

Transcript of "Recording 1.mwa" contained in Confidential Exhibit NM-3 to the affidavit of Nicholas David McKenzie affirmed 14 April 2025

Parties: Nicholas David McKenzie (NM), Danielle Scott (DS)

NM: You'll hear the moment.

DS: Think it's ok.

NM: Yeah—

DS: I get it. It's enough...please don't, don't apologise I just killed about a hundred brain cells watching that show but anyway it's OK.

NM: Um. So can I just ask a few questions about some of the stuff you raised and---

DS: Sure---

NM: I'm sort of racking my brain. I reckon I mean the critical thing obviously with all of this is is war cr--
-is the war crimes is the main game.

DS: Hm-hm.

NM: Um but you've got no real sense of of that...

DS: Whether has- have I been told that it's true or not, the answer is no because I haven't asked the question.

NM: Yeah.

DS: And as I said...As I told you today why haven't I asked the question? Because it doesn't really matter.

NM: Yeah.

DS: You know and I know that sounds... I- I- afterwards I thought oh he must think I'm the most horrible person but it's just what it's engrained-

NM: No I get it, yeah-

DS: and you know it's just not a question I ever asked because you know that that wasn't what it was about. Do I think that they had that discussion? I bet they have---

NM: Yeah---

DS: But you know, do I know who the players are? Yeah I do.

NM: Yeah.

DS: I know their names, I know their real names, you know not their aliases---

NM: Yeah---

DS: their real names. I know about you know, the bits and pieces, and but you know a lot of it's a little bit of a mumbo jumbo because they talk in so many acronyms and you would know that...

NM: Yeah. Yeah yeah.

DS: You know um---

NM: Do you do you think Emma knows, like does Emma have evidence that you know she is keeping for a rainy day about the war crimes?

[?] word/s cannot be identified
... dialogue trails away
--- dialogue is interrupted

DS: I don't know the answer to that.

NM: Yeah.

DS: Do I think she is smart enough? Yeah I do.

NM: Yep.

DS: Do I think he underestimates her? Yeah I do.

NM: Hmm.

DS: Um.

NM: Ok, how would we go how would we---

DS: He instilled, he instilled a secrecy in her.

NM: Hm.

DS: Um. That probably started obviously with his service in the SAS. Now, prior to that she wasn't like that at all.

NM: Hm.

DS: Um when he was in 3IR she wasn't like that.

NM: Hm.

DS: Um.

NM: Can I ask – what is she like? What sort of person is she like?

DS: Ah I don't know - in what sense?

NM: Like, is she um, how would you describe her like is she like is uh is she just like she strikes me as a salt of the earth person like just a decent salt of the earth person.

DS: Yeah she she is. She is quite refined, um well educated um. Er, you know, I'm I'm guessing that I mean you could find this information anyway but you know, went to a private school in Ipswich. Umm. Yeah I - I think she was quite vivacious when she was young.

NM: Yeah.

DS: Um not that we're really old now I think but anyway. Um I think the experience changed both of them.

NM: Yeah.

DS: I mean. Like you couldn't not be right?

NM: Yeah.

DS: Like – you know - with all its – with all its merits I also think it's a huge burden. Huge. And I know the Donaldsons don't wear it well either. They don't. And it's quite a tight inner circle. They don't wear it well, none of them do.

NM: Yeah---

DS: It's a huge burden. You know it comes with a lot of pressure.

NM: It's a big thing to ask of people isn't it. Um.

DS: Well it's not just that but there's an expectation that comes with it that you are a poster boy.

NM: Yeah.

DS: And the um, the army exploits that. They exploit it to start with it. They they use it to their advantage. And because you know it's all about recruitment numbers and engaging young people to join the army---

NM: Yeah---

DS: and the navy, or whatever it is you know and so I guess probably in his – this is just my personal take on it - but it might probably you know, fill some gaps...but when you look back on when this first happened with him there was no one else like him.

NM: Yeah.

DS: There was no poster boy.

NM: Yeah they certainly made him the poster boy didn't they.

DS: Oh they did.

NM: Yeah.

DS: They absolutely did and they encouraged it. You know they...you know...I guess they grew the beast in a way---

NM: Yeah---

DS: But you know like they did, and that was you know that regimen itself comes with a lot of you know, bravado, edge. I've always said... and I know people who have gone through that carter course and failed, people who should have gotten through.

NM: Hm.

DS: But I've always said that it kind of... really totally totally off the record here... it takes a certain kind of fucked up to do that work.

NM: Yeah.

DS: Like it's seriously not you know it's not normal to ask you know human beings to actually do that work and put your put your life on the line.

NM: Do you think he was always like that? Do you think...do you think he some people have described Roberts-Smith as a psychopath to me so he enjoyed it---

DS: I like how you call him that, that's funny.

NM: Yeah---

DS: See I just call him Ben. Yeah like a psychopath?

NM: Yeah.

DS: Oo I don't know, see I don't, I haven't seen him in that context, as in a work context. I don't know I don't know the answer to that.

NM: Um can I ask you something that we've have heard about, I think I reckon it's been discussed by the Ocean's 8---

DS: Oh---

NM: Um ah only because one of the people I spoke to the other day raised it...um he used to use cash to get trips secret trips to Perth or something?

DS: Ohh he travelled to Perth quite frequently I think. A lot.

NM: To to to handle this business? So like to keep away from police's prying eyes? Or was it just for business?

DS: Ohhh no, well it wouldn't have been...well it was yeah of course he did.

NM: Yeah.

DS: He had been going backwards and forwards to Perth for years.

Nm: Hm.

DS: And I talked to people over there that are in this circumstance.

MM: Yeah

DS: of course, course he has.

NM: Do you get a sense of ah like does he know who has rolled on him? Whose witnesses are against him now?

DS: Ah well. Let's say I only know up until 6 months ago right.

NM: Yeah---

DS: Ok because obviously I haven't spoken to him for 6 months. I have not spoken to him since the 20th of December.

