question.

40 MR OWENS: Doing the best you can, can you try to remember and tell his Honour what was said in terms of you said he said?---Ben said that when I got back home we had to do a story to say we were separated.

And what did you understand by doing a story? What did you think he meant by that?---That by 5 o'clock that afternoon we would both be photographed, and it  
45 would be on the front page of The Australian the next day.

All right. And what did you say to him when he told you - - -?---I said I did not want to do it.

Did you do it?---Yes, I did.

5

All right. Can you tell his Honour about what happened leading up to you participating in that interview and photo shoot?---I got home at about 3.30. Ben had already done the story. I said I was not speaking to the media.

10 Did you talk to the journalist at all?---No, I did not. I – I didn't want a photograph at our home. It was down the road, not far from us, and a photographer - - -

What was down the road?---Where we had the photographer. Where we met the photographer and where the photos were taken.

15

All right. And can you tell me anything about that photoshoot that you recall?---Yes. Prior to the photoshoot being taken, Susan Wood – the PR person from Seven – rang me and asked me what I was wearing and how I should look.

20 And what did she tell you about how you should look?---She said I should look sad.

Could the witness be shown exhibit R71, please, your Honour.

HIS HONOUR: Right. All right.

25

MR OWENS: Do you recognise that document in front of you?---Yes, I do.

What is it?---It's a story that was on The Australian the next day.

30 And you see there's a photograph of yourself with Mr Roberts-Smith in the middle of the front page. Is that the photograph that was taken at this photoshoot you were just telling his Honour about?---Yes, it was.

All right. That can be returned.

35

HIS HONOUR: I'm told, Mr Owens, that the picture of the witness is frozen and that we have to adjourn for five minutes or so to see if we can sort out that technical difficulty.

40 MR OWENS: Yes, your Honour.

HIS HONOUR: So if that's a convenient point to do it, I will do it now. All right.

MR OWENS: Yes, your Honour.

45

**ADJOURNED**

**[11.10 am]**

5 HIS HONOUR: All right. Well, I understand the technical difficulty is that, although audio is being received, from time to time the picture is freezing. And I propose to, in effect, resume. And if, from time to time, for short periods the picture is frozen, I think we will continue.

10 MR OWENS: Yes.

HIS HONOUR: If it's frozen for long periods of time, then I will have to think about whether we adjourn. And hopefully those that have the knowledge are working to solve the problem.

15 MR OWENS: Thank you, your Honour.

HIS HONOUR: All right. Yes. You proceed, Mr Owens.

20 MR OWENS: Thank you, your Honour.

Ms Roberts, can I just clarify one aspect of the evidence you gave earlier, and this was about the conversation that you had with Person 17 at your – in your front garden. Now, you said that one of the things you said to her was something to the effect of, "Did you lose the baby or did you have an abortion." Do you remember  
25 telling his Honour that?---Yes.

All right. On 6 April when you were talking to Person 17, did you know whether she was or was not pregnant at that point in time?---Yes. She had told me she had lost the baby at that particular – she did no longer had the pregnancy at that time.

30 All right. And did you ever have a conversation with Mr Roberts-Smith following your conversation with Person 17 about the fact that she told you that she had been pregnant?---Yes.

35 What – when was that conversation, to the best of your recollection?---It was in the aftermath of that, not – not so far after when she arrived to the house.

All right. And can you tell his Honour what you remember about what you said to him and what he said to you about - - -  
40

MR McCLINTOCK: Your Honour, I don't believe this was put to my client, and I object.

45 HIS HONOUR: Yes. Mr Owens, was it put?

MR OWENS: No, but wasn't deliberately not put, and Mr Roberts-Smith, of course, has the ability to return and give evidence in reply. I put the case as best I



understood it at the time I cross-examined Mr Roberts-Smith, and I'm now asking this witness for - - -

HIS HONOUR: All right. I will allow it.

5

MR OWENS: Thank you, your Honour.

THE WITNESS: I asked - - -

10 HIS HONOUR: You go ahead?---Yes. I asked Ben whether he knew she was pregnant. He said yes, and I said, "How are you so sure?" He said that he was with her when she bought the pregnancy test but he was not with her when she did the actual test.

15 MR OWENS: Thank you. Now, did he tell you anything about the result of the pregnancy test?---No. I don't recall.

Now, can I show you a document, please. Now, what I've shown you is an outline of evidence filed by Mr Roberts-Smith's lawyers on your behalf in these proceedings dated 5 April 2019; do you see that?---Yes.

20

Have you seen that document before?---Yes, I have.

All right. Were you aware that Mr Roberts-Smith's lawyers were filing this document relating to you?---Yes, I was.

25

All right. Now, can - did you provide the information in this outline to those lawyers?---Yes, I did.

30 Now, can I ask you, please, to turn to paragraph 20. And if you see in paragraph 20, the second sentence says:

*We had previously separated with Ben having moved out of our home in about October 2017 to about April 2018 when we reconciled and he moved back in. I was aware that Ben had a relationship with another woman.*

35

Do you see that?---Yes, I do.

All right. Did you provide that information to Mr Roberts-Smith's lawyers?---Yes, I did.

40

Was it true?---No, it was not.

Why did you say something to them that was not true?---Because Ben asked me to lie.

45

And are you able to tell his Honour when and in what terms Mr Roberts-Smith asked you to lie?---Yes. When he was standing in the bedroom that day and said that if I didn't, I would lose them, and pointed to our children in the lounge room.

5 Okay. Thank you. If you look at paragraph 22, you will see there's a quotation set out there that says that you said words to this effect to Mr Roberts-Smith:

*I can't believe this. They are saying you had an affair without me knowing about it.*

10

You see that?---Yes.

Did you ever say words to that effect to Mr Roberts-Smith?---Yes, I did.

15 Did you know about the affair when it was going on?---No.

If you have a look at paragraph 23, you will see it says that you say you recall that Ben became very hurt and upset:

20 *...as we had tried to keep our separation private, and the now the issue had been raised publicly for all to read about.*

Do you see that?---Yes, I do.

25 Is that true?---No.

And why did you – did you say that to Mr Roberts-Smith's lawyers?---Yes, I did.

And why did you say something to them that wasn't true?---Because I was scared.

30

I tender that document, your Honour. Just – I tender paragraphs 20, 22 and 23.

HIS HONOUR: 20, 22 and 23. That's all you're tendering.

35 MR OWENS: Yes, your Honour.

HIS HONOUR: Yes. R110, paragraphs 20, 22 and 23 of outline of evidence of Emma Roberts-Smith filed on 5 April 2019.

40

**EXHIBIT #R110 PARAGRAPHS 20, 22 AND 23 OF OUTLINE OF EVIDENCE OF EMMA ROBERTS-SMITH FILED 05/04/2019**

45 MR OWENS: Would your Honour prefer it if we prepared a redacted copy that only had those paragraphs, or is your Honour happy to leave the whole document on the court file?

HIS HONOUR: Well, it depends on the degree of difficulty, I think, Mr Owens. If it's easy to prepare one, well, do that.

MR OWENS: I think it's easy enough, so we can do that.

HIS HONOUR: Yes, all right.

MR OWENS: Can I show the witness another document, and that one can be taken back.

Now, do you see that this document is another outline of evidence filed by Mr Roberts-Smith's lawyers in relation to you. This is one dated 9 July 2019. Now, again, did you – were you aware that a document – that that document was being filed in relation to you?---Yes.

All right. And did you provide the information in this document to Mr Roberts-Smith's lawyers?---Yes, I did.

Now, can I ask you, please, to look at paragraph 3. You will see there, it says:

*In October 2017, Ben and I separated. I knew from conversations that I had had with Ben since we separated that he had been seeing someone by that name. Although Ben had moved out of the house during our separation, I continued to manage his public speaking engagements. He regularly came home for dinner to see the girls and he would sometimes stay over at the house in the spare room.*

Do you see that?--- .....

All right. Taking it in pieces, the first sentence:

*In October 2017, Ben and I separated –*

was that true?---No.

And why did you tell the lawyers who prepared this document something that wasn't true?--- ..... I was scared.

And the second sentence, that you knew from conversations you had had with Ben since you had separated that he had been seeing someone by the name of Person 17: was that true before 6 April?---No, it was not.

All right. And it says:

*Although Ben had moved out of the house during our separation –*

is that correct? Had he moved out of the house during the separation?---No, he had not.

Was there a separation?---No, there was no separation.

5

And does it follow that – well, would he ever stay over at the house in the spare room in that period?---He was at the house, but in our bed.

And again, in relation to all of that information, did you provide that information to Mr Roberts-Smith's lawyers?---Yes, I did.

10

Was it true?---No, it was not true.

And why did you provide information that was untrue to those lawyers?---Because I was scared of losing my family.

15

Thank you. I tender paragraph 3 of that document, your Honour.

MR McCLINTOCK: No objection.

20

HIS HONOUR: Yes, all right. R111 will be paragraph 3 of outline of evidence of Emma Roberts-Smith filed 11 July 2019.

**25 EXHIBIT #R111 PARAGRAPH 3 OF OUTLINE OF EVIDENCE OF EMMA ROBERTS-SMITH FILED 11/07/2019**

MR OWENS: Thank you. And that document can be returned to the associate, thank you.

30

HIS HONOUR: Yes. Thank you.

MR OWENS: Now, can I remind you, in relation to the questions I'm about to ask you, to be very careful not to use the real name of any SAS soldier, and you've got a list in front of you to use to refer to anyone that I refer to or that you need to refer to, and if someone's name is not on the list but you are aware that they are a member of the SAS or were a member of the SAS, indicate that and we can have you write their name so we don't say their name in open court. All right. Now, having a look at that list, do you know who Person 5 is?---Yes, I do.

40

All right. Who is he? I don't mean his name; I mean can you describe his -- --?---He's one of Ben's friends.

All right. Now, are you aware that at some point, Person 5 moved away from Australia?---Yes, I do.

45



All right. Now, are you aware of whether – or are you aware of any communications that might have occurred between Mr Roberts-Smith and Person 5 around the point in time that he left Australia. Do you remember any such communication?---Yes. The night before he was due to leave Australia for overseas, I believe he was going  
5 into the IGADF.

Now, this - - -

MR McCLINTOCK: Your Honour, I - - -

MR OWENS: Yes. If I – we will just take this bit by bit?---Yes.

First of all, can you tell his Honour, first of all, what you know in terms of what you saw or heard in terms of a communication between Mr Roberts-Smith and Person 5  
15 that you were going to tell his Honour about?---I know that Ben was on the phone to Person 5 the night before - - -

All right. And just – if I can just stop you there. How did you know?---I was in the same room as Ben at the time.

And how did you know that it was Person 5 on the other end of the phone?---I could hear his voice, and it's quite distinctive.

Okay. Now, do you remember where you were when this phone call took place?  
25 Where in the house you were when this phone call took place?---Yes. In our bedroom.

Okay. And were you in the bedroom with Mr Roberts-Smith for the duration of this phone call?---No.

How long did the phone call last for?---I don't – not – not for very long at all from memory.

Okay. Can you indicate?---Within 10 minutes

10 minutes. All right. And for how much of that time were you in the same room as Mr Robert-Smith?---In and out.

Okay. Now, tell his Honour what you remember hearing. Was the phone on speaker or was it not on speaker?---No.

So how could you hear Person 5's distinctive voice?---By his accent.

How were you able to hear it if it wasn't on speaker?---He's very loud, and it's very  
45 distinctive.

So you could hear it through the - - -?---I could hear the person's voice, yes.

Now, could you discern any of the words that he was saying?---No.

Okay. So can you remember anything that you recall Mr Roberts-Smith saying into the phone?---No.

5

Did you have a conversation with Mr Roberts-Smith about that phone call subsequently?---Yes, I did.

10 All right. Now, can you tell his Honour – doing the best you can – what Mr Roberts-Smith said to you and what you said to him in that conversation?

MR McCLINTOCK: Your Honour, I also don't believe this was put. I appreciate that the rule in *Browne v Dunn* - - -

15 MR OWENS: This was put.

MR McCLINTOCK: ..... thanks. If that – I accept my learned friend – what my learned friend says.

20 HIS HONOUR: Thank you. Yes.

THE WITNESS: When Ben got off the phone to Person 5, he had been quite nervous for him. He was going into the IGADF.

25 MR McCLINTOCK: I object to this, your Honour. It's not - - -

MR OWENS: Could you try and remember – put it in terms of, best you can, “Ben said to me,” and then the words that Ben said to you?---Ben said that the IGADF were going to interview Person 5 the night before he was - - -

30

I'm sorry, your Honour. I'm sorry. There has been a slip - - -?---Sorry.

- - - with the name.

35 HIS HONOUR: Yes. All right. Yes, Ms Mitchelmore.

MS MITCHELMORE: Yes, your Honour. I seek a number of orders pursuant to section 19(3A) of the National Security Information (Civil and Criminal Proceedings) Act 2004.

40

HIS HONOUR: Yes.

45 MS MITCHELMORE: The first of those would be that the name of the person just disclosed be suppressed. The second is that that information be redacted or removed from the transcript and substituted with a reference to Person 5. And, finally, that that information be excluded from any recording that is to be made available on the Federal Court's YouTube channel.

HIS HONOUR: Yes. All right. Well, I make all three of those orders, Ms Mitchelmore.

MS MITCHELMORE: If the court pleases.

5

HIS HONOUR: Thank you.

MR OWENS: Thank you, your Honour.

10 It's easy to make a slip. Just do your best to try to remember any name, nickname, use the pseudonym list if you can. So, again, doing the best you can in terms of "Ben said" and then the words that you remember Ben saying, what do you remember Mr Roberts-Smith said to you after this phone call?---Ben told me that Person 5 was going into the IGADF the night before he was flying out of the court, and said – he  
15 said that Person 5 was very upset about it.

And do you remember anything else that he told you?---Yes. He told me that Person 5 had gone into somebody's office at the SASR, and when he walked in Person 18 was in the office. And there was an altercation, and Person 5 was very angry that  
20 Person - - -

MR McCLINTOCK: Your Honour, I do object to this. I believe this was not put. I appreciate that the rule in Browne v Dunn is not necessarily a grounds of objection, but this was not put.  
25

HIS HONOUR: Yes. I think I will allow it, Mr McClintock, but there will be a point, Mr Owens, where if it's one or two matters then there's - - -

MR OWENS: Yes, your Honour.  
30

HIS HONOUR: - - - an issue then about what can be called in reply. But there will be a limit.

MR OWENS: I understand, your Honour.  
35

HIS HONOUR: Yes.

MR OWENS: I'm just seeking to have the witness' best recollection about this conversation.  
40

HIS HONOUR: Yes.

MR OWENS: That, at least in part, was cross-examined on.

45 HIS HONOUR: Yes. All right.

MR OWENS: So can you just keep going with what you remember Mr Roberts-Smith said to you - - -

MR McCLINTOCK: Your Honour, before the witness answers the question, could I  
5 make just one further objection. It's the basis upon – I'm sorry, your Honour. It's  
the basis upon which the material is to be admitted. If it's evidence of something my  
client said, so be it. I don't object. I can't object given the ruling your Honour has  
just made. If it's to be evidence of the truth of what the witness said, I do object to  
that, because it would be hearsay.

10 HIS HONOUR: Yes. Well, I think that's right, isn't it, Mr Owens? It depends a bit  
- - -

MR OWENS: Well - - -  
15

HIS HONOUR: - - - whether it's an admission by - - -

MR OWENS: - - - it depends - - -

20 HIS HONOUR: - - - Mr Roberts-Smith.

MR OWENS: Quite.

HIS HONOUR: But if it's some description of somebody else's conduct, that may  
25 not be admissible as truth of it.

MR OWENS: No. But the question – the basis of the question is that it's put on  
terms of what Mr Roberts-Smith is saying about the content of a phone call that he  
was a participant on.

30 HIS HONOUR: Yes.

MR OWENS: It is relevant on that basis.

35 HIS HONOUR: Yes.

MR OWENS: And any wider hearsay purpose, I accept, can be debated later. But  
that's the basis upon which it's being led. But I will do it in another way, your  
Honour, which might short circuit this.

40 HIS HONOUR: Yes.

MR OWENS: Could the witness be shown exhibit R45, please.

45 HIS HONOUR: Yes.



MR OWENS: Now, if you have a look at that document, do you recognise that as a text message exchange between you and Ms Scott?---Yes, I do.

On 9 May 2018. Do you see that?---Yes.

5

Now, can I ask this, please. You will see the first message that you sent which begins “hey mate.” Do you see that?---What was that, sorry?

Do you see the first message that you sent - - -?---Yes.

10

- - - which begins “hey mate”?---Yes.

Can I ask this. Was the information contained – or tell – can you tell his Honour where did you obtain the information contained in that first message?---From Ben.

15

All right. Now, do you recall – as best you can – the words that Mr Roberts-Smith used to give you that information?---I don’t remember his exact words, but when he got off the phone to Person 5 he said that they were very, very interested in what Ben was doing in Afghanistan.

20

All right. Now, if you look at the second message on the page, you will see it says:

*It’s obvious that someone has said a hell of a lot about Ben.*

25 Do you see that?---Yes.

Now, was that a statement that you made of your supposition or opinion, or was that – what was the basis for saying that?---Ben had told me that.

30 Can you remember the words that he used when he gave you the information that you then recorded in that message?---No, I don’t.

All right. That can be returned, your Honour. Now, again, remembering to not use names, can you tell his Honour – or do you know who person 29 is? Just have a look at the list?---Yes, I do.

35

All right. And who is Person 29? Not his name?---He is one of Ben’s friends.

All right. Now, do you recall an occasion where Person 29 was staying in your house around July 2019?---Yes, I do.

40

All right. Can you tell his Honour what you remember about that stay?---Ben and Person 29 were in the office looking at documents on Ben’s laptop.

45 Can you tell his Honour what you personally observed?---I saw an image of a white building that was an aerial shot, and they were describing what was going on around the building.

Can you recall the words that they were using to each other that you heard?---No, I do not recall.

5 Do you – did you observe them looking at anything other than an aerial shot of a white building?---Yes, they were looking at documents on the computer.

Were you able to see what those documents on the computer were?---No, I wasn't.

10 Were you – is there anything else you can tell his Honour about what Mr Roberts-Smith and Person 29 were doing together in the office in – during that July 2019 stay that you observed?---They were watching TV and chatting and having drinks.

15 All right. Now, do you recall any particular discussions that you've had with Mr Roberts-Smith about Person 29 after that stay?---Yes, I do.

All right. Can you tell his Honour what you recall of the first such discussion that you remember?---In - - -

20 And, as best you can, use the words, "Ben said", "I said"?---In December of 2019, Ben rang and asked me to ring Person 29 from my phone and ask him to come to Sydney, not to ask questions - - -

MR McCLINTOCK: Your Honour, this was not led either.

25 MR OWENS: I'm pretty sure it was.

MR McCLINTOCK: I stand to be corrected.

30 MR OWENS: Well, so do I, but, if it matters, I can check the transcript.

HIS HONOUR: Well, how much of this is there, Mr Owens? I think there's a question of degree here.

35 MR OWENS: I don't think it will take long, your Honour.

HIS HONOUR: No, no. Well - - -

MR OWENS: I'm sorry.

40 HIS HONOUR: - - - as to this particular one.

MR OWENS: Yes.

45 HIS HONOUR: But I'm looking more long-term: how many conversations are there where there's - - -

MR OWENS: I will ask the witness, your Honour.

How many conversations with Mr Roberts-Smith about Person 29 do you presently recall?---Just that one in the December.

All right.

5

HIS HONOUR: No, I actually meant - - -

MR OWENS: I'm sorry.

10 HIS HONOUR: I actually meant how many conversations are going to be led which are arguably not put to the witness – that's what I meant – in a broader sense?

MR OWENS: I don't think there will be any more, your Honour.

15 HIS HONOUR: All right. Well, I will allow this.

MR OWENS: Without accepting that this one wasn't – my - - -

HIS HONOUR: No.

20

MR OWENS: As I say, I think there might be a debate about whether this was put or not, but - - -

HIS HONOUR: All right.

25

MR OWENS: - - - I - - -

HIS HONOUR: Yes. You go ahead.

30 MR OWENS: Thank you, your Honour.

All right. Could you just tell his Honour what you remember about this conversation concerning Person 29 that you had with Mr Roberts-Smith?---Ben had asked me in December of '19 to ring Person 29 and not to ask questions and just gave an address  
35 and a time that he was to meet Ben there.

And do you remember what the address was?---I don't remember the address, but it was a hotel in Sydney.

40 All right. And do you have any knowledge about why he was asking you to do that?---No, I do not.

Did he say anything to you?---Not at the time, no.

45 And is that all you can remember about your conversations with Mr Roberts-Smith and – about Person 29?---No.

It's not all?---The next day, Ben returned back to Queensland and he – sorry – prior, he had asked me to ring his PA at 7 and extend the hotel to a two-bedroom apartment, which she did. And I said we would pay for that privately. Ben had dinner with Person 29 that night.

5

MR McCLINTOCK: I object.

MR OWENS: Well - - -

10 HIS HONOUR: How do you know that?---Ben told me. And I've seen the receipt from the credit card.

I will allow that.

15 MR OWENS: Thank you.

All right. And what else did Ben tell you about that meeting between himself and Person 29?---The following day, Ben told me Person 29 did not stay in the apartment. He drove back to his home. When I saw the credit card statement, I  
20 knew that they wouldn't have been drinking, because he was driving home. I asked why it was so much.

How much was it; do you remember?---It was around \$600. And I asked him who else was at that dinner.

25

You asked Mr Roberts-Smith - - -?---Ben, yes.

- - - who else was at the dinner - - -?---Yes.

30 - - - apart from himself and Person 29?---Person 29, yes.

And what did he say to that?---He told me that Monica Allen was at the dinner.

All right. Did he tell you anything else about that dinner?---Yes.  
35

MR McCLINTOCK: I object, your Honour.

HIS HONOUR: Yes, what's the relevance, Mr Owens?

40 MR OWENS: Your Honour, I can do it in the absence of the witness if that's - - -

HIS HONOUR: Yes.

MR OWENS: - - - preferable, but - - -  
45

HIS HONOUR: Would you mind just stepping outside for a moment. We need to have a debate, a legal debate?---Yes.



**<THE WITNESS WITHDREW**

**[11.44 am]**

5 MR OWENS: Your Honour, this – your Honour might recall that I cross-examined Mr Roberts-Smith about the dinner that he had had with Person 29 and I was putting to him that his denials of the fact that the subject matter of Person 29s interview with the Inspector-General were not plausible in the circumstances. And what this witness is now doing is giving evidence about what Mr Roberts-Smith said occurred at that dinner that night.

10

HIS HONOUR: You want to be heard any further, Mister - - -

MR McCLINTOCK: No, your Honour, I don't.

15 HIS HONOUR: All right. Well, I will allow the question. If the witness could come back in, please.

**<EMMA ROBERTS, RECALLED**

**[11.47 am]**

20

**<EXAMINATION-IN-CHIEF BY MR OWENS**

25 HIS HONOUR: Yes. Thank you.

MR OWENS: Thank you.

30 You might recall that you just gave evidence that Mr Roberts-Smith told you that, in addition to himself and Person 29 at the dinner, Ms Monica Allen was present?---Yes.

All right. Did Mr Roberts-Smith say anything else about that dinner?---Yes, he did.

35 What did he say to you? And try and use, as best you can, the words that he used?---He told me that he gave Person 29 a copy of his notes from the IGADF that day.

40 He, being Mr Roberts-Smith?---Ben did.

MR McCLINTOCK: Your Honour, that was not put.

MR OWENS: No, it wasn't. I accept that.

45 MR McCLINTOCK: I object to it.

MR OWENS: I didn't know it.

HIS HONOUR: Yes. Well, you will have the opportunity to reply on that, Mr McClintock, won't you?

5 MR McCLINTOCK: I do. I'm sorry. I keep forgetting to take my mask off, your Honour.

HIS HONOUR: Yes.

10 MR McCLINTOCK: I can't say they're becoming second nature. Your Honour is quite correct, but I do – it's always that quandary where, when we hear something that comes completely new and one has never heard before. As I said, I appreciate the rule in Brown – a breach of the rule in Browne v Dunn is not necessarily a basis for an objection to admissibility, but it's something I felt I should draw to your Honour's attention.

15 HIS HONOUR: Yes. All right. Mr Owens, do you - - -

MR OWENS: I don't – I do not dispute that I did not put to Mr Roberts-Smith that he passed notes of Inspector-General's interview to Person 29 at that interview.

20 HIS HONOUR: Yes. And that would form a basis for evidence in reply, I would have thought.

MR OWENS: Absolutely.

25 HIS HONOUR: Yes. All right. Well, I will allow it.

MR OWENS: Thank you.

30 All right. Now, I'm going to move to a different – well, sorry, I should say was there anything else that you recall about anything that Ben Roberts-Smith told you about that dinner that he had with Person 29 and Ms Allen that you can recall?---No.

35 Okay. Now, moving to a different topic, do you recall Mr Roberts-Smith ever saying anything to you about USBs?---Yes.

Can you tell his Honour what you recall the first time you recall Mr Roberts-Smith saying something to you about USBs?---Ben was expecting USBs to be delivered in the mail and asked me if they had arrived yet.

40 And what did you say to him?---No, they haven't.

All right. And do you remember anything else in relation to USBs arriving in the post?---I remember that some did arrive. Some - - -

45 How did you know that?---I collected the mail from our post box.

And how did you know that the mail had USBs in it?---I opened all the mail.

All right. And did the envelopes in which the USBs were contained identify who the sender was?---No.

5

Was there anything inside the envelope that indicated who the sender was?---Not that I recall, no.

10 Did Mr Roberts-Smith ever say anything to you in relation to who the sender of the USBs was?---Yes. I believe he was waiting for them - - -

If you just try and remember the words that Mr Roberts-Smith used to you to tell you anything about where those USBs had come from?---He was waiting for a parcel from Person 35 and, I believe, Person 27.

15

Why do you say you believe Person 27?

MR McCLINTOCK: Your Honour, this wasn't put either. Again, I appreciate that your Honour will make the same ruling that your Honour made.

20

HIS HONOUR: Yes. All right. I will and do. Yes, Mr Owens.

MR OWENS: Thank you, your Honour.

25 My question was you said you believe Person 27. I'm just trying to understand?---Ben has said their name.

Do you remember the words that he used to tell you?---No, I do not.

30 Now, do you know what Mr Roberts-Smith – and when I say do you know, did you see or did you observe what Mr Roberts-Smith did with those USBs once he had them?---I saw that he downloaded them onto his laptop.

35 Did you see him do that?---I – no. I did not see him download them, but I saw photos on his laptop.

And what made you think that those photos were from the USBs?---They were all from Afghanistan.

40 Now, do you remember how many photographs you saw?---Maybe a dozen.

Now, do you recall that Mr Roberts-Smith issued you a subpoena in these proceedings?---Yes, I do.

45 And do you recall that it required you to produce certain categories of documents to the court?---Yes.

All right. Now, did you seek – and I’m not asking you to tell me – if the answer is yes, I’m not asking you to tell me what the substance of it was, but just the fact. Did you seek legal advice in relation to what you needed to do to comply with that subpoena?---Yes, I did.

5

All right. Can you – again, don’t tell me anything about what was said. Can you indicate who you sought that legal advice from?---Patrick McCafferty.

And who’s Patrick McCafferty?---My QC.

10

Now, can I show you, please - - -

MR McCLINTOCK: He’s so much more than that.

15 MR OWENS: - - - a document. Now, and can I just indicate for the transcript, your Honour, that this document is tab 10 of MFIR43. Can you have a look at that document, please, Ms Roberts, and tell me is that document that you produced in response to that subpoena?---Yes, it is.

20 All right. Can you please tell his Honour where it was that you found that document?---In accordance with my subpoena, I was in Patrick McCafferty’s office on 31 May, and - - -

25 Don’t tell me anything that Mr McCafferty said. Just tell me where it was that you got this document?---Off Patrick McCafferty’s computer.

Do you have an understanding of how this document came to be on Mr McCafferty’s computer?---Yes. I signed into our company emails.

30 So when you say our company emails, what – can you just tell his Honour what you had - - -?---I signed into the Crazy Domain website.

What’s the company that you’re referring to?---RS Group Australia.

35 All right. And can you tell his Honour – the email accounts in that company email – was the account that you found this document in, did it belong to a particular person or - - -?---Yes.

Whose?---Ben@rsgrouppaustralia.com.

40

Thank you. And do I understand from what you just said that, at the time you accessed that document, Mr McCafferty was in the room with you?---Yes.

45 All right. Now, I’m going to show you another document. And, your Honour, for the record, this is tab 15 of MFIR43.

HIS HONOUR: So the last one was, did you say - - -



MR OWENS: Tab 10.

HIS HONOUR: 10. Yes. Can you have a look at that document, please. Now, was  
– do you recognise that as a document that you produced in response to the subpoena  
5 served on you?---Yes.

All right. Now, again, where did you locate that document?---On Patrick  
McCafferty's computer in his office.

10 And from what website or - - -?---The Crazy Domain website under Ben's email  
address.

All right. Thank you. Can I show you another document. This one, your Honour, is  
tab 16 of MFIR43. Do you recognise that document?---Yes, I do.

15 Was that a document that you produced in response to the subpoena?---Yes, it is.

And did you also obtain that document sitting in Mr McCafferty's office from the  
ben@rsgroup email account?---Yes, I did.

20 And can I show you a final document. This one, your Honour, is tab 17 of MFIR43.  
Now, do you recognise that document?---Yes, I do.

Can you tell his Honour what you recognise it to be?---I don't know what it is, but  
25 that's the same image that I saw Person 29 and Ben look at on a computer back in  
July.

I see?---And I also got that in Patrick McCafferty's office in accordance with my  
subpoena.

30 I see. Thank you. All those documents can be – they can be returned to us. Can I  
ask did you have any particular position or role in the RS Group company?---I'm a  
director.

35 And were you a director at the time you were accessing the documents under the –  
for the subpoena?---Yes, I was. Yes.

Now, after you and Mr Roberts-Smith separated – which I think you told his Honour  
was 20 January 2020 - - -?---Yes.

40 - - - from that point onwards, other than when you were with Mr McCafferty in his  
office looking for documents to comply with the subpoena, have you ever accessed  
Mr Robert-Smith's RS Group email account?

45 MS MITCHELMORE: I object.

HIS HONOUR: Yes. And what's the – well, can the objection be dealt with in the presence of the witness?

5 MS MITCHELMORE: It can. It's in the – it's the nature of the breadth of that question.

HIS HONOUR: Yes.

10 MS MITCHELMORE: And I obviously haven't heard ..... but there may be answers to that which may or may not indicate involvement of this witness with activities of law enforcement agencies.

HIS HONOUR: Yes.

15 MS MITCHELMORE: And I would say that irrespective, and whether or not such involvement has been – has taken place or not.

HIS HONOUR: Are you able to - - -

20 MR OWENS: I can modify the question.

HIS HONOUR: - - - rephrase it?

