

Form 40
Rule 21.03(1)(a)(i)

Applicant's Answers to Interrogatories

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 Limited ACN 003 357 720 and others

Respondents

Notice to Answer Interrogatories


- 1A. Did you separate from your wife at any time in the period October 2017 to April 2018?
- 1B. Yes.
- 2A. If the answer to the preceding interrogatory is in the affirmative:
- (a) On what date did you separate from your wife?
 - (b) What steps did you take to give effect to the separation?
 - (c) Did you tell any person about the separation? If so, specify who you told, when you told them and what words in substance you said to them.
 - (d) During the separation period did you reside separately to your wife? If so specify where you resided and the period you resided there. If at more than one location answer this interrogatory with respect to each residence.

Filed on behalf of	Ben Roberts Smith VC MG, Applicant
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[Form approved 01/08/2011]

- (e) If the answer to (d) is in the affirmative, did you notify any person, entity or organisation of your change of address? If so, specify who you notified and when you notified them.
- (f) On what date did you reconcile with your wife?

2B.

- (a) On or about 6 October 2017. 
- (b) The Applicant moved out of the family home.
- (c) At or about the time of the separation, the Applicant informed Mr Neil Mooney, Mr Jed Wheeler and Mr Person 29 of the separation. The Applicant said to Mr Mooney, Mr Wheeler and Mr P29 separately, in substance, that his relationship had been under strain for some time and that he and his wife had decided to temporarily separate to have some space and to see whether the marriage could be saved.
- (d) Yes. When not travelling for work, the Applicant:
 - i. predominantly resided at Mr Mooney's residence at [REDACTED] Queensland during the period from October 2017 to December 2017 and late January 2018 to the end of February 2018;
 - ii. intermittently resided at Mr Wheeler's residence at [REDACTED] Queensland during the period from October 2017 to April 2018 when the Applicant was required to be in Brisbane for work; and
 - iii. intermittently resided in a flat adjoined to the family home, including during parts of the Christmas and New Year period, January school holidays and from the end of February 2018 to on or about 10 April 2018.
- (e) Other than the Applicant's wife and the persons referred to in (c) above, no.
- (f) On or about 10 April 2018.

3A. Did you travel with your wife and family on a holiday to Singapore in about January 2018?

3B. Yes.

4A. If your answer to the preceding interrogatory is in the affirmative specify the dates of the trip and when it was booked.

4B. The Applicant and his family travelled to Singapore from 10 January 2018 to 20 January 2018. The trip was booked on 9 November 2017.

Affidavit

On 23 October 2019, I Ben Roberts-Smith VC MG, General Manager, say on oath:


1. I am the Applicant.
2. I verify that the above answers are true and complete answers to the Respondents' interrogatories.

Sworn by the deponent
at Sydney
in New South Wales
on 23 October 2019
Before me:

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Signed by deponent



Signed by witness
Paul Svilans
Lawyer for the Applicant