NM: Yeah---

DS: We were all in the United States together, skiing, and um we got back on the 16th of January after travelling onto Canada and they got back ooh I can't remember quite what date it was, but it was probably around the 3rd or something like that so they, yeah and then they parted ways after that.

NM: So did she discover did she discover the relationship then? Or just afterwards with Monica?

DS: I can't answer that Nick. I think you know the answer to that question.

NM: You mean the reason they busted up was because she busted him? Is that...

DS: I I I can't answer that.

NM: Fair. Maybe that is something she can tell me down the track or if she ever feels comfortable.

DS: Yeah, yeah. Look you know the biggest thing with her is that he has instilled a secrecy in her and um there's nothing that we, her and I don't talk about like with just whatever.

NM: Yeah.

DS: But she is smart enough to know that she has to keep a couple of things close---

NM: Yeah---

DS: because if she doesn't she's got no leverage. And it's not with you guys it's with him.

NM: Yeah.

DS: Right. So this to her- you are not the enemy, he is, if that makes sense.

NM: It does make total sense, yeah.

DS: You know she has to you know have enough well she's I guess she's got to you know protect herself and the kids.

NM: Yeah.

DS: Um. She didn't know what to do with them Nick.

NM: Hm.

DS: And they are certainly not amicable. Not at all.

NM: Yeah.

DS: Like, no no communication.

NM: So how does he so like when he grabs the kids for his weekend or whatever they just do it...

DS: He picks them up at netball.

NM: Yeah.

DS: on a Saturday morning.

Nm: Yeah.

DS: And um then drops them back at the house on a Sunday.

NM: Have you have you ever heard of a stash spot in the backyard. Stash stashing something.

DS: How do you know about that?

NM: We hear we hear lots of things so.

DS: Yeah, well, that could or may or may not be true. But would you really be surprised if you heard that that was true?

NM: I presume he is stashing lots of stuff everywhere everywhere. I just hope she's kept evidence of it-

DS: Oh I think they are trained to do it.

NM: Yeah.

DS: Let's be fair. All of them. Anyone that I have ever known that's come out of that particular area or two commandos or things like that they are all trained to do that stuff.

NM: Yeah.

DS: You know um yeah. I it wouldn't shock me at all.

NM: Yeah but you think she's um you think Emma has been smart enough to keep some evidence like up her sleeve?

DS: You'd be crazy not to wouldn't you?

NM: Yeah.

DS: Yeah you'd be crazy not to. What what that is, you know who knows, I don't know. But the most important thing is that you know he I personally don't think he cares whether she suffers or not and I think she's suffered enough.

NM: Yep. Do you think um, so if we- like can you let her know that...like I talked to my lawyer or our lawyer um today about whether we would pay for her to get her own independent legal advice.

DS: Hmhm.

NM: Um, so, ah my lawyer is saying he is just going to get advice from the general counsel of our company but that they're seeking clarity around it I think it would be a go-er. Do you think that is something that would actually interest her?

DS: Well it just depends on what capacity you need her in. I mean do I think that she would cooperate with the feds? Yes. Because it's the feds.

NM: Yeah.

DS: Do I think that she would do the army any favours? No---

NM: No---

DS: probably not. Um, you know they haven't been very supportive throughout this process.

NM: Yeah---

DS: Right it's very poor actually. Do I think that uh she would do an expose? No she's not after money.

NM: Hmm.

DS: That's not her thing. I think that---

NM: Would she so he was obviously planning to use her as a witness in the in the case---

DS: I just don't know how that's going to go Nick now. Really these are some of the questions I've got for you. Cause I don't know how that's going to go. Cause there's three witnesses that they can't use anymore.

NM: Yeah.

DS: So there's her---

NM: Yeah. Her mum---

DS: Her mum and the housekeeper.

NM: Yeah.

DS: How how does that work?

NM: Well they they'll they won't call them and they'll hope that we won't call them but we would we would call them all.

DS: I said that.

NM: Yeah.

DS: I said well, they'll just subpoena you.

Nm: Yeah.

DS: No no no they won't do that. But yeah they will. They go but I am a hostile witness. I said yeah you're only hostile to him, not to them.

NM: Yeah.

DS: Like I said I don't now you asked me earlier are you a lawyer. No I'm not. I'm not a lawyer. I used to work many many many years ago in a legal firm.

NM: Yeah right.

DS: Ok. But, I said I don't I don't understand the thinking behind it. You know like I don't understand why they haven't... yeah I don't understand that. The only thing I can put it down to is that they think that Fairfax isn't gonna pursue that line.

NM: Oh we absolutely intend to pursue it yeah.

DS: They- for some reason they thought that the DV thing wasn't important. There was some tactic that either Bruce McWilliam or Arthur Moses, one of them came up with that nuh, it's really not important here.

NM: Because the main- because the main game is war crimes or?

DS: I don't know I don't think so. I think that they could- I think that the the thinking behind it was that if the IGADF didn't come back...ah, well my understanding is it can't come back um all it can do is make recommendations right and therefore you know pass things onto the AFP and so forth. So their thinking was well unless you actually get charged by the AFP the case is nothing. That's that was their thinking.

NM: Hmm.

DS: Which I can understand but yeah, I really didn't I you know when things kind of went south, I thought well how is that all going to work now.

NM: Hm yeah.

DS: They also didn't they also really didn't don't believe that Person 17 will take the stand.

NM: Why why not?

DS: Um, because she is a bit unstable and you know um and she is a little bit I wouldn't say unhinged but you know volatile.

NM: Do do you think do you think she was punched?

DS: I don't know the answer to that.

NM: Yeah what does Emma reckon?

DS: What sorry?

NM: What does Emma reckon?

DS: She doesn't know the answer to that Nick.

NM: Yeah.

DS: Um---

NM: Is---

DS: I don't know. Both of us- that's the God's honest truth.

NM: Yeah.

