

STAFF-IN-CONFIDENCE

The Special Air Service Regiment  
Campbell Barracks, Swanbourne WA 6010

QA 19/13/

QUICK ASSESSMENT BRIEF FOR CO SASR (LTCOL [REDACTED])

QA INTO THE ALLEGED ACTIVITIES OF CPL B. ROBERT-SMITH IN RELATION TO  
THREATING LANGAUGE AGAINST CPL Person 1

Date of Report 14 August 2013

Direction

1. LTCOL [REDACTED] (CO SASR) has appointed [REDACTED] CAPT [REDACTED] (XO [REDACTED] SAS Sqn) as the QAO in relation to an incident involving [REDACTED] CPL B. Robert- Smith. The QAO has been tasked to;
  - a. Report on the facts of the incident as they occurred;
  - b. Report on what policies, orders or rules were contravened; and
  - c. Provide recommendations to the chain of command.

Background

2. On Friday 02 August 2013, the RSM SASR informed me that I was appointed by the CO SASR as a QAO IRT an incident involving [REDACTED] CPL B. Robert- Smith. I was also informed that CPL B. Robert- Smith would return (from LSL in Brisbane) to SASR on Friday 09 August 2013 IOT outline the allegations against him.

Occurrence/ Report supplied by [REDACTED] CPL B. Robert-Smith at Campbell Barracks

3. On Friday 09 August 13 between 1330-1450 hrs CPL Ben Robert- Smith provided the following Record of Conversation to the QAO, *quote*;
4. On Thursday 01 August 2013, I was made aware of CPL Person 1 actively seeking statements from members of the unit in regard to allegations he had made about me (sic).
5. I then rang the RSM SASR to inquire about the situation and was told that CPL Person 1 had made allegations to him on 24 April 2013.
6. CPL Person 1's allegations were in reference to June 2006 in Afghanistan (SOTG III). They include that I had threatened CPL Person 1 verbally by the way of "threaten to kill him" and also had physically assaulted him.
7. These allegations are simply not true and have been fabricated by CPL Person 1. CPL Person 1 has been communicating with other members of the unit to try and concoct stories and statements to verify his allegations.

STAFF-IN-CONFIDENCE

FEDERAL COURT OF AUSTRALIA

NSD 1485, 1486, 1487 of 2018 Date: 17 February 2022  
Roberts-Smith v Fairfax Media Publications Pty Limited & Ors

Exhibit No: 2118

MFI No: \_\_\_\_\_

Assoc: Flyn Wells

STAFF-IN-CONFIDENCE

8. At this point, I am of the understanding that CPL Person 1 has failed to obtain statements of verification, however I believe, he has submitted statements to the RSM which were found to be hearsay. *unquote.*

**Actions taken to date**

9. During the interview on 09 August 2013, I ascertained that the initial occurrence/ altercation between CPL Robert-Smith and CPL Person 1 took place in Afghanistan on OP TINDAL some time during the period 23 May -06 June 2006.

10. As CPL Robert-Smith was returning back to Brisbane post the interview; I informed that as the QAO I would;

- a. Establish a VTC with CPL Person 1 in Afghanistan (currently deployed on SOTG XX); and
- b. Interview MAJ Person 37, WO1 Person 38 and CPL Person 36 reference documents supplied by CPL Robert-Smith at the interview (however not tendered to the QAO by the member).

11. On Monday 12 August 2013, I met with the RSM and he confirmed that CPL Person 1 had met with him on 24 April 2013. The RSM was made aware of the situation and requested CPL Person 1 to supply statements or evidence to the fact that CPL Robert Smith had threatened him. As of 13 August 2013, no statements were tendered by CPL Person 1 to the RSM

12. On the same date I arranged a VTC with SOTG XX (OC FE-A), however the OC, SSM and CPL Person 1 were deployed on operations and were unable to attend. That afternoon I informed the Adjutant and LEGALO SASR of the delay and that the QA would not be available within 48 hours time period requested. I informed the LEGALO that due to extenuating circumstances I would submit my report on conclusion of the VTC with CPL Person 1.

13. Prior to the interview, I spoke with MAJ Person 37 and CPL Person 36 and ascertained that although the members served with CPL Person 1 at the time of the incident, they did not witness CPL Robert-Smith verbally abuse CPL Person 1.