25 MR OWENS: Yes.

HIS HONOUR: Yes.

MR OWENS: Yes.

30 Ms Roberts, you might remember I asked you a moment ago, after you and Mr Roberts-Smith separated on 20 January 2020, I said to you other than when you were with Mr McCafferty for the purposes of complying with the subpoena. And can I also just add – I'm not saying it happened – but other than also if it was in connection with any law enforcement agency or endeavours, have you ever accessed  
35 Mr Robert-Smith's RS Group email account?---No.

Now, are you aware – subject to those same two qualifications, putting aside law enforcement and putting aside Mr McCafferty – are you aware of anyone else after  
40 20 January 2020 ever accessing Mr Robert-Smith's RS Group email account?---Yes, I am.

Who are you aware has accessed Mr Roberts-Smith's email account after 20 January 2020, putting to one side those two qualifications?---Danielle Scott.

45 All right. How did you become aware that Ms Scott had accessed Mr Roberts-Smith's email account?---From the start or from - - -

Go from - - -?--- - - - post twenty - - -

Go – sorry, from – well, tell us – can you tell us the first time you became aware at any point in time – the first time you became aware that Ms Scott may have accessed  
5 Mr Roberts-Smith’s email account?---Danielle Scott had access to Ben’s account – or to all our accounts in April 2018.

All right. Can you tell his Honour, please, how it is that Ms Scott came to be given access to all of the – do you mean – when you say “all of the email accounts”  
10 - - -?---There was four accounts inside RS Group.

So you mean all of the RS Group - - -?---Yes.

- - - email accounts. All right?---Yes.  
15

Can you tell his Honour in April 2018 how it was that Ms Scott came to be given access to all of the RS Group email accounts?---Ben and I were at a charity event in Brisbane, and we hopped in the car to drive back to the Sunshine Coast. Ben’s PA at Seven had left a message – I was the passenger, Ben was driving – to say that Person  
20 17 had rung his PA at Seven. Message was that Ben had to then check a mutual Gmail account that he was using with Person 17 with a password, and she had drafted a message that she wanted Ben to have access to. That was the very first time I had ever heard that that was a thing.

25 That what was a thing?---That Ben and Person 17 shared a Gmail account - - -

All right?--- - - - during their relationship.

So what did you say to him or what did he say to you after you had listened to that voicemail message?---I was not happy. It was the first time I had heard of it. It was only - - -  
30

Do you remember what you – what you said, or as best you can recall, what happened?---“What is going on? What the hell is going on here?” Ben admitted that  
35 they had shared a Gmail account with a common login and password. And Ben’s PA at Seven had repeated the password on the voicemail. Ben asked me while we were driving back to the coast to log in. I said, “Absolutely not.” We had decided to ask Danielle Scott to do that on our behalf.

40 Can you remember the words that were exchanged to reach that decision?---Yes. I had said to Ben that neither he or I should get into that account and that we needed an external person to do that for us.

All right. And do you remember how it was that Danielle Scott came to be the  
45 person that was selected to do it?---She was my closest confidante.

All right. And so what happened after that decision had been reached? What do you remember happening next?---We were on the freeway driving back up to the Sunshine Coast. It was damage control in our car because it was another part of the relationship that had been exposed to me. I didn't want to respond to the Gmail  
5 account. Ben suggested that Danielle would write to Person 17 and ask her to stop harassing us, which she had been doing in that time. Ben then gave Danielle on that phone call the password to our company account.

Can you – as best you can, can you remember what it was that Mr Roberts-Smith  
10 said to Ms Scott on that phone call? What – what did he say?---We – he - - -

What did he ask her to do?---He gave her switzerland2018, which was the password to the Gmail account - - -

15 Yes?--- - - - and then gave her our company account password as well.

And did he ask – did he say anything more to her?---We – we spoke to her again that night. I said, “Don't send anything yet.” We rang later that night when we got back to the coast and it was agreed that Danielle would email Person 17 on our behalf and  
20 say that she was not to contact us again. It was not from the Gmail account they shared, it was not from our company account but a private account that Danielle had set up under the name of Danielle Kennedy.

All right. Now, do you recall Mr Roberts-Smith saying or doing anything else in  
25 relation to Ms Scott after he gave her the password to the RS Group email account?---Yes, he asked Danielle to sign a confidentiality agreement.

Do you remember when he asked her to do that?---Yes, it was around August 2018 when the story had hit the press about the affair.  
30

Now, can I ask this: have you ever observed Mr Roberts-Smith do anything unusual with a laptop?---Yes, I have.

What?---I saw him put a drill through one and pour petrol on it and set it alight.  
35

Do you remember when he drilled the laptop and set it alight?---No, I do not.

Is that the only occasion that you've seen him ..... laptop?---Yes.

40 Now, can I show you, please – or can I ask the witness, please, to be shown exhibit R75.

Can you just have a look at that. There's – it's front and back of the page. Now, what can you tell his Honour about that email?---That was an email that Ben had sent  
45 to me with a photograph of medication he found in Person 17's bag the night she fell down the stairs.



How did you know that?---Ben told me.

Did he tell you before or after he sent the email?---I don't recall.

5 Okay. Do you recall whether he sent you any other photographs in relation to Person 17?---There was photographs of her diary.

Thank you. That document can be returned to the court.

10 Did Mr Roberts-Smith say anything to you to indicate why he was emailing you those photographs relating to Person 17?---He told me that he wanted me to keep them in case we ever needed them.

15 Thank you. Now, do you recall a weekend in early 2020 when Ms Scott was staying with you at your house?---Yes, I do.

What can you tell his Honour about that weekend that you recall?---It was the day that Danielle was due to fly back to Cairns. I had suspected that Ben was - - -

20 MR McCLINTOCK: I object.

MR OWENS: Well, can you – well, I think the witness can give that, your Honour. She's giving evidence about her - - -

25 HIS HONOUR: Yes, what's the basis, Mr McClintock?

MR McCLINTOCK: I won't press it, your Honour.

30 HIS HONOUR: Yes, all right.

THE WITNESS: I had seen Ben, in the leadup to our separation, withdraw cash on a regular basis, and I thought he must have been stashing it. Danielle and I - - -

35 MR OWENS: What do you mean by "stashing it"?---Keeping it somewhere.

Right?---Danielle and I were having a conversation in the morning and we were talking about that, and I said, "He used to be out in the garden burying things." I at the time thought it was the cash, and she said, "Do you think you know where it is?" And I said, "Yes, the vicinity."

40 All right. And what happened after that?---We put our children in front of a movie, gave them breakfast and we went out and – I knew the location of where I used to see him in the garden, and - - -

45 And where was that?---It was on the corner of our office, which was detached from our home but connected by a pathway. I went – we went down to the side of the office, and I knew the location and it was very obvious to me that there was a spot.

Why was it obvious to you?---There was a rock underneath the hose reel.

Okay. And can you tell his Honour what happened next after you reached that location?---I went to the garden shed and got a pitchfork. I moved the rock. I moved  
5 the garden reel that had no hose, just a reel. And we dug down about that deep, and then - - -

Just – you’re indicating about – what was that, 30 centimetres-ish?---It was not deep, yes.  
10

Yes?---And there was a lunchbox, one of the girls’ lunchboxes.

Do you remember anything about the physical appearance of that lunchbox?---It was clear and had pink tabs on it.  
15

Okay. And what happened once you found the lunchbox?---I picked it up, opened it, and there was several USBs double-bagged in snap-lock bags.

Do you remember how many there were?---Four, five, from memory.  
20

And what happened after you found the USBs in the bags?---I gave them to Danielle. She downloaded them onto her laptop. I said, “I do not want to see what’s on them.” We put them back in the – in the snap-lock bag, put them back in the lunchbox and reburied them.  
25

Okay. Now, can I show you, please, a document. Now, do you recognise this as an email that you received from Mr Roberts-Smith on 5 June 2020?---Yes, I do.

All right. Do you remember – do you remember receiving this email?---Yes.  
30

What can you tell his Honour about what you remember about receiving this email?---Ben had asked to come to the house to pick up some files in relation to our family matter, and I obviously gave him access to the property. I was on the phone to Danielle at the time - - -  
35

Well, just – if I can just stop you there. If you turn over the page, do you see there it looks like a – is that a – is that the response that you sent to the email - - -?---Yes.

- - - on the first page?---Yes.  
40

All right. Can I just ask you some questions about that. You see you say that you will make sure that he has access to the property at 2.30 pm. You’ve said – you then say:

45 *I have packed most of your personal belongings, all bar files in the cabinet, from the office and placed most of it in the garage.*

Can I just ask you these questions, please. What did you mean by “the cabinet”?---We had a filing cabinet in the office.

5 All right. So – and what – can you explain what you mean by packing most of his personal belongings bar the files in the cabinet from the office and placing it in the garage?---Everything – there was cupboards behind. Most of that was stationery, and that was left there. The contents of his actual desk I removed, because in the March, our girls were home-schooled and one of the – our daughters was using that desk.

10 All right. Now, was anything of Mr Roberts-Smith’s left in the desk, to your recollection?---There was a drawer that I was unable to open. It was jammed, and it had - - -

15 Well, do you know – if it was jammed – were you able to open it to see - - -?---No. - - - what was in there? So you don’t - - -?---No.

20 Do you know - - -?---I could see power cords for a phone and a little yellow box of bulldog clips.

How did you see that?---I could – it – the drawer was jammed, the bottom left-hand one, and it was open about that much.

25 All right. To the extent you could see in there, could you see any USBs?---No.

All right. Now, when you were packing up the personal belongings of Mr – which – do you remember which drawer it was? Where in the desk was that drawer?---It was one of the bottom ones. I believe the bottom left.

30 Do you remember anything in particular about packing up his belongings and putting them in the garage? Do you remember doing anything – tell his Honour what you did. What was the – what did the packing-up process involve?---I took before photos – so I knew what was in the boxes – of the drawers.

35 Can I show you some photographs.

HIS HONOUR: What do you want to do with this one?

40 MR OWENS: Yes. Sorry, I will tender that, your Honour.

HIS HONOUR: Any objection?

45 MR McCLINTOCK: No, your Honour.

HIS HONOUR: All right. R112 will be emails passing between the applicant and Ms Roberts on 5 June 2020.

**EXHIBIT #R112 EMAILS BETWEEN APPLICANT AND MS ROBERTS  
DATED 05/06/2020**

5 MR OWENS: Can you just have a look at those photographs that I've just shown you and tell me – tell his Honour what you can recall about those photographs and what they show?---That was the contents of Ben's desk, inside the drawers.

10 And what happened to – what happened to all the contents that are in – shown in these pictures? What did you do with them?---I packed them up in a box and put them in the garage.

Okay. All right. Now, I tender those photos, your Honour.

15 MR McCLINTOCK: Perhaps my learned – I haven't seen this before, your Honour. Perhaps my learned friend could defer the tender for a short time.

MR OWENS: Yes, of course. If that could be marked MFI.

20 HIS HONOUR: All right. MFIR113: eight photographs.

**MFI #R113 EIGHT PHOTOGRAPHS**

25 MR OWENS: Thank you, your Honour.

30 Can I take you back now to the – in the morning, you received the email from Mr Roberts-Smith seeking access to the property. You replied to him, telling him that the – his personal belongings, all bar the files in the filing cabinet, were in the garage. Can you tell his Honour what you next recall about that day?---I had made a phone call to Danielle Scott to say that Ben was on his way to the house.

35 Do you remember what time roughly that phone call took place?---It was around 2 o'clock - - -

Okay?--- - - - in the afternoon.

40 And what did you say to Ms Scott?---I said that he was coming to pick up some files. I knew that most of the files were packed up or inside the house if they were personal, and she said, "Do you think they're the file files?"

The what files, sorry?---She said "file files".

45 What did - - -?---Which meant - - -

What did you understand that to mean?--- - - - the USB files.



All right. And what did you say when she said that?---I said, "Surely not." I hung up. I went out to that spot and took a photo of that area.

What's that spot?---Where the files had – where we had reburied them.

5

Okay. And what did you do after you took those photos?---I let Ben onto the property. I was inside the house while he was outside. Right - - -

10 Did you observe where he was or what he was doing?---No, the only time I saw him was in the office. I specifically remember when I walked in, there was sweat drops on the tiles and on his desk.

15 All right. And what do you remember next happening in that day?---I was about to go and pick up the girls from school. He said, "Will you follow me out?" And I knew I wanted to get an after photo if that's where he had been, so I said, "I'm going to go to the bathroom. I will let you out." When he left, I went back and took the photos of after.

20 All right. Can I show you some photographs. There's two lots. I will show you these ones first. So the document that you're looking at now, just for the transcript, your Honour, is MFIR43, tab 21. Tab 20, I'm sorry. MFIR43, tab 20. It is, in fact, tab 21. So MFIR43, tab 21.

25 Now, Ms Roberts, can you look at that photographs and tell me if you recognise them and what you recognise them to be?---They're photos that I took on my phone approximately five or 10 minutes before Ben arrived at the property.

30 All right. And can you point out to his Honour any relevant features of what's shown in those photographs?---The hose reel and the rock, and the container with the USBs was underneath the rock.

All right. Thank you. Now, you can give that back to the court officer. I will show you another collection of photographs.

35 HIS HONOUR: So you're not tendering that because it's - - -

MR OWENS: I think they're in MFIR43. And this one, your Honour, is MFIR43, tab 22.

40 Ms Roberts-Smith, can I ask you; do you recognise these photographs, and if so, what can you tell his Honour about what they show?---They're my photographs that I took after Ben had left.

45 Okay. And can you point out any relevant features in the photographs?---The rock had been moved and the conduit was – that was sitting on top of the air conditioning unit was on the ground.

Thank you. Your Honour, that document can be taken back, and I will show the witness another document.

5 Now, do you recognise this to be a screenshot of a message exchange between you and Ms Scott on 5 June 2020?---Yes, I do.

10 All right. I just want to ask you some questions about it. Hang on. Sorry. Sorry, your Honour. I think I've split up a document that shouldn't have been split up. I'm sorry. Perhaps if that one could be brought back, and I will try .....

HIS HONOUR: We will give those back.

MR OWENS: Sorry. I will replace it, your Honour, with a stapled copy.

15 HIS HONOUR: Thanks.

MR OWENS: All right. Okay. Now – okay. Now, do you recognise this as a series of screenshots of an exchange between you and Ms Scott on 5 June 2020?---Yes.

20 All right. I just want to ask you some questions about it. You see there's four photographs up the top which were apparently sent at 3.02 pm on 5 June. Do you see that?---Yes.

25 All right. What were those photographs? Can you tell his Honour?---They're the photos that I took, the before and after, and then sent them to Danielle.

All right. Now, you then sent a message to Ms Scott that said:

30 *I'm still laughing. I don't think it's RS Group financials.*

Do you see that?---Yes.

35 What were you referring to there?---Danielle had told me that our company email – company accounts were on those USBs.

All right. Now, you then said:

40 *It has got to be the photos.*

Do you see that?---Yes.

45 What did you mean by that?---The photos that Danielle had downloaded on her laptop.

All right. Now, do you see at the bottom of that page you said:

*I don't – I think he doesn't think I'm smart enough to go and dig for it.*

Do you see that?---Yes.

5 What were you referring to when you said that?---I don't think Ben thought that I ever knew that he was up to.

What was the reference to dig for it? What did you mean by that?---When I went out there to think that there was money being buried in the garden.

10 All right. If you look over the page, you will see about halfway down the page you said:

15 *Maybe he is going to Sydney and knew he had to get the lunchbox before we sold.*

Do you see that?---Yes.

20 What was the lunchbox that you were referring to?---That the double bagged – snap-locked bags were inside a – one of our daughter's lunchboxes.

All right. What was the reference to before we sold?---We were in the process of a Family Court matter with our divorce.

25 I see. I tender that exchange, your Honour.

MR McCLINTOCK: No objection.

30 HIS HONOUR: Yes. All right. R114: text message exchange between Ms Roberts and Ms Scott on 5 June 2020.

35 **EXHIBIT #R114 TEXT MESSAGE EXCHANGE BETWEEN MS ROBERTS AND MS SCOTT DATED 05/06/2020**

MR OWENS: Thank you.

40 HIS HONOUR: Yes.

MR OWENS: Now, I wish to – the witness can have those documents taken away and handed back to the court officer. Court associate, please.

45 Now, you might recall I asked you before about Mr MacLeod?---Yes.

I want to ask you now did you ever hear a discussion at some point between Mr Roberts-Smith and Mr MacLeod concerning an SAS soldier?---Yes.

All right. Can you tell his Honour who was the SAS soldier using the - - -

HIS HONOUR: Are you going – asking for the name?

5 MR OWENS: No. I'm asking for the pseudonym, sorry. Yes?---Yes. Person 6.

All right. And do you remember when you heard this discussion?---No.

10 Do you remember whether the discussion was in person or on the phone?---Both.

All right. How did you hear the discussion? How did you overhear what Mr Roberts-Smith and Mr MacLeod were talking about?---I was in the room when Ben was talking to Mr MacLeod on the phone.

15 All right. And how could you hear what Mr MacLeod was saying? Or could you hear what Mr MacLeod - - -?---I couldn't hear.

So you could only hear what Mr Roberts-Smith was saying?---Yes.

20 All right. And, as best you can remember, using the words that you heard Mr Roberts-Smith say, what did you hear him say into the phone?---I don't remember what was said on the phone.

25 All right. Now, can I show you a document that you received from Mr Roberts-Smith. Your Honour, it's – I will show the witness a document, but, for the transcript, it's tab 6 of MFIR43. And if you want to familiarise yourself with the leadup to it too, but I'm going to ask you a question about the last page. All right. Now, do you see that Mr Roberts-Smith sent you a text that said:

30 *What happened to Person 6 will scare the others.*

Do you see that?---Yes, I do.

35 All right. Did Mr Roberts-Smith ever say anything to you to indicate what it was that had happened to Person 6?---Yes. He told me that Person 6 had had his home raided by the AFP.

40 Did he tell you anything more about the circumstances in which Person 6's house came to be raided by the AFP?---Yes. He told me that he had asked John MacLeod to do that.

That document can be returned. That's in MFIR43, your Honour.

45 HIS HONOUR: Yes.

MR OWENS: So I will deal with the tender of that later. Thank you.



Now, you mentioned earlier in your evidence Person 18. Just have a look at the list to remind yourself who Person 18 is?---Yes.

All right. Now, do you know Person 18?---Yes, I do.

5

Okay. Now, can you tell me if you recall ever having a conversation with Mr Roberts-Smith about Person 18?---Yes, I do.

10 Can you tell his Honour, please, what that conversation was?---I remember talking to Ben out on our front steps after a story had hit the press that regiment members had been sent letters in the mail.

15 And what was – as best you can recall, what was the conversation you had with Mr Roberts-Smith outside after those articles had appeared?---When I read the article, I looked at Ben and asked him what he had done.

Do you remember the words that you used? Direct words, if you can remember?---Yes, I do.

20 What were they?---I said, “What the fuck have you done?”

And did he say anything in response to that?---Yes. We had a conversation about it.

25 Do you remember the words that he used?---No.

Do you remember the effect of the words that he used after you said, “What the fuck have you done”?---Yes. He told me that he had written the letters, had saved them on a USB and printed them at the Seven office, had sealed them in the envelopes and given them to John MacLeod to post.

30

Do you remember anything else that you said to him in that conversation?---Yes.

35 What did you say to him?---I asked him if John had seen what the contents of the letters was.

And did he say anything in response to that question?---He said no. John did not know.

40 All right. Do you remember anything else about that conversation?---Yes. I knew that - - -

Just if you can try and put it in terms of what was said rather than what you knew?---I don't remember much more than that.

45 Okay. Did you ever have any other conversation with Mr Roberts-Smith about sending letters to members of the regiment?---Yes. He had asked me what the PO box was for the regiment. It was the same post office box that we used when we

lived there. He had asked me how Australia Post had worked, whether there were security cameras on the - - -

MR McCLINTOCK: Your Honour, these matters were never put either.

5

MR OWENS: I think they were. Sorry. What was put was not a conversation with this witness, but the events that the witness is recounting a conversation with were put.

10 HIS HONOUR: Yes. I will allow.

THE WITNESS: Ben became quite paranoid about the stamps.

15 MR OWENS: How was it apparent to you that he was paranoid?---He had asked me to ask Danielle Scott how the mail system worked, because she once worked for them. I had asked everything from - - -

MR McCLINTOCK: I object.

20 MR OWENS: Try and remember the questions that you asked, or the effect of the questions you asked if you can't remember the exact words?---I asked him where he got the stamps from, and he said, "From my drawer." He said that John MacLeod had driven over the border and posted them.

25 HIS HONOUR: Which border is that?---The Queensland-New South Wales border.

Right?---I remember, in the week prior to seeing that article in the press and Ben telling me that he had written those letters, that he came through the door at home with a grey shopping bag.

30

MR OWENS: Did you see what was in the grey shopping bag?---Yes, I did.

What do you remember was in the bag?---There was a packet of Reflex paper, a packet of envelopes and a packet of gloves.

35

And did you ask him – or did you say anything to him about that shopping bag and its contents?---No. It dawned on me when I saw the article that that's what they were used for.

40 MR McCLINTOCK: I object.

HIS HONOUR: Yes.

45 MR OWENS: I don't press the – I don't seek to suggest that that's admissible.

HIS HONOUR: You won't be relying on that answer?

MR OWENS: No.

HIS HONOUR: No. All right. That will be recorded, Mr McClintock.

5 MR McCLINTOCK: Thanks, your Honour.

MR OWENS: All right. Moving on to a different topic, do you remember ever seeing any articles in the press about anything to do with a prosthetic leg and the SAS?---Yes.

10 Can you tell his Honour what you remember about the article that you recall?---I believe it was in The Guardian. The photos that I had seen in the article, I had seen on Ben's laptop while we were still married. And Ben had been at the house during our Family Court matter – we were talking about selling our property – and during  
15 the conversation I said to him, “Nice article in The Guardian.”

And did he say anything in response to you?---Yes, he did.

20 What did he say?---He said, “Fuck them. They can take some of the pressure for once.”

Thank you. I have no further questions, your Honour. Thank you, Ms Roberts.

25 HIS HONOUR: Yes. Are you ready to cross-examine, Mr McClintock.

**<CROSS-EXAMINATION BY MR McCLINTOCK [12.32 pm]**

30 MR McCLINTOCK: Yes, I am, your Honour.

Ms Roberts, you said, I think, three times in your evidence-in-chief that you first learned about the relationship between my client, your ex-husband, and Person 17 on 6 April 2018 when she came to your house. That's what you said, isn't it?---I don't  
35 recall.

I'm sorry. You said this morning in response to questions from Mr Owens, that the first time you learned that my client was in a relationship with Person 17 was when she came to your house on 6 April 2018?---Correct.  
40

Yes. And you said it three times, didn't you, at least?---Yes.

When you said you don't recall, were you referring to the number of occasions  
45 - - -?---Yes.

- - - that you said – thank you. Just by the way, might the witness be shown the outline of evidence that she was shown this morning. It was exhibit – perhaps my

learned friend could help me, your Honour. It's the second outline that was shown to the witness this morning.

MR OWENS: That's exhibit R111.

5

MR McCLINTOCK: Thank you. Perhaps the witness might be shown exhibit R111.

10

You recall Mr Owens asking you questions about that document this morning?---Yes, I do.

And do you see, if you go to paragraph 9, you set out the conversation between yourself and Person 17 that took place on that morning, don't you?---Yes.

15

I just want to focus on a couple of things. If you go to page 3, you see that just about the fourth – fifth line, you see you – it says – it suggests that you asked her what stairs she fell down?---Yes.

20

You did ask her that, didn't you, I would - - -?---Yes, I did.

Yes. And she said, "At Parliament House at the Prime Minister's Veterans' Employment Awards"?---Yes.

25

Yes. And you then said, "When?" That's correct, isn't it?---Yes, that's correct.

And she answered, "Last week." And then she said, "I have a massive bruise on my hip too"?---Yes.

30

That was pretty much what you said to Mr Owens this morning in your evidence-in-chief - - -?---Yes.

- - - wasn't it? And then it records you as saying:

35

*"How did you find our address?"*

You did ask her that and, again, you said something very similar to Mr Owens this morning?---Yes.

40

And Person 17 you record – you suggest she said, "I tried to Google you"?---Yes.

She did say that, didn't she?---No, she did not.

45

What did she say?---She said she got our address from the back of Ben's driver's licence - - -

Right?--- - - - when he was in the shower.



Right. And, you see, if you drop down two lines, you will see it says:

*"I needed to see Ben one more time. I got it off his driver's licence while he was in the shower."*

5

?---Yes.

That is accurate, isn't it?---Yes.

10 Yes. And then it goes on. It says:

*"Why have you come here?"*

And you say – the outline says:

15

*Person 17 didn't answer; she was crying.*

That's correct, isn't it?---Yes.

20 And then again it says:

*"Have you come for money?"*

And you – and the outline says:

25

*"No, I'm not a prostitute."*

Yes. She said that. And, again, you said that this morning, didn't you?---Yes.

30 Yes. Then it says – it suggests that you said:

*"Have you come to tell me you're going to the press?"*

?---Yes.

35

I think you said something like that this morning, didn't you?---Yes.

Yes. And that's accurate, isn't it?---Yes, it is.

40 And she then said – the outline says:

*I observed that Person 17 kept touching her bruised eye.*

That was accurate, isn't it?---Yes.

45

And you – and he then – she then said to you:

*"It's because of this, he doesn't want to see me any more."*

?---Yes.

5 That's correct, isn't it?---That – she did not say that to me.

What did she say?---She just didn't answer me.

Right. And she did say:

10

*"Because I got so drunk and embarrassed him when I fell down the stairs, he doesn't want to see me any more."*

?---She did say – yes – that he - - -

15

Yes?--- - - - she had embarrassed him.

I beg your pardon?---She did say that she had embarrassed him, yes.

20 Yes. By getting drunk and falling down the stairs?---Yes.

She did say that?---Yes.

And you did say to her:

25

*"Aren't you married?"*

?---Yes.

30 And she said:

*"Yes. But my husband had an affair, so I had a hall pass."*

?---Yes.

35

And you said:

*"So your husband knows?"*

40 ?---Yes.

And she said:

*"Yes. I told him the day after I met Ben."*

45

?---Yes.

She did say that. Then do you see what – paragraph 10 and the dialogue that's recorded there?---Mmm.

That is accurate, isn't it?---Yes.

5

Yes. Just go to, if you would, to paragraph 14 on page 5. That also is accurate, isn't it, Ms Roberts?---Yes, it is.

By the way, is it Ms – Mrs or Ms?---Miss. Ms Roberts.

10

Sorry, Ms?---Yes.

Thank you. All right. Now, let's just go to something else, Miss Roberts – Ms Roberts, I apologise. You're quite sure, are you, that you didn't know about this relationship until that date on 6 April when this woman came to your house?---Yes, I'm positive.

15

All right. You would never have said anything else different, would you?---No.

20

Quite sure about that?---Yes.

I'm going to have you shown a document. I think you will recognise it. Please. I'm sorry, there are four there. I apologise. I will separate them. One for the witness. Does your Honour want a copy of - - -

25

HIS HONOUR: Yes. Thank you.

MR McCLINTOCK: Yes. Look at the front page of that, Ms Robert?---Mmm.

30

You see, that's an affidavit that you swore to be true. What's the date on the first – well, I withdraw that. It is an affidavit that you swore to be true, isn't it?---Yes.

If you look to the very last page, you will see your signature?---Yes.

35

And you will see that you swore it before your solicitor, Mr Murakami?---Yes.

And what's the date on the first page?---30.9.2020.

Thank you. So that is a – that is the numeral nine in the - - -?---I - - -

40

In the middle block of the date?---I understand it to be, yes.

I'm sorry?---I think so, yes.

45

Right. Is – that's not your writing, the date?---No.

All right. But, of course, it is your writing on the last page and on each page where – at the bottom of each page, isn't it?---Yes.

You, of course, when you signed this, you – well, when you swore it - - -?---Yes.

5

- - - you knew you were swearing on your oath - - -?---Yes.

- - - that it was true, didn't you?---Yes.

10 Yes. You read it, of course?---Yes.

Just go, if you would, to page 3 of 6?---Yes.

You see – just read paragraph 24 to yourself?---Yes.

15

You see it says:

*I asked him –*

20 that's your ex-husband, Mr – my client, Mr Roberts-Smith –

*in late 2017 to seek professional help.*

You see that?---Yes.

25

Continuing:

*He agreed and attended upon Dr Bruce Lawford in December 2017 seeking assistance.*

30

?---Yes.

You see that. And then paragraph 25: could you read that to yourself?---Yes.

35 You say in paragraph 25, "At this time," don't you?---Yes.

And you were plainly referring to December 2017, weren't you?---No, I did not know in December 2017.

40 Would you listen to my question. I'm looking at the words of this affidavit, Ms Roberts. You said in paragraph 25, "At this time," and you were referring clearly, weren't you, to what's in the previous paragraph, December 2017. That's correct, isn't it?---I did not know in December 2017.

45 Would you answer my question, please. Look at the words on the page. I'm asking you what you meant when you said them. You said, "At this time," and that's



plainly, madam, a reference to December 2017, isn't it? Would you answer my question?---I did not know about Person 17 – about – sorry.

MR McCLINTOCK: Ms Roberts - - -

5

MR OWENS: Sorry, her name needs to be suppressed.

MR McCLINTOCK: I'm sorry, I didn't hear that. I'm sorry.

10 THE WITNESS: I did not know about Person 17.

HIS HONOUR: Yes. What do you want me to do?

15 MR OWENS: I'm sorry. Your Honour needs to make an order. Ms Mitchelmore always has the words, but it's not her issue this time. A suppression order over the publication of the name and an order that it be removed from the transcript and replaced with the pseudonym Person 17, and an order that it be removed from any recording to be shown on the court's YouTube channel.

20 HIS HONOUR: All right. Well, I will make those three orders in relation to the name mentioned, and the – when it's removed from the transcript, the pseudonym Person 17 will be put in its place. Yes.

MR McCLINTOCK: Thank you, your Honour.

25

HIS HONOUR: Yes.

30 MR McCLINTOCK: Ms Roberts, do you have a difficulty understanding my question? My question is not actually about when you knew; it's about what you said in this affidavit?---Yes.

You said in this affidavit, didn't you, that you became aware that my client was having the affair with Person 17 in December 2017. That's what you said there, isn't it?---Yes, that is right, in there.

35

Yes. That was a statement you made on your oath, wasn't it, madam?---Yes.

..... correct, isn't it?---Yes.

40 It wasn't true, was it?---No.

You said – I withdraw that. When you signed this affidavit, on your evidence this morning, you must have known this passage was false; that's correct, isn't it?---No, it's not.

45

You told us you read the affidavit before you signed it, didn't you?---Yes.

You could hardly have missed that, could you, madam?---I didn't read this this morning.