DS: Right um. There was a lot of things that indicated that she wasn't and one of them was that and you probably seen this but there was a witness testimony that came forward, a gentleman that no one knew of he just randomly appeared and he was at that event that night. He was some sort of manager or something like that and he rang Mark O'Brien's office---

NM: Hm---

DS: He said to him that he wanted to volunteer to make a statement because she fell down the stairs and smacked her head on the stairs and it wasn't right that she was you know blaming Ben for

this. And that that literally came out of nowhere. That wasn't coerced. It was just purely a member of the public thinking they were doing the right thing.

NM: Yeah but so interestingly before that and this has been reported publicly, I'm not telling you any secrets here um she um witness evidence---

DS: I've seen hers I've got her statement actually it's still sitting on my computer---

NM: Fair enough---

DS: Sorry---

NM: Witness evidence---

DS: So you're not telling me any secrets.

NM: She she she obviously said that's part of her story so.

DS: Hm.

NM: It go - in some respects here's that evidence corroborates her own evidence. She didn't have to say that. She could've tried to lie. See nothing we've never called her out - I absolutely believe her, I absolutely believe her. Partly, why would someone subject themselves to such horrible...she is she is going through a world of pain...just like Emma is you know. She has been through a world of pain.

DS: The only thing that I could see that would would be the reason she would do it that would be whole jilted lover thing. You know she was a little bit obsessed with him and I don't say that because I hate her or anything. I don't care. I'm totally indifferent. I actually own a house four streets away from where she lives.

NM: Oh wow.

DS: Yeah. It's too small a world right. Um, I don't live there but I own a house there.

NM: Yeah yeah nice.

DS: Yeah, it was all a little bit too- creepy really.

NM: I I was amazed that that that you were that Danielle Kennedy – that has always been the biggest like mystery to me um.

DS: Yeah.

NM: I'm glad you said that.

DS: Yeah and that was particularly one of the reasons I wanted to call you, don't focus on that. Because they will they know that that is real and that if you guys try to say oh you know you you purported to be this person he is going to say no I didn't.

NM: No he we never thought it was him we thought it was either Emma or one of her friends so yeah um.

DS: Yeah and and---

NM: Why why did you pick the photo of that the woman then?

DS: It was literally a random photo that I quickly googled. I got a phone call it was around 3 o'clock on the Friday afternoon. Um, urgent panic, both of them were in the car, they were coming back from that that particular talk I spoke about today. And driving up the freeway and they said you know that she'd she'd called Channel 7 and she'd left a message that you know he needed to go into this um account and she had left the password and I remember it like it was crystal clear – it was Switzerland 2020 was the password.

NM: Hmm.

DS: And that was a code. And I was like what the hell are you guys talking about. And they said can you please log in, she has seen a message on this you know email account, I was like OK. I mean I already knew about her by then right. So cause this was after the 6th of April or whenever she showed up at the house---

NM: Yeah.

DS: And I was like what is this account, you know what are you doing what is this account. Oh and you know it was an email account they communicated on blah blah blah...and at the time I thought it was quite an odd way of communicating but I uh it turned out I actually read it in a book shortly after that believe it or not. Um they would write a type an email and leave it in the drafts. So there was no electronic transfer.

NM: I see---

DS: Right so and I had never even heard of that before Nick. I was like who does that?! And I was literally sitting there watching her type these things and save them. Hand on heart.

NM: How strange.

DS: And this was and this was where I say that her credibility with me is a little bit shot because I saw things and I was like this is all kind of like player stuff you know what I mean. This is, this is a bit odd.

NM: Hm.

DS: You know then she would call back and change the password and then leave another password and you know it's it was just weird, random behaviour. Then she would send like you know save and I've still got copies of them all by the way and you know the some of the draft emails that she had so it's you know it was some of the content in there was bizarre. And I was like you are either a little bit unstable or I just got the- I didn't even think unstable I just thought she was obsessed.

NM: Hm.

DS: Did I believe the stories? I don't know. Oh I don't know. I tried just not to get into the thick of it to be honest.

NM: Did did Ben ask you to to to send the email like for to---

DS: To communicate with her? Oh I offered to.

NM: Yeah.

DS: I offered to communicate with her purely because they weren't there and couldn't do it themselves.

NM: Yeah. Can I ask why they just didn't get a lawyer to do it under, using their own name.

DS: A lawyer?

NM: Or like---

DS: Oh no no no they engaged a lawyer, yeah yeah what was his name. The gentleman's name...I've probably got that somewhere actually. It's um oh Richard something. They actually consulted him about getting a um restraining order. Cause she was ins- like she was contacting them a lot. And ringing Leonie Atkinson. They didn't have a clue what was going on Nick.

NM: Yeah. Why why did yeah why did Emma agree though. One thing I don't understand. I understand standing by your man but why did she agree to lie about saying you know she was on the front page of The Australian saying oh we were separate separated at the time when they were definitely not, we know that we know they weren't separated. Like why would she put herself on the line. Why- why- it's OK for him to lie but why why lie for him you know what I mean?.

DS: I can't answer that. I don't know the answer to it. That's an that's an interesting question cause I don't know the answer to it other than to say it was probably you know and maybe possibly she was thinking it was the most convincing way. I don't know, I don't know, I think there was probably a lot of pressure just all around.

NM: Has he has he ever threatened her?

DS: As in physically?

NM: Yeah.

DS: Gods' honest no.

NM: Yeah.

DS: Absolutely God's honest no. And that, that's where it is very difficult for me to think that could be true.

NM: Yeah.

DS: With with Person 17

NM: Yeah.

DS: Because I- I- hand on heart, unless there is something she is not telling me, I don't believe he ever has.

NM: Does she know about the other flings, the other affairs.

DS: Oo well how many are there?

NM: We got lots of phone calls from people from Channel 7 and elsewhere saying apparently it went back years.

DS: I would think she's not silly.

NM: Yeah.

DS: I would think she's not silly.

NM: Yeah.

DS: I would think she's not silly. I think that people in that particular regiment it's probably something that they do.

NM: Have you heard about this petition going around to have him sacked?

DS: I have.

NM: Have you seen it?

DS: No. It would be interesting to see.

NM: Yeah.

