

Statement of Anthony Tremlett

No. NSD 1485, 1486, 1487 of 2018

Federal Court of Australia
District Registry: New South Wales
Division: General**Ben Roberts-Smith**

Applicant

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Respondents

1. My full name is Anthony James Tremlett.
2. I am currently an Investment Director at Argyle Capital Partners, which manages private investments in Australia's agricultural sector on behalf of institutional and other investors. I work at its office in Brisbane.
3. I was formerly an Ambassador for the Wandering Warriors, which is the official charity of the Australian Special Air Services Association.
4. I joined the Australian Army in September 1996. I then joined the Australian Special Air Service Regiment (SASR) in 2003, and I retired in 2018.
5. I first met Ben Roberts-Smith in about 1996 when we were undertaking infantry training together. We joined 3 RAR at the same time, and then in 2003 also joined SASR at the same time. I served in Afghanistan with the SASR, although not the same time as Ben.
6. I have become good friends with Ben since first meeting him, and I see him regularly. Having known Ben for some time, in my opinion, he is an honest and driven person who was exceptionally professional as a soldier.
7. I undertook an MBA at the University of Queensland in 2017. My fellow students included accountants, lawyers and other business professionals. When a number of students found out that I knew Ben, I recall that they were simply in awe of him, and that he was an alumnus of our course. I recall that one student said to a full lecture class words to the following effect:

"When there are people of the quality of Ben Roberts-Smith having done this course, it makes the course hugely attractive for others to also do it. It was one of the reasons I decided to do this course."

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8. I am aware that Ben has issued proceedings for defamation in relation to three articles written by Nick McKenzie, Chris Masters and/or David Wroe. Online versions of the article are annexed and marked "A".
9. I recall reading the first of the articles published in The Sydney Morning Herald online at about the time when it was published. I noted that the article contained allegations that an SASR member given the name "Leonidas" had committed serious war crimes. I immediately took "Leonidas" to be Ben. For example, the article stated that "Leonidas" had been deployed repeatedly to Afghanistan, as I knew Ben had. The article also contained a reference to two SASR members having been awarded the Victoria Cross, with it being notoriously known that Ben had been awarded the Victoria Cross. I also personally served with and know well the other recipient of the Victoria Cross for service in Afghanistan, being Mark Donaldson. However, the article referred to the alleged events involving "Leonidas" taking place in Afghanistan in about September 2012, and I knew as a matter of fact that Mark Donaldson was not in Afghanistan during that time. The article also stated that "Leonidas" had "formed impeccable connections up the chain of command. As Ben had been award the Victoria Cross, I knew, that as Mark Donaldson had, that he had met many senior members of the Australian Defence Force in the course of his duties. I took this as reference to the connections he had made as part of his Victoria Cross duties. Reference was also made to a warrior culture which had been embraced by some members of the Special Forces, a culture which involved tattoos and a warrior ethos of the ancient Spartans. As I knew as a matter of fact that Ben had tattoos, I again took this as reference to Ben.
10. I recall calling Ben by telephone shortly after I read the first article. I tried to call him a number of times and for some reason could not get through. I was worried as to how he was coping. I have never had to do that before for Ben. I eventually had a conversation with Ben to the following effect:
- Myself: *I just read the article. It is incredibly unjust and I know it is untrue. Is there any way I can help?*
- Ben: [he was very upset and angry] *Thanks mate. I appreciate it. I can't believe what they have done.*
11. I also recall reading the second article published in The Sydney Morning Herald online, and for the reasons indicated above in relation to the first article, I took the reference to "Leonidas" in the second article to also refer to Ben.
12. I read the third article dated 10 August 2018 published in The Sydney Morning Herald online at about when it was published. I was shocked at what was alleged about Ben, including the allegation of domestic violence. I did not believe that allegation based on my dealings with Ben, he is not the kind of person who would hurt a woman. I knew Ben was not the type of person to ever treat a woman in this respect because I knew how Ben treated and respected his wife and two girls, I had also seen Ben interact in social and professional situations with women with nothing but respect, and, I had also observed Ben's ability to maintain control of his emotions in very challenging circumstances. The third article also made serious allegations about Ben in relation to his service in Afghanistan. As I know Ben well, I did not believe those allegations, nor the other allegations made about him in the first and second articles. In circumstances where the third article named Ben, it was evident that "Leonidas" as referred to in the first and second article was Ben.
13. I telephoned Ben at about the time that I read the third article and we had a conversation in words to the following effect:
- Myself: *I've just read what they've written about you. Is there any way that I can help you, Emma and the girls?*

Ben: *I can't believe that they are now going after my family as well. Thanks for the offer, we're trying to work through it.*

I could tell that Ben was extremely upset.

14. I often meet with SASR veterans and, prior to publication of the articles, amongst those persons Ben had a reputation for being an outstanding soldier, a man of integrity who was committed to doing the right thing. I also meet with persons involved within commercial, legal and private equity industries, including accountants and lawyers, and, prior to publication of the articles, amongst the persons who know that I am friends with Ben, Ben had a reputation as a National Hero. They were in awe of him. However, since publication of the articles I have seen peoples view of Ben as a person of integrity and values very significantly diminished. This injury to his reputation is in particularly pronounced among women, business leaders and executives. In professional settings, on those occasions when my service history becomes known, I am always asked for my views on Ben, my views on the articles and my views on his future prospects now that his reputation is so badly damaged. From these interactions it is very clear to me that Ben's reputation is very badly diminished.



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