I'm sorry, you read this before you – before you - - -?---Yes.

5

- - - swore it to be true, before Mr Murakami in September 2020, didn't you?---Yes.

And if your evidence here this morning is true, paragraph 25 is false, isn't it?---Yes.

10 The fact is, madam, that your evidence here today about only finding out on 6 April is false, isn't it?---No, it is not.

And you know it to be false, don't you?---No.

15 I see. Is that a convenient time, your Honour?

HIS HONOUR: Yes. Do you want this document marked?

MR McCLINTOCK: Yes, your Honour, thank you.

20

HIS HONOUR: Yes. I'm not asking you to indicate, Mr McClintock, at the moment, but the provenance of this document might require some consideration of confidentiality issues.

25 MR McCLINTOCK: I understand, your Honour. That actually occurred to me over the weekend, then I forgot about it, to be honest, your Honour, for which I apologise.

HIS HONOUR: Well, you can consider that over the - - -

30 MR McCLINTOCK: Certainly.

HIS HONOUR: - - - luncheon adjournment and we will deal with it at 2.15.

MR McCLINTOCK: Certainly.

35

HIS HONOUR: Yes. We will adjourn.

**ADJOURNED**

**[12.46 pm]**

40

**RESUMED**

**[2.14 pm]**

45 HIS HONOUR: Yes, Mr McClintock.

- MR McCLINTOCK: Your Honour before the adjournment raised section 121 of the – well, sorry, your Honour raised the issue about the affidavit. It is dealt with in section 121 of the Family Law Act. That operates of its own force, your Honour, so strictly, your Honour doesn't need to do anything, but your Honour might think it prudent, seeing these are not proceedings in the Family Court, to make a nonpublication order just so as to minimise the risk of some inadvertent breach by someone who doesn't realise that that provision applies, but it's entirely a matter for your Honour.
- 10 HIS HONOUR: Yes, I might do that as a precaution, I think, Mr McClintock.
- MR McCLINTOCK: Yes, that's why – I thought your Honour might.
- HIS HONOUR: Yes.
- 15 MR OWENS: Can I just identify an additional reason to do that. Your Honour will have seen, at least in paragraph 25, the name of Person 17. Also paragraph 26. So that's a further reason why this document needs to be treated in that way.
- 20 HIS HONOUR: Yes, all right. Just give me a moment, please. Yes, well, I will make an order under section 37AE – I'm sorry, 37AF prohibiting the publication of MFIA70 on the basis that it may tend to reveal the identity – or it will reveal the identity of Person 17, and I consider the order necessary to prevent prejudice to the proper administration of justice having regard to section 121 of the Family Law Act.
- 25 Yes, Mr McClintock, are you ready to proceed?
- MR McCLINTOCK: I'm ready to proceed, your Honour.
- HIS HONOUR: Yes. Could the witness be brought in, please. Yes, thank you, Mr McClintock.
- 30 MR McCLINTOCK: Thank you, your Honour.
- You're ready?---Yes.
- 35 Thank you. You have a copy, I think, of the affidavit in the Family Court that I was asking you about before lunch in front of you on the – well, on the desk in front of you?---Yes.
- 40 Would you go to paragraph 25, the paragraph I was asking you about before lunch. Do you have an explanation as to how you came to say something in that paragraph which you now say is not true?---Sorry. No, I think it is just a mistake.
- 45 Thank you. Just look at paragraph 27. I withdraw that. I withdraw that. It's not a mistake that you could possibly have made if you read this affidavit before you swore it, is it? Is it?---It was a mistake.

I see. Would you look at paragraph 27, madam. Read it to yourself?---Yes.

You see what it says there. I want to suggest to you that that paragraph is false and that you know it's false. Do you agree with me or not?---No, I do not agree.

5

I see. It is false, isn't it?---No, it is - - -

Just - - -?--- - - - not false.

10 Please wait for my question. It is false to suggest, as you did in your evidence several times, that my client and you were not separated in late '17, early '18. That is false, isn't it?---No, we were not separated during that time.

15 I see. I will come back to that. Do you recall giving evidence this morning – this is page 1946 of the transcript, your Honour – in response to a question from my learned friend? I will read you the entire question so that you have it. Mr Owens said to you:

20 *Ms Roberts, you might remember I asked you a moment ago; after you and Mr Roberts-Smith separated on 20 January 2020 –*

and may I pause you and ask you to remember that date that Mr Owens said to you. He then continued:

25 *I said to you other than when you were with Mr McCafferty for the purpose of complying with the subpoena, and can I also just add – I'm not saying it happened – that other than also if it was in connection with any law enforcement agency or endeavours, have you ever accessed Mr Roberts-Smith's RS Group email account?*

30

Do you recall that question?---Yes, I do.

And the – your answer was no, wasn't it?---Yes.

35 So what you were telling his Honour on your oath was that you had not accessed Mr Roberts-Smith's RS Group email account at any time after 20 January 2020 except in relation to Mr McCafferty and the hypothetical possibility of law enforcement. That's what you were saying, wasn't it?---Yes.

40 Was that true?---Yes.

You're sure about that?---Yes.

45 Madam, there were proceedings between you and my client determined by Bromwich J in this court, weren't there?---Yes.



And you recall swearing a number of affidavits in those proceedings, Ms Roberts?---Yes.

One of them you swore on 19 August last year; do you recall that?---Yes.

5

I'm going to have you shown a copy of that affidavit. You see that affidavit, don't you?---Yes.

10 And you agree with me that it is dated 19 August 2021?---Yes. I understand your original question now.

What do you understand by my original question?---That I did go into Ben's email accounts in relation to this private matter, yes.

15 I see. So you would like to qualify the evidence you gave to his Honour this morning, would you?---Yes.

20 What's the qualification that you want to add?---That I went into the account during that time, and I didn't understand the question properly this morning that it was two separate matters.

25 Ms Roberts, you knew perfectly well what my learned friend Mr Owens was asking you. The question was a model of clarity, wasn't it? Wasn't it?---I was confused. I did go into the account during our Family Court proceedings.

Why did you tell his Honour that you didn't do that after 20 January 2020?---Because I was confused with the question.

30 You were confused. I see. Just look, if you would, at paragraphs 8 and 9 of that affidavit, which appear on the second page?---Mmm.

Read them to yourself, would you?---Yes.

35 They're true, aren't they?---Yes, they are.

Yes. Just by the way, look at paragraph 23 on the third page?---Yes.

Is that true?---Yes.

40 You told his Honour this morning that you had provided your friend Danielle Scott with the email address or the password for my client's RS Group email account.

MR OWENS: I object, your Honour.

45 THE WITNESS: No.

MR OWENS: That wasn't the evidence this morning.

MR McCLINTOCK: I will withdraw it for the time being.

You see, what I want to suggest to you, Ms Roberts, was that what you said in this affidavit, paragraphs 8 and 9, was false, and you know it's false. Do you agree with  
5 me or not?---I did log into that account on that day.

Would you answer my question?

10 HIS HONOUR: Well, I think she answered, Mr McClintock.

MR McCLINTOCK: Thank you.

I'm going to come back to that, Ms Roberts. But, for the time being, could I have  
15 you shown a folder. I'm going to ask you to go to a particular tab in the folder. I've  
got a number of copies: one for my learned friend and one for your Honour and one  
for the witness. One for your Honour.

HIS HONOUR: Yes.

20 MR McCLINTOCK: Don't look at it yet, Ms Roberts. In a second I'm going to ask  
you to go to the first tab in the folder. Would you look at that?---Number 1?

Number 1. You see, that's an exchange of -- well, it's an exchange of messages  
25 between you and Danielle Scott, isn't it?---Yes.

What medium was it? Was it -- I -- you were using Signal at some stage, weren't  
you?---I used a variety with Danielle, yes.

Yes. What was - - -  
30

HIS HONOUR: Sorry. You use?---A variety of apps.

Right. Thank you. I just didn't hear you?---Sorry.

35 MR McCLINTOCK: The ones that I'm aware of are WhatsApp. Well, SMSs on  
iPhone, WhatsApp, Telegram. In the course of preparing this case, I learned of  
Signal?---Yes.

Were they the four you used, or were there more?---And Viber.  
40

And Viber. Thank you?---Yes.

If you look closely, you will see there's a date at the top, and I think it actually says  
28 December 2017. But it's certainly December 2017, isn't it?---Yes.  
45

And you see that Ms Scott starts it off by saying:

*I was too desperate, and that did not fare –*

she probably meant me well. She says we. And then you say this, don't you:

5       *Yes. I'm trying to be conscious of that. It's just new and raw at the moment. I am still trying to come to terms with it all.*

What were you referring to?---The fact that Ben told me that he didn't love me anymore.

10       Just go down. You – well, it's perfectly obvious that by this time your marriage is in trouble?---Yes.

That's correct, isn't it?---Yes.

15       And you see, a little bit lower down, you say:

*Do you think he has made his mind up?*

20       Don't you?---Yes.

And what you're referring to by that was whether he had made his mind up to leave you permanently. That's correct, isn't it?---Yes.

25       Just go, if you would, to the second tab. Do you see that also is a group of messages that you sent to Danielle Scott, this time on 13 January 2018?---Yes.

At that stage, you were on holiday with my client and your children in Singapore, weren't you?---Yes.

30       Yes. Do you see that there's a message from you where you say:

*And look where that got him.*

35       You see that, don't you?---Yes.

And then you say:

*How is he ever going to tell Kerry we are separated?*

40       That's what you said to Danielle Scott, isn't it?---Yes.

And it is a clear indication, isn't it, that at that time you believed you were separated from my client. That's correct, isn't it?---No. That's not correct.

45       What do you say the meaning of the words "how is he ever going to tell Kerry we are" – well, pausing there. First, the Kerry is Mr Stokes, isn't it?---Correct.

And what do you say “how is he ever going to tell Kerry we are separated” meant?---I don’t recall.

5 You don’t recall. You were, in fact, separated at that time, weren’t you?---No, we were not.

I see. Just go if you would to tab 3. Now, I want you to read these carefully to yourself, Ms Roberts. You see, they’re also sent on 13 January?---Yes.

10 You see I think – and please correct me if you think I’m wrong – that the very first message that Danielle Scott says to you says something like:

*Not going to have –*

15 So much of it as is legible:

*Not going to have kids to him. He’s a fucking – he’s a –*

20 And then there’s an F, dot, dot, dot, obviously meaning fucking fool; correct?---Yes.

And then it says – then Danielle Scott says to you:

*So the grass is not greener on the other side.*

25 See that?---Yes.

And then she says to you:

30 *And, personally, I wouldn’t want to be married to some s, dot, dot, dot, mother who didn’t want to spend time with the kids anyway.*

You see that?---Yes.

And then you said:

35 *Seriously. He might want to upgrade, but he will always wonder if she’s there for the right reasons.*

40 To whom were you referring to the word “she”?---My suspicions that Ben was having an affair.

You were actually referring to a real person, the real person being Person 17, weren’t you?---No, I was not.

45 You see, by this time you had told Danielle Scott about what your husband had told you about being in a relationship, hadn’t you?---No.



You see, he told you in response to a question from you in Singapore that he was seeing someone else, didn't he?---No. He did not ever tell me that.

5 I want to suggest that the answer you've just given is false, and you know it. Do you agree with me or not?---No.

10 Let's just go now to tab 8. Now, it's a long group of messages. There's a typescript of the whole thing with that, and I just want you to go to, first, to the actual original message. I think it's page 11. Do you see those original messages there?---Page 11?

Page 11. Actually, before you come to that – before I ask you about that. You recall in the messages that I was just asking you about, tab 3, there's a reference to the woman in question having children. Do you recall that? Just go back?---Yes.

15 How did you come – how did you or Danielle Scott come to know that?

MR OWENS: I object, your Honour.

20 MR McCLINTOCK: How did you come to know that?

MR OWENS: And then there's a further objection, which is that is not a message from – that's from Ms Scott.

25 HIS HONOUR: Which message are you referring to, Mr McClintock?

MR McCLINTOCK: I was referring to – I was referring, your Honour, to the message from Danielle Scott. I will withdraw the question, your Honour.

30 Had you told Danielle Scott something about whoever my client was in a relationship with having children?---No.

35 Could I ask you – now go back to tab 8, but could I ask you who – before I actually come to the text messages – who Snazzy, Jodes and Missy are?---Yes. They're Sunshine Coast friends.

I see. Go to page 11?---Yes.

And you will see there a text message. It's the top one on the page?---Yes.

40 Can you read it?---Yes, I know that message.

You know that message?---Yes.

45 I see. You agree with me, don't you, that on 17 August 2018, you said to those three friends of yours – just by the way, the significance of 17 August. I'm sorry. 11 August. I apologise. Was it very shortly before that date, 11 August, my learned

friend's clients had published the article about the relationship with Person 17; that's correct, isn't it?---Correct.

Let's see what you said to them:

5

*I wanted to touch base with you all before I see you tomorrow and, in particular, talk to you about a deeply personal issue.*

You said that, didn't you?---Yes.

10

And then you say:

*Last year, Ben and I separated for a short while.*

15

?---Yes.

You said that to them, didn't you?---Yes.

It was true, wasn't it?---No, it was not.

20

But how did you come to the – I withdraw that. Let's go on:

*We kept this extremely private. It has now been made very public, front page of The Australian.*

25

That's what you said, isn't it?---Yes.

Continuing:

30

*And, as you can imagine, we are both devastated.*

You said that, didn't you?---Yes.

You then said:

35

*In that time, Ben saw someone else who has also leaked damaging, false and slanderous accusations to the press.*

You see that? You said that?---Yes.

40

And then you said:

*We have now commenced legal defamation proceedings against Fairfax and, in turn, her.*

45

Do you see that?---Yes.

Continuing:

*I am desperately trying to hold myself together and very conscious that we're travelling tomorrow.*

5

Do you see that?---Yes.

Continuing:

10 *My biggest fear is not ruining the time for the girls, who are so excited and, of course, yourselves. I will probably not be able to talk about it in person. I do not want to lose control in front of the girls. We have –*

and so on. Do you see that?---Yes. Yes, I did.

15

Just by the way, when did you last read that message?---That day.

I'm sorry?---On that day.

20 Right?---I have not read it since.

I see. This is a message, of course, that you supplied to my instructing solicitors some time in 2018, isn't it? '19, probably. 2019?---I don't recall.

25 Now, let's go back to the sentence:

*Last year, Ben and I separated for a short while.*

Are you going to tell us – you have told us that that wasn't true?---Yes.

30

This was a message to three friends of yours?---Yes.

No conceivable reason why you wouldn't tell them the truth, is there?---Because I was told to lie about it.

35

I see. You're saying you were told to lie to your friends about this – in this message. Is that what you're saying?---Yes.

Ms Roberts, that is simply false and you know it, don't you?---No, it is not false.

40

I see. You see, there's a degree of pain and anguish which is undoubtedly sincere in this message, isn't there?---Yes, I was travelling with those three parents and our children that – that particular day, that weekend.

45 But you were by yourself, not with my client when you sent this message, weren't you?---I was at home on the Sunshine Coast, yes, when I sent that.

Yes, yes. My client didn't say anything to you to tell you to send this message, did he?---No, not that message, but the lie - - -

I see?--- - - - in April, when he asked me to lie and say we were separated.

5

I see. Let's just go back. You don't recall the message where you mentioned -- where you say:

*How is he going to tell Kerry we're separated?*

10

?---Yes.

Looking at it now, what do you think it's about? If you want to get back to it, go back to it, tab 2?---I don't recall.

15

You don't recall?---But Ben and I were not separated.

You don't recall saying to Danielle, "How is he going to explain to Kerry that we're separated"?--- I don't recall the context.

20

I see. Well, one context might be that you were, in fact, separated; that's correct, isn't it?---No, it is not.

Could I just ask you now. Could you close that bundle up. Your Honour, could that -- that better be marked for identification now? I'm not going to be asking that all the documents in there - - -

25

HIS HONOUR: Yes. MFIA71 will be applicant's cross-examination documents.

30

### **MFIA #A71 APPLICANT'S CROSS-EXAMINATION DOCUMENTS**

MR McCLINTOCK: Ms Roberts, you received, I think, in 2020, an SMS from Mr McKenzie, a journalist with one of the respondents in this case, didn't you?---Yes, I did.

35

I don't need to show it to you, but it was 8 August 2020. That squares with your memory, doesn't it?---Yes.

40

And you got in contact with Mr McKenzie in response to that message, didn't you?---No, I did not.

Well, you certainly were in contact with him a little later, weren't you?---I have since spoken to him, yes.

45

Yes. In fact, he came to your house in February or March 2021, didn't he?---Yes.



And he interviewed you, didn't he?---No.

Well, you had conversations with him, didn't you - - -?---Yes.

5 - - - for the purpose of writing articles or publishing things on Channel 9, such as 60 Minutes; that's correct, isn't it?---No.

Well, what were the topics of conversation between you and Mr McKenzie?

10 MR OWENS: Your Honour, I'm instructed that to the extent the answer – I'm not – perhaps I could say this in the absence of the witness, your Honour.

HIS HONOUR: Yes. Would you mind going outside for a moment, please.

15

**<THE WITNESS WITHDREW** **[2.41 pm]**

20 MR OWENS: Your Honour, my instructions are that there were persons present other than just Mr McKenzie and if that's the conversation that Mr McClintock is talking about, there is a claim for legal professional privilege over the subject matter.

MR McCLINTOCK: I accept that, your Honour. I will clarify it.

25 HIS HONOUR: Yes. All right. Yes. Can you ask the witness to come back in, please.

30 **<EMMA ROBERTS, RECALLED** **[2.42 pm]**

**<CROSS-EXAMINATION BY MR McCLINTOCK**

35 HIS HONOUR: Yes. Mr McClintock is going to ask you a further question?---Okay.

40 MR McCLINTOCK: I withdraw the question I asked you, Ms Roberts. How did the – two questions first: how did the meeting with Mr McKenzie come about?---I was told by Danielle Scott that she had been approached and that they also wanted to speak to me.

Did you meet with Mr McKenzie face-to-face?---Yes, at my house, yes.

45 Was there anyone else present than Mr McKenzie?---Yes.

Who else was present?---Peter Bartlett.

Thank you?---Dean Levitan, Danielle Scott and another friend of mine.

How did come about that Ms Scott was contacting you to arrange a meeting with Mr McKenzie and those people?---She told me that they were interested in talking to me  
5 and Peter Bartlett contacted me and asked if I would like to meet.

Ms Roberts, was there any other occasion where you met Mr McKenzie?---Yes.

When?---In Sydney, when I was subpoenaed.  
10

Right. Were you by yourself or with – was he by himself or did he have other people with him?---There was MinterEllison lawyers there as well.

Thank you. When did that occur?---In April last year.  
15

All right. Now, have you – I withdraw that. What have you done to prepare – I withdraw that. Was Danielle Scott present for the entirety of the meeting with – or these – the first meeting that you mentioned, Ms Roberts?---To my knowledge, yes.

Thank you. Now, what have you done to prepare yourself to give evidence in these proceedings?---Met with my legal team.  
20

That is Mr McCafferty and Mr Murakami?---Yes.

25 Yes. Have you read anything?---In relation to - - -

Well, have you read any statements, outlines? What have you read?---I've refreshed in my outlines of evidence.

30 Which outlines?---The one that I used in the – in this proceedings.

All right. I take it – was that one that was prepared by – I withdraw that. Could you please be a bit more precise and tell me what outline you're referring to?---The one that I had given to Mark O'Brien Legal.  
35

Thank you. Well, let's be precise about it. Perhaps the – perhaps the MFI can be handed back to - - -

HIS HONOUR: There are two, aren't there?  
40

MR McCLINTOCK: Actually, exhibits 110 and 111. Perhaps exhibit – those exhibits could be shown to the witness.

THE WITNESS: I have one here.  
45

MR McCLINTOCK: So there are - - -?---I will give you that one back in case it's confusing.

There are two outlines, Ms Roberts. The first is the, I think – well, 15 July. Sorry, I withdraw that. The first you will see, I think, from the front page is 5 April, and I think it's – the other one is 10 July. Correct?---Yes, I've got the April one.

5 And I think you will see the second one is the – the next exhibit is the – is the July one?---I've got one dated 1 August. No.

I think you will see that that probably is the one. Is that the one that begins, "As noted in my previous outline"?---No.

10 How does that one begin?---My name when I was married to Ben, articles published on 8 to 10 June 2018.

Right. Could I have access to the exhibits, your Honour, just to clarify?

15 HIS HONOUR: Yes, there's – yes.

MR McCLINTOCK: Yes. And the other one as well.

20 Just for identification purposes, Ms Roberts, you will see that on the – on the first page – that is, the notice of filing page – the first one is dated 5 April and the second one is dated 11 July, both 2019. Now, could you just look at those – take all the time you want – and tell me whether they are what you looked at to refresh your memory to give evidence in these proceedings?---I didn't look at any of the attachments, only  
25 the first - - -

Only the text of the statement rather - - -?--- - - - six pages, yes, in that one.

30 Thank you. Look at the other one. That's the other one you looked at?---Yes.

Yes. Did you make any notes on the documents that you looked at?---No.

Was there anything else you looked at to help you give evidence? For example, a statement prepared by MinterEllison?---No.

35 So it's only those two things?---Yesterday when I was with them, I had some - - -

MR OWENS: Your Honour, I object to the extent the answer ought not disclose any confidential communications.

40 HIS HONOUR: You can phrase the question accordingly, can't you, Mr McClintock.

MR McCLINTOCK: Well, I will.

45 Just to be clear, so I understand, who were you with – don't tell us what was said – but you were you with yesterday?---My lawyers and MinterEllison lawyers.

Right. So Mr McCafferty?---Yes. Mr Murakami.

Mr Murakami. People from MinterEllison?---Yes.

5 All right. Don't tell us anything that was said, but did you look at anything in the course of that meeting?---Yes.

What did you look at?

10 MR OWENS: Your Honour, I object. It is now calling for the contents of confidential communications within that meeting.

HIS HONOUR: Well, can't he ask the witness whether the witness refreshed her memory from a document?

15 MR OWENS: He could, but he can't do it in the context of trying to identify what was shown to the witness in a particular context being a privileged communication.

HIS HONOUR: That's right. Yes. Well, Mr McClintock, I think that's correct.

20 MR McCLINTOCK: I will withdraw the question and reframe it. As a result – I withdraw that. You refreshed your memory, and I think you were about to say that earlier on. You refreshed your memory to help you give evidence in these proceedings from something that you saw in this meeting yesterday, didn't  
25 you?---Yes. These two documents.

Only those documents. Was there any other documents that you were shown?---Yes.

What other documents were you shown?

30 MR OWENS: Well, your Honour, it's precisely the same .....

HIS HONOUR: No. That's the problem, Mr McClintock.

35 MR McCLINTOCK: I'm sorry.

HIS HONOUR: You're moving from - - -

MR McCLINTOCK: Sorry, your Honour.

40 HIS HONOUR: - - - refresh memory to shown.

MR McCLINTOCK: I'm sorry, your Honour. Youthful enthusiasm.

45 Ms Roberts, were there any other documents that you looked at that you were using to help you give evidence here today?---No.



Right. Thank you. You can – those documents can be returned. I’m sorry. Actually, I’m sorry. Keep them. You – would you just go to – just go to the first one, Ms Roberts?---5 April?

5 Yes. It’s 5 April, yes. Could you just read paragraph 5. Well, I withdraw that. You see paragraph 3?---Yes.

Have you read paragraph 3, Ms Roberts?---Yes.

10 It’s fairly anodyne that that’s a correct statement, isn’t it?---Yes.

You were aware of that?---Yes.

15 Look at paragraph 5. You see there there’s a heading there. The first article is published on 9 June 2018?---Yes.

And you say in paragraph 5 that you read the online version of the article on your mobile telephone on 9 June 2018?---Yes.

20 That was correct, wasn’t it?---Yes.

And you see in paragraph 6 – just read paragraph 6 to yourself. You see it says:

25 *My initial reaction was one of shock.*  
?---Yes.

You say there that you took the reference to Leonidas to be about my client, don’t you?---Yes.

30 And you did, didn’t you?---Yes.

Yes. And, in fact, paragraph 6 is correct, isn’t it?---Yes.

35 Look at paragraph 7. You see what you’ve said there?---Yes. Yes.

This, of course, was based on information that you gave to Mark O’Brien lawyers, wasn’t it?---Yes.

40 Yes. There’s no doubt, is there, that you observed that your husband was deeply hurt -- -?---Yes.

-- - by that article?---Yes.

45 And he also said the words that appear in paragraph 7:

*We've sacrificed so much for this country as a family, and this is what we get in return.*

?---Yes.

5

And it was a pretty true statement, wasn't it?---Yes.

Look at paragraph 8. You see, again, it's – do you need a second? You see, it is true to say that a large number of friends telephoned or messages you about the article?---Yes.

10

And they did say, didn't they, Leonidas is Ben?---Yes. Certain people did.

And, again, paragraph 8 is accurate, isn't it, Ms Roberts?---Yes.

15

You recall the conversation set out in subparagraph (a) with your mother and your stepfather, don't you?---Yes.

It must have been a terrible blow for you and my client?---It was.

20

No matter what has happened between you since. You see, there's a – in paragraph (b) there's a reference to Danielle Scott and what she said?---Yes.

You see that? That occurred too?---Yes, it did. Yes.

25

Also you see Debbie Rolfe, who were family friends of yours who I think live in Canberra – the Rolfes?---Yes.

And did you say there was a telephone call from Debbie Rolfe, and it was to that effect, wasn't it?---Yes, it was.

30

You attach a text message from Ms Rolfe to the affidavit?---Yes.

You did receive that, didn't you?---Yes.

35

Sorry. I said affidavit. I meant outline. And that appears on – that is annexure A to the outline, isn't it?---Yes.

Your former husband was to speak that night at a corporate event, wasn't he? Paragraph 9?---Potentially. I – I cannot answer that 100 per cent, but potentially yes.

40

And you went with him, and he was anxious and paranoid, wasn't he?---Yes.

You see, you then turned to the second article, Ms Roberts, and you see that's the one published on 10 June 2018. You see you say – just read paragraph 10 to yourself. It's accurate, isn't it?---Yes, it is.

45

And, again, once again, you knew clearly that Mr – that my client was Leonidas, didn't you?---Yes. He thought he was. Yes.

5 HIS HONOUR: I'm sorry. I didn't catch the last bit?---Sorry. Yes. Ben thought that that was him, yes.

MR McCLINTOCK: And you thought it was him too, didn't you?---Yes.

10 The following day, do you recall receiving calls on 10 June 2018, Ms Roberts?---Yes.

Do you recall who from?---Not off the top of my head, no.

15 All right. But they were to the effect set out in paragraph 11?---Yes.

You obviously discussed those calls with my client, didn't you?---Yes.

Did you observe his reaction when you told him what people had said?---Yes.

20 What was it?---It was devastated.

HIS HONOUR: Sorry. I didn't catch it again?---Sorry. He was devastated.

25 MR McCLINTOCK: And you – and, really, you've summarised his reaction at paragraph 12, haven't you? It's accurate, isn't it?---That's accurate. Yes.

You – after – look at 14. After publication of the articles, people did mention them to you at school?---Yes, they did.

30 Yes. Again, it must have been absolutely awful both for you and for my client?---Yes.

35 And people certainly indicated that they thought Mr Roberts-Smith was the war crime committing soldier referred to as Leonidas?---Yes.

And Diane Young, the housekeeper – well, you see what she – what do you recall she said to you?---Yes. That's correct.

40 Yes. That's paragraph 14B, isn't it?---Yes.

And you see that one of your children – I withdraw that. Did one of your children say what appears there, Ms Roberts?---Yes.

45 Continuing:

*Why does dad not smile anymore?*

Please forgive me, but what did you say to her? Would you like a moment to compose yourself?---Yes, please.

HIS HONOUR: All right. We'll adjourn for – until ten past 3.

MR McCLINTOCK: Thank you, your Honour.

HIS HONOUR: Unless anyone seeks further time.

**ADJOURNED**

**[3.00 pm]**

**RESUMED**

**[3.10 pm]**

HIS HONOUR: Yes, Mr McClintock.

MR McCLINTOCK: Do you feel able to continue, Ms Roberts?---Yes.

I was asking you about 5 April outline. Could you go back to that, please. Look at paragraph 17; that's about an article published on 10 and 11 August 2018. And they were the ones that first raised the allegation against my client for domestic violence, weren't they?---Yes.

Now, you see you set out in paragraph 18, a conversation with my client – actually two conversations. Just read it to yourself if you would. They're accurate, aren't they?---They are.

Yes. Thanks. And just by the way, just read 19 and 20 to yourself. Putting aside just for the moment the question of whether you were separated or not, everything else in those paragraphs is accurate, isn't it?---Yes.

And, Ms Roberts, you see you say in paragraph 19 and in paragraph 20 that, in effect, you had been separated previously between October '17 and April 2018?---Yes, that's not correct.

I won't put it to you again that it is correct, but I will come back to that. You see paragraph 21 where you say that my client was very distressed and that you said – it says not only – he said to you:

*Not only does it say that I engaged in domestic violence, but also that I'm a war criminal.*

He did say that, didn't he?---Yes.

And - - -



HIS HONOUR: I'm sorry. I didn't hear you right?---Yes.

Thank you.

5 MR McCLINTOCK: Yes. Do you see at paragraph 22 and 23 – just look at paragraph 22. That's correct, isn't it; you did say that?---Yes.

You see – you see there's a reference to separation in paragraph 23. I know you will say that didn't occur - - -?---Yes.

10

- - - but you see Mr Roberts-Smith did say to you the words set out in paragraph 23, didn't he, at – after the 10, 11 August articles?---Yes.

15 Look at – you did receive an enormous amount of messages and contacts about this article, didn't you?---Yes, we did.

And, indeed, if you look to – if you look to – you will see that, I think, they're annexed as D to this outline. In fact, they are tab 8. They include the – they include the one from Snazzy, and so on, that I was asking you about before, don't they?---Yes, they were the messages that we received.

20

Yes. It must have been humiliating for both you and my client at the time?---Yes.

25 You see, just dropping down – I won't ask you about the rest of the material, Ms Roberts. But go over the page, one thing that – look at paragraph 31. One thing that you and my client were worried about was the impact that this would have on – or the possibility that the article published by the respondents here would have upon your children?---Yes.

30 Yes. And, again, my client did express – or did say to you what is said in 31(a), didn't he?---Yes.

Yes. And people – and parents from the school did stop contacting you, didn't they?---Yes, they did.

35

People broke off friendships as a result of these articles, didn't they?---Yes, they did.

Just read the rest of paragraph 31 to yourself. And I will just simply ask you to confirm that those – that section is true as well?---Yes, they're all correct.

40

Just look, if you would, at the second outline, Ms Roberts, there's a – I've asked you about paragraph 9, which was the meeting with Person 17. Just read 10, 11 and 12 to yourself?---Yes.

