

Daniel Arzani is a teenager set to make World Cup history

DOMINIC BOSSI
SPORT



20-year-old Julia Cooney buys Sydney home for \$8.7m

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EXCLUSIVE
A porn king, a right-wing poster boy and a drug bust

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Weekend

The Sydney Morning Herald

Issue No. 56,367 \$4 (inc GST)

INDEPENDENT. ALWAYS.

June 9-10, 2018



An Australian Special Operations Task Group soldier in Afghanistan.
Photo: Australian Department of Defence

HERALD INVESTIGATION

SAS's DAY OF SHAME

War crime allegations: bound detainee kicked off cliff and executed

EXCLUSIVE

**Nick McKenzie
Chris Masters**

An Australian special forces soldier kicked a handcuffed Afghan detainee off a cliff before endorsing his summary execution, according to allegations made by direct witnesses.

The case is one of two alleged executions involving a single Special Air Service Regiment soldier in late 2012, and which have been described in detailed testimony of first-hand witnesses.

Yesterday, the *Herald* published



leaked details of a Defence Force inquiry from 2016 that described "unsanctioned and illegal application of violence on operations" and a "complete lack of accountability" involving some of Australia's elite special forces.

Federal Defence Minister Marise Payne has said the allegations of war crimes in Afghanistan are being "thoroughly examined", while Labor has demanded a confidential report containing the claims be made public.

The revelations are the first

Continued Page 10

EXCLUSIVE

Get Real? Champs eye off Sydney

Champions League winners Real Madrid are eyeing off an opportunity to play in Sydney next year, but a major promoter says the NSW government has taken a "hiatus" from attracting major international sporting teams.

NEWS PAGE 9

EXCLUSIVE

Albo: People's Choice to lead

Friends say Anthony Albanese stands ready to lead as Bill Shorten fails to inspire people with Labor trailing in a number of seats for upcoming byelections.

NEWS REVIEW PAGE 21

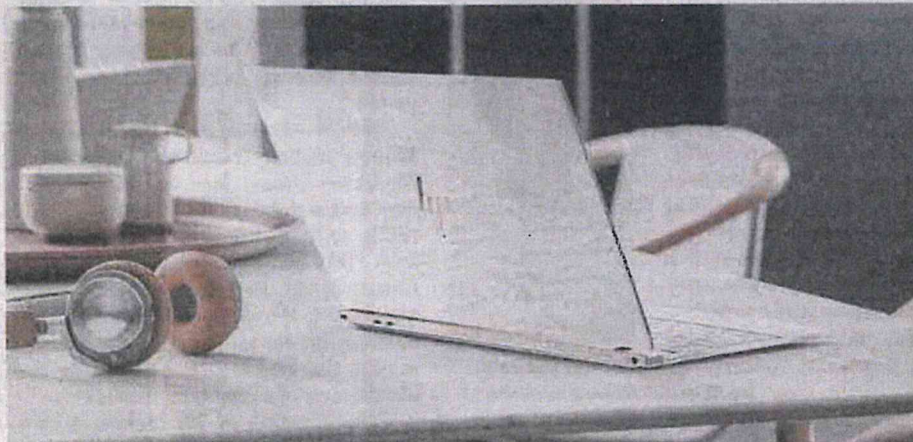
EXCLUSIVE

NGA's ambitious new director

Nick Mitzevich says he wants to change everything in Australian art. Artist Bill Henson photographed the incoming director of the National Gallery of Australia for the cover of today's magazine.

GOOD WEEKEND + NEWS PAGE 17

EXCLUSIVE
\$50m FOR GREAT NSW WALKS
NEWS, PAGE 2



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HERALD INVESTIGATION

Troops kept 'kill board': SAS's day of shame

One kick is raising serious questions about the culture and command structure of Australia's most trusted fighting force, write Nick McKenzie and Chris Masters.

The Australian special forces soldier led his prisoner towards a ridge above a dry creek bed near the Afghan village of Darwan. The prisoner's fate lay in the hands of the man leading him to the edge. His own hands were bound. It was September 11, 2012 - 11 years to the day after planes piloted by al-Qaeda ploughed into the World Trade Centre, leading Australia to enter what would become the nation's longest war.

The handcuffed detainee was Ali Jan, a shepherd in his late 30s from a village three hours walk from Darwan, where his wife's family owned a plot of land. The day before, he'd travelled by donkey to Darwan to get flour. He'd left his pregnant wife, Bibi, and seven young children behind, telling them he'd be back soon.

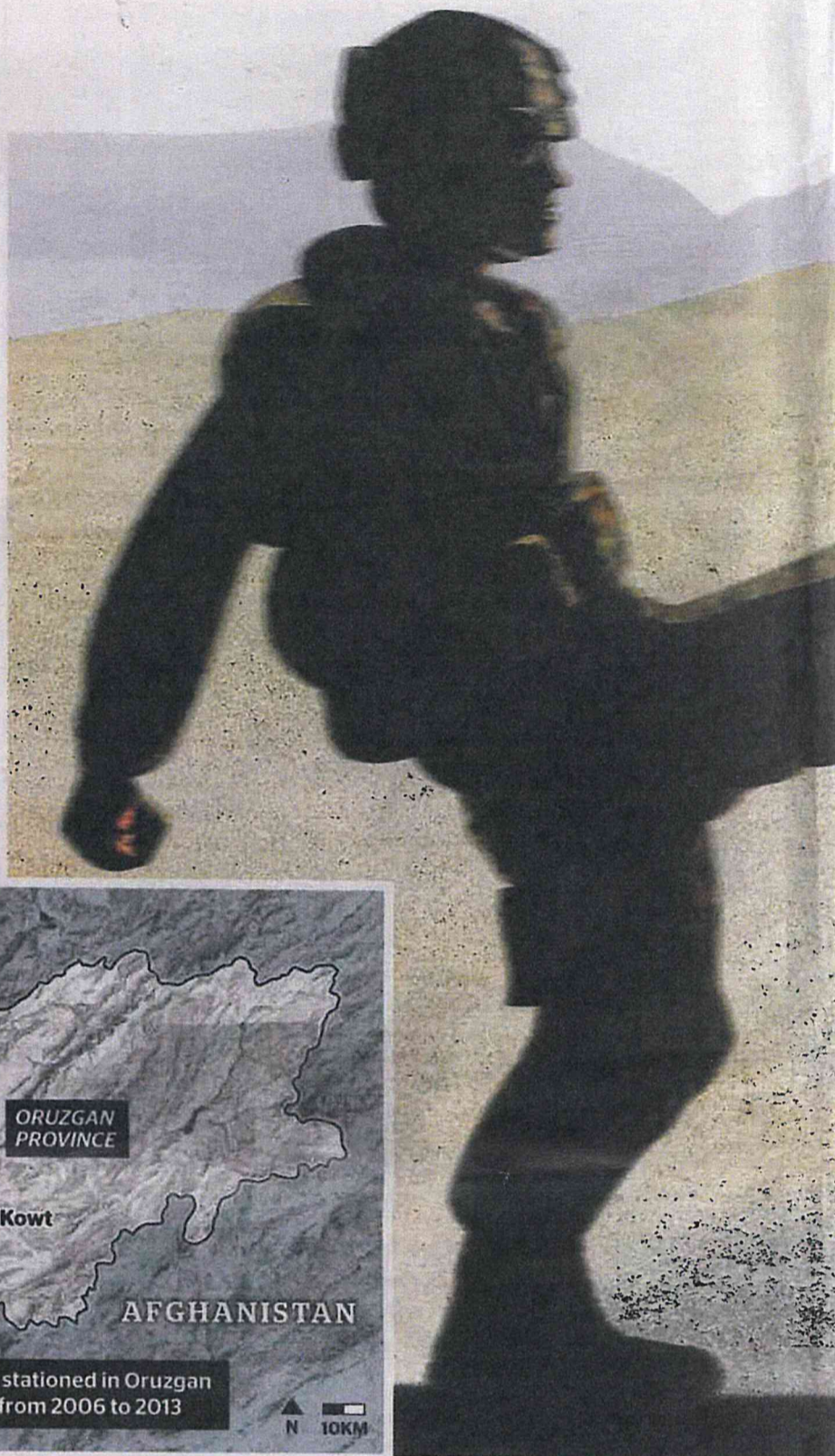
After arriving in Darwan, Ali Jan had dinner and settled in for the night at a relative's home, a mud house brightened with carpets and the chatter of children. He planned to return home the next morning.