**Interview with Person 1 in Afghanistan SOTG XX: Wed 14 August 2013**

14. On 13 August 2013, I contacted SSM 2 SAS Sqn (WO2 Person 39) and arranged for a VOIP (S) call with CPL Person 1 for 14 August 2013.

15. On 14 August 2013 at 1300 hrs, I conducted a VOIP interview with CPL Person 1 in the presence of the SSM 2 SAS Sqn (in his office at CAMP RUSSELL AFG). At the interview the following information was ascertained from CPL Person 1, by the QAO;

- a. Did CPL Robert-Smith verbally threaten you or threaten to physically assault you?  
**Response:** Yes;
- b. When/ where/ how/ why did the incident occur? **Response:** In 2006 on SOTG III, I was bullied and verbally harassed by CPL Robert-Smith.

STAFF-IN-CONFIDENCE

STAFF-IN-CONFIDENCE

- c. Do you have evidence to the facts? **Response:** I spoke to SQMS WO2 [REDACTED], Patrol Commander SGT [REDACTED] Person 21 and the Troop Sergeant SGT [REDACTED] Person 61 in 2006 (DTG unknown) post the incident. I also have a statement from SGT [REDACTED] Person 21;
- d. Did you see the RSM on 24 April 2013? **Response:** Yes;
- e. Did you obtain evidence prior to this conversation? **Response:** Yes, but I have not supplied it to the RSM SASR;
- f. Are there any other circumstances you wish to discuss? **Response:** Yes: During the deployment and post the patrol (outlined in para 9) CPL Robert Smith came up to be and said "next time we go out on patrol, if your performance doesn't improve I will shoot you in the back of the head" or words to that effect (sic).
- g. Furthermore CPL [REDACTED] Person 1 has made a allegation that CPL Robert Smith had again demeaned CPL [REDACTED] Person 1's character/ability as a SAS patrol member during a Squadron 2012 manning conference.

**Assessment of the occurrence**

- 16. Initial assessment of the occurrence involving CPL Robert-Smith and CPL [REDACTED] has found that;
  - a. From the information supplied by both parties during the conduct of the QA there is sufficient evidence to suggest that CPL Robert Smith may have verbally insulted CPL [REDACTED] Person 1 in Afghanistan on SOTG III in 2006;
  - b. That an act of unacceptable behaviour may have been carried out by CPL Robert Smith during that deployment to Afghanistan in 2006; and
  - c. Anecdotal evidence that post the deployment, CPL [REDACTED] Person 1 believes his character has been placed in to disrepute by further slander.

**Recommendations**

- 17. In conduct of the QA, into the incident involving CPL Ben Robert-Smith and CPL [REDACTED] Person 1 and taking into account the seven year gap from the date of the occurrence, it is recommended;
  - a. There is reasonable suspicion that an incident of unacceptable behaviour did occur (IAW DI (G) PERS 35-3 Unacceptable Behaviour dated 23 Jun 2009);  
**AGREE/DISAGREE.**
  - b. That the procedures for the resolution of unacceptable behaviour be conducted with both parties IAW Annex E of DI(G) PERS35-3. *Quote Complaints of unacceptable behaviour are resolved at the lowest appropriate level unquote;*  
**AGREE/ DISAGREE** and
  - c. The matter is resolved through the following options:

STAFF-IN-CONFIDENCE

**STAFF-IN-CONFIDENCE**

- (1) Self resolution;
- (2) Self supported resolution;
- (3) Apology;
- (4) Alternate Dispute Resolution (ADR); and/or
- (5) Counselling.

**AGREE/ DISAGREE**

- d. If through the mediation process the Commander becomes aware of further evidence to substantiate the case, a formal inquiry be considered IRT infractions to ADF disciplinary or administrative procedures.

**NOTED/PLEASE DISCUSS**

In accordance with your guidance, I hereby submit my report



Captain  
XO  
■ SAS Sqn

14 August 2013

**CO SASR Comments:**

■  
LTCOL  
Commanding Officer  
SASR

August 2013

**Enclosures**

- A. Record of conversation CPL Robert Smith dated 09 August 13
- B. Record of interview with CPL Person 1 dated 14 August 13

**STAFF-IN-CONFIDENCE**

---