45 They're correct, aren't they?---Yes, they're correct.

Just look at paragraph 14. That's pretty much what you said to Mr Owens in-chief this morning, isn't it?---That's correct.

5 Yes. Did you ask Person 17 why she had come to the house?---I don't recall. Yes, I did. I asked her if she came for money or whether she was going to the press.

Yes. Was it – there was no other questions you asked about why she had other than – I'm not suggesting there is, I'm simply asking you?---No, not that I recall.

10 Right. Thank you. You can return both of those two outlines, Ms Roberts. Now, I want to go back to something that I was asking you about before – something similar I was asking you about before, Ms Roberts. You recall me asking you about the evidence you gave this morning about accessing the email – or not accessing the email account after the – after 20 January 2020 and the difference between that and  
15 what appeared in the – in your affidavit. You recall me doing that, don't you?---Yes.

Now, I will have you shown again the affidavit that you swore in those proceedings, and I want to go back to one particular part of it. I will just need to find it myself. Do you have that?---30 September?

20 No. I think you're looking at the Family Court affidavit. Could you put that aside or even return that. It's the one – it's one dated 19 August 2021 and it's in the proceedings brought by my client against you which were determined by Bromwich J of this court.

25 HIS HONOUR: Can I have an exhibit number, Mr McClintock? In the old days, counsel had an exhibit number. Someone provided them with an exhibit number.

30 MR McCLINTOCK: I don't know that that's New South Wales' habit. We just normally read the - - -

HIS HONOUR: You rely on the court, do you?

35 MR McCLINTOCK: Considerably safer than relying on counsel, especially this counsel.

HIS HONOUR: Yes. Well, I won't comment about that, Mr McClintock.

40 MR McCLINTOCK: Your Honour, I'm happy to tender this now. Actually, I will have it marked, your Honour. Could it be marked for identification. It's probably wiser.

45 HIS HONOUR: I'm told it's A72 and it hasn't been marked, so I'm not sure where it is. Can you tell me where it is, Mr McClintock?

MR McCLINTOCK: I thought I provided a copy, but if I didn't, I can provide another copy to be marked, your Honour, although I think your Honour's associate –

no. If your Honour would just excuse me while Mr Richardson obtains a copy. It was filed on 20 August 2021. Thank you, Officer.

HIS HONOUR: Yes. Any objection, Mr Owens?

5

MR OWENS: I didn't think Mr McClintock was tendering it. I thought he was just having it marked.

HIS HONOUR: Just marking, are you?

10

MR McCLINTOCK: I'm just marking it at this stage.

HIS HONOUR: All right. MFIA72 will be affidavit of Emma Roberts sworn on 19 August 2021.

15

**MFIA #A72 AFFIDAVIT OF EMMA ROBERTS SWORN 19/08/2021**

20 MR McCLINTOCK: Just look at paragraph 8, if you would. I think you're already - - -?---What, sorry, number?

Paragraph 8?---8.

25 Paragraph 8?---Yes.

I asked you about it before, so I want to ask you some other – some different things about it. You see, you said in paragraph 8 that you logged on to the RS Group Australia domain and checked your email and my client's on 5 April 2020?---Yes.

30

You recall the questions I've asked you about the distinction between that and what you said this morning. I'm not going to go back to that?---Yes.

35 I'm going to ..... something different. You see, you say in paragraph 8 that you were looking for information about a jointly owned property in Perth?---Yes.

You say in paragraph 9 – just read paragraph 9 to yourself?---Yes.

40 You say, in effect, by accident, you came across an email from the Velocity records – Velocity Rewards store recording a purchase of Apple AirPods, don't you?---Yes.

Yes. That is, you weren't looking for it, were you?---No.

45 Was that true that you logged in and looked at those emails on 5 April 2020?---Yes.

It wasn't Danielle Scott, was it, who later told you about it?---No, she didn't say that to me.

Yes. You provided a copy of the Velocity Rewards as exhibit ER1 to your affidavit, didn't you?---Yes.

Would your Honour excuse me for a second.

5

See, what I want to suggest to you was it was Danielle who accessed the account on that day. Do you agree with me or not?---I don't know if she did, but I certainly did.

10 I also – you also recall giving evidence this morning in response to my learned friend about my client giving Ms Scott the switzerland2018 – or the account for that – or the – that password for the Gmail account?---Yes, that he shared with Person 17.

Yes. And you then said:

15 *He then gave her our company account password as well.*

?---Yes.

20 How was that relevant – I withdraw that. Why do you think he was giving that password to Danielle Scott?

MR OWENS: Your Honour, I object.

25 MR McCLINTOCK: I withdraw that.

Did he say anything to indicate that, why he was giving it to Danielle Scott?---Yes.

What did he say?---He wanted Danielle to respond to Person 17's email.

30 Right?---The draft email that she had in the Gmail account.

Right. I want to suggest to you that you, in fact, provided that password to Ms Scott?---No. I was in the car.

35 And you provided the password to the RS Group account to her, didn't you?---No, I was in the car when Ben gave - - -

Yes?--- - - - it to Danielle.

40 And you know she accessed the account – that account at least 100 times, don't you?---I didn't know until the private proceedings.

45 And just – if you just would, I'm going to – I withdraw that. Now, you obviously suffered a considerable amount of pain, along with my client, during 2018 when these articles were being published, didn't you?---Yes.



But it would be fair to say, wouldn't it, that after the marriage broke down finally in January 2020, you came to loathe and detest my client; that's correct, isn't it?---No, I do not loathe - - -

5 I see?--- - - - and detest your client.

I will come back to that. I will have you shown this document, and I would ask you to – you see, that's a collection of text messages passing between you and Danielle Scott, isn't it?---Yes.

10 Commencing on 5 January 2020?---Yes.

Actually before you separated, isn't it?---Yes.

15 Just go, if you would, to page 32. You see they're numbered at the bottom?---Yes.

You see an entry at 12.59 on 29 January 2020?---Yes. There's two there.

20 Yes. You see what you said about my client there, don't you?---Yes.

Yes. Then just drop down. You see there's a message at 1346 on that date, 29 January?---Yes.

25 Could you read it out?---Read it out?

Read it out?---

*I'm actually feeling so fucking angry today.*

30 What does the next one say?---

*I want to punch the fucking cunt in the face.*

35 That's how you saw my client, isn't it?---Nine days after he left, yes.

Yes. Let's continue. Let's look at 44. Look at the entry at 2137 on 1 February?---What time, sorry?

40 2137?---Yes.

You see what you say there?---Yes.

Yes. Reflected your attitude at the time, didn't it?---Yes.

45 Just go, if you would, to – sorry. Just look at the entry at 2139. Do you see that?---On the same date?

Same date. Page 44. Please help me; what does “houso” mean?---Like a bogan.

Like a bogan. Right. Thank you. And that’s what you’re saying about my client?---At the time, yes.

5

All right. If you go over to page 49. Actually, go to 47. 2 February, 22.41, you see the entry there, and the entry at 22.42. I won’t ask you to read them out. You see the entry at 22.44?---Yes.

10 49. 1800 hours:

*His voice makes my skin crawl.*

You see that?---Yes.

15

That’s what you said, isn’t it?---Yes.

True?---At the time, yes.

20 Just go to page one hundred and – well, just go to page 123. Look at the entry on 3 June 2020, 11.03, almost five months after you had separated?---Mmm.

You see you say:

25 *I know how the cunt works.*

?---Hang on.

11.03 on 3 June?---Yes.

30

And just read the rest of the messages?---Yes.

You were still, shall I say, evincing a considerable degree of hostility towards my client then, weren’t you?---Yes. In relation to the topic we were talking about, yes.

35

Yes. Just over the page. I withdraw that. Just by the way, just go if you would – just so I can clarify something, just go to page 160. See there’s an entry there on 3 November 2020, 15.59. You see that? It starts off:

40 *I didn’t even message.*

?---15.59?

15.59?---Yes.

45

Who’s that?---Jap?

Yes?---Is a nickname for my lawyer.

Mr Murakami?---Yes.

5 Right. So when you refer, for example, to the Jap here, you're referring to him?---Yes.

10 Thank you. Now, let's just go back, if you would, to – I withdraw that. What I want to – I don't want to take you through every one of the derogatory references to my client in this bundle, but you will agree with me that you were referring to him in what I might describe as unfavourable terms right through to the end of this in December – end of this bundle in December 2020?---Yes. On and off through that process, yes.

15 Yes. I know it's not uncommon in divorce proceedings or in people who's relationship has broken down, but you did come to loathe him, didn't you?---Not loathe him, no. But I was very angry.

20 Let's just go back to some of the earlier one, Ms Roberts. The – let's just go back to around about – if I can just find the particular reference – to the – to page 58. See the entry at 6.16 on 7 February that day?---Yes.

What did you say there?---

25 *He's such a motherfucker.*

See the entry at 6.17? What did you say there?---

30 *I have him everything and he fucked it.*

There's an earlier one at 6.17. What did you say there?---

*Yes.*

35 Just read it out. 6.17. 7.20, 50. 7 February 2020?---Yes.

You see that?---I said "yes" at 6.17.

You said:

40

*Yes. He's a fucker. Fuck him.*

?---I didn't say that. No.

45 I'm sorry. That's Danielle. I apologise. I do apologise. Now, let's just go forward, and I want to ask you – before I come back to something about this, just go to

paragraph 71. I'm sorry. Page 71. Just go to page 71. Look at the entry for 17 February 2020, 20.24?---There's a couple, yes.

But you see you say:

5

*You should message old mate Bali and say you're in Brissy.*

?---Yes.

10 Old mate Bali was Mr MacLeod, wasn't it?---Yes.

And you see – just read those messages to yourself going down to the end of the page?---Yes.

15 And you see you're setting up a lunch or a dinner with Mr MacLeod, aren't you?---A lunch, yes.

Yes. And the purpose of the lunch was to pump him for information about my client, wasn't it?---No. I hadn't spoken to John MacLeod in over a year.

20

Why did you want to see him?---Danielle was friends with him, and she was coming to Brisbane, and we thought we could catch up with him.

25 Yes. Just go over the page. You see at 20.30 on 17 February you said- you asked Danielle Scott the question:

*Meet him.*

And then she said:

30

*Settle your mind.*

?---Yes.

35 And then you said:

*Or flip BRSs.*

Didn't you?---Yes.

40

And then you said:

*He would be fuming.*

45 ?---Yes.



Why do you say my client would be fuming about a meeting between you, Danielle and Mr MacLeod?---Because Ben and I stopped talking to John MacLeod after the articles were printed in the paper.

5 Yes. And just down the page, you see at 20.34 you said:

*If he leaked, that would work for me.*

?---That we had already separated.

10

I see. Leaked what?---That Ben and I were no longer together.

Right. Now, just go over the page to page 73. You see at 20.37 you said:

15 *You want me to contact old mate.*

?---What time, sorry?

20.37. I'm sorry. I apologise. I apologise. Danielle says to you:

20

*You want me to contact old made?*

?---Can you please repeat what page?

25 Page 73?---Mmm.

Timed at 20.37?---Yes. I see.

Danielle – yes. Yes. Old mate, of course, is Mr MacLeod, isn't it?---Yes.

30

And then there's further discussion about meeting him, isn't there?---Yes.

Now, let's just go now to 16<sup>th</sup> of – well, to March 2020. Go to page 100?---You see, 100 is entries commencing on 8 March. And you see there's an entry at 18.44 on 8 March. What did you say there? Read that out?---Eight – 18.44?

35

That's it?---

*I doubt that. I'm a major fuck-around to him.*

40

If you see – if you drop down, you will see the last entry on the page has you saying:

*Yeah, the perspective is he's a fuckwit.*

45 Do you see that?---Mmm.

Right. Now, over the page, on 9 March at 19.51 – 7.51, you see you say there:

*I wonder what it is he wants out of the office. I'm going through the paperwork now.*

Do you see that?---No.

5

The very first entry on page 101?---Yes.

Yes. Now, you – it's obvious that you thought my client wanted something out of his office, isn't it?---There – it must have been, yes.

10

I'm sorry?---It must have been, yes.

Yes. You don't recall, do you?---No.

15 Then, you drop down and you say, at 20.37:

*Give me a sec; found something.*

?---What - - -

20

20.37?---Yes.

And you say then – you say at 14.03, after a question from Danielle:

25 *We're just going through what he has taken.*

You see that?---Yes.

All – you say:

30

*All his ski gear.*

?---Yes.

35 When you say:

*He's left a bit here. Dizzy and I spied on him.*

?---Yes.

40

Dizzy was the housekeeper?---Yes.

And what did you do to spy on him?---We watched him take things out of his office.

45 I see. Then just going down the page again, on 12 March at 22.04, you mention:

*Old mate is going to send you some info.*

And that's Danielle, of course, isn't it?---Yes. No. "Old mate" is John MacLeod.

Yes. And then you say – then you obviously you send two question marks to Danielle. And then you say:

5

*Fuck, old mate just called me.*

Yes. Just by the way, you gave all my clients uniforms and military equipment to Mr MacLeod, didn't you?---After Ben left them at the house, I gave them to him to store.

10

How did that come about, Ms Roberts?---He – I was going to throw them in the skip bin and he said not to. Ben had already come and collected what he wanted.

15 But did it come about that – what did Mr MacLeod say about it?---He just said he would just take them from me. He didn't want me to sell them or throw them out.

All right. Did he say what he was going to do with them?---No.

20 Yes. Now, just go to – when did that happen?---The day of or the day before I moved out of my property.

Yes. Let's just go through the entries on the – on page 102. You see, you said at eight minutes to 11, the first entry:

25

*Okay. Holy fuck, mate, I can't believe what old mate is telling me.*

That's what you said?---Yes.

30 And Danielle says:

*Tell me here.*

35 ?---Mmm.

And that was – that meant tell me here as opposed to Signal or Viber, didn't it?---Potentially, yes.

40 Yes. You see, you used Signal and Viber for the really secret things, didn't you, with Danielle?---With – whatever Dan had on her phone at the time.

Right. The benefit of Signal is that the messages are automatically deleted, isn't it?---If they're set to that, yes.

45 Yes. Now, then you say – just read out the entry at 22.54 that you sent to Danielle?---

*His being stuff that is going to sink BRS.*

Yes. And then you said:

*It's coming and BRS doesn't know yet.*

5 ?---Yes.

Continuing:

*Seven-related.*

10

Do you see you said that?---Yes.

And then Danielle said:

15 *Do you think it's legit?*

Do you see that?---Yes.

And then it says:

20

*A dossier has been put together to buy him.*

?---Yes.

25 Yes. And then, at 22.57, you say:

*Old mate said a copper mate phoned him and said Seven staff have put one together and handing it to the big kahuna.*

30 ?---Yes.

That, of course, is Mr Kerry Stokes, isn't it?---Yes.

35 Yes. Now, I want – I would like to ask us to tell us in as much detail as you can what Mr MacLeod said to you on this occasion about the dossier put together at Seven.

MR OWENS: Your Honour, I object. The relevance of this is not clear to me.

40 HIS HONOUR: Yes. What is the relevance, Mister - - -

MR McCLINTOCK: I just wanted - - -

HIS HONOUR: Do you want to deal with this in the absence of the witness?

45

MR McCLINTOCK: Yes, I do, your Honour.



HIS HONOUR: Yes. Would you mind stepping outside - - -?---Yes, sure.

- - - for a moment.

5

<THE WITNESS WITHDREW

[3.45 pm]

HIS HONOUR: Yes.

10

MR McCLINTOCK: Your Honour, Mr MacLeod is apparently making serious allegations about my client and not about some of the things that we understand he's going to say later. I would like to find out what Mr MacLeod was saying - - -

15

HIS HONOUR: Sorry, that's a bit – I don't follow that, "and not about" what?

20

MR McCLINTOCK: It's unclear to us precisely what Mr MacLeod is going to say, because of the nature of the outline that he has put on. Your Honour will recall that there was a claim for – well, an indication there would be a claim for privilege against self-incrimination in the – it's from section 128. So we are in the dark about what is actually going to happen. I would – I am asking these questions to illicit from a witness what – I'm not trying to find out – I'm not trying to find out what he may say. What I'm trying to do is set a foundation for issues about the probabilities in relation to the evidence that we understand may come later.

25

HIS HONOUR: From?

MR McCLINTOCK: I ..... your Honour?

30

HIS HONOUR: From?

MR McCLINTOCK: From Mr MacLeod.

35

HIS HONOUR: Right. Yes. Anything else?

MR McCLINTOCK: Nothing else, your Honour.

HIS HONOUR: Yes. Mr Owens.

40

MR OWENS: Thank you, your Honour. Does your Honour have the amended outline of evidence that has been filed in relation to Mr MacLeod?

HIS HONOUR: I don't, I don't think. I don't have it handy. I - - -

45

MR OWENS: Well, can I just – I will say what I want to say. If your Honour would like to look at it, we can take – the point is, your Honour, we filed an amended outline of evidence which was filed – there was the first version of the outline which

indicated that a claim for – a claim not to disclose certain information in this document would be made by Mr MacLeod on the basis of self-incrimination. We then filed an amended outline which made clear the evidence that we expected Mr MacLeod to give but on the express basis that it wasn't coming from Mr MacLeod,  
5 so he wasn't, as it were, volunteering information that might incriminate him. But we have indicated, in paragraph 11 – I can hand up to your Honour a copy of this, so your Honour sees it.

10 HIS HONOUR: Thank you. Yes.

MR OWENS: We've handed up an outline which shows clearly the nature of the evidence that we expect to call from Mr MacLeod and it has nothing to do with a dossier of information that Mr MacLeod may or may not have been told about assembled by someone else and to be deployed by someone else. Mr MacLeod is  
15 coming to give evidence about a relatively confined topic, namely, his involvement in posting threatening letters drafted by the applicant to be mailed to soldiers in the SAS regiment.

20 HIS HONOUR: Yes.

MR OWENS: Thank you, your Honour.

HIS HONOUR: Mr McClintock.

25 MR McCLINTOCK: My point is that it's not about – I anticipate that this is not about that. I want to find out – well, it may affect the assessment of that evidence, if it comes.

30 HIS HONOUR: Well, that's a different basis now, isn't it?

MR McCLINTOCK: Well, I'm sorry. I'm sorry.

35 HIS HONOUR: That's a different basis now, Mr McClintock. Initially, you put to me that Mr MacLeod, you weren't sure what he was going to say and he may say something about the matter related to the dossier. Now you're saying, as I understand it, it might go to his credit in some way; is that right?

40 MR McCLINTOCK: That – I'm sorry, your Honour, if I misled your Honour. I was trying, probably elliptically, to say what I just said perhaps more explicitly. But it is – well – it is to – it does have that effect. I accept that it – and I accept the way your Honour has just put it to me.

45 HIS HONOUR: Well, how is that admissible if it's – if you're trying to get some information from this witness that might relate to Mr MacLeod's credit, not any substantive matter Mr MacLeod will address?

MR McCLINTOCK: I will withdraw the question, your Honour.

HIS HONOUR: All right. Yes. Could the witness come back in, please. I will hand that back to you, Mr Owens. We do have - - -

MR OWENS: Thank you, your Honour.

HIS HONOUR: - - - copies, but not readily available.

**<EMMA ROBERTS, RECALLED**

**[3.50 pm]**

**<CROSS-EXAMINATION BY MR McCLINTOCK**

HIS HONOUR: Yes, thank you?---Thank you.

Yes, Mr McClintock.

MR McCLINTOCK: I was on page 102, Ms Roberts?---Yes.

I withdraw the question I was going to ask you. Can I just suggest to you that you were perfectly – I withdraw that. You see that – what you said at 2256:

*A dossier has been put together to bury him.*

Yes. It's apparent from reading these messages that that was a prospect that you greeted with some enthusiasm, wasn't it?---No.

Now, just go over the page. Now, you agree with me, don't you, that you exchanged numerous text messages with Ms Scott about virtually every conceivable topic; that's correct, isn't it?---Pretty much, yes.

Yes. You were close friends?---Yes.

You had been at school together, hadn't you?---No.

I'm sorry. How did you – how long had you known Ms Scott?---I've known her 46 years.

Right. I see. And she's your closest friend, isn't she?---Yes.

You told Mr Owens this morning that you suspected that my client had buried something in the yard, didn't you?---Money, yes.

Yes. And you – just so I understand, what made you think that?---I had seen our bank account in the leadup to our separation have cash withdrawals every time Ben went to Sydney.

I see. Now, he left in January 2020, as ..... told us?---Yes.

And how many times did he come back to the property before – between when he left and 5 June 2020, approximately?---I'm not sure.

5

Your belief must be that the lunchbox, if it was buried, was buried by my client before January 2020, before he left?---Yes.

10 He obviously didn't slip back, get some USBs from the desk and bury them in the back yard after he left, did he?---I don't know.

15 So by the time you say ultimately that he dug them up, they must have been – well, you dug – I withdraw that. By the time you say you dug them up, they must have been in the ground for at least two months, probably more; do you agree?---I don't know how long they were there for.

Right. But they had been there – well, you say you dug them up on 16 March 2020, don't you?---I don't know the exact date, but it was March 2020, yes.

20 Right. And if your belief that they had been buried before my client left the marriage is true, they must have been there by then, probably for at least three months, correct?---I don't know how long they were there for.

25 Now, why did you wait till March to dig them up?---I didn't know that they were there. I thought it was money.

Right?---And it was a conversation that I had had with her on that morning.

30 With who?---Danielle Scott.

Danielle. Right. Now, what time do you say that you dug them up?---It was in the morning. She was flying home that night.

35 Yes. And you were sending messages to Danielle on your phone on 16 March 2020, weren't you?---I don't know.

Well, let's have a look. Just look at page 103?---Yes.

40 If you look at the entry for 14 March 2020 at 1713 and 1716 and 1717 - - -?---Yes.

- - - you will see that you're giving Ms Scott directions as to how to get to your property?---Yes.

45 Yes. And that tells you that she arrived some time after – well, after 5.17 on 14 March?---Yes.



Yes. And if you look at the next entry, 16 March 2020 at 1451, you see that's obviously sent after she has left, isn't it?---Yes.

5 Yes. So we know that she was there from 14 to 16 March and that she must have left at some time on the morning of 16 March, correct?---She left on that day. I don't remember the time.

Right. But it's obviously some – see, at 2.51, you send the message saying:

10 *Hope your flight was okay. Just sent you an email.*

You see that?---Yes. Yes.

15 It's pretty obvious that you thought she would be home by the time you sent that message?---Yes.

So it's a fairly long flight from – well, she lives in Cairns, doesn't she?---Yes.

20 Fairly long flight from Brisbane to Cairns?---Yes.

Three hours?---Three hours.

Yes. So must have left by about 10 am that morning?---Yes. I can't recall the time.

25 Right. Now, the – now, Danielle was someone who would do anything for you, isn't she?---I would guess so.

30 Yes. You say you found the lunchbox outside under a rock near the air conditioning unit?---Yes.

How big was the property?---10 acres.

35 10 acres. And what do you say made you think that it was there as opposed to anywhere else in the yard, under the rock next to the air conditioning unit?---Because Di Young and I used to see him out there, and we used to say, "What the hell is he doing?"

40 Now, you were sending messages on your phone that day, weren't you?---On the 16<sup>th</sup>?

On the 16<sup>th</sup>?---Yes.

You didn't take any photographs of what you found in the ground, did you?---No.

45 You didn't take any photographs showing the lunch box in situ, did you?---No.

You didn't take any photographs of the USBs you say you found in it?---No.

Nor did Danielle, did she?---No, she did not.

Yes?---To the best of my knowledge, no.

5 Yes. You – how long do you say the lunchbox was out of the ground before you reburied it?---As long as it took for her to put them on her computer.

How long was that?---I don't know.

10 Were you with her when she did that?---No.

Where did she do it?---I don't know. In the house.

15 Right. Why didn't you take any photographs?---Because her son came out and disturbed us.

I see. How did that stop you taking photographs?---He was asking what we were doing, and I shuffled him back inside.

20 Why didn't you take photographs when the USBs were inside the house?---I didn't think about doing that.

25 Wouldn't the very first thing you would do if you found USBs there be to photograph them? Or found a lunchbox there buried?---At the – I didn't know what was on them. I didn't know the relevance of them.

If the version you've given is true, there was a lunchbox in the ground?---Yes.

30 You say the only person that could have put it there was my client, don't you?---We had a gated property. I assume it was Ben.

Yes. It would have been perfectly easy for you to take a photograph of the lunchbox when you found it, wouldn't it?---If I had thought to do that, yes.

35 You thought to do it on 5 June when you say my client came back, didn't you?---Yes.

40 The reason – also, just look at the messages passing between you and Danielle for the rest of 16 March 2020, Ms Roberts?---Yes.

You agree with me that there is no reference there, is there, to discovery of the lunchbox in the ground?---Yes, there's not.

45 And it's the very sort of thing that you would have mentioned, isn't it, if it had happened?---Not necessarily. It had happened that morning.

It's the very sort of thing that would have prompted you to say something like, as you did on another occasion, "I've got the dodgy cunt now." It's exactly what you would have said, isn't it?---No.

5 You didn't do that, did you?---I didn't do what?

You didn't say anything along the lines about the discovery of the lunchbox, did you?---Not after she left, no, on that day.

10 And there's no reference to it on 20 March, 31 March and so on. Nothing at all, is there?---No.

You see, I want to suggest to you first that you had plenty of time to take photographs of these objects if they were where you say they were. Do you agree with me or not?---It was a very, very quick process, and we were disturbed by her son.

Yes?---I hadn't even thought about taking photos.

20 I see?---I actually wasn't looking for anything other than money.

I want to suggest to you that – I withdraw that. You've simply made up, haven't you, this story about Ms Scott's son disturbing you, haven't you - -?---No.

25 - - - to explain the absence of photographs?---No.

All right. In fact, I want to suggest to you that this entire story about discovering the lunchbox is a fabrication, Ms Roberts. Do you agree with me or not?---No. I do not agree.

30 You see, you and Danielle got together and made it up, didn't you?---No, we did not.

Just by the way, before I move on, you had a conversation with Diane Young, your housekeeper, about – well, I withdraw that. You certainly suggested to Diane Young that she put on an outline of evidence in this case on behalf of the respondents saying that she had seen my client digging in the garden. You did that, didn't you?---Did I ask Diane?

40 Yes. You did, didn't you?---No. Not to my knowledge, no.

And she told you that she wouldn't do that, because she wouldn't lie. That's what she said to you, isn't it?---No, she did not.

45 Now, you and Danielle made this whole story up about finding this lunchbox, didn't you?---No, we did not.

You chose 16 March at some later point, because you knew, didn't you, that Danielle was at the property at that stage?---Yes, she was.

5 And you knew, didn't you, that, because there were no photographs, you needed an eye witness, didn't you?--- .....

You see, you fabricated this whole story to harm my client, didn't you?---No, I did not.

10 And the reason why was, by that stage, you had come to hate him, hadn't you?---No.

You were quite prepared to lie if it harmed my – to harm my client, weren't you?---No.

15 Go back, if you would, to page 77. You see there's an entry there which you sent to – or an entry at 22 February 2020 at 17.20 where you send a message to Danielle, and it sets out a draft letter to Mr Stokes, doesn't it?---Yes.

20 And you ..... you sent it to Danielle - - -?---Yes.  
- - - for her to edit?---Yes.

And you did ultimately send it to Mr Stokes, didn't you?---I didn't send it, no.

25 Let's have a look at what you say. You sure you didn't send it?---I did not send it.

You certainly sent a letter to Mr Stokes, didn't you, about my client?---No. No.

30 No. Just look at this, would you? Just look at the second last paragraph on that page. That wasn't true, was it?---What part?

*I love Ben dearly.*

35 That wasn't true, was it?---He's the father of my children.

But you didn't love him dearly at that stage, did you?---Yes, I did.

40 Let's go forward to 5 June 2020, Ms Roberts, and could the witness be shown – I don't have the exhibit numbers of the photographs. It's R43, tab 21. Yes. I might just check. Tab 21. I'm going to also have you shown something. I'm sorry. I just need to find one other document, your Honour. If you just go to tab 20.

HIS HONOUR: Just wait, Mr McClintock.

45 MR McCLINTOCK: I'm sorry.

THE WITNESS: Yes.



MR McCLINTOCK: You see tab 20 is an email from my client to you?---Yes.

And Mr Owens asked you about that this morning?

5 HIS HONOUR: R43, is it? Could the court officer please - - -

MR McCLINTOCK: I should be R43.

HIS HONOUR: - - - check whether that's R43.

10

MR McCLINTOCK: It's - the whole bundle should be R43, not just the - - -

MR OWENS: That's the cross-examination bundle group, I think.

15 MR McCLINTOCK: I'm sorry.

HIS HONOUR: No. That's being brought down right now, Mr McClintock. So we will just be patient.

20 MR McCLINTOCK: That's the wrong bundle.

HIS HONOUR: Yes.

MR McCLINTOCK: And the witness I think has just removed something from it,  
25 so it should be replaced.

HIS HONOUR: It's tab 20.

MR McCLINTOCK: Tab 20. You see tab 20 is an email from my client to you sent  
30 on 5 June?---Yes.

8 am?---Yes.

And you see he says:

35

*I will be picking up the girls from the senior school drop off today at 3.10.*

?---Mmm.

40 And he says he would like to have access and so on?---Yes.

And the last paragraph:

45 *Can you please confirm that I will be able to gain access to the property  
between 2.30 and 3 pm so that I can pick those items up while the children  
aren't home?*

?---Yes.

And your reply, as you told Mr Owens this morning:

5           *I will make sure you have access to the property at 2.30 pm.*

?---Yes.

10           And you then continue with what you said there and talked about with Mr Owens this morning, don't you?---Yes.

Now, you – well, my client, in fact, arrived at 2.30, didn't he?---No, he did not.

15           When did he arrive?---He arrived before that. He was early.

How do you recall that?---Because I took a photo before he got there and then after he left.

20           I see. You – well, let's just look at that. You see the photographs appear on the next page, the next tab?---Yes.

What time do you say he got there?---He got there after that photo was taken at 2.06.

25           Please, what time do you say he got there?---I don't remember.

All right. And how long do you say he was there?---No more than 10 minutes.

30           Do you have the originals in digital form of these photographs, Ms Roberts-Smith?---No.

MR OWENS: Roberts.

35           MR McCLINTOCK: Ms Roberts, I'm sorry. What did you do with the originals in digital form? I withdraw that. You took the photographs on your phone, didn't you?---Yes.

And they would remain on your phone unless you deleted them, wouldn't they?---Yes.

40           Did you delete them?---No. Not that I remember.

What did you do with the originals?---I sent them to Danielle.

45           I see. So Danielle would have the originals, would she?---I sent her a copy of the photo.

What - - ?---The originals was on an old phone.

I see?---They were taken on an old phone.

I see. An iPhone?---Yes.

5 And you say – what do you say actually happened to the originals? Are you saying that you disposed of the phone and they were lost?---I've not gone back and looked at the photos, because they were on the – on an – on an iPhone 8, which I haven't had for maybe a year.