But when the sun rose on what was to be the last day of Ali Jan's life, it revealed a group of heavily armed Australian soldiers sweeping through Darwan on a manhunt.



They were searching for a rogue Afghan National Army sergeant called Hekmatullah who, days earlier, shot dead three unarmed and unsuspecting diggers and injured two others as they played cards at a coalition patrol base.

By the time the Australian special forces soldiers arrived in Darwan, the wanted man had vanished. Hoping to trace his whereabouts, they began arresting dozens of local men for



questioning. At some point, Ali Jan was also detained.

Most of the men were released, but Ali Jan never arrived home. Soon, word reached his wife that something terrible had happened at Darwan.

Since then, speculation about what happened in that village in the hills of Afghanistan's central Oruzgan province has only intensified, travelling across continents and time zones. In the

Perth barracks of Australia's most elite fighting unit, the Special Air Services Regiment, the incident is discussed in hushed tones. In central Afghanistan it evokes grief.

Now, five years after Ali Jan was walked towards the cliff edge, rumour has hardened into allegations, and then into evidence. The *Herald* has spent months looking into Ali Jan's fate as part of a broader investigation into the

War crime allegations: bound detainee kicked off cliff

From Page 1

corroborated accounts of alleged war crimes involving the Special Air Service Regiment in Afghanistan. They are the most serious to face the Australian military in years, not only due to the gravity of the alleged conduct but also because they allegedly involve a small number of the nation's most elite soldiers.

The alleged breaches of the Geneva Convention - international laws which are meant to protect civilians and detainees in war zones - also raise serious questions about a command failure to oversee SASR soldiers during Australia's

longest war, with evidence suggesting one small team of soldiers went rogue over several years.

Ms Payne said it was well known that special operations soldiers - made up primarily of the SAS and commandos - operated in "a complex, chaotic and very dangerous environment to defend our freedoms".

But she said allegations that "unsanctioned and illegal application of violence on operations", as well as claims of a lack of accountability to the military chain of command, were being investigated.

"As Australians would expect, these allegations must be - and are being - thoroughly examined, independently from the chain of

'These allegations must be thoroughly examined.'

Defence Minister Marise Payne

command." She said an inquiry by the Inspector General of the Australian Defence Force had been going on since May 2016.

Minister for Foreign Affairs Julie Bishop said they were "very serious allegations".

"I regard the soldiers of the SAS as some of our finest. These are men who are prepared to put their life on the line in conflict situations

to defend us and to defend our freedoms," she said.

Labor defence spokesman Richard Marles labelled the reports "deeply concerning" and said the opposition would seek a briefing from Ms Payne.

"We will also be seeking, subject to national security considerations, as much of this report as possible be brought to the public domain," Mr Marles said in a statement.

The International Criminal Court is also deciding whether to launch an investigation into atrocities committed by all sides in the Afghanistan conflict.

The alleged war crimes have

been exposed by SASR whistleblowers who have been backed by certain high-ranking officers, including now former major-general Jeff Sengelman and incoming Defence Force chief Angus Campbell.

The prisoner of war was allegedly detained by an SASR soldier in the Afghan village of Darwan, on September 11, 2012, and allegedly kicked off a cliff, badly injuring his face, two Defence Force insiders who witnessed the event said.

As the detainee lay injured, hands still bound, the two witnesses say SASR soldier "Leonidas" was party to the decision among soldiers to "get him out of his misery".

additional reporting David Wroe



RECREATION OF ALLEGED ATTACK

The prisoner's fate lay in the hands of the man leading him to the edge. His own hands were bound.

Illustration: Matt Davidson

behaviour of SASR forces in Afghanistan. The investigation involved interviews with dozens of current and former soldiers and senior officials, and unearthed highly confidential documents and briefings. The *Herald* also hired an Afghan journalist to find Darwan villagers and Ali Jan's family to tell their story.

Among the special forces soldiers risking their careers to brief *Herald* reporters are those who have also been summoned to give evidence to a special inquiry now being held into the actions of Australians in Afghanistan. This inquiry is run by a Supreme Court judge with the backing of top military officials.

Behind closed doors, the words "war crimes" are being used. Not only specific incidents, but the entire culture and command structure of Australia's most renowned and trusted fighting force is now under scrutiny in a manner unprecedented in Australian military history.

SOTTO VOCE: THE QUIET VOICE

In May 2015, a newly minted Special Operations Commander issued a memo. It had been 18 months since the Special Operations Task Group, comprised principally of the SAS Regiment and its younger special forces siblings, the Sydney-headquartered Commandos, had

withdrawn from Australia's longest war. During 13 years on the battleground in Afghanistan, the SASR had sent 23 rotations involving thousands of men and hundreds of missions. Many of the 41 Australians killed in Afghanistan served with these two elite forces.

Major General Jeff Sengelman, an intense and cerebral officer known for speaking his mind, began his report by describing three concerning incidents: an SASR member had been caught stealing explosives, another had been arrested for armed robbery, and a third had lost weapons. Sources say a fourth incident, which involved an SASR soldier drawing a pistol on an Australian spy in Afghanistan, had also deeply troubled Sengelman.

These incidents, wrote the new commander, were symptoms of something deeper and more worrying: a "gradual erosion of leadership and accountability across the full span of command responsibilities".

Then he switched to plainer language. He was worried, he said, that the nation's most revered group of soldiers was "no longer holding itself to account".

Sengelman urged SASR members to write to him personally about their concerns. It was a bold move.

Tracing its beginnings back to the top-secret Australian Z Special Unit

Editorial: Behind the lines, not beyond the law NEWS REVIEW PAGE 28

that fought during World War II and operating under the motto "Who Dares Wins", those in the regiment receive intensive training to carry out dangerous and sensitive military missions.

As the SASR has adapted to modern conflict, hunting terrorists in Iraq and Afghanistan and leading spy missions in Africa, its historical penchant for secrecy has remain unchanged. Everything is classified until it is not.

The 700-odd members – half of whom are active "operators" who must pass a gruelling selection course testing their physical and mental capacity – cannot be photographed or discuss their work, ostensibly for operational and national security reasons. They are men used to anonymity, and who tend to resent anyone, including one of their own, breaking ranks. "They love the mystique," is how one special forces insider described it in a

'What happened at Darwan and elsewhere isn't right.'

leaked defence report charting the special forces' culture, "and the government loves it. And everybody loves it."

It wasn't just this culture that Sengelman was challenging, but also a bond of brotherhood, forged at its deepest in blood and bravery.

Historian Charles Bean describes Australia's "big" discovery in WWI – the "character of men" – as forged by the Anzacs who "rushed the hills at Gallipoli and held out there during the long afternoon and night".

The SASR's character and place in Australia is shaped by its own stories. Most recently, certain battles in Afghanistan have helped define the regiment: the courageous fight at Tizak in 2010, which involved many SASR soldiers displaying extraordinary heroism under fire; and the bravery displayed during a fierce firefight with the Taliban in 2008 at Khas Oruzgan. Both battles led to multiple awards being presented to SASR members, including two Victoria Crosses, the Commonwealth's highest honour.

But in spite of this fierce pride and the taboo about breaking ranks, members began writing to Sengelman after he issued his memo. Over time, serving and former regiment members have also briefed reporters working on this story. They speak of an untold story from Afghanistan involving a small number of regiment members who began to confuse secrecy with impunity; men whose actions exist in the shadowy margins of proper behaviour in combat.

Continued Page 12

SAS's day of shame



Australian Special Forces Task Group soldier during a training activity in Afghanistan. Photo: Australian Department of Defence.

From Page 11

As one highly decorated Afghanistan SASR veteran puts it: "I'm all for dropping the hammer [shooting people] when the time comes. But that doesn't mean killing civilians or getting up your 'kill count' when you can take a prisoner instead."

Says another who fought at Tizak: "I've got no problem with taking out bad fellas. But what happened at Darwan and elsewhere isn't right."

As the letter count grew, Sengelman called his boss, then Chief of Army Angus Campbell, himself a former SASR officer. Together, they commissioned a defence consultant, Dr Samantha Crompvoets, to dig further.