DS: I have a question for you.

NM: Sure yeah please.

DS: Can you tell me how on earth stuff leaks out of the inquiry. How does that happen Nick?

NM: Well it doesn't. It doesn't. I know he thinks it does but it doesn't. Uh we get our information because we you know whenever someone, I'm just talking hypothetically here, but let's just say someone's called a Royal Commission.

DS: Hmhm.

NM: They may not the Royal Commission won't won't leak it because that would be an offence but they might tell.

DS: Well I wouldn't have thought so but you know---

NM: You know a witness will then tell their best mate who will tell their barber.

DS: Oh yeah I get ya...

NM: Just like you are telling me things you you know I am amazed you know but you know them, you know stuff that is confidential in a court case because you know you're that's how it all draws out that way. I mean we wish the inquiry was helping us. The inquiry is actually trying to you know fighting us getting information. We are trying to get information and we can't get it.

DS: Oh look they are the same on the other side too.

NM: Oh yeah.

DS: Just so you know. Um.

NM: Do you know do you know what's in, do you know what findings have been made about him?

DS: At all?

NM: Yeah.

DS: No because that was only just recently. Yeah so only what a couple of months ago two months ago or something yeah. No no. Um I'm aware when he goes to do that because he has to travel.

NM: Yeah.

DS: So he has to be open about where he is going as such.

NM: Is he is he nervous when he goes? Like does he strike you as a man who- that thinks the world is closing in or does he is he calm is he...

DS: Yeah just just off the um track for a second.

NM: Yeah.

DS: I'm assuming this is your normal uh like you are not literally sitting there writing a story while we are talking right.

NM: No no no no no I just I'm not even making a note, yeah.

DS: Um I'm going to tell you something that no one knows.

NM: Yeah.

DS: He has terrible IBS from all of this.

NM: So I'm going to ask a really dumb question.

DS: Irritable bowel syndrome.

NM: Ok.

DS: And it's because of the stress.

NM: Yeah.

DS: So yes he is under considerable amounts of stress. Yes. Is he nervous? He is nervous 24/7.

NM: Yeah.

DS: I've still got his phone number locked in my phone and I can tell you that at 3:35 this morning he was awake.

NM: Hmm.

DS: He doesn't sleep very well.

NM: Yeah well no wonder.

DS: And it's not, not because of the things he possibly could have done.

NM: Yeah.

DS: It is because of he is always thinking his mind goes 1000 miles an hour. And he is strategising.

NM: Hmm.

DS: And he's always got an answer for everything, he's always- it's just the way he is. You know, was he like that when he was younger? I don't know the answer to that. He was much he was much quieter. I remember the very first time I met him. I was quite surprised actually like I- he was he was very different.

NM: Hmm.

DS: Very very different. Um he he was just a very different person to what he is today.

NM: Yeah.

DS: He was almost a bit uh meek.

NM: Do you reckon he is a bad guy? As in like he's got like he's like not like you know---

DS: In general I think no and the only reason I say no is because I don't think... now I'm about to finish my psych degree so it is really difficult for me to answer this question. I don't think he is conscious of the way he comes across.

NM: Hm.

DS: I don't think he actually realises. And I guess that's probably a little bit of the training.

NM: Yeah.

DS: Is that they are all like that. You would have spoken to quite a lot of them. They all speak the same way. They use the same language. You know their sentences are truncated. You know, this is just how they talk.

NM: Hm.

DS: And my dad did the same thing Nick I'm so used to it.

NM: Hmm.

DS: I think yeah it's just yeah I think yeah they all hold themselves the same way, they all sit the same way in the chair. It's kind of it's really bizarre when you actually think they an institution can do that to somebody.

NM: And they all act a bit like James Bond. Are you aware of his all his fake phones and burner accounts and all that sort of stuff.

DS: Possibly. Yeah. Look I don't think there's anything that would shock us.

NM: Yeah---

DS: At all. Yeah.

NM: It's it's fascinating.

DS: You know like. Yeah I know names I shouldn't know.

NM: Hm.

DS: Um yeah I know who all your players are in that in that inquiry. I don't know the exact circumstances about why they're but yeah and you know I know they all have aliases that they use as a common name but that's not their names.

NM: Hm.

DS: You know you know I'm not I'm not quite 100% sure like of who you've dealt with but yeah.

NM: Hm.

DS: And I and I don't say that to you know I'm not being a smarty pants or anything like I do know who they are.

NM: Do you know do you know who his closest his closest comrade is?

DS: Yeah.

NM: The guy who is taking the wrap for everything?

DS: Ooh yeah I do.

NM: Why do you why do you reckon that guy is taking the wrap?

DS: I don't know I don't know I honestly don't know the answer to that. One would assume that maybe there's an agreement somewhere. Maybe there's been I don't know maybe there's been reciprocal things that need to be you know you can read into that. I don't know. I don't know. I don't know him personally. But I know his name.

NM: Yeah.

DS: Um I don't know if you'd say - is taking the wrap the right word?

NM: Yes I think in some instances he is. Can I ask can I ask you – like if we call Emma in Court or if anyone called her to a Court case, would she do the right thing and tell the truth on oath?

DS: Yes.

NM: So she is not going to protect him?

DS: No.

NM: And if we asked her you know---

DS: That is not the right question. She is not going to lie.

NM: Not going to lie, yeah.

DS: The question is...however you know she has a very good solicitor at the moment, he's great. He handles her family law matters.

NM: Yeah.

DS: Um Jason Murakami. I don't know if you know him but he is awesome.

NM: Yeah.

DS: And he is not a criminal solicitor but he used to be a journo.

NM: Oh really.

DS: Yeah and so he I think he actually handled Mick Gatto's case would you believe. He is a very very good solicitor and he keeps it very like you know no rubbish, we're just going to go to family court, we're going to get this done. We are not we are not going to get involved in any more rubbish you know. So if she was to use somebody to support her I'd say it would probably be his, that's just my guess, it'd be his criminal officer I don't know I would say, who is very very good his name is someone Behlau I think. But um.