10 So they were in existence on your phone a year ago, were they?---I guess so, yes.

Yes. And you knew that they were important for this case, didn't you?---Yes.

15 You didn't think to preserve them in some way?---I sent everything to Danielle to protect.

What you sent to Danielle was a photograph – was a copy, not the original digital file; that's correct, isn't it?---I sent her the photo from my phone.

20 So she – I want to understand this. She would have the original digital version of these photos, would she, assuming that she hasn't deleted them?---I guess so, yes.

Have you talked to her about those original records yourself?---No.

25 All right. Just by the way, have you thrown out the iPhone 8 that you mentioned that you took these photographs on?---Yes.

30 When did you do that?---I don't remember the actual date. I gave it to my Mum to use and it kept overheating, so she threw it out.

Right. You can't tell us – and you say you stopped using it about a year ago, do you?---Yes.

35 Right. Now, so you see, you take photographs of your children on the phone, don't you?---Sorry.

You take photographs of your children on your phone, don't you?---Yes.

40 Do you back them up to the cloud?---Not that I know of. I don't know how to do that.

Right. Did you think of taking a permanent record of the photographs that appear behind tab 21?---No.

45 You see, all we've got there – I withdraw that. What actually is that? Is it a screenshot?---That's a – that's a photo that I sent to Danielle.

Right. When you say you sent it to Danielle, how did you send it?---I can't remember. On one of the apps on the phone.

5 Right. And do you know where this copy came from? From Danielle or from you, do you know?---I don't know how you got that, no.

Well - - ?---I took this photo.

10 Yes. Did you give it to MinterEllison?---No.

Did Danielle give it to MinterEllison?---I don't know.

Right. Now – would your Honour excuse me.

15 I'm – just go to – do you still have the bundle that you were looking at before you saw those photographs?---The text message ones?

20 You can close that for the time being. I will come back to it tomorrow. The folder that was there?---The text messages?

No, not the text messages, the one that's titled – sorry, the one that's titled Emma/Danielle Cross-examination Documents. Go to tab 4.

25 HIS HONOUR: Finish this topic, Mr McClintock, and then we will adjourn.

MR McCLINTOCK: Certainly, your Honour. Yes.

HIS HONOUR: Yes.

30 MR McCLINTOCK: If that's a convenient time, your Honour. Actually, your Honour, would your Honour mind if I finished this topic and then - - -

HIS HONOUR: Yes.

35 MR McCLINTOCK: Just look, if you would, at tab 4, Ms Roberts?---Yes.

You see – you see there's four complete photographs there?---I'm sorry. I must have the wrong. I've got that in there.

40 I'm sorry. Try the bundle that's to your left. Go to tab 4?---Yes.

You see – just hold it up so I can see what it is. Yes. Thank you. You see there's four complete photographs there, aren't there?---Yes.

45 Two of my client; you see that?---Yes.

And two of a person you know to be Person 17?---Yes.



And you see underneath the photographs of my client it says:

*Seven days left.*

5 ?---Where, sorry?

Look at – just look below the photographs of my client - - -?---Yes.

- - - you see:

10

*Seven days left.*

?---Yes.

15 And then you see underneath the photographs of Person 17:

*Four days left.*

?---Yes.

20

Now, after the visit from Person 17 in – on 6 April 2018 - - -?---Yes.

- - - you asked my client, didn't you, to delete the photographs from his phone that he had of Person 17?---No, I did not ask him to do that.

25

I'm sorry?---No.

I suggest to you that you did?---I don't recall asking him that, no.

30 You see, if you look at these photographs, the "seven days left" and the "four days left" tells you that those photographs were in the deleted items file - - -?---Yes, they were.

- - - of a phone?---No, they were of – in a laptop.

35

Ms Roberts, those photographs are – look at the top of the page. You see it says, "21.24" and then there's a series of symbols, one of which is Bluetooth?---Yes.

And then it says "47 per cent"?---Yes.

40

That's the amount of battery left on the particular phone, isn't it?---Yes.

Those photographs were on a phone, weren't they?---That photo, I took off Ben's laptop.

45

You took it off his phone, didn't you?---No.

I see?---I don't have access to Ben's phone. It was encrypted with Seven.

Is that a convenient time, your Honour.

5 HIS HONOUR: Yes. All right. Thank you, Ms Roberts. You can step down for the time being. You need to come back tomorrow and you should not speak to anybody between now and then - - -?---Yes.

- - - as to your evidence?---Yes.

10

Thank you?---Thank you.

So you may step down.

15

<THE WITNESS WITHDREW

[4.18 pm]

HIS HONOUR: Yes. Thank you. Yes, Mr Richardson.

20

MR RICHARDSON: Your Honour, might I raise something, please.

HIS HONOUR: Yes.

25 MR RICHARDSON: Your Honour will recall that, at 9 am tomorrow, your Honour had listed an application for the setting aside of a subpoena to Person 17. In the light of evidence filed yesterday, my client won't be pressing that subpoena, so there's no longer any need for that argument. We have notified Person 17's lawyers this afternoon. We will need to agree to some minutes or some form of order, but your  
30 Honour can vacate the 9 am listing; there's no argument.

HIS HONOUR: All right. Thank you, Mr Richardson. I will do that. Mr McClintock, are you able to give me some indication of how long you think you will be.

35

MR McCLINTOCK: About an hour.

HIS HONOUR: About - - -

40

MR McCLINTOCK: An hour.

HIS HONOUR: An hour. Yes. And your next witness is Person 42; is that right?

45 MR OWENS: Yes. That somewhat catches me by surprise, because we had been told Mr McClintock would be two and a half days and Person 42 is not available until first thing Wednesday morning and I don't think I can come up with another witness before tomorrow.

HIS HONOUR: All right. Well, I think we will deal with that – first of all, see how long Mr McClintock is - - -

MR OWENS: Yes.

5

HIS HONOUR: - - - and we will deal with the problem when it arises. If there's any solution that does occur to you, Mr Owens, I ask you to pursue it.

MR OWENS: We will think about that tonight.

10

HIS HONOUR: Yes.

MR OWENS: Yes. I'm sorry, your Honour, that has genuinely caught me by surprise.

15

HIS HONOUR: Yes, yes. All right. Well, adjourn until 10.15 tomorrow.

**MATTER ADJOURNED at 4.19 pm UNTIL TUESDAY, 15 FEBRUARY 2022**

### **Index of Witness Events**

EMMA ROBERTS, SWORN	P-1910
EXAMINATION-IN-CHIEF BY MR OWENS	P-1910
THE WITNESS WITHDREW	P-1941
EMMA ROBERTS, RECALLED	P-1941
EXAMINATION-IN-CHIEF BY MR OWENS	P-1941
CROSS-EXAMINATION BY MR McCLINTOCK	P-1959
THE WITNESS WITHDREW	P-1977
EMMA ROBERTS, RECALLED	P-1977
CROSS-EXAMINATION BY MR McCLINTOCK	P-1977
THE WITNESS WITHDREW	P-1997
EMMA ROBERTS, RECALLED	P-1999
CROSS-EXAMINATION BY MR McCLINTOCK	P-1999
THE WITNESS WITHDREW	P-2010

### **Index of Exhibits and MFIs**

EXHIBIT #R106 EXCHANGE OF TEXT MESSAGES BETWEEN MS ROBERTS AND DANIELEL SCOTT DATED 17/01/2018	P-1916
EXHIBIT #R107 TEXT MESSAGE EXCHANGE BETWEEN MS ROBERTS AND DANIELLE SCOTT DATED 30/01/2018	P-1917
EXHIBIT #R108 EXCHANGE OF TEXT MESSAGES BETWEEN MS ROBERTS AND MS SCOTT DATED 08/04/2018	P-1923
EXHIBIT #R109 TEXT MESSAGE EXCHANGE BETWEEN MS ROBERTS AND MS SCOTT DATED 27/04/2018	P-1926
EXHIBIT #R110 PARAGRAPHS 20, 22 AND 23 OF OUTLINE OF EVIDENCE OF EMMA ROBERTS-SMITH FILED 05/04/2019	P-1930
EXHIBIT #R111 PARAGRAPH 3 OF OUTLINE OF EVIDENCE OF EMMA ROBERTS-SMITH FILED 11/07/2019	P-1932
EXHIBIT #R112 EMAILS BETWEEN APPLICANT AND MS ROBERTS DATED 05/06/2020	P-1952
MFI #R113 EIGHT PHOTOGRAPHS	P-1952
EXHIBIT #R114 TEXT MESSAGE EXCHANGE BETWEEN MS ROBERTS AND MS SCOTT DATED 05/06/2020	P-1955



MFI #A71 APPLICANT’S CROSS-EXAMINATION DOCUMENTS	P-1976
MFI #A72 AFFIDAVIT OF EMMA ROBERTS SWORN 19/08/2021	P-1987



**VIQ SOLUTIONS AUSTRALIA PTY LTD**

ACN 008 711 877

**T:** 1800 AUSCRIPT (1800 287 274)

**E:** [clientservices@auscript.com.au](mailto:clientservices@auscript.com.au)

**W:** [www.auscript.com.au](http://www.auscript.com.au)

**Ordered by:** Sanya Jain

**For:** Mark O'Brien Legal

**Email:** [paralegal@markobrienlegal.com.au](mailto:paralegal@markobrienlegal.com.au)

## **TRANSCRIPT OF PROCEEDINGS**

---

O/N H-1662914

**FEDERAL COURT OF AUSTRALIA**

**NEW SOUTH WALES REGISTRY**

**BESANKO J**

**No. NSD 1485 of 2018**

**No. NSD 1486 of 2018**

**No. NSD 1487 of 2018**

**BEN ROBERTS-SMITH**

**and**

**FAIRFAX MEDIA PUBLICATIONS PTY LTD and OTHERS**

**SYDNEY**

**10.15 AM, TUESDAY, 15 FEBRUARY 2022**

**Continued from 14.2.22**

**DAY 32**

**MR A. MOSES SC appears with MR B. McCLINTOCK SC, MR M. RICHARDSON SC and MR P. SHARP for the applicant in each matter**

**MR N. OWENS SC appears with MS L. BARNETT and MR C. MITCHELL for the respondent in each matter**

**MS A. MITCHELMORE SC appears with MR J. EDWARDS for the Commonwealth**

Copyright in Transcript is owned by the Commonwealth of Australia. Apart from any use permitted under the Copyright Act 1968 you are not permitted to reproduce, adapt, re-transmit or distribute the Transcript material in any form or by any means without seeking prior written approval from the Federal Court of Australia.

HIS HONOUR: Yes.

MR McCLINTOCK: Your Honour, could I just understand what happened to the folders I was asking the witness about yesterday.

5

HIS HONOUR: They're taken back by the court, yes.

MR McCLINTOCK: I understand that. Right.

10 HIS HONOUR: Yes.

MR McCLINTOCK: I – there was one folder, your Honour, that I don't believe we've had marked for identification, but I will wait till the witness gets here.

15 HIS HONOUR: Yes.

MR McCLINTOCK: It was the folder of the text messages between the witness and Ms Scott.

20 HIS HONOUR: Do you want that marked?

MR McCLINTOCK: Yes. I do want – I would like that marked, your Honour.

25 HIS HONOUR: All right. A73 will be text messages between Ms Roberts and Ms Scott, 5 January 2020 to 26 February 2021.

**MFI #A73 EXCHANGE OF TEXT MESSAGES BETWEEN MS ROBERTS  
AND MS SCOTT FROM 5 JANUARY 2020 TO 26 FEBRUARY 2021**

30

MR McCLINTOCK: Thanks, your Honour.

HIS HONOUR: Now, are you ready to proceed, Mr McClintock?

35

MR McCLINTOCK: Yes, I am, your Honour.

HIS HONOUR: All right. Yes. We've just got a problem with the screen, I'm told, so we're shutting down and reconnecting. All right. Yes. Could you bring the witness in, please.

40

**<EMMA ROBERTS, ON FORMER OATH**

**[10.18 am]**

45

**<CROSS-EXAMINATION BY MR McCLINTOCK**

HIS HONOUR: Yes. Yes, Mr McClintock.

MR McCLINTOCK: Ms Roberts, putting aside family members such as your children, did you speak to anyone overnight?---No.

5

Did you speak to Danielle Scott?---No, I did not.

When is the last time you spoke to Danielle Scott?---Midway last – through last week.

10

I see. I take it you did so by telephone or was it a face-to-face meeting?---Telephone.

Telephone. And she was in Cairns, was she?---I didn't ask.

15

Right. All right. Was it on your mobile and her on – she on her mobile?---It was on my mobile, her mobile, yes.

Yes. And what did you discuss – I withdraw that. Let's go back – I withdraw that too. Did you have any – dinner with anyone last night?---Yes.

20

Who?---My partner.

All right. Thank you. Let's go back to the USBs. You told us yesterday that you thought that my client had buried cash - - -?---Yes.

25

- - - in the garden. And on the evidence you gave yesterday, if that was the case, he would have had to do so before the marriage finally broke down on 20 January 2020; correct?---Yes.

30

And can I suggest to you that if you genuinely thought that, you would not have waited until March to find the cash that you say was buried?---I had forgotten about him hiding cash.

You had forgotten about him hiding cash?---Yes.

35

But when do you say you recalled him hiding cash?---Yes.

I said when do you say you remembered him hiding cash?---October '19.

40

October '19?---Yes.

What year?---Twenty-nine – October 2019.

Right. I want to understand this. You told us yesterday - - -?---Yes.

45



- - - in the witness box that one of the reasons why you went looking on 16 March 2020 was that you thought my client had buried cash in the garden?---Yes.

Yes. That's what you said yesterday, isn't it?---Yes.

5

And it follows from that that you must, at that time, have had in mind that he buried cash in the garden?---Yes.

That's correct, isn't it?---That's correct.

10

All right. Now, you say – what I'm suggesting – well, I withdraw that. You were aware on the evidence you've just given, if I understand it, that you thought he had buried cash in the garden from October 2019 through to 16 March 2020?---Yes.

15

Correct?---I found in his briefcase in October '19, cash.

Please listen to my question. What you – if your evidence is true, what you're saying is that you were aware from October 2019 through to 16 March 2020 of the possibility that he had buried cash in the garden; that's right - - -?---Yes.

20

- - - isn't it? What I'm suggesting to you is that if you did – if you were aware of that, you would have dug the cash up much earlier than you did on 16 March 2020? Do you agree with me or not?---No.

25

I see. Why, knowing there was cash there, did you wait till 16 March 2020?---Because the conversation I had with Danielle Scott that morning on my verandah.

30

I see. And what did you and Danielle say on your verandah that morning?---That I wonder if he has still got cash hidden.

I see. And that was the reason why you dug it up then, is it?---Yes.

35

Did you say that to Danielle or did she say it to you?---I said that to her.

Right. Now, but you told us that – I take it you probably heard what my junior said to me then? No. It was not prompted by Danielle Scott. It was your idea, wasn't it?---It – to go look for cash?

40

Yes?---Yes, it was.

Why did you have that idea on that morning as opposed to 21 January 2020?---Because we had recently separated and we were in conversations about cash in our divorce.

45

Right. And you had separated on 20 January, hadn't you?---Yes.

A month and a half – two months, almost - - -?---Yes.

- - - before this – yes. And the – the disputes about cash had been going on since the separation, hadn't they?---They went on for most of last – that year, yes.

5

I do not understand – and I ask you again – why, on 16 March, did you decide to go looking for cash?---It was a conversation that Danielle and I had had that morning on the verandah.

10 Right. Now, you told us yesterday that no photographs were taken of what you did, that is, what you say you did, that is, digging up the lunchbox and so on, by you or Danielle on that date, 16 March?---Correct.

15 And you told us that the reason was that Danielle Scott's son came up while you were digging?---Mmm.

That's correct, isn't it?---Yes.

20 And, you see, on the evidence you gave yesterday, there must have been a period of time when the lunchbox was in the hole after you had seen it, on your evidence; correct?---Once we put it back in.

No. Once you cleared the soil away from it?---Mmm.

25 Just by the way, the – you told us that it was buried about 30 centimetres down, didn't you?---Not that far, no.

Right. Are you sure? Your evidence yesterday - - -?---It was not deep.

30 Your evidence yesterday was it was 30 centimetres, wasn't it?---I did not say 30 centimetres.

MR OWENS: Yes. Your Honour, that's not a fair - - -

35 HIS HONOUR: No. I think that was what Mr Owens might have said, Mr - - -

MR OWENS: Correct. I think the witness made a hand gesture, your Honour.

HIS HONOUR: Yes.

40

MR McCLINTOCK: Yes. In fact, Mr Owens put to you that it was 30 centimetres, and you agreed with him, didn't you?---Not that I recall, no. I went like that.

At page 1950, just to clarify this, you – there was this question:

45

*Okay. And can you tell his Honour –*

this is Mr Owens asking you –

5                    *what happened next after you reached that location?---I went into the garden  
and got a pitchfork. I moved the rock. I moved the garden reel. It had no  
hose; just a reel. And we dug down about that deep and then –*

and then you indicated, didn't you?---Yes, I did.

10                   And you indicated about that far?---No, I didn't.

And Mr Owens said to you:

*You're just – you're indicating about – what was that? 30 centimetres-ish.*

15                   And your answer was:

*It was not deep. Yes.*

20                   You're agreeing with him, weren't you?---Yes.

And let's go back. Let's get the sequence right. You say that – first can I just clarify  
one thing. It doesn't matter. But it wouldn't have been a pitchfork, would it? It  
would have been an ordinary garden fork?---No. It was a pitchfork.

25                   A pitchfork, was it? Are you sure about that?---Yes.

Right. And you and Ms Scott, you say, moved the hose, moved the garden reel;  
correct?---There was no hose. It was the garden reel.

30                   Right. Moved the garden reel?---Yes.

Moved the rock?---Yes.

35                   Dug a hole; correct?---Yes.

Saw something in the hole?---Yes.

Took it from the hole?---Yes.

40                   Took it inside?---I did not carry it inside, no.

But you were with Danielle when she took it inside, weren't you?---No.

45                   Right. Well, how did that – what, she took it?---Yes.

Where did you go?---I stayed out the side of the house. She shuffled her son back in,  
and she went back inside the house with the USBs.

Yes. And you stayed outside the whole time while she was in there, did you?---No. I went back inside, because my children were watching a movie.

Yes. And did you see Danielle doing something with the USBs?---No, I did not.

5

Right. And when's the next time – how long after you went inside did you see Danielle with the – see Danielle again?---Within – I'm – I'm not sure. I don't – I don't recall.

10 Right. And where did Danielle go with what you say were the USBs?---I don't know. We had a very big home.

Right. And when she came back, or when you saw her again, did she say something to you?---Yes. She told me she downloaded them on a laptop.

15

Right. And you – what did you then do? What was the next thing you did?---I put them back in the ground.

Right. And was Danielle with you when you did that?---Yes.

20

And neither you nor her took a photograph then, did you?---No.

And there was – her son wasn't there then, was he?---No.

25 There was a perfect opportunity to take a photograph of what you say was in the hole in situ; correct?---If I had known the contents, yes, to protect myself I would have.

Well, you knew that there were USBs, you say, in the lunchbox, don't you?---Yes.

30 You knew that Danielle had copied them, didn't you?---Yes.

She copied them because you asked her to, didn't you?---No. I did not.

Did she volunteer it?---Yes, she did.

35

Right. But you must have thought that there was something sufficiently important on those USBs to copy it; correct?---Yes.

40 And yet you say you did not take a photograph of the lunchbox in the hole when you put it back?---No, we did not.

Right. And that's neither of you did that. Neither of you took - - ?---Not to my knowledge, no.

45 Yes. Just by the – I want to suggest to you that you had – I withdraw that. It was an absolutely obvious thing to do to take a photograph whether or not you thought the contents were important. That's correct, isn't it?---I didn't think to do it, no.



No. The reason why you didn't think to do it was that this never happened, did it, Ms Roberts?---It happened.

5 I see. Just by the way, you were shown by my learned friend Mr Owens yesterday some photographs of the contents of my client's desk. And I think you took them in January 2020. I can't remember the exact - - -?---February.

10 February 2020. The fact is, if there were USBs in that desk, you had access to them, didn't you?---If they were in there, yes, I would have.

Yes. And you had ample opportunity to copy them if they were in the desk, didn't you?---I would have if they were in there and I had copied them, yes.

15 In fact, that's exactly where you did find them, isn't it?---No, it is not.

I see. You – now, let's just go forward to 5 June. You recall the photographs that you say you took at 206 and 232?---Yes.

20 Now, I'm going to have you shown – I need two documents, your Honour – R43 and R114. Just go, if you would, first to tab 21 in the bigger bundle you've got there. That is three photographs that you say you took before my client got there. You see that?---Yes.

25 And you see the second lot is two photographs you say you took after my client left?---Yes.

MR OWENS: Do you mean behind tab 22?

30 MR McCLINTOCK: Behind tab 22. I'm sorry. Now, you told us that you forwarded them to Danielle Scott at 3.02 pm on that day, didn't you?---What was that, sorry?

You forwarded them to Danielle Scott at 3.02 pm that day?---Yes.

35 Right. Just by the way, that would indicate that it was my client who was picking up your kids that day, not you, wouldn't it?---No. I picked the children up that day.

40 Now, let's just look now, if you would, at R114, that I think you've also got there. That's the photograph produced by Danielle Scott.

HIS HONOUR: More than one photograph, isn't there, Mr McClintock?

45 MR McCLINTOCK: The four – that's the four photographs produced by Danielle Scott?---Yes.

You see that they don't have on them the information – the timing information as to when they were shot, do they? 2.06 or 2.32. Just look closely?---No, they don't.

Could you go to – could the witness be shown MFIA71, which was the bundle that was marked yesterday, and I will ask her to go to tab 21 in that bundle.

HIS HONOUR: Now, do you want those documents back?

5

MR McCLINTOCK: I would like her – and I would like her – perhaps you could close that up, Ms Roberts, but keep them there. Does your Honour have – those are the court’s copies, not your Honour’s.

10 HIS HONOUR: I have copies. Thank you.

MR McCLINTOCK: Yes. Now, you can take it that those documents - - -?---What – sorry. What tab number?

15 Tab 21. You can take it that those documents have been produced on subpoena by Ms Scott?---Right.

And I want you to look at them closely?---Mmm.

20 You see that they reproduce the four photographs, two of which would, on your evidence, be the before photographs - - -?---Yes.

- - - and two of which would be, on your evidence, the after photographs?---Yes.

25 And you see also that while – that the metadata, so to speak, appears at the bottom – in the bottom half of each photograph or below each photograph. You see that, don’t you?---Yes.

30 And you see that, once again, the time that the photographs were actually taken doesn’t appear on those photographs?---I don’t understand the question. The time doesn’t appear on - - -

35 Well, let’s look at – you say that the photographs were taken at 2.06 and 2.32, don’t you?---My photos, yes.

Yes. If you look at these you will see that they – the only time that is – well, that is produced – I withdraw that. There are two times set out in these photographs. If you look at the top very closely, you will see “09.21”?---Yes.

40 And it’s the same for the second photograph at the top and the third and the bottom left photograph?---Mmm.

And you will see that the bottom right photograph says “09.20”?---Yes.

45 That would tell you, wouldn’t it, that that’s the time when Ms Scott – a time when Ms Scott reproduced these photographs from her phone. You know how that works, don’t you?---Yes.

And then you look – you will see, under the heading Details - - -?---Mmm.

- - - you will see “5 June 2020, 15.03”?---Yes.

5 That’s the time or the approximate time that you sent the photographs to Ms Scott, isn’t it?---Yes.

And you would agree with me, therefore, that those photographs, like the other ones, the ones in R114 that I showed you shortly - - -?---Mmm.

10 - - - a short time ago do not reproduce the time that those photographs were actually taken; that’s correct, isn’t it?---The time that the photographs were taken were in the other document.

15 Please, just listen to my question. The two sets of photographs from Danielle Scott’s phone do not reproduce the time that you say those photographs were taken, do they?---No.

No. Now, you go back now to tab 21 and 22 of MFI43.

20 HIS HONOUR: All right. Now, that’s the folder with Respondents’ Open Court Cross-examination Bundle. Do you have that?---Yes, I do.

All right. Tab 21?---Yes.

25 MR McCLINTOCK: Now, it was – these photo – I withdraw that. These photos, tab 21 and tab 22, are in a form that they were kept by you, aren’t they?---That’s my photo, yes.

30 Yes. But you kept that, didn’t you, after you say you took it on 16 March 2020? I’m sorry, 5 June 2020. I’m corrected. It’s – they are – you kept them in that form after you took them, you say, on 5 June 2020.

35 MR OWENS: Your Honour, I object. The question is unclear. The words in that form, I think, really need to be made plainer for this to be a fair question.

MR McCLINTOCK: I will make it plain.

40 Just look at those photographs. Well, I will ask you this, Ms Roberts: you later gave – well, I withdraw that. At some point, you gave that photograph – those photographs to Mr McKenzie and/or MinterEllison, didn’t you?---No, I did not.

What did you – well, what did you do with those photographs?---I gave them to Danielle Scott.

45 You gave them to Danielle Scott, you say?---Yes.

That is, in the form that is in tab 21 and 22?---Yes.

And when did you do that?---On 5 June at 3.02.

5 Right. I'm sorry. I may have not understood you. You're saying that you sent those photographs - - -?---Yes.

- - - at 3.02 on 5 June - - -?---Yes.

10 - - - to Ms Scott?---Yes.

Yes. What I'm asking you about – and I've taken you to the images that Ms Scott has produced on subpoena?---Yes. Okay.

15 You – yes?---I don't know what she - - -

And - - -?--- sent through, no.

- - - the ones that I asked you about before - - -?---Yes.

20

- - - the ones that do not have the 2.06 and the 2.32 time stamp. Now, you – and you're talking about those photographs – well, I withdraw that. I just want to understand what you did with those photographs. Are you saying that these photographs here in that form were supplied by Ms Scott to Mr McKenzie or

25

MinterEllison?

MR OWENS: Your Honour, I object.

THE WITNESS: I don't know.

30

HIS HONOUR: Just don't - - -

MR OWENS: Sorry.

35 HIS HONOUR: Just pause there. When you talk about “these photographs”, we need to be - - -

MR McCLINTOCK: I'm sorry.

40 HIS HONOUR: - - - pellucid as to what you're talking about. Are you talking about tab 21 and tab 22 of MFIR43?

MR McCLINTOCK: I am, your Honour.

45 HIS HONOUR: All right.



MR McCLINTOCK: I apologise, your Honour. I apologise for not being pellucidly clear.

HIS HONOUR: Yes.

5

MR OWENS: And, your Honour, and there's a further difficulty with or lack of clarity in Mr McClintock's question, which is there is the photograph and there is the document that appears in – behind tabs 21 and 22. There is a very great lack of clarity about whether what we're talking about is the visual image or some wider concept.

10

HIS HONOUR: Yes. I think you make that clear, Mr McClintock.

MR McCLINTOCK: I will, your Honour.

15

Let's look at these photographs again.

MR OWENS: Which ones?

20

MR McCLINTOCK: The ones at 21 and 22, Ms Roberts?---Mmm.

You – can you tell us the origin of what appears on that page, the first page of 21, with the “7.24” at the top and the “5G” on the right and the date 5 June 2020 at 2.06?---This is not mine, I believe.

25

I'm sorry, this - - -?---This one?

Yes. No, no. I'm sorry. You're looking at the wrong document. Go to MFI43, tab 21?---Yes.

30

The document that looks like that?---Yes.

What I'm asking you is – I withdraw that. You created that document, didn't you?---I took that photo, yes.

35

Now, look at the top of it. I want to understand what this actually is; the entirety of this page. You see there's a time, obviously, 7.24?---Yes.

40

And there's a date, 5 June 2020. Then it's – then there's the five bars that usually indicates reception on a phone?---Yes.

And then there's a – then there's the battery life, isn't there?---Mmm.

And then there's “edit”, a date and time?---Yes, that's - - -

45

And then there's a logo and the word “live”?---Mmm.

Do you see that?---Yes.

What's that? What's that?---That's a live photo.

5 Right. That is a word that appears on Apple iPhones - - -?---Yes.

- - - when there's a particular setting applied in relation to photographs, isn't it?---Yes.

10 Right. Now, you – after you took these photographs - - -?---Mmm.

- - - you kept them on your iPhone, didn't you?---Yes.

15 And I want to suggest to you, contrary to what you said before that it was you not Danielle Scott who provided these photographs to Fairfax - - -?---I did not.

- - - and Mr McKenzie. You say you did not?---I did not.

20 I see. We know that, don't we, I want to suggest, because the photographs – I withdraw that. The photographs of the garden, you've told us, were sent to Danielle Scott - - -?---Mmm.

- - - at 3.02 pm on 5 June 2020?---Yes.

25 The photographs that Danielle Scott has produced on subpoena, which I've shown you, do not contain the 2.06 or 2.32 time stamp, do they?---No, they do not.

30 Yes. So it follows, doesn't it, that what Danielle – that tabs 21 and 22, R43, must be from your phone; that's correct, isn't it?---Yes, these ones are from my phone.

Yes. And to be absolutely precise about it, each one of those three pages in tab 21 and the two pages in tab 22 come from your phone?---Yes.

35 When were these images created from your phone?---They were taken on 5 June.

When – no. You see that this is a hard copy. When was that hard copy produced?---I don't know - - -

40 You don't know?--- - - - the answer to that question.

I see. You see, you met Mr McKenzie, didn't you, in late February or early March 2021?---No. Late March.

45 Late March, was it?---Yes.

You sure about that?---To the best of my knowledge, yes.

And I want to suggest to you specifically that it was you who gave him those photographs in the form that they appear in MFI43, tabs 21 and 22?---No.

MR OWENS: Your Honour, I - - -

5

THE WITNESS: I have never given them to Nick McKenzie.

MR McCLINTOCK: Now, you know, don't you, that the original digital image of a photo on an iPhone, or taken on an iPhone, contains precise information about when  
10 the photograph was taken, where it was taken, and what device it was taken on, don't you?---Yes.

And after your meeting with Mr McKenzie and people from Minters, you disposed of your phone, didn't you?---In - no. I didn't dispose of it.

15

Well, you say you gave it away to your mother?---Yes.

Yes. And that was after the meeting?---Yes. That was in May 2021.

20 Yes. That you gave the phone to your mother?---Yes.

Yes. And, in doing that, you knew there were images on that phone, didn't you?---Yes.

25 You must have known that these images, by then, May 2021, had a significance in the proceedings that your ex-husband had brought against the respondents in this case. You knew that, didn't you?---Yes.

Yes. And you knew - and so it follows, doesn't it, that you disposed of a telephone with information on it that you knew was significant for these proceedings. That's  
30 correct, isn't it?---It was not conscious, no.

I beg your pardon?---It was not a conscious decision I made, no.

35 Ms Roberts, you at all times were aware that those photographs were on your phone, weren't you?---I had sent them to Danielle Scott to keep.