Crompvoets was given free rein. She spoke to people from the Chief of Defence Force downwards in preparing her highly confidential 2016 report, which the *Herald* has seen. Crompvoets wrote of SASR "insiders" initially disclosing information "sotto voce" or in the quiet voice. Over time, she wrote, these insiders got "much louder . . . and difficult to ignore".

At their most serious, Crompvoets wrote, their accounts concerned the "unsanctioned and illegal application of violence on operations, disregard for human life and dignity, and the perception of a complete lack of accountability".

Her report reinforced a fear held by some in Perth that the SASR's character had been compromised by a small group inside the regiment.

Crompvoets, Sengelman and Campbell all declined to be interviewed. But by the end of 2016, all three were acutely aware that one SASR soldier was being whispered about more than most. He had deployed repeatedly to Afghanistan and formed impeccable connections up the chain of command.

One SASR officer, to himself, called this man "Leonidas", after a fearsome warrior of ancient Sparta. Leonidas was part of the sweep through Darwan on September 11, 2012. And it was Leonidas who had allegedly led Ali Jan to the edge.

SPARTA AND HOLLYWOOD

Questions inside the regiment about Leonidas, who the *Herald* unsuccessfully sought to interview and who cannot be named for legal reasons, began to be asked in 2009. At the time, he was part of an SASR patrol that was increasingly dividing the regiment. A warrior culture was being embraced by some special forces troops but loathed by others. It involved tattoos and a devotion to the Hollywood movie *300*, which glorifies the fighting prowess of the ancient Spartans, and whose climactic moment involves an enemy soldier being kicked off a ridge.

Several former SASR officers say this rock-star ethos emboldened certain soldiers to test the elasticity of the rules of engagement - rules that govern when a soldier can take a life.

"The regiment over time prided itself on being an organisation that broke the rules but not the law," explains one former officer.

"What happened, though, was during the Afghan campaign, there was a group of individuals who believed they were immune from the law."

A specialist embedded with the SASR noted two distinct personalities emerging as one four-month rotation blurred into the next and the regiment

honed its ability to kill or capture militants, men placed on the coalition's Joint Priority Effects List, the modern version of a wanted poster.

The specialist says some soldiers sought redeployment in Afghanistan because they loved the hunt. Others came to feel uneasy as an escalating enemy body count was not matched by progress in achieving the US-led NATO mission.

Former SASR captain Andrew Hastie, who served in Afghanistan in 2013 and is now a Liberal MP, recalls the latter group of soldiers "grasping for operational clarity in a fog of strategic ambiguity".

The patrol Leonidas belonged to appeared unburdened by such introspection. In this group, sources say, junior members were pushed to kill rather than detain.

In time, members of this patrol tacked a "kill board" to the wall of their patrol room. Members of another patrol heard Leonidas urging his fellow patrol members on - "only two more to go, boys" - a suspected reference to reaching a desired kill count.

Sources say the patrol fused a warrior ethos with the regiment's secretive culture. Its aggressive approach drew some admirers, including officers who believed it was needed on Afghanistan's asymmetrical battlefield. Leonidas, too, had his fierce backers, including regiment members who believed his assertive soldiering was setting an example for others. Those bagging Leonidas, they said, were jealous of his courage and resolve.

Less aggressive patrols risked unofficial sidelining. One patrol commander was regarded by his peers as overly cautious after he told his soldiers they had to be comfortable with everything they did in battle.

"He told us we needed to be able to get to sleep at night when we were grandparents," says a patrol member. Subsequently, this member says the patrol started being overlooked for missions.

RUMBLINGS AND DISCONTENT

By 2010, there were disparate rumblings about incidents involving Leonidas' patrol. A prisoner of war was found dead in suspicious circumstances by a member of another patrol; an SASR soldier discovered the bodies of two farmers in a field without weapons; one of Leonidas' colleagues was quietly complaining about another shooting on patrol.

In each case, Leonidas' patrol had failed to conduct a proper "site sensitive exploration". This is supposed to involve scouring for items that can be exploited for intelligence, such as radios, but it also helps document the circumstances of a killing, such as whether a person was armed.

But it was not until two years later, in 2012, that witnesses began emerging with vivid, first-hand testimony about what Samantha Crompvoets later described as "unsanctioned and illegal application of violence".

By the second-last year of Australia's deployment, the coalition's Afghanistan strategy was on life-support. Soldiers and diplomats viewed Afghanistan's criminal justice system as a revolving door for militants. According to a former SASR officer, small, combat-fatigued cliques inside the regiment were embracing "special warrior" rules

of combat. They were enabled, he says, by wilfully blind colleagues and an embattled command system.

On August 29, 2012, Afghan sergeant Hekmatullah shot dead three Australian soldiers. The murdered trio were meant to be Hekmatullah's comrades, but he killed them in cold blood and fled. One defence insider embedded with the SASR as it began the hunt for Hekmatullah describes a "change of attitude, a change of eyes". Some soldiers, he says, were out for blood.

When satellites intercepting phone calls gathered intelligence that placed Hekmatullah near Darwan, the Australians moved fast. For them, he was the most wanted man in Afghanistan.

'ONE SPOTTER K-I-A'

The radio message crackled into the earpieces of the special forces soldiers: "Three minutes till wheels up". The Darwan mission was ending. The helicopters were about to take the Australians and a small number of villagers for additional questioning back to the district capital, Tarin Kowt.

Soon after, the 50 or so detainees crammed into a compound at Darwan received their own blunt warning. "If you come outside before the helicopters are gone, you'll be shot," an SASR patrol commander barked.

The Afghans waited, some with heads bowed, listening for the whirr of rotor blades that would signal the end of their ordeal. Then the radio crackled again, this time relaying a message from Leonidas: "One spotter K-I-A [killed in action]," he said.

One of the SASR members on the ground, a respected and experienced operator, describes feeling a distinct pang of suspicion. "I thought to myself, something's not right."

The SASR had already spent hours searching compounds and rounding up dozens of men, designated "PUCs" (Persons Under Confinement) so they could be interrogated.

The soldier who felt something was awry was a member of a six-man patrol with a clear line of sight up the dry creek bed, but at a distance of about 50 metres from detainees being guarded by a patrol that included Leonidas. If a spotter - an enemy surveillance operative who reports coalition soldiers' movements to militants - had emerged, the soldier reckoned he would have seen him. It also made little sense, the soldier thought, for an active spotter to approach the Australians so late into their Darwan mission.

"We didn't require any spotting - we had come in like an elephant and made our presence well known," the SASR soldier recalls. As his helicopter lifted off, he remembers glancing down from a helicopter, seeing what looked like a body at the bottom of a cliff and asking himself: if it wasn't a spotter who was K-I-A, who was it?

A short time later, an SASR soldier responsible for securing the Darwan detainees separately approached two senior regiment members with an answer. The junior soldier described a scene he'd witnessed which was haunting him. It involved an irate and frustrated Leonidas grabbing one of the handcuffed PUCs and walking him to the edge of a cliff perhaps 10 metres high.

Leonidas gave himself a short run-up then kicked the detainee. As he plunged, his face smashed into rocks. Then the injured man was executed, the junior soldier told his superiors.

A second witness serving with the



SASR during the Darwan mission has corroborated that story. He says he saw Leonidas kicking "the hell" out of an Afghan detainee. This witness says this incident mirrored the climactic "kick" scene from the Spartan movie, 300. As the PUC lay injured, hands still bound, this second witness says Leonidas conferred with a small number of soldiers, explaining the injured prisoner "was acting suspicious". Then the man, says this witness, was executed in some scrub out of the view of the other detainees and most of the other soldiers.

Stories differ about the precise sequence of events, although both witnesses say Leonidas was party to the decision to "get him [the PUC] out of his misery".

Villagers tracked down by an Afghan journalist working with the *Herald* provide further corroboration.

Darwan's village elders claim that several innocent residents were slain when the SASR swept through on September 11, 2012. Among their tally of the dead were two men killed in a compound filled with almonds. These two deaths match reports filed by SASR members save for a critical difference: the soldiers say the two men were armed, the villagers say they were not.

The villagers also describe a detainee who was forced over a cliff by an Australian soldier and then executed.

When the soldiers had flown away, the villagers recognised the dead man as Ali Jan, a shepherd from a nearby village. They dispatched a young boy to run to a village three hours away with the news. Expecting her husband to return home with flour and gossip, Ali Jan's pregnant wife, Bibi, instead received word that he was dead.