NM: Yeah

DS: Yeah but you know it's really interesting Nick like you know that I said to you earlier that we, the last time we saw him was in Kerry Stokes' condo and that he sort of kind of went quiet like yeah. You know like they the circles they mixed in was I don't know. I I but in saying that there were some very genuinely nice people as well. You know, um Brendan Nelson and his wife are lovely people. Yeah. Um. Yeah. Yeah.

NM: It's it's fascinating it's fascinating.

DS: She has she has that they it would probably surprise him who's reached out to her and she won't do the wrong thing she will just thank them and you know stay dignified and graceful---

NM: Yeah---

DS: through this. That was the one thing right from the day dot I said to her you need to stay dignified and keep your dignity whatever happens from here on.

NM: Good advice yeah.

DS: Because you've got to live with this no one else---

NM: Yeah---

DS: and your kids have got to read that stuff in the newspapers later.

NM: Yeah.

DS: And that's probably the biggest thing right is the kids are going to grow up they're 10 now, turned 10 Friday you don't want your kids reading that stuff either Nick, like---

NM: No.

DS: In that day and age there's you know. They're going to read enough stuff as it is. You know and so yeah I mean I don't know what happens in Court. I don't know if you know what if, I don't what will happen. If a solicitor advises her they might say you don't have to say a word in court you can just say anything I say will incriminate me so I'm not answering that question, I don't know what's going to happen.

NM: Yeah yeah. There's there are I mean you can't actually you can't do that in a in a civil court, you have to answer.

Ds: Well I wouldn't think so, no.

NM: The unfortunate thing for her is he has stuck her in it. He has wanted to call her as a witness and the problem with this is, you know, it doesn't look good. Two affairs, two lawyers, two blonde lawyers, what one was an affair, the other one wasn't? When do the lies start and stop.

DS: Well that's an interesting question. You know. I- I- I- in a way I'm I feel sorry for Person 17 because I wouldn't if I was her I wouldn't want to face him.

NM: Yeah.

DS: Um you know, he- I think she would be very nervous about facing him. Put the purported incident aside because as I said I don't know I don't know the answer to that whether it happened or didn't happen I don't know.

NM: I didn't understand you tracked her down to when she she said she was in [REDACTED] but she was actually at the um---

DS: So in the back of the google account they had, there was a location history turned on---

NM: Yeah.

DS: and uh it was purely because she had actually done a search on Curtis McGrath that morning.

NM: Yeah.

DS: And logged the location that she was at. So it appeared that she had flown it a lot earlier than what she made out.

NM: To Brisbane?

DS: Hmhm.

NM: Yeah right.

DS: And there was other things Nick can I be honest with you because I don't care it doesn't worry me you know like but just be careful there, because you know she turned up at - you know she went to the Qantas club that morning and that she turned up at Emma's place.

NM: Yeah.

DS: She actually went to see him at the Qantas club and then she hired a car, that's how she got the car - at the airport.

NM: Hmm.

DS: Right. So things like that I don't know that none of that was documented and I thought that was really weird. Um she turned up in a hire car.

NM: I think that's all been disclosed, yeah.

DS: That hire car came from the airport---

NM: Yeah---

DS: Where she had gone to the airport to check that he was getting on a plane before she turned up at the house. So there was just sort of gaps like that and I thought ooh she's hasn't told the complete truth here.

NM: Pretty complicated though, I think they were sleeping together that that night before you know.

DS: Yeah yeah, correct, correct. Um she hadn't told you that I could see because it wasn't in the statement that she had then followed him to the airport and turned up at the Qantas club lounge in which he'd gone what you are doing here and she said ohh I just, you know, made some rubbish excuse whatever it was before she walked out and went and hired a car at the airport. Ah that wasn't in her statement. Just just be wary of things like that that they're going to bring up.

NM: Yeah. What else might they bring up?

DS: I have to go back through it to be honest. Uh I can't I can't you know like I remember making some notes and thinking hm that's not right. I don't know that's probably what you know paralegal training right I went through everything going oh that's not right and that's not right and that's not right. Do I have an opinion on her? I don't have an opinion of her.

NM: Yeah.

DS: It doesn't. You know I think she probably was a bit obsessed, bit of a groupie is probably the right word. Um.

NM: Did Emma discover that relationship only when she rocked up at the house?

DS: I can't answer that question.

NM: Yeah. It seems pretty clear she did.

DS: Hmmmmm no.

NM: No. Oh I see. This is why they separated because of she discovered earlier.

DS: I can't answer that question.

NM: What, how is it going---

DS: Look you know something. These are the questions that you I find that you will get and she will be amazingly definitive for you.

NM: Yeah but why did she agree to give evidence for him if she knew we were going to ask her these very questions? Like she wasn't prepared to go to court and lie for him was she?

DS: Oh he's a he's is a pretty convincing sort of person.

NM: Yeah.

DS: I mean she is no different to one any of those other SAS regiment soldiers right?

NM: Willing to willing to lie to please him sort of thing?

DS: Not please him. Survive. I don't know. I think there was probably also a um, I think with all of them any of those witnesses there's also a there seems to be this general consensus that this ain't going to court. So it doesn't matter.

NM: Well he's taking us to court. We're we're preparing like we're going to Court.

DS: Yeah no I think there has always been a general feeling this is going to be settled on the stairs.

NM: Maybe that's his feeling.

DS: Oh yeah. He's---

NM: We want we want to take him all the way.

DS: I know but he doesn't realise that.

NM: Is is that what he's thought that we would settle on the stairs sort of thing?

DS: Hmhm, hmhm.

NM: If he if he realises we are going to take it all the way what's he going to do?

DS: Well it depends cause earlier today he said to me that he is probably going to get charged before that so I guess and all bets are off after that anyway, right?

NM: Yeah.

DS: Right. You know it just depends on how it plays out and how quickly it plays out too. You know if that inquiry report comes out in the next what month or something which coincides with some of the parental matters that are going to court but anyway funnily enough---

NM: Yeah---

DS: Um er you know who knows what is going to happen. You know how long is it going to take the feds to do anything about that.

