

Statement of Sarah Kelly

No. NSD 1485, 1486, 1487 of 2018

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

Ben Roberts-Smith

Applicant

Fairfax Media Publication Pty Limited ACN 003 357 720 & Ors

Respondents

1. My full name is Sarah Jane Kelly.
2. I am an Associate Professor of Law and Marketing and at the University of Queensland. I also hold the following positions:
 - a. Deputy Chair of the Brisbane Lions;
 - b. Non-Executive Director of Wandering Warriors, a not-for-profit organisation concerning the transitioning of SAS Veterans into civilian life through education, care, employment, training and mentoring. Ben Robert-Smith is Patron of this organisation.
 - c. Non-Executive Director of Tourism and Events Queensland;
 - d. Non-Executive Director of Events Management Queensland;
 - e. Member of the Gregory Terrace Foundation Board, which raises funds for financial support for St Joseph's College, Gregory Terrace, Brisbane.
3. I first met Ben-Roberts-Smith in about 2013, when he was considering undertaking an MBA with a Brisbane-based university. At the time, I was the MBA Director at the University of Queensland (UQ). Ben subsequently agreed to undertake his MBA with UQ, with our having a conversation to the following effect:

Myself: *We have scholarships available for outstanding candidates like yourself to undertake an MBA with us.*

Filed on behalf of (name & role of party)	<u>Ben Roberts-Smith, Applicant</u>
Prepared by (name of person/lawyer)	<u>Mark Geoffrey O'Brien</u>
Law firm (if applicable)	<u>Mark O'Brien Legal</u>
Tel	<u>+61 2 9216 9828</u> Fax _____
Email	<u>mark.obrien@markobrienlegal.com.au</u>
Address for service (include state and postcode)	<u>Level 19, 68 Pitt Street, Sydney NSW 2000</u>

Ben: *I am interested in accessing a scholarship to complete my MBA. I am very committed to this and I won't let you down.*

I am aware that, despite having no prior tertiary experience (having been admitted to the course by reason of his prior work experience record), Ben completed the course with excellent results.

4. By reason of having a number of common friends and having interface with Ben both socially and professionally, I have since become good friends with him. For example, because of my role with the Brisbane Lions and due to Channel Seven having a relationship with AFL, I often see Ben at sporting event or tourism functions. My husband and I have also socialised with Ben and his wife Emma, who coincidentally went to the same high school as I did.
5. I also recall that whilst Ben was studying for his MBA, a number of overseas students that Ben studied with, who did not know of Ben's military record, said to me words to the following effect:

"That Ben guy is really amazing"

"Ben has really helped our study group"

"Ben has stepped up with bringing our group together"

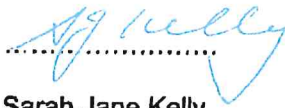
6. I am aware that Ben has issued proceedings for defamation against the publishers of The Sydney Morning Herald, The Age and The Canberra Times over three articles being the following:
 - a. Article headed *"Abdul's brother went out to buy flour. He never came home"* dated 8 June 2018 (First Article)
 - b. Article headed *"Special forces rookie 'blooded' by executing an unarmed man"* dated 10 June 2018 (Second Article)
 - c. Article headed *"Beneath the bravery of our most decorated soldier"* dated 10 August 2018 (Third Article).

I don't have a specific recollection of reading all three articles. My practice is to read the Sydney Morning Herald on Saturdays as well as The Weekend Australian. I recall that at some time I became aware that Fairfax Press were making very serious allegations about Ben's conduct whilst deployed and also about Ben's treatment of other soldiers, and an alleged incident of domestic violence.

7. I have a general recollection of reading articles about Ben published by the SMH. I believe I read these articles in hard copy print but I do not have a specific recollection of reading the articles individually. At some point I became aware that Ben was the person being principally referred to in the articles. I recall sending a text message to Ben about the time of the publication of the Third Article asking in substance whether Ben was okay and offering support. Based on my friendship and observations of Ben, in my opinion, Ben is an impressive, direct and honest person with a great amount of integrity. I do recall being shocked about what had been written about Ben, and the allegations which I read about him were not consistent with the

character of Ben as I knew him. In particular, I have never seen Ben being aggressive with women and to my observation he has at all times treated his wife Emma with respect. As such, I find the allegation of domestic violence made against Ben hard to believe.

8. In the professional circles that I mix with, prior to the publication of the articles he is suing over, Ben's reputation precedes him – he is a national hero. I have observed him speak at numerous company, charitable and Board events, and amongst the persons in attendance (which included CEOs, Chairpersons and partners of consultancy firms), I have observed that Ben has a reputation as being a respected and inspiring person. For example, I recall on numerous occasions that persons from higher level management commented to me to the effect that Ben was an inspiration and a great leader. As non-executive director of the Wandering Warriors, I have also met many veterans and Ben's reputation amongst these persons is as being decent and well-liked. Since publication of the articles Ben is suing over, I have had a small number of persons mention to me that it must be awful for what Ben is going through.



Sarah Jane Kelly

24 June 2021