Ali Jan's brother, Abdul Ahmad, recalls reeling in disbelief that "a person who went to get flour" could somehow end up dead. When the news sunk in, it brought despair.

"Then the screams started," Ahmad says. "Ali Jan's mother was crying day and night for a week. His two elder daughters were screaming and running after their grandmother" in a state of bewilderment, pleading to be told their father was alive.

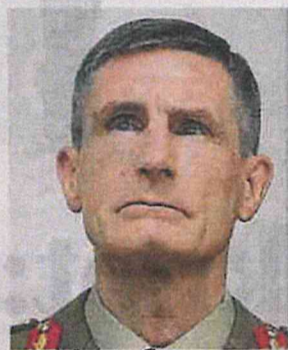
A SECRET HEARING

In late 2017, an SASR soldier who had been at Darwan received an unexpected call from a defence investigator working for NSW Supreme Court judge Paul Brereton. Justice Brereton, the investigator explained, wanted the soldier to attend a secret hearing.

Several weeks later, another SASR member was summoned. This year,



Abdul Ahmed, top, the brother of Ali Jan; Hekmatullah shot dead three Australian soldiers in 2012, above left; Army chief Angus Campbell, above right; Samantha Cromptvoets, below left; Major-General Jeff Sengelmann, below right.



many more have been grilled.

In 2016, and partly as a result of the Cromptvoets inquiry, Justice Brereton was commissioned by the then Chief of Army, Angus Campbell, to investigate what the defence department described as "rumours" of special forces' misconduct in Afghanistan.

Brereton refuses to be interviewed by the media, but those who know the 60-year-old judge describe him as determined and fiercely independent. He also has military credibility, having enjoyed a decorated career as an army reservist. His father, NSW judge Russell Brereton, prosecuted Japanese soldiers for war crimes after WWII.

Two soldiers who have been interviewed by Brereton say many of his questions were directed to events at Darwan. "I was blown away by the detail he had," says one interviewee.

Yet both soldiers, and several others who've been interviewed, say they are unsure if Brereton has the power and backing not only to breach the SASR code of silence but expose all that he finds. Some senior defence officials insist Brereton's inquiry, which operates under the aegis of the secretive watchdog, the Inspector General of Defence, is limited to a "scoping" exercise and that any credible evidence of war crimes will need to be referred to the Australian Federal Police.

In a statement, the defence force said the Brereton inquiry would make "recommendations" about how to deal

with any substantiated allegations of war crimes. "The IGADF Afghanistan Inquiry has, for some time, been aware of allegations of significant issues involving the Special Operations Task Group in Afghanistan, which are within the scope of the Inquiry," the statement said.

Senior federal police privately say they are wary of inheriting from Brereton a politically sensitive probe involving a cold evidence trail on a foreign battlefield.

And yet evidence is mounting, extending beyond Leonidas and his collaborators, to a small number of other SASR members. This evidence points to other summary executions or attempts to cover up civilian deaths. While the allegations involve a tiny minority, they also raise questions about the blindness and competency of some of their commanders.

The commandos - the other major component of Australian special forces - do not appear to be facing as serious allegations as those in SASR.

In her confidential report, Cromptvoets warned the issues she had uncovered should not be dismissed as soldiers "blowing off steam". Rather, she wrote, they involved "problems deeply embedded in the culture" of the special forces, which would resist "simple or cosmetic solutions".

Cromptvoets also warned of "a deep impediment to change because of the extent to which leaders with SOF [special operation forces] backgrounds, highly placed throughout the ADO [defence] and beyond, were compromised by their own participation or complicity in problematic behaviours of the past".

Yet it is also clear that some of those who are fighting behind the scenes for transparency are serving or former SASR members. Angus Campbell, who in April was selected to become the next Chief of the Defence Force, appears to be among them.

One of his last moves as Chief of Army has been to restrict soldiers from wearing clothing adorned with controversial symbols. It was met with howls of resistance from many in Defence and some in the media.

Those inside the SASR pushing for greater accountability say the public must be told how a small group of soldiers could act with apparent impunity even as those in command were ostensibly overseeing them.

Such a public reckoning, they say, could also consider the damage wreaked by those few soldiers who allegedly cared more for adding to their tally of dead than the Afghans they'd been sent overseas to protect.

By many accounts, the coalition's mission in Afghanistan failed. The Taliban now controls over 10 of Afghanistan's 407 districts, including the village of Darwan.

The freelance reporter who tracked down Ali Jan's family for the *Herald* worked under the constant threat that the Taliban might uncover his activities. Using a network of tribal elders, the freelancer arranged for Ali Jan's brother, Abdul Ahmad, to travel to a safe house to tell their story. Ahmad said Ali Jan's death had left his wife, Bibi, struggling to put food on the table. They can no longer afford meat or to send the children to school.

But the family had been blessed, he said. Three months after Ali Jan's death, Bibi gave birth to a baby girl. Ali Jan's youngest daughter, Razia, is five.


Reporting in Afghanistan by Sharif Khoram.

**The
bleeding
of young
SAS
recruits
THE SUN-
HERALD
Tomorrow**

EXCLUSIVE
JENNIFER HAWKINS
QUITS MYER
 ANDREW HORNERY
 PRIVATE SYDNEY PAGE 20



Robert Forster
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The Sydney Morning Herald

Issue No. 56,421 \$4 (inc GST)

INDEPENDENT.ALWAYS.

August 11-12, 2018

War hero fires back over abuse claims

Victoria Cross recipient Ben Roberts-Smith has denied accusations of bullying and domestic violence, that are under investigation. Last night in the Federal Court he failed to stop publication of this story.

BY NICK MCKENZIE, DAVID WROE AND CHRIS MASTERS
 NEWS PAGES 8-10



Ben Roberts-Smith in front of his portrait at the Australian War Memorial. Photos: Jay Cronan

Labor MP Husar cleared of lewd conduct and sexual harassment

Nick O'Malley, Deborah Snow, Ferguson Hunter

Two days after announcing she would not recontest her key seat of Lindsay, Labor MP Emma Husar has been cleared of the most serious allegations against her, that she had exposed herself to a fellow MP and sexually harassed members of her staff.

An assessor found those allegations were not supported, and concluded "there is no basis for Ms

Change needed in political culture
 EDITORIAL PAGE 30

For or against her, all agree on one thing
 NEWS REVIEW PAGE 23

Husar to resign". "I'll always regret not being able to recontest Lindsay," Ms Husar told the Herald. "With the smears and speculation I had no other choice".
 FULL STORY Page 4



Two new lungs and ready to run

With remarkable determination, Adam Wells will take on the City2Surf less than 10 months after a double lung transplant.

EXCLUSIVE PAGE 13

Wood loses millions in failed lawsuit

Gordon Wood has lost a malicious prosecution case after he was wrongfully convicted of killing his girlfriend Caroline Byrne.

NEWS PAGE 2

Energy policy lags as prisoner of politics

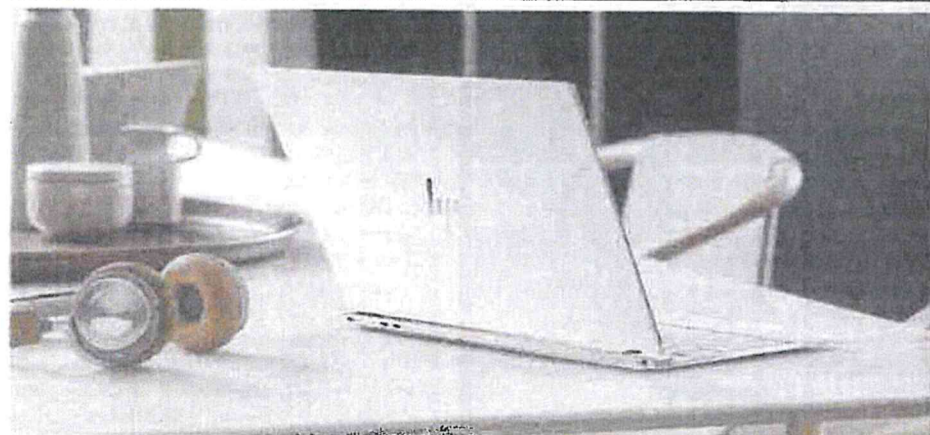
Malcolm Turnbull's flagship energy policy has become a prisoner of politics, thrown into a holding cell for a month to learn its fate. He'll have another chance in September.