NM: Hmm.

DS: You know they might get some recommendations. I kind of think in a way the sad thing is in a good way or bad way is that all of this is actually being stirred up a massive hornet's nest---

NM: Oh he's---

DS: and it's other people that are now being you know persecuted for other things that yeah they probably should have been but that might have stayed hidden if this didn't happen in the first place.

NM: He's unleashed a world of pain for lots of people.

DS: I know.

NM: Yeah.

DS: Question.

NM: Yes.

DS: There was a...I don't know if it was an ABC or a Four Corners special, it was the one where the it might have been yours actually, it was the one where... Person C?

NM: Yeah yeah.

DS: Yeah. Am I person 357 just checking?

NM: Hahaha.

DS: Um we need a call number.

NM: Yeah.

DS: Um...Person C.

NM: Yeah.

DS: And then there was 3, it showed 3 incidents.

NM: Yeah.

DS: One two three – the middle one?

NM: Yeah he is the middle one yeah – Sola. Sola.

DS: You know something?

NM: Yeah.

DS: We recognised his voice. I kid you not.

NM: Wow.

DS: On that.

NM: He is the one, it's the Sola incident. I can't remember his number but---

DS: I don't know if it's 2 or 3---

NM: Yeah

DS: but I kid you not. As soon as I heard it, I was like mmmm.

NM: Did you and Em watch that together?

DS: No.

NM: No.

DS: Well yes but no. Because we don't live in the same place.

Nm: Yeah, yeah.

DS: But I was like hmm we are not the only ones that thought that, talked about that. I'm sure. But was that him?

NM: Oh he was definitely one of the people in that. I don't know if that's, I can't, it was a little while ago but yeah. I don't think it may not have been his voice actually.

DS: It is distinct.

NM: Yeah.

DS: It is distinct. You know when you hear your own children's voice you know it. As soon as I heard it I knew it. You know like obviously there's a common interest so I watch all of these things and I just sit there and go oh well that's interesting.

NM: Can I ask you a question?

DS: Hmhm.

NM: Why does he reckon blokes he served with who he thought he was friendly with, why does he reckon they've turned on him?

DS: Ahh do you know their names?

NM: Of course yeah.

DS: Ok **Person 4**. Yeah? That's a name I shouldn't know right. **Person 4** That's a name I shouldn't know either. **Person 4** I think probably **Person 4** he's got my understanding is he's got a bit of an alcohol problem. Um and he's quite a nervous guy. Um I think he is probably – Ben's thinking – and now we're just going to lay it on the table here Nick, right-

NM: Yeah.

DS: is that he is very much influenced by **Person 6**. That's another name I shouldn't know right.

NM: How do you know all these names?

DS: How do you think I know all these names?

NM: Has Ben has Ben showed you all the witness statements?

DS: No he has not no.

NM: Just P17, just Person 17?

DS: Yeah well Person 17 well that made sense because you know I was able to pinpoint discrepancies.

NM: Yeah to---

DS: To be fair at the time they were going to use me as a witness.

NM: Hmm.

DS: But yeah no I have not seen any of the statements from them. I remember when they came. I remem- oh I know bits and pieces like I know about bits and pieces but not in detail.

NM: Was he worried when they when he started realising what people were saying about him?

DS: Not really. Not really. And I don't think it's because, I don't know. There's a very much a there's a rivalry in that unit around that time and there was very much split sanctions and groups of people.

NM: You reckon you reckon---

DS: and they weren't always necessarily---

NM: You reckon people would lie on oath to um, because they don't like a guy or they drink too much booze?

DS: Yeah I do.

NM: Really?

DS: Absolutely Nick. I have seen it happen before in the services absolutely.

NM: Go to a Court and lie on oath? Risk risk jail, what, because they don't like someone?

DS: I know this sounds so bizarre to you but that's what they are trained to do.

NM: Yeah maybe.

DS: And stand there with a straight face.

NM: Hmm.

DS: These people dress up in costumes and grow beards and dye their hair to appear to be the Taliban.

NM: Hmm.

DS: And you think they wouldn't lie to you me and a judge? They would...absolutely they would.

NM: Yeah.

DS: And they would be very well... they they lie they can lie well enough that they get through lie detectors.

NM: Hmm.

DS: Not just them but any of them. They are trained to do that. And that's not a myth - they are trained to do that.

NM: Do you reckon there's any---

DS: Sorry---

NM: Do you reckon there's any moment that Kerry Stokes would withdraw his funding of Ben?

DS: No.

NM: Yeah.

DS: I don't. If that was going to happen it probably would have happened by now.

NM: Yeah.

DS: I don't think that no. I think that he has got to see it through because that is just his personality.

NM: See it through you think to the steps of court that's what they mean by see it through or see it through to the trial?

DS: Oh anything.

NM: Yeah.

DS: As I said to you you will get very much an insight into Kerry Stokes by reading that book.

NM: Yeah.

DS: And um I read it I was fascinated actually I was quite fascinated because I don't know I guess being on the outside of the bubble you sort of get to look in and go...you can see some cracks if you know what I mean, like you can see some commonalities. When you are in their bubble they make you – and a good example of that is, they actually use it in the book, is Erica Baxter, so married to James Packer right.

NM: Hm.

DS: Ex married to James Packer. They still have a very good relationship with her

NM: Hm.

DS: and they use that example in the book and I know that they do because when we were in Beaver Creek they were staying in their main house.

NM: Hm.

DS: Which is not uh which is actually in Vail. And they what they do is they, the family embraces you right and they kind of envelope you and of course that breeds loyalty right.

NM: Yeah.

DS: It's it's a it's a MO. And he explains it in that book and when I read the book I thought oo ok I can I can see some of that, I can see how that happened. He doesn't explain it in a poor light---

NM: Hm---

DS: but he outlines it and he specifically looks in yeah it just makes you understand them all a bit better. It's quite clever, it's quite clever. It's not fake---

NM: Yeah yeah no I know---

DS: it's just the way they work.