Please. Would you answer my question. You were at all times aware that those photographs were on your phone?---Yes.

40

You knew that they were significant for these proceedings, didn't you?---Yes.

You knew, on your evidence, that Ms Scott had provided them to Fairfax for the purposes of these proceedings, didn't you?---I didn't know what was in her  
45 subpoena, no.

Right. No, no. You knew that Ms Scott had given them to Fairfax – to the – I will be precise – had given to the respondents in these proceedings or their representatives the images that you had received from her, and she had done so prior to receiving a subpoena. That's correct, isn't it?---I didn't know that, no.

5

You didn't know that?---No.

You – looking at the bundle of messages that I'm going to come back to fairly shortly, there are times when you communicated with Ms Scott 60, 70, 80, 90 times a day by message. That's correct, isn't it?---I haven't counted.

10

No. But it wouldn't surprise you if - - -?---We spoke a lot, yes.

Yes. And you say that she never told you she had produced those documents to Fairfax?---No.

15

All right. That's what you're saying, is it?---Yes.

Right. Now, let's go back though. Let's just run through it one more time so you understand what I'm asking you. You knew that those photographs – the originals of which were on your phone – that's correct, isn't it? They were on your phone?---They were on my phone, yes.

20

And they undoubtedly contained the metadata giving accurate information as to when they were taken; correct?---Yes.

25

You knew that those photographs were significant to these proceedings, didn't you?---Yes.

You disposed of your phone, you say, without taking any copy of them; correct?---Yes.

30

In doing so, you thought it made it impossible for anyone to verify whether the timestamps on those photographs were actually true, didn't you?---But doesn't that explain it in there.

35

Yes?---When they are?

In disposing of the telephone with its images, you made it impossible to check whether the timestamps appearing on tabs 21 and 22 were accurate, didn't you?---On that phone, yes.

40

Yes. And you're not suggesting that you maintained those images on any other device, are you?---No.

45

No. Once that phone was gone, they were gone. That's correct, isn't it?---Yes.



Yes. Did it occur to you that it might be prudent to keep a copy of a significant item, or items significant to these proceedings?---I sent everything to Danielle to keep for me.

5 I see. I see. Now, the reason why you disposed of the phone, Ms Roberts, was to make it impossible for anyone to check whether those times were accurate. That's right, isn't it?---That's not why I disposed of the phone, no.

10 Just by the way, the evidence – your evidence yesterday was you say no photos from that iPhone 8. That's correct, isn't it?---I have some photos from that phone, yes.

Yes. Photographs of your children, I suppose?---Yes.

15 But not this significant photograph? These significant photographs?---No.

You see, Ms Roberts, you know, don't you, that a timestamp like that appearing on pages – on tab 22 and 23, or the pages there, is meaningless without the metadata, don't you?---In that photo, yes.

20 Yes. You see, you can change the date and time settings on a phone, can't you, so that it gives a time different from that time when the photograph was actually taken. You know that, don't you?---I don't know how to do that, if that is even possible.

25 Danielle Scott knows how to do it though, doesn't she?---I don't know.

You see, it's quite possible to manipulate a time like that appearing on the first page of tab 21, isn't it?---I don't know how to do that if - - -

30 Yes. But you can't manipulate the metadata, can you?---I don't know the answer to that question.

And we don't have the metadata for these photographs, do we?---What's that?

35 We don't have the metadata for the photographs that you took. When you say "what's that" you're indicating the photographs produced by Danielle Scott, aren't you?---If that's what she did, yes.

Yes. Just hold up what you're pointing to so I can see it, so I can understand. Yes.

40 HIS HONOUR: What is that, Mr – just – let's identify this for this the transcript.

MR McCLINTOCK: That is tab 21, your Honour, of MFIA71.

45 HIS HONOUR: Yes.

MR McCLINTOCK: But you see, Ms Roberts, that there's one difference between the metadata on these photographs and what would be the metadata on those

photographs. The difference is there's no reference on tab 21 of MFIA71 to 2.06 or 2.32, is there?---No.

5 And those photographs do not help us at all in finding the true time when the photographs behind tab 21 and tab 22 of MFI43 were taken, do they?---No.

10 You see, you would agree with me, wouldn't you, that – I withdraw that. I will just put it to you again. I put it to you once already. Did it occur to you that you had an obligation to keep the photographs or the digital images that were on your phone before you disposed of it?---No.

15 Now, you would agree with me, wouldn't you, that if my client did arrive at around 2.30, and if – if – the 2.32 timestamp on the photographs that appear behind tab 22 is accurate - - -?---Yes.

- - - the disturbance in the soil could not have been created by him. That's correct, isn't it?---It was created by him.

20 Please, would you answer my question. I will put it to you again. If he arrived at 2.30 or after 2.30, and if the timestamp of 2.32 was accurate for the photographs appearing behind tab 22 – if, on those hypothesis – it would have been impossible for him to have disturbed the soil in the photographs behind tab 22. That's correct, isn't it?---Yes. Possible.

25 Yes. And, in fact, he did not arrive early on that occasion, did he?---Yes, he did.

Ms Roberts, you wouldn't have let him in if he had arrived early, would you?---Yes.

30 You see, his visit was timed to fit in with picking up the kids at 3.10, as he said in the email that he sent to you that is now part of – that is now tab 20 in MFI43.

HIS HONOUR: Have you found that?---Yes, sorry. Yes.

35 MR McCLINTOCK: It's also exhibit R112 as well, your Honour.

HIS HONOUR: All right. I'm told we have to do a shutdown, Mr McClintock, I'm sorry. Just pause for a moment. Yes. I'm told you can proceed now, Mr McClintock.

40 MR McCLINTOCK: What time do you say my client arrived at the house on 5 June 2020, Ms Roberts?---I can't remember the exact time.

Yes. But you remember he arrived early, do you?---He was early, yes.

45 Why do you remember that?---Because I was on the phone to Danielle Scott standing in the kitchen when I saw his car at the gate on security camera.

And did you say something to Ms Scott about that?---Yes, I did.

So when she comes along, we can ask her about that, can we?

5 MR OWENS: I object - - -

THE WITNESS: Yes.

10 MR OWENS: - - - your Honour.

MR McCLINTOCK: I withdraw that.

HIS HONOUR: Yes.

15 MR McCLINTOCK: I withdraw that.

HIS HONOUR: Yes, I disallow that question.

20 MR McCLINTOCK: You see, what I want to suggest to you is that you simply have fabricated the story about my client arriving early to deal with the impossibility of him disturbing the soil if the timestamp on that photograph is accurate. You have, haven't you?---No, I have not.

25 I want to suggest to you that your evidence about that, as well as being fabricated – withdraw that. You know it's false, don't you?---No.

Yes. And you've made it up in an attempt to get around the difficulty caused by the timestamp, haven't you?---No.

30 Just by the way – I withdraw that. Now, what actually happened was that you found my – the USBs that you copied on 16 March in the middle top drawer of my client's desk, didn't you?---No, I did not.

35 And that's when you – that's where you found them and gave them to Danielle and so on and she copied them on that date, isn't it?---No.

Just by the way, going back to 5 June, you – what do you say happened when my client got there? You gave evidence about it yesterday, but tell us again?---Yes.

40 What happened?---I was on the phone to Danielle Scott and said that Ben was coming to collect files, and she said, "Are they the file files?" And I said, "I'm going to go and take a photo before he gets here and then I will call you back." Ben got there and parked down at the back of the garage. I did not see where he went. Once he – I walked out to the office. He was crouching down at the filing cabinet. I said  
45 hello, and I very specifically remember it because he had just had a haircut. And he picked up a file in the bottom drawer, and there was sweat on the desk. I then said,

“I will open the gate for you and follow you out,” and then I thought no, I wanted to get an after photo.

5 I see. You mentioned a visit to the bathroom, didn't you, in your evidence?---Once Ben left, yes.

I see. Not before?---No. I had to let him out.

10 I see. Could I just go back – you're quite clear about that, aren't you?---Yes.

Your evidence yesterday – this is 1953, your Honour, line 13.

My learned friend asked you:

15 *All right. What do you remember next happening that day?---I was about to go and pick up the girls from –*

this is your answer:

20 *I was about to go and pick up the girls from school. He said, “Will you follow me out?” And I knew I wanted to get an after photo if that's where he had been, so I said, “I'm going to go to the bathroom. I will let you out.” When he left, I went back and took the photos of after.*

25 You were saying there that you went to the bathroom before he left, didn't you?---I didn't say before. I wouldn't have had time to go to the bathroom and then open the gate.

30 See, why wouldn't you just simply wait till he left to take the photograph rather than inventing a story about the bathroom?---Because he asked me if I was going to follow him out. I knew I needed to stay at the property to get an after photo.

You actually remember this, do you?---Yes, I do.

35 You're not making it up, are you?---No, I am not.

Did you take any notes of this conversation or make a record of it?---No, but I FaceTimed Danielle Scott as I walked back around to the - - -

40 I see?--- - - - opposite side of the office.

But FaceTime is not a permanent record, is it? It's just something you say; that's right – that's correct, isn't it?---Yes. I don't know.

45 It's just like a visual telephone call?---Yes.



Yes. And you didn't take any permanent record of anything that happened on that day except the photographs you refer to?---Yes.

Let's just go to – just go, if you would, to tab 4 of A71. You see - - -

5

HIS HONOUR: Just a moment. Make sure the witness has the right exhibit.

THE WITNESS: Number - - -

10 HIS HONOUR: Do you have tab 4 of that document?---Yes.

MR McCLINTOCK: You see, there's actually two – or two pages in tab 4, aren't there?---Yes.

15 The first is – well, you see what the first is, and then the second is something produced, I suggest, by Danielle Scott. See that?---Yes.

In fact, both of them are actually produced by Danielle Scott. Now, you recall me asking you some questions about these photographs yesterday?---Yes.

20

See, whether they appeared on my client's phone or on his laptop, wherever it was, the – you took copies of those photographs without his knowledge, didn't you?---I don't know if he knew.

25 You don't know if he knew?---No.

You see, what happened, as I suggested to you yesterday, is that you demanded that he delete the photographs of Person 17, didn't you?---No. I found those photos in the deleted photos on our company laptop.

30

And without his knowledge, I suggest, you copied them and sent them to Danielle, didn't you?---I took a photo, yes.

Yes?---And sent them to Danielle.

35

Without his knowledge?---I don't know if he knew.

Yes. Just go now to tab 9 of the same bundle, and you will see that – or you will see the first page there is an email – well, the first part of it is an email from my client's email address to Emma at RS – or to the – well, the email address that appears there?---Yes. That's mine.

40

And then the second part is an email from you to Danielle Scott?---Yes.

45 This – for your Honour's reference, this document is in fact R75. That is, the first one. Tendered by my learned friend.

HIS HONOUR: It's attachment G, is it?

MR McCLINTOCK: It's headed attachment G, your Honour.

5 HIS HONOUR: Yes.

MR McCLINTOCK: And you – just let's look at it. You see the first page, Ms Roberts?---Yes.

10 It's 17 August. Dated 17 August 2018 at 1.56 pm Australian Eastern Standard Time?---Yes.

And it's sent – it's forwarded on by you at 2.06.56 Australian Eastern Standard Time, isn't it?---Yes.

15 Yes. 10 minutes difference?---Right.

Let's just go to the third page of the bundle, and you will see that that forwards some notes in Person 17's handwriting. You see that?---Yes.

20 You see, the first email from the Roberts – from my client's email address is timed at 1.55 on 17 August?---Yes.

Forwarded at 2.05?---Mmm.

25 So a minute before the first one in this bundle 75; correct?---Yes.

Approximately. You see the third one is sent at 1.55.44. That is, 20 something seconds after the first – the second one. You see that?---Yes.

30 And sent on at 2.06.33 to Ms Scott?---Yes.

Yes. And the third one – which you will see – well, I'm sorry. The third one attaches some notes in Person 17's handwriting?---Yes.

35 And you see the final one behind tab 9 is sent by – from my client's email address at 1.58 to you. You see that?---Yes.

40 And then forwarded at 2.07 Australian Eastern Standard Time on the same day, 17 August 2018?---Yes.

You see that?---Yes.

45 Now, what I want to suggest to you, that it's obvious that the same person forwarded the emails from my client's email address and then forwarded them to Danielle Scott.

MR OWENS: Well, your Honour, I object. That's a very confusing way of putting the point.

MR McCLINTOCK: I will put it – I will withdraw it, and I will put this directly.

5

Ms Roberts, you accessed my client's email account, and you sent those documents to yourself and then forwarded them to Danielle Scott, didn't you?---No, I did not.

10 It was certainly not my client who forwarded those documents to you, was it?---Yes, it was.

Did you – Ms Roberts, the answer you've just given is false, and you know it, don't you?---It is not false.

15 You see, you surreptitiously accessed my client's email account to get those documents and sent them to Ms Roberts, didn't you?---No. No.

20 Ms Scott. I apologise. Do you say you had a conversation with my client about this?---Yes.

I see. You remember that conversation?---Yes.

25 It occurred, did it, on 17 August 2018?---I don't remember the date, but we did have a conversation. Yes.

What was the conversation?---He asked us – he asked me to keep them in case we ever needed them.

30 I see. It's obvious – I withdraw that. You can close that bundle up now. Yes. Just – in fact, Ms Roberts, before I – the answer you've just given is also false. You never had such a conversation with my client, did you?---Yes, I have.

35 Just by the way, you said yesterday – and you may have repeated it this morning too. Well, in fact, you said it a few minutes ago. That it was a company laptop?---Yes.

Do you recall that? That the photos – that the deleted image photographs that I was asked you about before - - -?---Yes.

40 The ones showing my client in his dinner suit and the other ones of Person 17?---Yes.

It was not a company laptop. It was the iPhone, wasn't it?---No. It was not.

45 I see. In fact, there's no photo account on – I withdraw that. If you want to go back and look at them, it's clear from looking at those documents that it's an Apple iPhone iPhoto account, isn't it?---It's iPhotos of our company laptop.

I see. Now, I want to go to something that I was asking you about yesterday. Now, you recall giving evidence yesterday – and I asked you in part about this at page 1946, line 30 to 35. It was in chief. I just want to remind you about it. It was pages 30 to 35. I will read it just so you remember it. It was – Mr Owens said:

5

*Ms Roberts, you might remember I asked you a moment ago, after you and Mr Roberts-Smith were separated on 20 Jan 2020, I said to you, other than when you were with McCafferty for the purpose of complying with the subpoena, and can I also just add – I'm not saying it happened – but other than also if it was in connection with any law enforcement agency or endeavours, have you ever accessed Mr Robert-Smith's RS Group email account?*

10

And you said no; correct?---Mmm.

15 Now, I asked you about that in cross-examination, and the references appear at page 1969, line 28. I'm not going to go back over the actual questions I asked you. But you see at – you said – I will read it all to you. Line 6:

20

*I'm going to have you shown a copy of that affidavit. You see that affidavit, don't you?*

And you know I – you recall I was asking about the affidavit you swore in the proceedings tried by Bromwich J, and you swore that affidavit on 19 August 2021. Do you recall that?---Yes.

25

And Mr Richardson reminds your Honour it's MFIA72.

HIS HONOUR: Thank you.

30 MR McCLINTOCK: And then you said:

*And you agreed with me that it is dated 19 August 2021?---Yes. I understand your original question now.*

35

*What do you understand by my original question?*

And you answered:

40

*That I did go into Ben's email accounts in relation to this private matter, yes.*

*I see.*

I said:

45

*So you would like to qualify the evidence that you gave to his morning, wouldn't you?*



?---Yes.

Answer:

5           Yes.

*What's the qualification you wanted to add?*

And you said:

10

*That I went into the account during that time, and I didn't understand the question properly this morning that it was two separate matters.*

And I put to you that my learned friend's question was the model of clarity, and you  
15 said:

*I was confused. I did go into the account during our Family Court proceedings.*

20 And then I asked you:

*Why did you tell his Honour that you didn't do that after 20 January 2020?---Because I was confused with the question.*

25 Was your answer. And then I showed you paragraphs 8 and 9 of that affidavit, and you read them. You recall that?---Yes, I do.

I also want to remind you of something you said at page 1988 of the transcript. And it is at line 6. I said:

30

*See what I want to suggest to you was it was Danielle who accessed the account on that day, and that was 5 April 2020.*

You - - ?---Yes.

35

And I said:

*Do you agree with me or not?*

40 And you said:

*I don't know if she did, but I certainly did.*

?---Yes.

45

And then I asked you that – I continued:

*I also – you also recall giving evidence this morning in response to my learned friend about my client giving Ms Scott the switzerland2018 password for the Gmail account.*

5 And you said:

*Yes, that he shared with Person 17.*

10 *Yes. And then you said, “He then gave her our company account password as well.”*

?---Yes.

15 And you said:

*Yes.*

And I then said ultimately, after stumbling:

20 *Did he say anything to indicate why he was giving it to Danielle Scott?---Yes.*

And I said:

25 *What did he say?---He wanted Danielle to respond to Person 17’s email.*

*Right?---The draft email that she had in the Gmail account.*

And then I – just to continue, I said:

30 *Right. I want to suggest to you that you, in fact, provided that password to Ms Scott.*

And you said:

35 *No. I was in the car.*

*And you provided the password to the RS Group account to her, didn’t you?---No, I was in the car when Ben gave it to Danielle.*

40 And then I said:

*And you know she accessed the account – that account at least 100 times, don’t you?*

45 And you said:

*I didn’t know until the private proceedings.*

That's correct, isn't it?---Yes.

And you – but when you said “private proceedings”, you meant the proceedings that I had been referring to as those tried by or heard before Bromwich J?---Yes.

5

Yes. And you say that your close friend Danielle didn't tell you before then that she had accessed my client's email account over 100 times?---No, she did not.

10 She did not. I see. I want to go back to 5 April, Ms Roberts, and I'm going to have you shown some documents. You will have seen them before in what you referred to as the private proceedings.

HIS HONOUR: Are you finished with the documents that are there, Mr McClintock?

15

MR McCLINTOCK: Yes, I am, your Honour.

HIS HONOUR: Yes. If they could be brought back and given to my associate, please.

20

MR McCLINTOCK: Now, just look at the second page of that document, and you will see it's an affidavit sworn by my client on 25 August 2021 - - -?---Yes.

25 - - - in the proceedings before Bromwich J. I'm not asking you to read the affidavit, but if for any reason you wish to do so, I'm not going – I won't stop you. But I want to take you to some of the attachments to that document. I will just get them myself. You see, just go, if you would, to page – just go, if you would, to page 10, Ms Roberts?---Yes.

30 I know it looks like gobbledygook, but you see, there's an entry there on 5 April 2020 – I just want you to look at one thing first. Well, just look at the top. You will see – just take the first line. It says, “24/02/2020, 2018” and “member login, login from two-factor authority token”?---Yes.

35 You can assume that this is a document produced by Crazy Domains on subpoena in the other proceedings?---I don't know.

I'm telling you it is?---Okay.

40 Operate on that assumption?---Yes.

And Crazy Domains was the internet service provider that you used – that you and your husband used for the RS Group accounts, wasn't it?---Correct.

45 Drop down and you will see on 5 April 2020 a login at 1644 – I'm sorry, 1844?---Yes.

That is, 6.44; you see that?---Yes.

And it's the only login recorded on 5 April, isn't it?---Yes.

5 And you see the ISP address or the – is 101.162.75.87?---Yes.

And you see that's said to have been in Townsville, Queensland?---Yes.

10 Yes. Just go then, if you would, to page 24 of this bundle, Ms Roberts. Now  
-- -?---Yes.

-- - I will ask you to take my word for this, but if you look at 24, you will see that  
the H – if you look at H on that page -- -?---Yes.

15 -- - you will see it refers to an IP address of 101.162.75.87; you see that?---Yes.

And that is the email address – that is the number of the login on 5 April 2020 from  
Townsville -- -?---Correct.

20 -- - that's correct, isn't it?---Yes.

If you then go to – and you see the username -- -?---yes.

25 -- - is darren.phil@bigpond?---Yes.

Yes. And then you see it says:

*The result is attached as annexure H.*

30 You see that?---Yes.

Just go, if you would, now to page 39 – I'm sorry, 34. I apologise. 34. That's  
annexure H -- -?---Yes.

35 -- - which is the one referred to. And you see there it sets out the – it sets out – if  
you look at the top, you will see:

*Request summary, internet subscriber summary.*

40 Then there's a CSP reference. And then it says – then you will see “subpoena”, and  
then it says, “101.162.75.87”, doesn't it?---Yes.

The same numbers as appeared next to the login on 5 April, correct?---Yes.

45 And just go down. You will see again the IP – you will see the IP address is referred  
to again, and the date 5 April 2020, 1844; you see that?---Whereabouts, sorry?



You see 5 April 2020, 1844?---On the same page?

Yes.

5 HIS HONOUR: Yes, just below halfway down?---Yes.

MR McCLINTOCK: And just go across to the right and you will see again the username darren.phil@bigpond.com?---Yes.

10 Ms Scott's husband name was Darren Pill, wasn't it?---Yes.

If you would now go to page 39. You will – no, I won't – you see, at the top of the page is "username: darren.phil@bigpond"; see that?---Yes.

15 And then just dropping down a bit, you will see the – you will see an address which is the – which is Danielle Scott's address, isn't it?---Correct.

And then you will see it says:

20 *Legal lessee Mr Darren Graham Pill. Full authority Ms Danielle Scott.*

?---Yes.

25 Yes. And then you see that the billing address goes to Ms Scott, don't you?---Yes.

The fact is that there was only one login on 5 April, and that was by Danielle Scott using the darren.phil@bigpond address, wasn't it?---That's not correct, no.

30 That's what the documents show, isn't it, Ms - - -?---Because that document shows the top end of the server, not in each individual email account.

Now, what I want to suggest to you is that your evidence at 1988 is false and you know it?---No.

35 You didn't log in on that day, did you?---Yes, I did.

In fact, you knew at the time that Danielle Scott was logging in all the time, didn't you?---No.

40 You didn't find that out, you say, until the proceedings before - - -?---I knew she had access and I knew from time to time she was checking, yes.

45 So what you're saying is that you didn't know that she was – that she logged in 101 times?---No.

But you knew she was logging in, didn't you?---Yes.

She discussed it with you?---No.

Yes. How did you know that she was logging in?---She told me.

5 She told you?---Not each time.

All right. Well, what did she say to you about that?

HIS HONOUR: Yes.

10

MS MITCHELMORE: Your Honour - - -

HIS HONOUR: Just before you answer, just hold for a moment?---Yes.

15 MS MITCHELMORE: Yes. Your Honour, there may be a question of that breadth may raise answers. As I say, I don't know what the answers are.

HIS HONOUR: No.

20 MS MITCHELMORE: I do have a concern about the breadth of that and potential involvement of persons in these proceedings or investigations, and I say that without saying one way or the other as to involvement of particular persons.

HIS HONOUR: Yes.

25

MR McCLINTOCK: I withdraw the question and I will make it more precise.

HIS HONOUR: All right. Thank you.

30 MR McCLINTOCK: And I will still wait for the – I will still wait for the objection just in case.

HIS HONOUR: Yes. So just don't answer this for the moment?---Okay.

35 MR McCLINTOCK: Yes. What did Danielle Scott say to you, Ms Roberts, that made you think that she was accessing the email – the RS Group email account of my client?

HIS HONOUR: Now, is there any objection to that question?

40

MS MITCHELMORE: Your Honour, I think that raises the same concern.

MR McCLINTOCK: I will make it even more precise. I will still wait for the objection.

45

HIS HONOUR: Yes.

MR McCLINTOCK: Ms Roberts, excluding any possible reference to law enforcement - - ?---Mmm.

5 - - - what did Ms Scott say to you that told you she was accessing the RS Group email account of my client?---I had asked Danielle Scott, over the breakdown of our marriage, to check both her – her – my account and Ben’s on my behalf - - -

I see?--- - - - in relation to our marriage breakdown.

10 And she was passing information to you about what she found when she checked, wasn’t she?---There was an email, yes.

Yes. And how often did you discuss that that she was accessing my client’s email account in that way between – in 2020, 2021?---I don’t know how often she did that.

15 That is, you don’t know how often she discussed that issue with you? Is that what you’re saying?---We didn’t discuss it very often, no.

All right. Well, but as you’ve told us, you were certainly aware?---Yes, I was.

20 Might the witness be shown – I will just try and get the reference. Just let’s go back. I’m going to come to something else ..... that you’ve just said, Ms Roberts, but before I do, let me just get this: let’s go back to the car trip where you say that my client gave Ms Scott the password?---Yes.

25 Two passwords, in fact, you would say?---Yes.

First, to the Gmail account shared with Person 17?---Mmm.

30 Second, to his RS Group email account?---Yes.

That’s correct?---Our company account, yes.

35 The company account. First, there was no reason to give Danielle Scott – I withdraw that. There was no reason for my client to give Danielle Scott the password to the company account to deal with Person 17, was there?---Yes, there was.

40 What was that reason?---Because Ben had asked Danielle to send Person 17 a cease and desist note on our behalf from our company account. And the only way she could have got in without actually getting in on the lower level – on the top level of Crazy Domains, you need that password and that’s what that report shows.

45 Yes. One thing is absolutely clear, though, is that it was limited to dealing with – the permission was limited to dealing with Person 16; that’s correct, isn’t it?---It was to deal with Person 17, yes.

Indeed, that is on the assumption that you actually said that or that they – I withdraw that. I want to suggest to you that the reason for giving access to Ms Scott that you've given is false and, again, that you know that?---No.

5 You see, my client never gave Danielle Scott that password for any purpose, did he?---He did.

Again, the answer you've just given is false and you know it, don't you?---No.

10 You see - - -

HIS HONOUR: Sorry. Did you say "no"?---No.

15 MR McCLINTOCK: You see, going back, though, assuming, contrary to what I just put to you, that my client did give her the password as you've said, it was to deal with Person 17, wasn't it?---Yes.

20 That was your evidence. It wasn't to monitor his emails, to pass them on to you after the marriage had broken down, was it?---Danielle was a trusted friend and, at the time of my marriage breakdown, I was suffering severe anxiety and asked her to see if Ben had sent me an email, and she checked my email and his.

25 Ms Roberts, would you answer my question. On the assumption that my client did give the email in that telephone – give the password in that conversation, it was not so that Danielle Scott could have carte blanche to access my client's email account whenever she wanted to help you out after a marriage breakdown; that's correct, isn't it?---That was not a conversation we had at the time, no.

30 No. And it follows that when you knew that the – that Danielle was accessing my client's account, as you said you did, it was for a purpose that he had never authorised; that's correct, isn't it?---I don't know if he had authorised anything other than that car – that trip that day.

35 Yes. You had no basis for thinking he authorised anything else, do you?---No.

Yes. In fact, it was a sneaky and dishonest thing for you and Ms Scott to be doing, wasn't it?---No.

40 It's eavesdropping, isn't it?---No.

You see, just before I leave this issue about Person 17 and responding to her, you see, Danielle Scott didn't, in fact, use the joint Gmail account that Person 17 and my client had, did she?---No, we asked her not to.

45 Yes. And she didn't use the RS Group email account either, did she?---Yes. We – no, she did not, because we asked her not to.



Yes. She established a separate new independent account to deal with Person 17, didn't she?---Correct.

5 Yes. So there was, given what had happened, no authority at all for her to look into my client's emails, was there? Was there?---I don't know whether Ben had asked on that – in the car that day, Ben had asked Danielle to email Person 17 from his email account with RS Group. I said, "No, we needed the trip home to drive and think about it," and that's when Danielle signed up her own account under Danielle Kennedy - - -

10 Yes?--- - - - because I didn't want to have any access to her having our company account or – this is Person 17 – or us responding from the Gmail account.

15 In fact, my client did not give the password - - -?---He did.  
- - - to Danielle Scott on that day, did he?---He did.

That is, the password for the RS Group account?---Yes.

20 You gave it to her later on, didn't you?---No, I did not.

Just by the way, could you – I will have you shown the affidavit that I was asking you about. It's another affidavit from the Family Court proceedings; it's dated 9 July 2021. One for the witness and one for his Honour?---Thank you.

25 You see, this is an affidavit sworn by you to be true, isn't it?---Yes.

If you look at the – if you look at page 5, you will see your signature and the signature of your solicitor who witnessed you swear the affidavit?---Yes.

30 And just look at paragraph 8. You see it says:

35 *I understand the applicant contends this message is evidence upon which it can be inferred that I provided Ms Scott with access to the applicant's RS Group account. I have never provided Ms Scott with access to the applicant's RS Group account.*

Look also at paragraph 13, if you would, Ms Roberts. You see it says:

40 *I understand the applicant alleges this is evidence upon which it can be inferred that I have provided Ms Scott access to the applicant's RS Group account from time to time and access to privileged material. I deny this.*

?---Yes.

45 Look also at 23. It's pretty much the same effect. Look at 27. I'm sorry. Have you looked at 23?---Yes, I have.

Look at 27 and 28?---Yes.

It was – there's no reference in there, is there, to the fact that you knew that Ms Scott was accessing my client's email account, is there?---No.

5

It was hardly frank what you said in those paragraphs 8, 13, 23, 27 and 28, was it?

MR OWENS: Your Honour, I object. The answer to that question depends on the particular framing of issues in those proceedings, and the question of frankness cannot be put in that blanket way by my learned friend.

10

MR McCLINTOCK: I will withdraw the question. One of the issues you knew in those proceedings was whether Ms Scott was accessing my client's account and passing information to you and other people. That's right, isn't it?---She had passed information to me, yes, if I had asked her.

15

Yes. But that was one of the issues there, wasn't it? Whether that had happened?---I was asked in those proceedings whether I gave access to Danielle Scott with the password.

20

And you didn't think it would provide a complete and accurate picture to say that, even if you personally haven't given information – password information to her, that you knew, nevertheless, she was accessing it. That would have been an honest and frank thing to do, wouldn't it?---Yes. I knew she was accessing it.

25

Yes. And you didn't say so in that affidavit?---I responded to my subpoena.

HIS HONOUR: Which affidavit is that?

MR McCLINTOCK: I'm sorry. You didn't say so in the affidavit I've been asking about, did you?---In the private proceedings.

30

HIS HONOUR: That's not her - - -

MR McCLINTOCK: I'm sorry. The affidavit of 9 July sworn by you in the proceedings between your ex-husband and yourself and RS Group Australia. You didn't, did you?---I responded to my subpoena.

35

I see. Could I have that affidavit marked, your Honour.

40

HIS HONOUR: Yes. But I'm not sure. Do you want to have the affidavit of Mr Roberts-Smith - - -

MR McCLINTOCK: Yes, I do. Your Honour, it might be easier if I just pulled it – if I had extracted the pages I asked about rather than ..... although actually I did put that document to the witness. It should be marked when I think about it.