DAVID CROWE PAGE 12

Robots and our jobs

With automation, there are fears our future income won't be shared fairly.

BUSINESS PAGE 6



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Beneath the bravery of our

A Victoria Cross recipient and Father of the Year, Ben Roberts-Smith is a highly respected public figure. Why are so many questions being asked about his past? Nick McKenzie, David Wroe and Chris Masters investigate.

When Malcolm Turnbull gave a speech four months ago about the struggle some veterans faced readjusting to civilian life, it was hard to ignore the man towering behind him in the Great Hall of Parliament House.

Hands clasped and head slightly bowed, Australia's most decorated Afghanistan veteran, Ben Roberts-Smith, stood on stage with the Prime Minister as a living testament to success after the military.

Having received a Victoria Cross for bravery during an assault on the Afghan village of Tizak in 2010 – an award that was preceded by a Medal for Gallantry and followed by a Commendation for Distinguished Service – Roberts-Smith was in the midst of a seemingly successful transition to corporate life.

The transformation from battlefield to boardroom was significant. For 10 years, Roberts-Smith had served with Australia's Special Air Service Regiment, a unit of elite soldiers who are mostly not allowed to speak about their work. Receiving the Commonwealth's ultimate bravery award made Roberts-Smith an instant celebrity. His agent began charging thousands to corporate clients to hear not only from "the most decorated soldier in the Commonwealth" but a man who had also been named "Australian Father of the Year".

He was appointed chairman of the Australia Day Council, the deputy chairman of the Prime Minister's defence mental health committee and veterans' employment committee. He became the public face of a campaign against "one punch" violence and the "Stay Kind" campaign, which urges people to look after vulnerable mates.

He helped select domestic violence campaigner Rosie Batty as an Australian of the Year. The award ceremony produced an evocative image of the 196-centimetre warrior gently comforting a tearful Batty.

The photograph fitted his public ethos, which was to value "moral courage" above physical prowess and "cherish your family every single day".

But as he stood behind Turnbull at a veterans' function at Parliament House on March 28, serious doubts about his conduct were being discussed in senior defence circles. Among the generals and politicians in the Great Hall that night were some who had trouble reconciling disturbing allegations about Roberts-Smith's behaviour in Afghanistan and back home with the grand public image.

Over almost a year, the *Herald* has interviewed dozens of veterans, officials and people with knowledge of Roberts-Smith's personal conduct, including decorated soldiers who served alongside him. Their claims include bullying, intimidation and his involvement in small SAS teams suspected of the abuse of unarmed civilians and the use of force that goes well beyond what is acceptable in the theatre of war. Indeed, some of the most important people in the room that night knew of the allegations.

At the VIP table sat the unflappable



Ben Roberts-Smith comforts Rosie Batty after she is announced as Australian of the Year in 2015; right, Roberts-Smith with the Special Operations Task Group in Afghanistan. Photos: David Flannery, Australian Defence Force

Chief of Army and special forces veteran, Lieutenant-General Angus Campbell. Two years earlier, Campbell had commissioned the Inspector-General of the Defence Force to begin an inquiry into the nation's special forces – the most penetrating inquiry in the recent history of the military.

DISTURBING RUMOURS

By the time of the Great Hall event, it was clear to an inner circle in defence that disturbing rumours about small SAS patrol teams – typically consisting of five to six men including a patrol commander and deputy commander – involved serious allegations about their conduct in Afghanistan. The patrols under scrutiny featured Roberts-Smith as a key player, either as a deputy or lead patrol commander. Those making the allegations were from the SAS itself and had served alongside Roberts-Smith's patrols.

The allegations concerned the patrols' treatment of detainees or unarmed Afghans. They included claims that the patrols may have failed to report accurately incidents in which Afghans had been subjected to the use of force, including acts of brutality

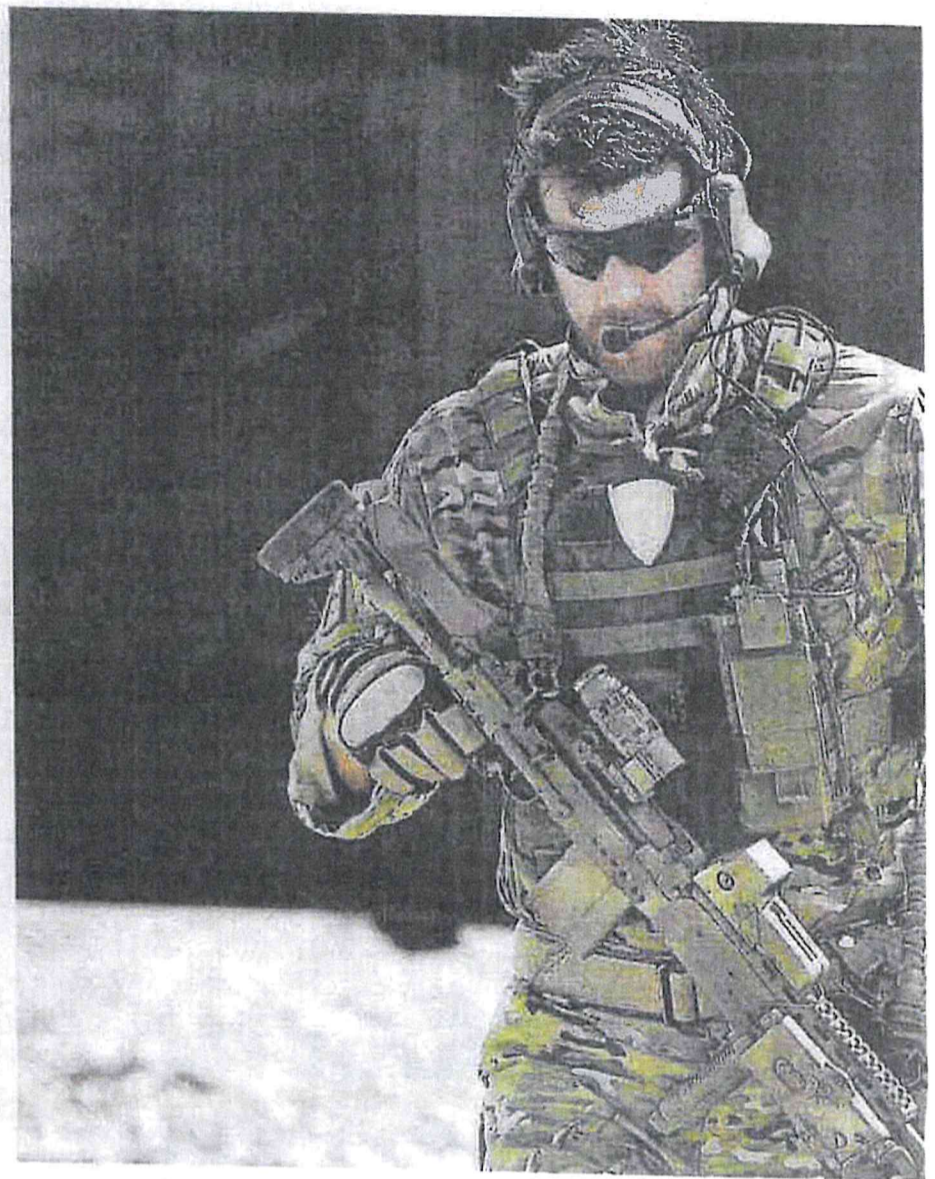
perpetrated against unarmed men.

SAS veterans have also alleged Roberts-Smith bullied and intimidated fellow soldiers, including two junior operators who made internal complaints about the impact of his conduct on their mental health.

Witnesses allege one was punched in the head by an angry Roberts-Smith after a battlefield bungle.

But it wasn't only Roberts-Smith's conduct as an SAS operator that would prompt scrutiny. That evening at the Great Hall would result in further allegations that suggest he was struggling with living up to all that was expected of him.

Sitting on the same VIP table as Lieutenant-General Campbell, between ADF deputy chief Vice-Admiral Ray Griggs and Veterans' Affairs Minister Darren Chester, was a female lawyer whom Roberts-Smith had brought as his guest, and whom he'd introduced to military figures earlier that day as a client of his employer, Channel Seven. After



completing a master's of business administration in 2016, the former army corporal had been appointed general manager of the TV network's Queensland operations by media tycoon Kerry Stokes. But the woman wasn't a Channel Seven client. Instead, Roberts-Smith was in the midst of an extramarital relationship with her.