NM: Yeah spot on spot on. Can I um- can I just ask you stay in touch. Please pass onto Emma my best and you know the offer of the legal---

DS: Oh I'm not going to tell- Nick I'm not going to tell Emma that we spoke.

NM: Hm maybe if you can suggest maybe the idea of us---

DS: What I can do. I can't tell her that.

NM: Yep sure.

DS: Um but what I can do is that if she is going to listen to anyone she is going to listen to me.

NM: Yeah.

DS: And the reason she is going to listen to me is obviously yourself you will know that I'm pretty measured and logical and if anyone could tell her to cooperate then it's me.

NM: Hm.

DS: But I guess what I want to know is what does that look like?

NM: Well the simple answer is it looks like all we ask is is that she tell the truth, that's all. We're not interested in anything else---

DS: Look I don't think. I don't think she won't. I don't think she won't you know. I think she has to.

NM: Yeah.

DS: And does- she won't love it but she has to.

NM: Hm.

DS: But she will also get that legal advice too that you know tells her what to do and all that sort of bits and pieces.

NM: Of course.

DS: Um...Will she go in there...I guess it is a good thing in a way, she won't go in there working with you to sink him if that makes sense.

NM: Yeah.

DS: But that's not a good way to go in anyway because she won't go in for revenge.

NM: Yeah.

DS: Right because that's not a good thing to do anyway because that's where you make mistakes. She will go in there and tell the truth.

NM: Yeah.

DS: I am comfortable with that.

NM: Yeah.

DS: But people have underestimated her. Well I just told you things tonight that I probably shouldn't know right.

NM: Yeah yeah I can see that they certainly have. I guess the other thing for her to think about is whether she'd help the police. I hope she would.

DS: She would absolutely cooperate with the police. Do you know much about her Nick?

NM: No, no.

DS: Her brother her brother's in the SERT.

NM: Yeah right OK.

DS: He's in the SERT in Brisbane.

NM: Yeah.

DS: Um, yeah, yeah she would cooperate with the police.

NM: Hm.

DS: Because she- yeah she would, she would she would get legal advice but she would cooperate with them. I I don't I don't think she would be super cooperative with the army though and I don't blame her for that because they haven't been pleasant.

NM: Yeah.

DS: Um and as I said to you those people at those higher ranks they're not actually very nice people, um you know your Angus Campbells yeah you know they aren't actually very nice people as in personality-wise.

NM: Hm.

DS: You know so, um... him, yeah there's no fon- there is no love lost there, with any with a lot of army families really

NM: Can I can I---

DS: And because of that ladder climbing stuff...

NM: Can I ask you something, we are looking at the way he was tipped off about the police investigation back back in 2018. 20 um

DS: Jog jog my memory.

NM: He was told by Mick Keelty of the Federal Police Commissioner that he was under---.

DS: I was going to ask you about that, what do you know about that?

NM: Well he was tipped off by Mick Keelty.

DS: I'll tell you what I've heard.

NM: Yeah.

DS: Or what they know.

NM: Yeah.

DS: And it's, I think that there has been kind of a bit of a mix up of information here on purpose.

NM: Yeah.

DS: He was contacted by him.

NM: Yeah.

DS: for a cup of coffee but he was super careful with him.

NM: Yeah.

DS: Super careful. He didn't know what it was about and and her and I were extremely nervous about that meeting – it's actually got a nickname that meeting and I've always said what the hell was that about. He didn't discuss very much with him at all.

NM: Yeah. Did he learn did did Ben learn the police were investigating him though at that meeting?

DS: He was told my understanding was that he was told that there was some poking around going on.

NM: Yeah.

DS: I don't know if he actually told him to that point, that there was a police investigation. I think he was told there was some poking around going on.

NM: Yeah.

DS: But then it wasn't very long, now let me think back. That meeting was around in August and I remember that because we had to check the credit card statement because he paid for the coffee.

NM: Yeah right.

DS: It wasn't long after that Nick that he was interviewed over that. Did you know that?

NM: That that who was? That Keelty was?

DS: No Ben was.

NM: Interviewed by the?

DS: The feds.

NM: As in he was interviewed this year you mean?

DS: No no no no so after that coffee meeting they pulled him in to discuss with him, what, ask him what Mick Keelty knew about that. What what did he say?

NM: That that wasn't the feds that was the Australian Commission for Law Enforcement and Integrity.

DS: Oh yes OK alright so yeah sorry I thought it was the feds yeah. Yeah. So he actually he had to go, Arthur Moses went with him I'm pretty sure.

NM: Hmm.

DS: He had to go and I don't know face them and figure out, what was the deal with that what was Mick Keelty doing?

NM: You tell me. I think he was tipping him off wasn't he?

DS: Well I don't know if he was tipping him off – it it it never went down well. Ben never thought it was genuine. He didn't know what to think. He thought it was odd. Really really strange. Now after that, Em was told that Mick Keelty was caught talking to you on the phone for an hour or two and it was that Commission that had those phone records.

NM: Who told him that?

DS: That Commission. Those people, whoever that was that he had that interview with that day.

NM: So he thinks---

DS: He had to go there for a whole full day.

NM: He thinks that Mick Keelty's phones were tapped or something?

DS: I don't know. That that's what I mean. Ben genuinely – like I have got no reason to tell you this. He he- I have questioned Emma about this coffee date as we call it.

NM: Hm.

DS: The coffee date and he like he Ben was super paranoid about it, didn't know what Mick Keelty wanted, thought he was a bit of a groupie to be honest and wanted on board somewhere. So completely really just wrote it off and ignored it. Had a bit of a like, I think it went like for half an hour, that was it.

NM: Yeah.

DS: Yeah good to meet you mate see you later because Ben was always very paranoid like that. He didn't he didn't. He...standoff-ish. He he wouldn't you know he wouldn't, no there is no way he would have talked to him, don't care who he was.

NM: But he was told by Keelty that the cops were poking around.