45

HIS HONOUR: Yes. All right. Well, I think we will do it this way. MFIA74 will be

5 **MFI #A74 AFFIDAVIT OF THE APPLICANT DATED 25/08/2021**

HIS HONOUR: And MFIA75 will be affidavit of Ms Roberts sworn on 9 July 2020.

10

**MFI #A75 AFFIDAVIT OF MS ROBERTS DATED 9/07/2020**

15 HIS HONOUR: And, in relation to that affidavit, I will need to make an order under section 37A prohibiting the publication of MFIA75 on the basis that I consider it necessary to prevent prejudice to the proper administration of justice, having regard to section 121 of the Family Law Act. Yes, Mr McClintock.

20 MR McCLINTOCK: Thank you, your Honour. Might the witness be shown MFIA72, your Honour, which is another affidavit from those proceedings. The one sworn 19 August 2021.

25 HIS HONOUR: Yes. I'm sorry. This affidavit I've just marked MFIA75 is not in the Family Court proceedings.

MR McCLINTOCK: No.

30 HIS HONOUR: This is in the proceedings before Bromwich J.

MR McCLINTOCK: It is, your Honour.

35 HIS HONOUR: All right. Well, I will revoke the order that I made about suppression. And exhibit A72 is in the Bromwich J proceedings.

MR McCLINTOCK: It is, your Honour.

HIS HONOUR: Yes. All right.

40 MR OWENS: Sorry. Just to be clear, your Honour, it's MFIA72. It hasn't been tendered.

HIS HONOUR: All right. Thank you.

45 MR McCLINTOCK: You recall me asking you questions about this affidavit yesterday - -?---Yes.

- - - Ms Roberts. Just look, if you would, at paragraphs 8 to 10 and read them to yourself?---Yes.

5 You see, insofar as those paragraphs say that you accessed that account on 5 April 2020, they're false, aren't they?---No. That's correct.

And you know they're false, don't you?---No.

10 You see, I also want to just ask you a couple more questions. When was the first time that Danielle Scott told you that she was accessing my client's email account?---I don't recall the date.

Could you give me an approximate date? 2020? 2021? When?---2020.

15 And did she say why – did she tell you why she was doing that?---I had asked her to.

You asked her to do it?---Yes.

20 You had asked her to access my client's email account - - -?---Yes.

- - - knowing that he hadn't given permission for that, didn't you?---He gave her the password.

25 He gave her the password - - -?---Yes.

- - - to deal with Person 17, didn't he?---Yes.

30 And the access that you're talking about had nothing to do with Person 17, did it?---No, it did not.

You knew that you were asking her to do something that he had not authorised, didn't you?---Yes.

35 It was sneaky and dishonest, wasn't it?---No. She was helping me in a very difficult time.

40 It was a sneaky and dishonest thing to give access to private information by a person – whether he's your ex-husband or anyone – that he hadn't given permission for. That was a sneaky and dishonest thing to do, wasn't it, Ms Roberts?---I don't believe so, no.

You don't believe so. Could I ask you how you would feel if my – if someone had did that to you?---Ben had full access.

45 MR OWENS: I object, your Honour.

HIS HONOUR: Yes.



MR McCLINTOCK: I withdraw it.

Now, when was the last time that Danielle told you she had accessed my client's email account?

5

MS MITCHELMORE: Your Honour, can your Honour pardon me a moment.

HIS HONOUR: Yes.

10 MS MITCHELMORE: Sorry, your Honour.

HIS HONOUR: Yes. You go ahead.

15 MR McCLINTOCK: I will repeat my question. I think I can remember it. When was the last time that Danielle Scott told you she had been accessing my client's email account?---I don't remember the exact date, but it was in 2021. Mid-2021.

In fact, you know that she continued doing it until April last year, don't you?---Yes.

20 And, indeed, after you – to a time after you and her had – you and she had both agreed to give evidence on behalf of the respondents in these proceedings. That's correct, isn't it?---Yes, we had.

25 Yes. So at a time that you knew that you had, in effect, changed sides and were helping the respondents by giving evidence, to your knowledge, Danielle Scott was still accessing my client's email address?---Correct.

Yes. And telling you about it?---No.

30 I see. Now, I – did you ask Danielle after the Bromwich proceedings were commenced – I withdraw that. Discourteous to his Honour. After the proceedings before Bromwich J were commenced, did you ask Danielle whether she was accessing the account?---No.

35 Did you ask her when she had last done so?---No.

No reference to it at all?---No.

40 I just want to go to something slightly different, although related. You recall I asked you about the conversation that you say you had – or the conversation that occurred in the car between you and my client and Danielle Scott in relation to the Person 17 issue, if you call it that. I won't repeat to you what your evidence-in-chief to my learned friend was unless you want me to. You can recall what it was, though, can't you?---I'm good.

45

I'm sorry?---I'm fine.

You see, before you said that in the witness box yesterday, you had never ever said anywhere that my client had provided the password to his account to Danielle Scott, had you?

5 MR OWENS: Your Honour, I object to the extent that the question is capable of at least calling for privileged communications, and I don't know whether Ms Mitchelmore has any objection to take either.

10 MR McCLINTOCK: I will exclude anything you said to MinterEllison, but you had never said, for example, in the proceedings before Bromwich J, that that had occurred, had you?---I answered those questions in accordance to my subpoena.

I see. You see - - -?---In those proceedings.

15 I'm sorry, I didn't mean to cut you off. Did you finish your answer?---Yes.

You see, you made that up in the witness box to explain the fact that you knew by then – when I say “in the witness box”, I mean in the witness box yesterday – that you knew by then that Danielle Scott had been rummaging through my client's email  
20 account on approximately 101 occasions. You knew that, didn't you?---I knew she had been in there, yes.

And that's the reason why you gave that evidence yesterday?---No.

25 It was a fabrication and it wasn't true, was it?---No.

And you knew it wasn't true, Ms Roberts?---It is true.

30 Now, just by the way, you mentioned in the answer two answers ago that you responded to the subpoena?---Yes.

The affidavits you prepared have nothing to do with subpoenas. That was information volunteered by you, wasn't it?

35 MR OWENS: Your Honour - - -

MR McCLINTOCK: I withdraw it.

40 MR OWENS: Unfair question.

MR McCLINTOCK: Now, let's go to something a little bit different, Ms Roberts. I want to ask you some questions about your dealings with Mr McKenzie, one of the respondents in these proceedings and a journalist employed by the Nine Group. You know who I'm talking about, don't you?---Yes, I do.

45 I asked you yesterday about an SMS you received from him?---Yes.

Yes. And you told the court yesterday that you had a meeting at your home with – let's get this right – Mr McKenzie, Ms Scott, Mr Peter Bartlett, a partner of Minters, Dean Levitan, a solicitor from Minters, and a friend of yours?---Yes.

5 Was that Kate Mathias?---No, it was not.

Who was that? Who was it?---It was a friend in Brisbane called Melissa Groves.

Why was she present?---She was a friend.

10

And this was at the former matrimonial home, wasn't it?---No.

Where was it?---At my home in Brisbane.

15 Yes. You told the court that the meeting occurred in February or March 2021?---I believe the end of March. I don't know the exact date.

Just so I know, when was the matrimonial home sold?---December or January 2020.

20 Thank you. Now, you told us yesterday that Ms Scott contacted you to arrange the meeting with Mr McKenzie and the other people who were present, didn't you?---Yes.

25 She told you that they were interested in talking to you, didn't she?---She told me I was going to be subpoenaed along with my lawyer Jason Murakami.

And she said, didn't she, that she – well, she said that they were interested in talking to you and that – I will withdraw that. I will put – this is a conversation between you and Ms Scott?---Yes.

30

She said to you that the respondents' lawyers were interested in talking to you and that – that's correct, isn't it?---Yes.

And then Mr Bartlett contacted you?---Yes.

35

And asked if you would like to meet; that's correct, isn't it?---Yes.

You chose of your own volition, free will, to meet with him, didn't you?---On the basis that my lawyer Jason Murakami had said I was about to get subpoenaed, and I had also let Ben know.

40

I see. You had let him know, had you?---That I was going to get subpoenaed, and he did text me back.

45 I see. I will come back to that. Now, do you recall how this conversation with Ms Scott came about?---On the telephone.

It was on the telephone?---Yes.

Right. Do you recall – what’s your best recollection of what she said?---She said she had already met with them.

5

Yes. And what else?---And that I should probably meet with them too.

Yes. And do you recall when that conversation between you and Ms Scott - - -?---It was some time before.

10

Right. Approximately?---Would have been in the February.

Can you recall what you said to her in response?---Yes, I said, “I’m still in my Family Court proceedings and I’m not going to speak to anyone.”

15

So it happened after the Family Court proceedings had been concluded?---I was subpoenaed, yes, after my Family Court proceedings, yes.

And when you say you were subpoenaed, you were subpoenaed to produce documents?---No, subpoenaed for this case.

20

Right. Now, you – do you recall what you said back to Ms Scott when she raised that with you?---Yes, I didn’t want to do it.

I see. But you did agree to have a meeting with Mr McKenzie and the other people, didn’t you?---When Peter Bartlett rang me, yes, I did.

25

Yes. And why did you do that? Why did you agree to meet?---Because I knew I was going to be subpoenaed by them.

30

Yes. The real purpose was to pay out your husband, wasn’t it - - -?---No.

- - - and to dump on him for the purpose of these proceedings?---No.

Right. Did you during the course of this meeting see Mr McKenzie taking any notes?---Not that I recall, no.

35

Right. And did he take any photographs?---Not that I saw, no.

Was there a camera crew with him?---No.

40

Did you – do you have Mr McKenzie’s mobile number in your contacts?---I do now, yes.

Yes. When did you get that?---When he text me in August 2020.

45

Have you dealt with him by Telegram, Signal or WhatsApp?---Yes.



Do you still retain the messages between you and him in – on those – on those  
- - -?---No.

Because they've been deleted?---Yes.

5

Is that because, at least in relation to Signal, it's set to delete the messages?---Yes.

What about Telegram?---No.

10 And did you – I'm sorry, you say you didn't communicate by Telegram?---He sent me one message on WhatsApp.

Right. Other - - -?---The very first message that he ever sent me.

15 Other than that - - -?---Yes.

- - - it was on Signal?---Yes.

20 Yes. And as I understand it, you – there's a setting on Signal that automatically deletes - - -?---Yes.

- - - the messages after they've been read?---Yes.

25 And you and he had that setting on?---I had that on a lot of my messages, yes.

Right. And have you – was the first time that you spoke to Mr McKenzie the meeting at which MinterEllison was also present in February/March 2021?---Yes.

30 Have you spoken to him subsequently without any lawyers being present?---Not in person, no.

But over the phone you have, have you?---Yes.

35 And how many times have you spoken to him over the phone without lawyers present?---We may speak once every couple of months.

Yes. And you've become a friend of his, haven't you?---Not a close friend, but yes, we've stayed in touch.

40 Yes. And has – how many times have you spoken to Mr McKenzie by phone?---I  
- - -

Approximately?--- - - - don't know. We speak every couple of months.

45 I see. And has Ms Scott – has Danielle Scott ever told you that she has spoken to Mr McKenzie without lawyers being present, of course?---No, she hasn't said.

Yes?---I assume she does, but I don't – I – she hasn't said.

Yes. Did she tell you what she was speaking to him about?---No.

5 What were you speaking to Mr McKenzie about?---My conversations with Nick have been about the recovery of what his articles have done to my family.

Now, when Ms Scott contacted you - - -?---Mmm.

10 - - - to arrange the meeting with Mr McKenzie and the lawyers, did you ask her why she was speaking to Mr McKenzie?---No.

You didn't ask her, did you, because you knew that she was already providing information to Mr McKenzie, didn't you?---No. I don't know that.  
15

And why was Ms Scott present at the meeting at your house in February/March 2021?---She flew down from Cairns.

Yes. Sorry. Would your Honour excuse me. Sorry.  
20

Why was Ms Scott there?

MR OWENS: Your Honour, I didn't object last time, but it's calling for this witness – I mean, if it's calling for this witness's understanding, that's one thing.  
25

MR McCLINTOCK: I will - - -

MR OWENS: If it's something else, it's - - -

30 MR McCLINTOCK: It's a fair objection. I withdraw – I withdraw the question.

Did Ms Scott tell you or say anything to indicate why she was present at this meeting?---No, she did not.

35 Did she participate in the meeting and say things?---From memory, yes, she did.

Yes. And just pause before you answer this question. Did she – do you recall what she said?

40 MR OWENS: I object.

MR McCLINTOCK: I won't press it.

Now, you told the court yesterday that you had another meeting in Sydney, when you were subpoenaed in April 2021, with people associated with the respondents in this case, didn't you?---Yes.  
45

Yes. Could you tell us which – who was present at that meeting?---Most of the lawyers that are sitting in here today.

Right. And when did the meeting take place?---Late April last year.

5

Yes. And that was about a subpoena to produce documents that had been issued to you, wasn't it?---Yes.

MR OWENS: Well, your Honour, I object - - -

10

MR McCLINTOCK: I - - -

MR OWENS: - - - your Honour, to any question seeking to elicit the content of those meetings.

15

HIS HONOUR: Do you want me – well, do you want me – I understand that objection.

MR OWENS: I have taken the objection. My submission is the question ought to be disallowed and, therefore, the answer to it would not form part of the evidence in the case.

20

HIS HONOUR: Yes. Mr McClintock, I think that's right.

25 MR McCLINTOCK: I will withdraw the question.

Could you - - -

HIS HONOUR: Well, the question and the answer are both disallowed. That will be noted on the transcript. Thank you.

30

MR McCLINTOCK: I would like you to name the lawyers who were present at this meeting, Ms Roberts?---Nick Owens. I don't remember if Lyndelle was there. Dean Levitan, Chris, and – I'm sorry, but one of the younger lawyers I've seen here today. I don't remember his name.

35

Now, you didn't go with your own solicitor to that meeting, did you?---No.

Could I ask you – I just want to understand this. Was Mr McKenzie present at that meeting?---No, he was.

40

Did the meeting take place – I just want to – I will just take you to one passage of transcript, Ms Roberts, just to – page 1978, your Honour.

45 Yes. Look at – I will read it to you:

*How did –*

I asked you this question:

5                   *How did it come about that Ms Scott was contacting you to arrange a meeting with Mr McKenzie and those people?---She told me about her interest to talking to me and Peter Bartlett contact and asked if I would like to meet.*

And then you – and then I asked you:

10                   *Ms Roberts, was there any other occasion when you met Mr McKenzie?*

And the answer was, “Yes.” And you said:

*When? In Sydney, when I was subpoenaed.*

15   Was that evidence true?---Yes.

Yes, but what you’re saying is that you met him separately from the meeting you had with the lawyers. Is that what you’re saying?---No. He was in the building that day, and I was with Dean Levitan.

20   Right. I just want to understand this. I’m sorry. I don’t want to find out what you said while the lawyers, like my learned friend, were present, but I do want to find out where and when you met Mr McKenzie. Was it when – in the same meeting where Mr Owens was present?---No, it was not.

25   Right. You met him somewhere else, did you, not in Mr Owens’ chambers?---In MinterEllison’s offices.

30   Right?---He was in the building.

Right. And do you see him alone or in company with other people?---With – Dean Levitan was there.

35   Right. Right. And what was the – how did that meeting come about?---It wasn’t a meeting. He was just there, and we said hello.

Was nothing else said other than that?

40   MR OWENS: I object, your Honour.

HIS HONOUR: Yes. That’s - - -

MR McCLINTOCK: I’m sorry. Yes.

45   HIS HONOUR: Do you want to try and - - -



MR McCLINTOCK: No. I'm not going to try and persuade you. I wasn't – I wasn't looking for privileged information.

HIS HONOUR: All right. I disallow the question.

5

MR McCLINTOCK: Yes, sir.

Was this just a meet and greet, nothing else?

10 MR OWENS: Your Honour - - -

THE WITNESS: There was – it was not planned at all.

HIS HONOUR: Just – just – just stop, please.

15

MR OWENS: I object, your Honour. Sorry. I object.

HIS HONOUR: Yes. Mr McClintock.

20 MR McCLINTOCK: Your Honour, I won't press it. I won't – I won't press it. I will withdraw the question.

Did you ever meet Mr McKenzie in Canberra on any other time, Ms Roberts?---No, I did not.

25

Right. Now – would your Honour excuse me for a second.

HIS HONOUR: Yes.

30 MR McCLINTOCK: Your Honour, I don't think I had marked yesterday the bundle of messages between – I'm sorry. Your Honour marked it – your Honour marked this morning. It's MFI73. And could that be shown to the witness.

35 Let's go back to 2020, Ms Roberts, significant events: 16 March '20 when Ms Scott copied the USBs - - -?---Mmm.

- - - wherever they were found; 5 June, two photos created; you recall that?---Yes.

40 9 November 2020. That was the date of the mediation in the Family Court proceedings with your husband, wasn't it?---I don't recall off the top of my head.

Look if you would at page 162 of the volume in front of you. Look at the entry at 1032 on 9 November 2020?---Yes.

45 Could you just read it out?---

*Just ran into the cunt at the coffee shop.*

That was, of course, my client?---Yes.

Now, let's just go, then, to 30 November, which is page 168 of the bundle. You see – let's look at the message from Danielle Scott to you at 1344?---On what date?

5

1 – 30 November 2020?---Yes.

Page 168?---Yes.

10 You see Danielle said to you:

*So I reckon we put our heads together and we get you as financially sufficient in the next two to three years as possible.*

15 ?---Yes.

And then she says – also 1344:

*And it doesn't matter what happens to him or what jail cell he rots in.*

20

You see that?---Yes.

And then you responded to that:

25 *Yes.*

And there's an emoji beside it, isn't there?---Yes.

And the emoji is the praying hands emoji, isn't it?---Yes.

30

And what does that mean, Ms Roberts?---In that context, it means that I would very much like to have been financially set up.

What it means is that you would very much like to see my client rotting in a jail cell.

35 That's what you mean?---No. I absolutely would not.

And – you see, the next message at 13.44 is the two laughing faces emojis?---Yes.

That also is a reference to – I will withdraw that. That suggests a certain degree of glee if my client went to jail, doesn't it?---It does suggest that, yes.

40

And that was a prospect that you viewed with some enthusiasm at this time, wasn't it, him going to jail?---I would not want Ben to go to jail, no.

45 Then you say:

*He won't go to jail.*

Do you see that?---Yes.

13.45?---Yes.

5 And then you see:

*Yes, I don't think he will either, but it will be destroyed.*

10 You saw – you read that, didn't you, as "he will be destroyed"?---Yes, probably.  
Yes.

Yes. And then you said – what – you said:

15 *Because he's a lying, cheating, cunt human.*  
Didn't you?---Yes.

The father of your children is the way – that's the way you described him, wasn't  
20 it?---Yes.

And then Danielle says to you:

*Yes. And you can't run away from that shit forever.*

25 Do you see that?---Yes.

And you said, "Nup", didn't you?---Yes.

30 And then you go:  
#Titanic.

Didn't you?---Yes.

35 You were drawing an analogy between what you hoped and expected would happen  
to my client and the shipwreck of the Titanic, weren't you?---Yes.

40 You see, what I want to put to you is that at this point in November 2020, you hated  
my client; that's right, isn't it?---I was very frustrated in a very, very bitter divorce,  
yes.

You hated him, didn't you?---I don't think I hate Ben, no.

45 You did in November 2020, didn't you?---I was very frustrated with Ben at the time,  
yes.

Yes. And then you see it goes on. And then there's a link – it's not reproduced as a link, but it's a link at 21.32 on 1 December, the following day, that you sent to Danielle. And you see it's from News Limited:

5           *Shocking picture emerges of Australian soldier –*

etcetera. You see that?---Yes.

And then Danielle asks the question:

10

*Is The Guardian Stokes' camp?*

Do you see that?---Yes.

15    And you said, absolutely correctly, Ms Roberts:

*No way.*

?---Mmm.

20

Yes. Now, by this time, December 2020, you and Danielle knew, didn't you, what was on the USBs that you had – she had copied on 16 March. You knew that, didn't you?---Danielle, yes, knew. I knew what the content was.

25    Yes?---I've never seen the images.

Yes. But you knew that they contained multiple photographs of soldiers drinking from the prosthetic leg in Afghanistan, didn't you?---Yes, I did.

30    You see, just if you look – if you just look over to the next couple of pages, you will see a series of references to – I withdraw that. I won't ask you to look at it. Just let me put this to you, Ms Roberts: Danielle Scott sent you eight images in the period 1 to 3 December, didn't she?---Yes, she did.

35    And those images were from the USBs that she had copied, weren't they?---They were, yes.

Yes. And I just want to – I just – I will have to be careful about this, your Honour, because of issues involving Ms Mitchelmore. You circled the faces of some of the circles shown in those photographs, didn't you?---I don't know if I circled them. I don't recall.

40

Well, Danielle Scott would not have known who they were, would she?---She asked me who they were.

45

I see?---Yes.



And so you gave her information as to who they were and then you think she might have circled them?---I don't know. I – I don't – I haven't seen those photographs for some time.

5 Your Honour, I'm not sure I can show those in open court. I can't, in fact. I will come back to that. Now, would your Honour just excuse me a moment.

Now, whether it was you or Ms Scott who was circling the faces of the soldiers in the photographs, why were you doing that? Why was she doing that? Why were you or  
10 she doing that?

MR OWENS: Your Honour, I object to that question.

HIS HONOUR: Yes.  
15

MR OWENS: It's capable of being answered if the witness could accept the premise it was her, but that hasn't been established.

MR McCLINTOCK: Right.  
20

THE WITNESS: I don't recall doing that.

MR McCLINTOCK: You see, you knew, because she told you, that the reason why Ms Scott was circling the faces in question was to pass that information on to Mr  
25 McKenzie; that's right, isn't it?---No.

Well, did she tell you why she – why she was asking you the identify of the soldiers in question?---No, she did not.

30 So she just called you up and said, "Who is this here?" And you said, for example, Person 11; is that right?---No, she didn't phone me. She sent me messages asking me who they were.

All right. And we see those messages in this exchange here?---There – it does refer  
35 to it there on 1 December at 21.54; that is in relation to those string of text messages.

That's on page 169?---169, yes.

And she says:  
40

*I have the second pic as well.*

?---Yes.

45 And then she says:

*Inside the story.*

?---Yes.

And then the next message, also at 21.54, says:

5        *Media omitted.*

?---Yes.

Yes. And that was a photograph, wasn't it?---Yes, it was.

10

You recall which one it was? Don't tell us who was in it?---No, I do not recall.

All right. You see, it continues:

15        *Yes, I saw that too.*

And then she asks:

*Who is the SSM?*

20

Do you see that?---Yes.

And you told her what that acronym meant?---Yes.

25        Senior Sergeant Major; you see that?---Yes, I do.

And then continuing on, just go over to one, 1220 – page 170?---Yes.

30        And just before I ask you about that, your version is redacted, isn't it? Just look at the first line, there's a redaction in it, isn't there?---Yes, it is.

Right. I'm not going to ask you, obviously, the names or the identity of the people that the – the people in question, but that's obviously a reference to them appearing in a photograph, isn't it?---Correct.

35

Yes. And then you say after that photograph:

*Watch this space. There will be more come out.*

40        ?---Yes.

And that was about – that was a reference to more photographs, wasn't it?---Yes.

And then you say, 21.58:

45

*BRS will get caught.*

?---Yes.

And then again there's a reference to a Daily Mail article?---Mmm.

5 And then again, at 8.39:

*Media omitted.*

10 That's another photograph, isn't it - - -?---Yes.

- - - of soldiers that you found on the USB?---Yes.

Just go down to 8.40 on 2 December and you say the word "dog"?---Yes.

15 That's my client, isn't it?---Yes.

And then there's two "media omitted" items at 18.36 and 18.37. I think, once again, they're photographs of soldiers from the USB?---Yes.

20 And 6.49, likewise, another photograph from the USB?---Yes.

And then just dropping down, you see 6.50 – you see after the link to the article, do you see a reference to my client "motherfucker"?---Yes.

25 Yes. And then you say:

*That's BRS for sure.*

30 ?---Mmm.

And you say:

*I've seen that pic on his laptop.*

35 Then two lines down there's another redaction, isn't there?---Yes.

And but, again, you're referring to one of the pictures from the USBs, aren't you - - -?---Yes.

40 - - - and so on. Now, just continuing, you will see media omitted at – on page 171 – 20.43 on 3 December. Again, a photograph of SAS operators from the USBs?---Yes.

45 All right. And, you see, the purpose of you giving information to Danielle Scott to circle those faces was to pass the information on to Mr McKenzie and representatives of the newspapers, wasn't it?---Not to my knowledge, no.

Right. And let's just go forward. On 23 February 2021, you signed a financial agreement with my client under the Family Law legislation, didn't you?---Yes.

You got a financial settlement?---Yes.

5

And that concluded the Family Court proceedings between you and my client?---Yes.

10 In – just to remind you, you had the meeting with Mr McKenzie and the Fairfax lawyers in your house in late February, early – in February/March 2021?---The end of March, yes.

And it was after you had signed the Family Court settlement agreements, wasn't it?---Yes.

15

And, about the time of the meeting, you – or let's – about the time of the meeting, you provided the USBs to Mr McKenzie or to the Fairfax lawyers, didn't you?---No, I did not.

20 Danielle did, didn't she?---I don't know.

You authorised her to do so, didn't you?---No.

25 She wouldn't have done so without your permission, would she?---I don't know. I did not ask her to do that.

You believed, didn't you – and, indeed, you say so in those messages – that the photographs on those USBs would do my client harm. You knew that, didn't you?---No. I just assumed that it was Ben that had leaked them.

30

You then told them your story about the USBs being buried in the garden, didn't you?---Told who?

35 MR OWENS: I object, your Honour.

MR McCLINTOCK: Told Mr - - -

MR OWENS: I object, your Honour.

40 HIS HONOUR: Yes. Volume.

MR OWENS: Yes. I'm sorry. I was trying to keep Mr McClintock from - - -

45 HIS HONOUR: Well, I'm sorry. I'm not following this.

MR OWENS: I'm sorry. Mr McClintock was asking the witness what she told my clients and their legal representatives in a meeting over which privilege is claimed.



MR McCLINTOCK: I will refine the question.

You were dealing with Mr McKenzie, weren't you, in the period February/March 2021 without the involvement of lawyers, weren't you?---No.

5

You passed information to him knowing that he was preparing a program for 60 Minutes, didn't you?---No. I did not know that.

You – is that serious evidence?---I did not know when I first met then, no.

10

I'm not asking that. You know, don't you – and I may well show it to you. You know, don't you, that Mr McKenzie did a program for 60 Minutes that went to air on 11 April 2021?---Yes.

15

It contained a savage attack on my client, didn't it?---Yes.

It involved the story about the USBs in the garden, didn't it?---Yes.

20

It had a re-enactment of what was supposed to have occurred on your version, didn't it?---Yes.

Yes. The information that Mr McKenzie repeated in that program came from you, didn't it?

25

MR OWENS: I object, your Honour. I mean, the question needs to be carved or hedged about so that it doesn't run the risk of any intrusion into privileged communications.

30

MR McCLINTOCK: Your Honour, the fact that a program went to air itself would completely remove any issue about privilege, one would have thought. If there had been – if the information had been conveyed in an original privilege context and Mr McKenzie used it to make a television program, one would have thought that – well, in my submission – is a waiver of any privilege that existed. But, that said, I wasn't seeking privilege information. I simply want to know whether – the question I asked was that program - - -

35

HIS HONOUR: I think you need to refine your question, Mr McClintock.

40

MR OWENS: And, to my clear, I accept that information obtained in a privilege context which was then published – there would be questions of waiver. That wasn't my objection. I think if the question is refined then the issue - - -

HIS HONOUR: Yes.

45

MR OWENS: - - - will hopefully go away.

MR McCLINTOCK: I'm slightly lost, your Honour. I thought it was privileged.

HIS HONOUR: Well, first of all, I think you need to indicate to the witness that you're not asking about any information that might have been provided at a meeting at which lawyers were present. That is to be excluded. You might then have an argument about waiver, but we will do it in steps.

5

MR McCLINTOCK: Ms Roberts, you heard what his Honour said?---Yes.

I'm only asking you about stuff that are materials that you provided or said to Mr McKenzie in the absence of lawyers. That is, in the absence of lawyers – in the absence of any lawyers. You did provide such information to Mr McKenzie?---No, I did not.

10

So you're saying that you only provided information to Mr McKenzie in the presence of lawyers?

15

MR OWENS: I object, your Honour. That's not a fair characterisation of what the witness is saying, and it can't be asked in any event.

MR McCLINTOCK: When and in what circumstances – don't say what – did you provide information to Mr McKenzie about the USBs?

20

MR OWENS: Your Honour, I object. There's a premise that needs to be established first, which is whether the witness did.

HIS HONOUR: I think that's right, Mr McClintock.

25

MR McCLINTOCK: Okay.

Ms Roberts, is what you're saying that you didn't provide information to Mr McKenzie, but that Danielle Scott did?---I did not.

30

Right. Are you aware whether Ms Scott provided information to - - -?---I am not aware.

You're not aware. You've never discussed it with Ms Scott?---No.

35

You didn't discuss it with her after the 60 Minutes program aired on April 2021?---My life was in chaos after that. I don't remember much.

Ms Roberts, there were – there was material in the program on 11 April 2021 – I withdraw that. You say Ms Scott was present on 16 March 2020?---Yes.

40

She was not present on 5 June 2020?---No.

One reason was that Queensland was in lockdown at the time. That's right, isn't it?---On 16 March? Yes. That's why she came to my house that weekend.

45

Yes. But she wasn't there on 5 June?---No.

The only person who knew the events that you say occurred on 5 June was you, wasn't it?

5

MR OWENS: I object. Or at least the concept of knowledge in this sense needs to be clarified.

10

HIS HONOUR: No. I think that's allowable. Can you answer that?---Yes. I FaceTimed Dan on 5 June.

MR McCLINTOCK: So you're saying that you told her about what occurred on that day, did you?---Yes.

15

And you're saying that you did not tell Mr McKenzie that, are you?---No. I did not tell Mr McKenzie that.

20

Right. Now, by 15 March 2021, Ms Roberts, you had agreed to give evidence for the respondents in these proceedings against my client, hadn't you?---I was getting subpoenaed, yes.

And you were happy that you had been subpoenaed, weren't you?---Absolutely not.

25

Danielle Scott had agreed to give evidence too?---I'm unaware.

You see, you had been working out ways to pay out my client and obtain revenge on him at least since the time of the text messages that I asked you about on November 20, page 168. November 30, I'm sorry. Page 168. Hadn't you?

30

HIS HONOUR: Mr McClintock, it would assist me if you would explain what you mean by pay out.

35

MR McCLINTOCK: I will make it exceptionally easier. I will withdraw the question and use the word – a non-vernacular word: revenge. You understand revenge, don't you?---Yes, I do.

You wanted to obtain revenge on my client, didn't you?---No.