Sources at the event questioned why Roberts-Smith risked revealing that he was having an affair by taking his mistress to a high-profile function where, beyond the Prime Minister, he was the most prominent guest. But, far more concerning, senior defence officials later learnt of allegations she raised with police about what happened later that night at the Hotel Realm in Canberra: an alleged act of domestic violence and intimidation.

Roberts-Smith yesterday issued an emphatic denial of the allegations, labelling them a "catalogue of lies, fabrications and misrepresentations". He said he would vigorously defend himself against the "malicious" claims.

"I do want to say today that I unequivocally deny any physical abuse of any woman at any time ever, and that I have not at any stage been interviewed by police about any purported complaint by any woman," he said in a statement.

RISKING ALL

Shortly after the guns fell silent at Tizak in 2010, the sneakers Roberts-Smith wore during the famous battle were photographed. The white shoes are splattered with blood, evoking the image of a man racing towards danger, risking all. His Victoria Cross citation describes an "extreme devotion to duty" paired with "a total disregard for his own safety" as Roberts-Smith

"stormed the enemy position killing the ... machine gunners".

During his deployments to Afghanistan in 2009 and 2010, Roberts-Smith was deputy commander of a small SAS patrol. In his last overseas deployment, before leaving the army in 2013, he was appointed patrol commander. The *Herald* has confirmed with multiple special forces insiders that among the allegations made to the Inspector-General's inquiry is that patrols he helped lead brutally mistreated unarmed Afghans. Four defence insiders have alleged they observed patrols under Roberts-Smith's direct or deputy leadership severely mistreat unarmed Afghans on four occasions.

A member of Roberts-Smith's 2009 patrol allegedly encouraged a more junior trooper to execute a detainee – a suspected militant – and was later overheard boasting about it. The *Herald* has obtained a photo of the dead man and two witness accounts describing the circumstances of his death.

One experienced SAS soldier described intervening to stop Roberts-Smith bashing an unarmed Afghan who two patrol commanders were seeking to arrest in 2010. The bearded man had frozen in the fetal position when Roberts-Smith entered the room, wearing Kevlar gloves. The insider describes Roberts-Smith unexpectedly attacking the man, pummeling him in the face with his fists, and in the stomach with his knees.

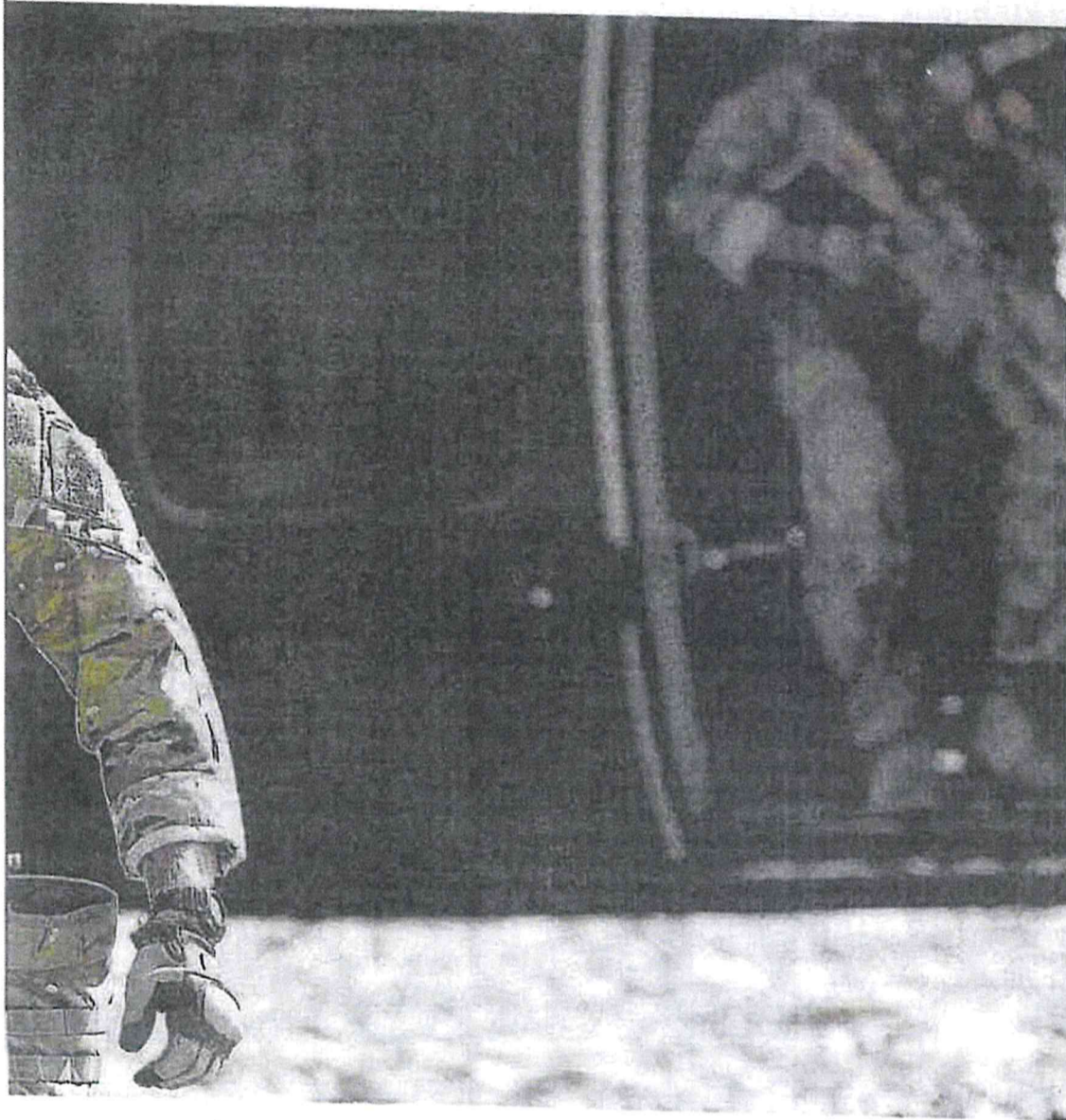
"RS [Roberts-Smith] repeatedly smashed this guy in the cheek and kneed him in the guts. I went, 'Whoa whoa whoa. Back off mate. We have this under control.'

"The fella's face immediately blew up. We stepped back and gave the fella

'RS [Roberts-Smith] repeatedly smashed this guy in the cheek and kneed him in the guts.'

SAS insider

most decorated soldier



some space. We then arrested him."

Two alleged incidents have been separately recounted by other SAS members and involve men under the control of a patrol being led by Roberts-Smith. Both involve the alleged mistreatment of Afghan men who witnesses claim were posing no threat and could have been arrested without force. One of the men harmed was in custody and posing no threat at all when he was allegedly assaulted.

Sources from inside the SAS say this alleged mistreatment was not only unnecessary but potentially counter-productive. An essential purpose of the Afghanistan mission was the protection of the local population and the generation of confidence in the coalition and government forces. The sources also concede that, while the allegations caused deep concern, and were discussed informally and sometimes raised with more senior SAS soldiers, they were not immediately reported to senior command in Canberra.

A NEW CAREER

Keeping secrets is part of being in the SAS. Yet by late 2012 and early 2013, as Roberts-Smith was preparing to start his new career as a corporate and community leader and mental health champion, some SAS colleagues were asking if he might have shirked scrutiny because less experienced soldiers were worried about challenging him. Much of the concern held by senior military officers about the cultural problems within the SAS have involved keeping quiet about behaviours that needed confronting. A report in March 2016 by then Special Operations Commander Major-General Jeff Sengelman described a

culture of impunity that may have normalised allegedly disturbing behaviour. Sengelman's report also identified serious "governance and behavioural lapses" and helped spark the Inspector-General's inquiry.

A record of a discussion between two long-serving SAS patrol commanders reveals some experienced soldiers in the regiment were worried Roberts-Smith's apparent bullying meant some in his patrol were scared to question battlefield incidents or those which allegedly occurred back at base or in training. The two patrol commanders identify that the first time Roberts-Smith came to attention for alleged bullying was in 2006, during his first deployment to Afghanistan.