DS: No no no no he was told by whoever interviewed him that day and it was about a couple months later Nick he was called into like a commission or some sort of---

NM: Yeah---

DS: someone wanted to interview him and they were doing an investigation. It might have even been longer than that I can't remember. The days blur into each other sorry. It has been going on for that many years. You know. Longer than Neighbours really. Um but yeah he went into this Com-like he was called to Sydney for this one day thing. And I'm pretty sure Arthur Moses went with him.

NM: Hm.

DS: And questioned about what that coffee date was about he said I don't know

NM: Hm

DS: I don't know what it was about, like I don't know what he wanted. So I don't. It had something to do at the time with, there was a deputy that got sacked?

NM: Hm.

DS: and but he had been told in that that they had phone records of Keelty on the phone to you. Now whether that is true or not that is none of my business I don't care but that was what was said. So and then Ben was quite relieved they didn't say anything because or engage with him because of that. And then it was kind of just written off as whatever.

NM: Yeah.

DS: Now whether that's true or not I don't know but I don't know why they would have told him that if that wasn't true.

NM: Hm.

DS: I don't know. Or if it wasn't, you know, I think they did tell him that.

NM: Yeah that'd be right.

DS: But what is Mick Keelty's deal, what was he doing. What was he thinking?---

NM: I think I think he was trying to help Kerry Stokes I think really.

DS: Really?!

DS: So you didn't spend an hour on the phone with him?! You don't have to answer that.

NM: Yeah I know bits about this but I think a mate of Kerry Stokes asked Mick Keelty to help Ben Roberts-Smith that's what happened.

DS: Oh...a mate of Kerry Stokes... Really?

NM: Watch this. We are going to do something on that in the near future so watch this space.

DS: Ok well no quotes or anything.

NM: No no no we have written a story about this I didn't actually, I'm amazed that you know. I should probably get moving, thank you so much for your time, I'm I'm hoping you can stay in touch, not sure how you can do that.

DS: I'm just going to give you my phone number Nick.

NM: That that would be great. Can I can I write it down is that alright?

DS: Sure.

NM: And what's your name?

DS: Danielle.

NM: Danielle. Is your name actually Danielle Kennedy?

DS: My family name was.

NM: Ok.

DS: Yes. My married name isn't no.

NM: And what's your number Danielle?

DS: 0418

NM: 0418 yep.

DS: [REDACTED]

NM: [REDACTED]

DS: [REDACTED]

NM: Great. [REDACTED]

DS: But I do have your assurances that we're---

NM: No---

DS: you're not going to quote me.

NM: Danielle I would not do that and ---

DS: And I have heard that about you which is interesting cause I have actually asked and people have said no and I'm like oh. Because you know you are the devil reincarnated you know that.

NM: No I don't---

DS: I have actually heard that about you Nick so that's a good thing.

NM: Yeah I don't stuff people around. You know win lose or draw this case and we are going to win but you know all we can do is have our integrity and be professional that's all we can do so.

DS: Well that's what we all should do really you know. And I I truly I guess I probably the reason for my call was don't focus on the Danielle Kennedy thing in court, Jesus Christ, they plan to say oh no that isn't true. You know.

NM: No. We always knew it was someone like you as in an agent of his---

DS: Oh he thought you thought it was him.

NM: Nah no we I just thought it was a mate of his basically.

DS: No, no, um yeah it just be, just go back through that statement that Person 17 gave because there's holes in there.

NM: Yeah if there's anything, if you can point out any of the holes that would be great because we'd love to---

DS: You go and have a look, she doesn't mention going to the Qantas club.

NM: Yeah

DS: And they are going to bring that up because it looks stalker-ish. You know. She doesn't mention the rental car---

NM: Yeah---

DS: that she got picked up at the airport---

NM: Hm---

DS: And look you know and she was probably under immense pressure writing that too right it was quite substantial and um, even though she is a lawyer, um but you know they zone in on it bang she's missed this, she's missed that, you know that's because she was stalking him. You know. Um I think there probably was a little bit too much of that stuff going on on her behalf.

NM: Yeah.

DS: So they've got a bit of a risk there, they've got to be careful with---

NM: Yeah.

DS: And of course they are going to make a mountain out of a molehill about it right that she is not credible and all this sort of stuff and the other thing I don't understand is and I know you have to go but um you know her husband knew about this hey?

NM: Yeah yeah.

DS: And then he rang Ben. You know that hey?

NM: Yeah.

DS: So...I don't I don't get the whole ...is she happy to actually go to court?

NM: Absolutely.

DS: Wow. Look I'd be I'm surprised by that.

NM: Look listen I can't go into it but we have some dynamite evidence which proves Ben Roberts-Smith (a) was having an affair (b) punched her in the face and he's ma- he has done some stupid things and we have the best imaginable evidence you could even ever imagine so.

DS: Well I'm glad to hear you do I really am---

NM: Yeah you know---

DS: Um but- I am surprised that she would even want to she's a small town, she comes from a small town.

NM: Yeah.

DS: And anyway [REDACTED] is a very small town.

NM: She might be a bit like Emma she's got guts deep down and she knows what she wants she knows when to stand up.

DS: I hope so.

NM: Yeah.

DS: I hope so but they really don't, they're not banking on it.

NM: We are, so.

DS: They're not banking on it. The the DV thing seems to be just a... nothing to them. It's weird. Anyway. Alright Nick stay in touch.

NM: Yeah thanks thanks so much Danielle I really really appreciate it, thanks thanks for showing me your trust and um I'll---

DS: Well I needed to know that you know if I am gonna advise Emma you know that you need to really try to work with these people and need to know you're OK.

NM: Well I hope you think I'm OK.

DS: I think that you've got the best intentions.

NM: Not bad for a pipsqueak aye?

DS: Yeah oh you probably got a few surprises yourself tonight. I don't know, am I, is a black car going to pull up at the front. Just checking.

NM: Hey thanks thanks so much and um I'll stay in touch Danielle. Appreciate it.

DS: No worries. Thanks Nick.

NM: OK take care.