40

And you can see that absolutely clearly, I suggest, from the messages that appear on page 168 of the bundle. That is, the ones on 30 November at – from 1344 down to 1348. You were seeking revenge, and - - -?---No, I was not.

45

Just by the way, you said that you did not know and do not know – please correct me if I'm wrong – that Danielle Scott was passing information to the respondents?---I – I guess she was doing it in accordance to her subpoena, but we didn't ever have a conversation about the USBs, no.

You're suggesting that the closest person in the world to you never told you that she was doing that?---No.

You never asked her?---No.

5

You knew full well that she was doing it, didn't you?---No, I did not.

And you see, you waited, didn't you, until after the financial settlement and then you agreed to meet the journalist who my client was suing, Mr McKenzie, didn't you?---I had done financial settlement, yes. MinterEllison had been going to Jason Murakami during that process, and we didn't – until we had a subpoena, then no, I did not speak to them.

10

MinterEllison have been paying your legal fees, haven't they?---Yes, they have.

15

How much has that totalled?---I'm unaware.

Tens of thousands, hundreds of thousands; do you know?---I would assume it's tens of thousands.

20

When did that start?---I'm not sure.

They're paying for Mr McCafferty to be here today, aren't they?---Yes, they are.

25

And yesterday?---Yes.

You – listen carefully to this question. It's similar to one I've asked before, but I want to be precise about it. Either you or Ms Scott on your authority handed the USBs or the contents of them over to the respondent – to Mr McKenzie, didn't you?---I did not, no.

30

You told them the story about burial of the USBs, didn't you?

MR OWENS: I object, your Honour, to the extent "them".

35

MR McCLINTOCK: Told Mr McKenzie. You told Mr McKenzie the story of a burial of the USBs.

MR OWENS: And again, your Honour, in the absence of any lawyer.

40

MR McCLINTOCK: In the absence – I'm only asking about things that occurred otherwise in the presence of lawyers; you understand that?---I've only ever seen Mr McKenzie with lawyers.

45

I see. Mr – you saw the 60 Minutes program?---Yes.



And you saw that the – the story about the USBs being buried there was repeated?---Yes.

5 That was based on – that came from information that you gave to Mr McKenzie?---No.

How do you think Mr McKenzie found it out?

10 MR OWENS: I object, your Honour.

HIS HONOUR: Yes. You seek to maintain that question, Mr - - -

MR McCLINTOCK: I withdraw that.

15 You're saying that Ms Scott passed that information to Mr McKenzie, are you?---Well, there was only two of us there that day.

20 Right. And you see, you would like to see my client lose this case, wouldn't you?---No.

In fact, you're here to inflict as much damage upon him as you can?---I hope Ben survives this nightmare.

25 And you're quite prepared to tell untruths, aren't you, if that achieves the aim you want to bring about, doesn't it?---No.

Is there an agreement between you and the respondents about the payment of your fees, a written agreement?---I'm unsure.

30 I call for any written agreement in relation to the witness's – payment of witness's fees.

MR OWENS: Does Mr McClintock mean the witness's legal fees or - - -

35 MR McCLINTOCK: Yes.

MR OWENS: I will have inquiries made, your Honour.

40 MR McCLINTOCK: Your Honour, my learned junior, I believe ..... contacted your Honour's associate about playing the 60 Minutes video. Your Honour will have realised also that the estimate I gave your Honour yesterday was grossly inaccurate, for which I apologise. Time estimate. I would ask that that program be played now, your Honour. It will take up to about – I think it's about 15 minutes long. I think it has to be done on Teams. Your Honour, if there's a difficulty, I can ask other – I can  
45 deal with other matters.

HIS HONOUR: Well, I'm told I can watch the screen here. The witness can watch the screen there.

THE WITNESS: Can I please be excused just to go to the bathroom quickly?

HIS HONOUR: Yes - - -?---Thank you.

- - - certainly, go ahead.

**<THE WITNESS WITHDREW**

**[12.30 pm]**

HIS HONOUR: And if any of the practitioners want to watch it, they will have to join the Teams meeting. That's how it's going to work. So we will wait for the witness to come back and then I will play it, Mr McClintock, and then we will adjourn. The date of this program, Mr McClintock.

MR McCLINTOCK: The program was dated 11 April 2021.

HIS HONOUR: Thank you.

MR McCLINTOCK: Which previous experience tells me was a Sunday, your Honour.

HIS HONOUR: Yes.

MR McCLINTOCK: Your Honour, my instructing solicitor tells me I may have mislead your Honour about the length of the program, but it would still finish before 1, and if it's suitable to your Honour, continue even after 12.45. Or may I suggest continuing after 12.45.

HIS HONOUR: All right.

**<EMMA ROBERTS, RECALLED**

**[12.34 pm]**

**<CROSS-EXAMINATION BY MR McCLINTOCK**

MR McCLINTOCK: Your Honour, I'm looking at a transcript. In the interest of time, it may be – no, I think the whole lot should be shown, your Honour. The relevant stuff is in the first half, but I don't think it would be appropriate - - -

HIS HONOUR: All right. Well, if you want to change your mind, Mr McClintock, you can stand up at a point where you think enough has been seen. Yes, please play the video.

5

**VIDEO SHOWN**

10 HIS HONOUR: All right. Well, the court will adjourn. We will resume at 2.30 and we will sit until 4.30 if necessary. Yes.

**ADJOURNED**

**[12.57 pm]**

15

**RESUMED**

**[2.30 pm]**

20 HIS HONOUR: Yes. Could the witness be brought in, please.

MR McCLINTOCK: While that is occurring, your Honour, may I inquire through your Honour of my learned friend if he has any documents to produce in response to the call I made before lunch.

25 MR OWENS: I confirm I do not have any documents.

HIS HONOUR: Mr McClintock, I think I will mark as MFIA76, the USB which contains the 60 Minutes program on 11 April 2021 that we saw immediately prior to the luncheon adjournment.

30

**MFI #A76 USB CONTAINING THE 60 MINUTES PROGRAM AIRED ON  
11/04/2021 VIEWED IN COURT PRIOR TO LUNCHEON ADJOURNMENT**

35

MR McCLINTOCK: Thank you, your Honour. I was going to tender that document and it's a matter for your Honour whether that's dealt with now or we leave it as an MFI.

40 HIS HONOUR: Well, is there any objection, Mr Owens?

MR OWENS: Can I just consider my position?

HIS HONOUR: All right. Yes.

45

MR OWENS: It's just not - - -

HIS HONOUR: Well, it will be an MFI for the moment. Yes.

MR McCLINTOCK: Could I add to the MFI or perhaps your Honour may wish to mark it separately. I accept it's an aide-mémoire, but it's the transcript of the  
5 program. I will hand up two copies to your Honour. I've got one for my learned friend.

HIS HONOUR: Have you had the opportunity to look at this, Mr Owens?

10 MR OWENS: No, it has just been handed to me now, your Honour.

HIS HONOUR: All right. Well, I will mark that MFIA76.

MR McCLINTOCK: Thanks, your Honour.  
15

HIS HONOUR: So that will be a transcript of the program of 11 April 2021, see MFIA76.

20 **MFIA #A77 TRANSCRIPT OF THE 60 MINUTES PROGRAM OF 11/04/2021, SEE MFIA76**

MR McCLINTOCK: Thanks, your Honour. Your Honour, no, that was all the - - -  
25

HIS HONOUR: All right.

MR McCLINTOCK: That was all the - - -

30 HIS HONOUR: No. Yes, yes.

MR McCLINTOCK: - - - so-called housekeeping matters I had to attend to, your Honour.

35 HIS HONOUR: Yes, yes.

MR McCLINTOCK: Thanks, your Honour.

40 Ms Roberts, have you had any discussions with the respondents, that is, Mr Owens' clients or any of them or with any representative of Channel Nine about any of the following matters: giving an interview after this case is over?

MR OWENS: Your Honour, I object.

45 HIS HONOUR: Yes.

MR McCLINTOCK: I press it, your Honour.



HIS HONOUR: Your objection is based on the possibility of legal professional privilege, is it?

MR OWENS: Yes, your Honour.

HIS HONOUR: Yes.

MR McCLINTOCK: I'm not asking about – I'm not looking for legal advice or information provided.

I'm simply – well, I put this: is there any agreement between you and any one of the respondents or Channel Nine itself pursuant to which you've agreed to give an interview to any of them after the conclusion of these proceedings?---No.

No. Have you had any discussions with them about being the subject of an article after the conclusion of these proceedings?---No.

Or the subject of a TV program?---No.

Or appearing on a TV program?---No.

Now, you saw before lunch the 60 Minutes program of 11 April 2021, didn't you?---Yes.

How did you find out that Channel Nine was going to run that program?---Danielle told me.

Yes. What did she tell you?---There would be a story on 60 Minutes about Ben.

And did – I take it from your answer that you didn't have any discussions with Mr McKenzie about it?---No, I did not.

Can you recall what Danielle said to you about the program?

MR OWENS: Your Honour, I object. The relevance of how this witness came to know about a program which is not in issue in the proceedings is not .....

MR McCLINTOCK: I will move on.

I'm going to have you shown – I'm going to be asking you to be shown, Ms Roberts, a copy of MFIA76, which is a transcript of that program. And I'm going to ask you some questions - - -

HIS HONOUR: It's A77, Mister - - -

MR McCLINTOCK: I'm sorry.

HIS HONOUR: Yes.

MR McCLINTOCK: A77. I apologise, your Honour, A77.

5 HIS HONOUR: Yes.

MR McCLINTOCK: Now, I'm going to ask you some questions about it and, explicitly, I'm going to ask you questions about things that were or were not said in front of lawyers for the respondents. Now, before I come to it, though, you've told  
10 us about a meeting at your house in Brisbane in March 2021 attended by Mr McKenzie, Mr Bartlett, Danielle Scott, and so on - - -?---Yes.

- - - haven't you? And you said – I think you said. I withdraw that. Now, look, if you would to the – you see at the top of the document you've got there are page  
15 numbers, 1 of 12, 2 of 12, and so on?---Yes.

Look at page 2 of 12, Ms Roberts. You see down the bottom of the page that there's a passage setting out what Mr McKenzie said. You see:

20 *There's a bizarre opening scene to this story of national shame. A backyard in Queensland's Sunshine Coast and a child's pink lunchbox filled with computer USBs.*

That represents something that you or Ms Scott said in the course of that meeting,  
25 doesn't it?

MR OWENS: I object, your Honour.

30 HIS HONOUR: Yes. Covered by privilege, isn't it?

MR McCLINTOCK: I – your Honour, in my submission, that privilege has been waived because the information in question has been put on – has been broadcast. Your Honour - - -

35 HIS HONOUR: What do you - - -

MR McCLINTOCK: If I could take your Honour to section 120.

40 HIS HONOUR: Yes. Well, perhaps I will hear Mister – I will hear from you in a moment - - -

MR OWENS: Yes, your Honour.

45 HIS HONOUR: - - - Mr Owens.

MR McCLINTOCK: I'm sorry. 122, your Honour.

HIS HONOUR: So this is a section that applies at the time at trial not just pre-trial?

MR McCLINTOCK: I understand if – well, it – I understand it applies to trial not just pre-trial, your Honour.

5

HIS HONOUR: In any event, the test is the same, isn't it?

MR McCLINTOCK: It is.

10 HIS HONOUR: Mann v Carnell and - - -

MR McCLINTOCK: It is the same, your Honour. I can't remember off the top of my head the route by which it became the same.

15 HIS HONOUR: Yes. What, so your submission is that, insofar as you're asking only about those matters that are referred to in the program, there has been a waiver of privilege if that information has come from this witness?

MR McCLINTOCK: Yes, in the circumstances in question. And I rely, in  
20 particular, on subsections 122 – or subsection 122(3):

*The client or party or party knowingly and voluntarily disclosed the substance of the evidence to another person; or*

25 (b):

*The substance of the evidence has been disclosed with the express or implied consent of the client or party.*

30 In my submission, one couldn't imagine a more extreme example of disclosure to another person of putting the information in question on a television program.

HIS HONOUR: That might give you the right to ask that question of this witness, but it wouldn't give you the right to ask about what was said at the meeting by other  
35 people, would it?

MR McCLINTOCK: No. Well, except insofar as it was said in her presence by Ms Scott and therefore – and ended up on the program.

40 HIS HONOUR: I see.

MR McCLINTOCK: That, in my submission, would be sufficient. But I accept that it's only the things that were actually mentioned in the program, and insofar as there's other material there, I accept that there's not a waiver about it, unless it were  
45 picked up in some – in – related. Your Honour, perhaps the most relevant authority, your Honour, is – or authorities are – and your Honour would know them – are Mann v Carnell, Commissioner of Taxation v Rio Tinto and DSE (Holdings) v InterTAN, a

2003 decision of the current Chief Justice of the court – of this court. I can give your Honour the references if you want them, or I could probably quickly hand up a – probably the easiest way is just to hand up a copy of a judgment of Abraham J in these proceedings open at page 10, which sets out the authorities in relation to waiver.

HIS HONOUR: Yes, all right. Thank you. Mr Owens.

MR OWENS: Thank you, your Honour. Your Honour, there's several vices with the question. The first is the question asked of this witness was whether what was said by Mr McKenzie during the 60 Minutes broadcast was based on something that was said at a particular meeting. Now, the first point is this witness could never give evidence about what Mr McKenzie said was based on unless the premise had been established, which is that there was only one way that Mr McKenzie could have become aware of the relevant information and it was at this meeting.

The second problem, with respect, with the question is that my learned friend has elided two relevant concepts. The first is the events in question or evidence about the events in question, and the second is evidence of the communication. Waiver in this context means disclosure of the substance of the communication on the privileged occasion. It doesn't relate to the subject matter of that statement, assuming there was one. In other words, people can talk about a murder on a privileged occasion. No one would ever suggest that evidence about the murder was privileged. What is privileged is what was said and done in the privileged occasion, and there's only a waiver of privilege if there has been disclosure of the substance of the communication. The fact that there's a correlation between the substance of the events and the topic of the communication doesn't mean there's a waiver over the communication.

The third problem is that again, let it be assumed there was the potential for a waiver. The premise hasn't been made out, because the only thing that could ground the waiver is the privileged communication. So he needs to probe behind the privilege to attempt to make out the foundation for the waiver that he asserts. So in that sense, he's, with respect, placing the cart before the horse. Those are the submissions, your Honour.

HIS HONOUR: Yes. All right. Yes, I won't allow the question in the terms in which you put it, Mr McClintock. I don't think you can ask the "based on" question, but I consider that you can ask a question about whether there were discussions in her presence of which she's aware about the matters in the transcript, and then it's a matter for inference at the end of the day, and possibly other evidence as to whether – if it's a material fact at the end of the day or a fact going to credit, as to whether the inference is drawn about what it was based on.

MR McCLINTOCK: Certainly, your Honour.

HIS HONOUR: All right.



MR McCLINTOCK: I will withdraw the question and I will ask this.

Do you recall, Ms Roberts, whether there was anything said either by you or by  
Danielle Scott at the meeting we've been talking about – and you know what  
5 meeting it is, don't you?---Yes, I do.

Yes. About the matter set out in the paragraph to which I drew your attention. But I  
will break it down bit-by-bit. An event in a back yard on the Sunshine Coast, being  
your property?---Yes.

10 The property – the former matrimonial home?---Yes.

MR OWENS: I object, your Honour, to the – sorry, is the question finished?

15 MR McCLINTOCK: Yes, the question is finished.

MR OWENS: I object to the question, your Honour, on the grounds that it calls for  
privileged communication.

20 HIS HONOUR: Yes. No, I will allow the question.

MR OWENS: Thank you, your Honour.

MR McCLINTOCK: I think you answered yes?---Yes.  
25

First, do you recall – I will just – I will keep going for a second, then I will come  
back. Was there discussion – was there anything said by you or by Ms Scott about a  
child's pink lunchbox filled with computer USBs?

30 MR OWENS: I object.

HIS HONOUR: Yes. I overrule the objection.

THE WITNESS: Not by me, and I'm not sure about Danielle Scott.  
35

MR McCLINTOCK: You don't remember?---I did not say anything to Nick  
McKenzie about that, no.

Did you say anything to any of the lawyers who were present about it?---Not that I  
40 recall, no.

Did Danielle Scott say anything to any of the lawyers present about it?---Not that I'm  
aware of.

45 You see, there's a reference then to the contents of the USBs containing graphic  
evidence of appalling conduct; you see that?---Yes.

Was anything said about that by you or by Danielle Scott?

MR OWENS: I object.

5 HIS HONOUR: Yes. I overrule the objection.

THE WITNESS: Not by me, and not that I'm aware of by Danielle Scott.

10 MR McCLINTOCK: Were you asked any questions to which you answered about that matter?---No.

MR OWENS: I object.

15 HIS HONOUR: Yes. I'm not sure I would allow that one, Mr McClintock, so I will – I won't allow that question, and so I won't allow the answer.

MR McCLINTOCK: Thank you, your Honour.

You see, it continues:

20

*A former soldier digs a hole and buries his secrets.*

As is made clear later in the paragraph, that's a reference to Mr Roberts-Smith, my client, isn't it?---Yes.

25

Was there anything said by you or by Ms Scott about my client burying things in the – or digging a hole and burying his secrets?

MR OWENS: I object.

30

HIS HONOUR: Yes. I overrule the objection.

MR McCLINTOCK: Was there?---Not by me, and I'm not sure about Danielle Scott.

35

You – was there anything said about USBs being buried by you or by Ms Scott?

MR OWENS: I object.

40 HIS HONOUR: Yes. I overrule the objection.

THE WITNESS: Not by me, and I'm unsure about Danielle Scott.

45 MR McCLINTOCK: And just if you would now go to page 10 of 12 in this document. You see the very first paragraph there?---Yes.

You see:

*A threatening letter was organised by none other than Ben Roberts-Smith.*

Just read the rest of the paragraph to yourself.

5 HIS HONOUR: Where is this, Mr McClintock?

MR OWENS: What page are you on?

THE WITNESS: I think I'm on the wrong page.

10

MR McCLINTOCK: Page 10 of 12.

MR OWENS: Where are you?

15 THE WITNESS: No.

MR McCLINTOCK: The very first paragraph.

HIS HONOUR: No.

20

MR McCLINTOCK: I'm sorry, your Honour, there seems to be – it looks as though there's two page 10 of 12s somehow.

HIS HONOUR: It's your document, I think, Mr McClintock.

25

MR McCLINTOCK: I beg your pardon, your Honour.

HIS HONOUR: It's your document.

30 MR McCLINTOCK: It is my document. Perhaps mine has been printed out differently. To avoid any further chaos, your Honour, I will – I'm sorry.

Go to the bottom of page 9, Ms Roberts-Smith, and you will see the last paragraph on the page of that print of the document refers to a threatening letter organised by none other than Ben Roberts-Smith. And just read the rest of the paragraph to yourself?---Yes.

35

Was that – does that represent something that was said by you or by Danielle Scott at that meeting?

40

MR OWENS: I object.

HIS HONOUR: Yes. I overrule the objection.

45 THE WITNESS: It was not by me, no.

MR McCLINTOCK: Did you hear Danielle say it?---Not that I recall, no.

Just by the way, you said that your friend Melissa was present at this meeting as well, didn't you?---Yes. For parts of it, yes.

I beg your pardon?---For parts of it, yes.

5

Yes. Did she say anything about the matters that I've been asking you about?---No. Not that I recall.

Right. Thank you. The – just go over, if you would, to page 11 of 12, and you will see a paragraph in the middle of the page. It says:

10

*60 Minutes can confirm - - -*

?---Yes.

15

*- - - the malicious complaints were sent to the police and others by an associate of Ben Roberts-Smith who, according to sources, was acting on his orders.*

You see that?---Yes.

20

Was that something that was said by you or by Ms Scott at that meeting, Ms Roberts?

MR OWENS: I object.

25

HIS HONOUR: I overrule the objection.

THE WITNESS: It was not by me, and I'm not sure about Danielle Scott.

MR McCLINTOCK: Your answers indicate that you have no real recollection of what Ms Scott said at this meeting; is that right?---It was – it was a very emotional day.

30

There were no other meetings between you and Danielle – I will – I will be precise about that. There were no other meetings with Mr McKenzie and the lawyers acting for him and the other respondents other than this one at which you and Danielle were present; is that right?---Correct.

35

Yes.

40

HIS HONOUR: Mr McClintock, I'm told we need to shut down and reconnect, so if you just wait for a moment. It should be done very quickly. Yes, Mr McClintock.

MR McCLINTOCK: Your evidence is that you said nothing about the matters I've been asking you about to – at this meeting. That's the evidence, is it?---Yes.

45

MR OWENS: I object.



HIS HONOUR: Yes. I overrule the objection.

MR McCLINTOCK: Is that truthful evidence, Ms Roberts?---Yes, it is.

5 Now, I want to another topic. Go back to another topic. I'm going to put to you a series of propositions. You see, what I want to suggest to you is that, in fact, contrary to your evidence, you were separated from October 2017 to April 2018?---No, I was not.

10 Other than holidays – other than the holiday in Singapore, my client was living away, although he came home one to three nights a week?---That is not correct.

You knew he was staying with Jed Wheeler or Mr Mooney, didn't you?---No. That is not correct.

15 And I want to suggest to you that your evidence to the contrary about separation is completely false and you know it?---No.

I also want to suggest to you that your assertion that my client put pressure on you to lie about it is also false and you know it. Do you agree with me or not?---That is not true.

20 Now, I have some more things I want to ask you about, Ms Roberts. At page 1925, your Honour, of the transcript, you asserted that my client said that if you don't like you will lose the children. Do you recall giving that evidence?---Yes.

25 Completely false, wasn't it?---No, it's not.

He had never said that to you. Do you agree with - - -?---Yes, he did.

30 He never asked you to lie. I withdraw that. The conversation with Person 5 that you gave evidence about on in May 2018: my client did not tell you that the IGADF was interested in what my client was doing in Afghanistan, did he?---Yes, he did.

35 Page 1937, your Honour, line 16 to 19. At – you gave evidence at 1938 and 1938 that Ben asked you – or Ben rang and asked you to ring Person 29 from your phone and to come to Sydney and so on. That never happened, did it?---Yes. It did happen.

40 You – look at – you recall – and this is page 1940 – a conversation concerning Person 29 where you assert that my client said, “Ring his PA at Seven and extend the hotel to two bedrooms. We will pay privately,” and so on. That never happened, did it?---Yes, it did.

45 He never told you to give Person 29 notes of his meeting with the IGADF in December '19, did he?---Yes, he did.

1941. Didn't tell you that he was expecting parcels from Persons 27 and 35, did he?---Yes, he did.

1943. You see, he never said that – he never said to you that he told MacLeod to get Person 6's house raided, did he?---Yes, he did.

That conversation never happened, Ms Roberts, did it?---Yes, it did.

You see, also, the conversation that you assert my client had with you about the letters – that is, printed at Seven, give them to Mr MacLeod and so on, drove over the border to post, 1957 – that never occurred either, did it?---Yes, it did.

And he never asked you – transcript 1957 – for the regimental post office box, did he?---Yes, he did.

He never said to you that he got the stamps from your drawer. That never happened, did it?---He did.

Yes. And he never came home with a grey shopping bag with gloves, Reflex paper and envelopes. That never happened either, did it?---Yes, it did.

And the conversation with you about asking Danielle about Australia Post and how the mail system worked: that didn't happen either, did it?---It did.

And, finally, I want to ask you about something else. You see, the evidence you gave about your reaction to the Person 17 incident in April, if I could call it that, was false.

MR OWENS: Well, your Honour, the evidence is not specified sufficiently.

MR McCLINTOCK: I'm sorry.

You said you were devastated, didn't you?---Yes. On the day I was devastated, yes.

But that evidence was, in fact, a rank exercise in hypocrisy on your behalf, wasn't it?---No.

Nothing further, your Honour.

HIS HONOUR: Thank you, Mr McClintock. Any re-examination?

**<RE-EXAMINATION BY MR OWENS**

**[2.58 pm]**

MR OWENS: Very brief, your Honour.

HIS HONOUR: Yes.

MR OWENS: Ms Roberts, have you or, to your knowledge, your lawyers ever  
5 received a request from Mr Robert-Smith's lawyers to retain or provide the original  
digital images of the photographs that you took on 5 June 2020?---Yes.

When do you remember that request was made?---Maybe two days ago. Sunday  
maybe.

10 Thank you. Do you remember that you were asked about some emails that you said  
Mr Roberts-Smith forwarded to you and then you forwarded on to Ms Scott? It was  
a picture of some medication and some - - -?---Yes.

- - - diary pages. Do you remember those questions?---Yes, I do.  
15 And just so you can see it, do you have – it's MFIA71?---No.

Do you have that folder in front of you?

20 HIS HONOUR: This – this - - -

THE WITNESS: I don't think - - -

MR OWENS: It's a folder of documents, yes.  
25 HIS HONOUR: Yes.

MR OWENS: Could you turn to tab 9 and you will see the emails there. And just  
tell me when you've got them?---Yes.

30 All right. Do you see them? Now, do you see the email account from which they  
were sent belonging to Mr Roberts-Smith was the domain name is an @me.com. Do  
you see that?---Yes, I do.

35 All right. Did you ever have access to that email account?---No.

Did you know the password to that email account?---No.

Have you ever accessed that email account?---No.  
40 All right. No further questions, your Honour.

HIS HONOUR: Yes.

45 Yes. Thank you, Ms Roberts?---Thank you very much.

That completes your evidence?---Thank you.

And you are released and are free to go?---Thank you.

<THE WITNESS WITHDREW

[3.01 pm]

5

HIS HONOUR: Now, court officer, could we have the exhibits back, please, all of them that are there. Mr Owens.

10 MR OWENS: Sorry. Would your Honour just forgive me for just one minute while I just tell Mr McClintock something. I'm terribly sorry, your Honour.

MR McCLINTOCK: Would your Honour excuse me and just let me leave the bar table to consult.

15

MR OWENS: Just if Mr Richardson can tell me if I – if he would prefer, I will wait for Mr McClintock to be back to do this. But, your Honour, we have prepared the redacted copies of exhibits R110 and R111 which just have the paragraphs that we tendered. So I was going to provide three copies of R110.

20

HIS HONOUR: Yes. Well, what are you asking me to do with that? Does - - -

MR OWENS: The tender was only those paragraphs - - -

25 HIS HONOUR: Right.

MR OWENS: - - - so what – it's a matter for your Honour. What I would propose or suggest, with respect, is removing the complete document from the court file and that could be the exhibit.

30

HIS HONOUR: Yes. All right. Well, that's what you tendered, so that's what will be the exhibit.

35 MR McCLINTOCK: Your Honour, there's going to be an issue concerning Person 42, I understand.

MR OWENS: No.

40 MR McCLINTOCK: My learned friend has just told me something about - - -

MR OWENS: No, not - - -

MR McCLINTOCK: - - - Person 2. And I will ask Mr Moses to deal with – he's going to be cross-examining Person 42, so I will ask that - - -

45

MR OWENS: Can I just finish this first?



MR McCLINTOCK: I'm sorry.

MR OWENS: Yes, that's all right.

5 MR McCLINTOCK: I thought you were going to .....

MR OWENS: And then can I hand up also then three copies of a redacted exhibit R111.

10 HIS HONOUR: Yes.

MR OWENS: Same – same issue.

HIS HONOUR: Thank you.

15

MR OWENS: All right. Now, I don't have a witness to call now, your Honour. We inquired whether we could bring forward Person 42 to now, but that wasn't possible. I intend to call – subject to whatever Mr Moses is about to say, I intend to call Person 42 at 10.15 am tomorrow morning. Now, after that, we had just indicated that after  
20 Person 42 would come Person 2 and then Person 1. The reason for putting Person 2 first was just, you know, who's available when. We have just been told that person – a family member of Person 2 has contracted COVID and he is now a close contact under the rules, so Person 2 won't be able to come. So what I just proposed to Mr McClintock is after Person 42 – we're just confirming this could happen – we would  
25 call Person 1, but we accept, because there has been a bit of chopping and changing, if a bit of time was required to get ready for Person 1, then we would, within bounds, understand that.

HIS HONOUR: Yes. All right. Thank you.

30

MR OWENS: So that's what might – so, to be clear, my plan is to call Person 42 tomorrow at 10.15 - - -

HIS HONOUR: Yes.

35

MR OWENS: - - - and subject to inquiries that are currently being made, to call Person 1 when his evidence is finished.

HIS HONOUR: Thank you.

40

MR MOSES: Your Honour, that's fine. We're ready to proceed in whatever order our friends wish to call their witnesses; it's a matter for them. I think the query that my friend raised was how long I may be with Person 42. I think, at this stage, a day, but it really depends on what they lead from this witness. Your Honour will recall  
45 from judgment number 12, paragraph 51 and 52, there's no outline from this witness and it was based on a representation. At the time, they had no contact details for this person. We've asked our friends if they've since met this person, if they could

provide an outline. They have refused to engage with us on that, but I will deal with that when he gets called tomorrow. And if I need a short adjournment because it pops out that there is something that exists, then I will ask your Honour for that indulgence at that time, given that's the approach our friends wish to take.

5

HIS HONOUR: Yes. All right.

MR OWENS: I'm not sure if your Honour wants to hear me on that. The point keeps getting raised. Your Honour will recall the reason why your Honour didn't require outlines at the time leave was - - -

10

HIS HONOUR: I do.

MR OWENS: - - - given to subpoena those witnesses.

15

HIS HONOUR: Yes.

MR OWENS: No application has been made since then for your Honour to make any orders or directions, and that's all I wish to say.

20

HIS HONOUR: All right. All right. Well, the court will adjourn until 10.15 tomorrow morning.

25 **MATTER ADJOURNED at 3.07 pm UNTIL  
WEDNESDAY, 16 FEBRUARY 2022**

### **Index of Witness Events**

EMMA ROBERTS, ON FORMER OATH	P-2015
CROSS-EXAMINATION BY MR McCLINTOCK	P-2015
THE WITNESS WITHDREW	P-2070
EMMA ROBERTS, RECALLED	P-2070
CROSS-EXAMINATION BY MR McCLINTOCK	P-2070
RE-EXAMINATION BY MR OWENS	P-2082
THE WITNESS WITHDREW	P-2084

### **Index of Exhibits and MFIs**

MFI #A73 EXCHANGE OF TEXT MESSAGES BETWEEN MS ROBERTS AND MS SCOTT FROM 5 JANUARY 2020 TO 26 FEBRUARY 2021	P-2015
MFI #A74 AFFIDAVIT OF THE APPLICANT DATED 25/08/2021	P-2047
MFI #A75 AFFIDAVIT OF MS ROBERTS DATED 9/07/2020	P-2047
MFI #A76 USB CONTAINING THE 60 MINUTES PROGRAM AIRED ON 11/04/2021 VIEWED IN COURT PRIOR TO LUNCHEON ADJOURNMENT	P-2071
MFI #A77 TRANSCRIPT OF THE 60 MINUTES PROGRAM OF 11/04/2021, SEE MFIA76	P-2072