After a hair-raising battle early in the deployment, Roberts-Smith fell out with two members of a six-man patrol, in part over whether it was necessary to kill an Afghan who had earlier walked past an observation post.

One of the two patrol members later insisted the Afghan appeared to be an unarmed teenager whose death could have been avoided. But it was a perilous circumstance and a tough call apparently made in the fog of war. Roberts-Smith's version of events was backed by other patrol members.

The young male was presumed to be a "spotter". This meant he might have seen the observation post and planned to report it to the Taliban, who could then attack. Roberts-Smith and other patrol members also said he was armed with a smoke grenade, which exploded after he was shot.

The conflicting accounts are mirrored in official reports to senior officers. Some post-incident reports describe an anti-coalition militant posing a "threat". Some reports go

further, falsely stating the dead male was armed with an automatic rifle.

Roberts-Smith accused the two critical patrol members of cowardice and failing to prepare their weapons.

Multiple sources contend Roberts-Smith followed up this critique with repeated bullying of the smaller and quieter of the two patrol members, Trooper M. (The Herald cannot name a serving SAS soldier but have confirmed he is still serving and has been promoted to patrol commander.)

More than one witness claims to have overheard Roberts-Smith threatening to harm Trooper M.

The two patrol commanders alleged "years of bullying that RS [Roberts-Smith] put him through" and which affected his mental health. A bullying complaint against Roberts-Smith was lodged inside the SAS by Trooper M, which led to mediation.

LEADERSHIP ROLE

Roberts-Smith's promotion to patrol commander left him responsible for mentoring junior soldiers. It was an appointment he relished, a realisation of leadership ambitions. Some other SAS soldiers were pleased, considering Roberts-Smith a fierce and impressive soldier now able to pass on his knowledge.

But not all felt that way. Concerns about the treatment of the least-experienced member of Roberts-Smith's patrol, Trooper J, were raised in mid-2012, before deployment to Afghanistan. During a training exercise in Perth involving the mock capture of a prisoner, three soldiers witnessed Roberts-Smith instruct Trooper J to shoot the detainee.

"RS grabbed [Trooper J] by the shoulder and said, 'F—ing kill him, f—ing kill him,'" an SAS soldier who claims to have witnessed the event said.

The soldier alleges Trooper J responded by half-heartedly simulating a mock execution ("he went bang" as a joke," recalls a witness).

This witness alleges Roberts-Smith then said, "You good with that?" The witnesses who observed the order said that two patrol commanders

informally challenged Roberts-Smith, telling him to "pull your head in".

After arriving in Afghanistan in July 2012, the mentoring of Trooper J generated further controversy when a mission on July 15 to the Chora Valley to flush out the Taliban turned ugly, and one patrol member was nearly shot by a second SAS patrol in a bungle.

Trooper J wasn't responsible for the friendly fire but he was accused of breaching protocol by firing his weapon in response and

not adhering to Roberts-Smith's orders. He was formally investigated, placed on administrative duties with another patrol and soon after left the army.

According to statements later submitted to senior defence officials, Roberts-Smith ran his own, off-the-books disciplinary process. Multiple witnesses allege that Roberts-Smith castigated the trooper in front of his patrol, ordering Trooper J to stand up and then punching him in the head.

A further threat from Roberts-

Smith was allegedly made several months later: if the trooper's account about the incident and aftermath was not consistent with his version, Roberts-Smith would report him to the International Criminal Court at The Hague for firing near civilians.

The treatment of Trooper J by Roberts-Smith concerned several experienced patrol commanders, who were also troubled about other aspects of Roberts-Smith's mentoring and leadership in 2012. The most pressing issue discussed among a small number of senior SAS soldiers involved an alleged assault on an unarmed Afghan.

Those with concerns were surprised and angered when Defence in 2014 released a formal assessment of Roberts-Smith's 2012 service as it awarded him a Commendation for Distinguished Service, praising his exemplary "mentoring... of his patrol and less experienced members".

Three patrol commanders, still serving with the regiment and also recognised for their service in Afghanistan, signed a complaint written by one of the trio, Sergeant L. It urged senior officers to investigate Roberts-Smith's mentoring, leadership and treatment of Trooper J.

"As SAS soldiers, we are responsible for accurate reporting and honesty, in the field and in camp. This citation is a contradiction of those values," the complaint said. For two years, the complaint went nowhere. But it is one of many documents handed to the Inspector-General.

DENIALS AND CLAIMS

For his part, Roberts-Smith traces the complaints about his behaviour to the awarding of the VC in 2011. His forceful, driven personality — traits shared by many in the regiment — stoked resentment. When queried about this last year, he said: "I am hard, I get that, but there is no one I beat up harder than myself. You are supposed to be better. If not, you should not be there. Because if you make a mistake, someone is going to die."

Supporters say the allegations stem from envy, most particularly from disgruntled veterans. Roberts-Smith's defamation lawyer blames sensationalist journalists for seeking to bring down a war hero through a "smear campaign". Ross Coulthart — a former TV investigative journalist who is now a public relations consultant for a firm, Cato and Clegg — is working closely with Roberts-Smith and his lawyer on his own investigation into the Herald's reporting.

Coulthart has interviewed SAS soldiers close to Roberts-Smith and is privately insisting to people linked to Channel Seven there is no evidence of any wrongdoing. However, he and the PR firm's Sue Cato have declined to share their findings. Coulthart refuses to say publicly who he is working for.

Roberts-Smith has previously decried his critics as hypocrites, saying: "The bullying is what they do to me. Bullies are cowards. They stay in the shadows. This is about group cowardice. I don't like bullies. I am sick of it."

He has been unequivocal he has no questions to answer in respect of any of his actions in Afghanistan.

"I've been under the microscope for the last six years and, you know what, my record is spotless," he said in a newspaper interview when questions about his conduct in Afghanistan first emerged publicly in October last year. Continued Page 10

'I am hard, I get that, but there is no one I beat up harder than myself... Because if you make a mistake, someone is going to die.'

Ben Roberts-Smith

Beneath a decorated soldier's bravery

From Page 9

But the argument that critical accounts of Roberts-Smith amount to tall-poppy syndrome sits uneasily with the testimony of many who have served in the SAS, including in Afghanistan.

Some sources note the reputations of that conflict's other Victoria Cross recipients Mark Donaldson and Dan Keighran (a VC was also awarded posthumously to Commando Corporal Cameron Baird) have faced no such challenges. Most significantly, the allegations about Roberts-Smith and his patrols have, according to regiment sources, been made under oath before the Inspector-General.

PUSHING BACK

Roberts-Smith has also been pushing back, apparently aiming to paint those making allegations about him as disgruntled liars. Defamation lawyer Mark O'Brien, who is working for Roberts-Smith, separately wrote last year to the two soldiers who were members of Roberts-Smith's patrol in 2006 and who had expressed serious misgivings about his conduct.

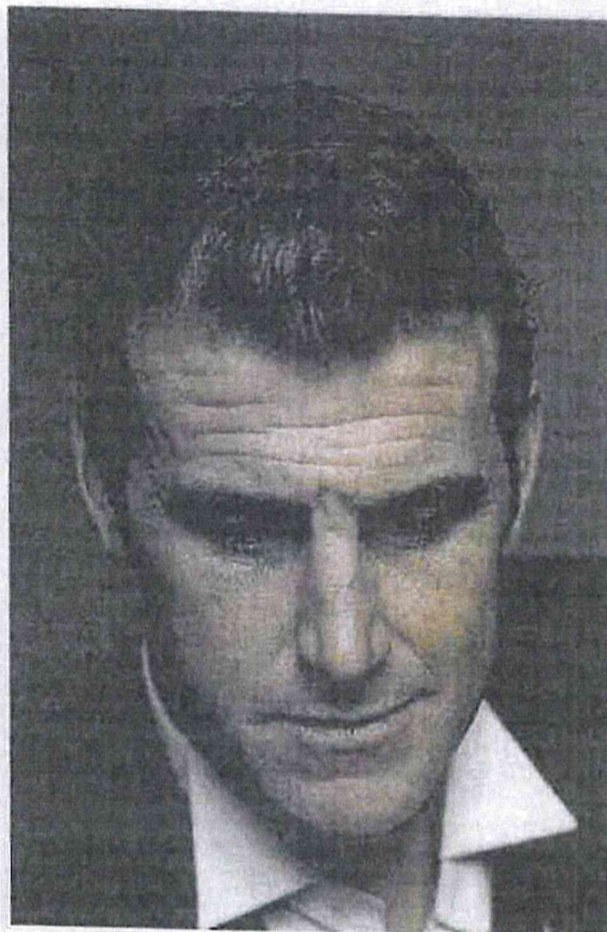
The lawyer accused the veterans of colluding to concoct false allegations. Roberts-Smith sent a letter to a third SAS veteran, also threatening litigation. Attention then shifted to a fourth SAS Afghanistan veteran, Sergeant L, who wrote the 2014 complaint that urged an investigation of Roberts-Smith's Commendation for Distinguished Service.

On October 18, in a letter sent to the *Herald*, Roberts-Smith's defamation lawyer attacked the credibility of Sergeant L, accusing him of smuggling weapons into Afghanistan in 2012. (The two other commanders who signed the complaint were not mentioned.)

By now, more missives attacking Sergeant L were also circulating, although who was responsible for these remains a mystery.

On October 20, *The Australian* newspaper received an anonymous email. The *Herald* has linked this email to a Queensland photographer, Nathan Richter, but he has said he was just acting as a middleman and refuses to say who wrote and sent it.

This email repeated the historic gun smuggling claim and added some dramatic detail. It claimed Sergeant L was at grave risk of gunning down civilians in Perth. The baseless



Ben Roberts-Smith passionately dismisses allegations he has breached the laws of armed conflict. Photo: Nic Walker

massacre allegation was also sent to Australian Federal Police in an apparent attempt to get police to raid Sergeant L. Days later, they did so, finding none of the weapons the writer had promised would be located.

Six months later, another mysterious writer emerged. In April, the lawyer Roberts-Smith had weeks earlier taken as his guest to the Great Hall of Parliament House also received an email. It was from a "Danielle Kennedy" and claimed to have been sent on behalf of Roberts-Smith. By then, Canberra sources say the lawyer was alleging Roberts-Smith had subjected her to an act of domestic violence and intimidation after the Great Hall event in late March.

According to senior sources in Canberra, a relative of the woman complained about the alleged incident to a politician, who in turn alerted defence officials. Later, the alleged victim told police of her claims. Police have been told she had been drinking at

the event, and as it ended, alleges Roberts-Smith appeared angry at her behaviour, worried it had exposed his affair to the military's top brass.

She stumbled and fell down some stairs at Parliament House as she left, causing further embarrassment. Police have been told that by the time the pair arrived back at the Realm Hotel, Roberts-Smith was allegedly furious and she was subjected to an act of domestic violence.

The *Herald* has decided not to name the lawyer due to the nature of her allegations. Defence and political figures who have been told of the allegations have said that once they learnt she had gone to police, they took no further action.

Police also have details of multiple phone and email accounts Roberts-Smith used to conduct the liaison before it ended on April 6, when the lawyer disclosed the affair to his wife.

On April 22, the lawyer received the email from "Danielle Kennedy", who claimed to "represent Mr Roberts-Smith" and be acting on his "instructions". The *Herald* could not locate any lawyer by the name of "Danielle Kennedy". The photo used in the email appears to have been stolen from the internet. It is of Anne Whelford, an administrator at Lincoln University in Christchurch.

After a university spokesman was supplied with a copy of the "Danielle Kennedy" email, he sent a statement saying: "Lincoln University was unaware of the use of Anne Whelford's photograph, as was she, and neither party sanctions its use in this way".

The use of the picture "is a matter which should be dealt with by the police", the statement said. The woman at the centre of allegations declined to comment.

Roberts-Smith has also declined requests to be interviewed, or to answer questions about any knowledge he might have of "Danielle Kennedy", or why a stolen photo was used, or to give his version of events.

It is understood that after he received questions, he told his public relations advisers no affair had ever occurred (a claim undermined by copious evidence) and the alleged domestic violence and intimidation is also a malicious invention. And on Wednesday - six days after he was alerted that the *Herald* knew of the allegations reported to police as well as the mysterious

"Danielle Kennedy" - Roberts-Smith contacted police claiming to be a victim of stalking by the lawyer.

In respect of the claims made by SAS soldiers, Roberts-Smith has also privately dismissed allegations he is a bully or that he ever assaulted or bullied a fellow soldier. Roberts-Smith privately and passionately dismisses all allegations he has ever breached the laws of armed conflict in Afghanistan. He recently retained a top Sydney barrister with expertise in military inquiries, Arthur Moses, SC.

In his recent public appearances, Roberts-Smith appears to have sought opportunities to burnish his image.

He appeared on a Channel Seven tourism and lifestyle program to highlight his family values - "family is the most valuable thing" - and his passion for supporting soldiers struggling with mental health problems.

'NO SHRED OF EVIDENCE'

In June, yet another mysterious letter writer was at work. A former member of Roberts-Smith's patrol received a letter from an anonymous source warning he should withdraw what the letter described as false information given to the Inspector-General, or risk having adverse information about his own activities exposed. The patrol member immediately reported the letter to the SAS Commanding Officer, who relayed it to the Inspector-General. The Inspector-General does not comment on investigations. But the patrol member has told colleagues he is not scared by the threat.

Roberts-Smith's supporters privately insist the Inspector-General will clear him of any wrongdoing and there is not a "shred" of evidence that suggests otherwise. Roberts-Smith's supporters also say the famous soldier is yet to give his version of events.

But SAS insiders aware of some of the adverse allegations about Roberts-Smith or the conduct of his patrols say credible evidence has already been placed on record and on oath.

Questions have dogged Ben Roberts-Smith from well before he became supersized by expectation, responsibility and pride in the spirit of the Anzacs. After two years of investigation, and having interviewed 200 witnesses on oath, the Inspector-General is expected to finalise his report in the coming months.

War hero fails to stop publication over allegations

Michael Evans
Kate McClymont

Decorated Australian war hero Ben Roberts-Smith has failed in a bid to win an injunction against Fairfax Media to prevent publication in today's *Sydney Morning Herald* and *The Age* newspapers of detailed allegations concerning the former corporal's behaviour.

Mr Roberts-Smith took action late last night in the Federal Court, arguing there had been a breach of confidentiality against federal law concerning an inquiry into Mr Roberts-Smith.

At 7.35pm, Justice Robert Bromwich ruled in Fairfax's favour.

The 4500 word story, authored by investigative journalists Nick McKenzie and Chris Masters, plus the *Herald's* defence correspondent David Wroe, was published on Fairfax Media websites yesterday morning with plans for public-

ation in today's editions of the *Herald* and *The Age*. In court late yesterday, Arthur Moses, SC, for Mr Roberts-Smith suggested Fairfax Media's reporters had committed a criminal offence by publishing confidential military information. He sought removal of the story from Fairfax websites and a ban on publishing the story today in print.

The story involved "wanton publication in breach of Commonwealth Law", in reporting details from an inquiry by the inspector-general into Mr Roberts-Smith while a member of the special forces. He said "there is no public interest in publishing material in breach of Commonwealth Law".

Sandy Dawson, SC, for Fairfax said the action was misconceived and should be against the Commonwealth not the publisher, noting that the "horse has bolted" given the story was published at 6am yesterday and "has been read by thousands". "Where is the crime if the news-

paper publishes?" asked Mr Dawson. "If there is a crime, it has already happened."

After the judgment, Mr Moses asked for the matter to be referred to the Australian Federal Police to see if there was "aiding and abetting" by journalists.

Justice Bromwich said referrals from the Federal Court could only be made in the event of a determination by a court - and that would be a step too far.

Mr Roberts-Smith, who is one of three living recipients of the Victoria Cross, the nation's highest military honour, issued an emphatic denial of the allegations, labelling them a "catalogue of lies, fabrications and misrepresentations".

He said early yesterday he would vigorously defend himself against the "malicious" claims. "I do want to say today that I unequivocally deny any physical abuse of any woman at any time ever, and that I have not at any stage been interviewed by police about any purported complaint by any woman," Mr



Prime Minister Malcolm Turnbull said he was aware of the allegations. Photo: AAP

Roberts-Smith, now an executive at Channel Seven, said in a statement yesterday. "I am deeply troubled that alleged evidence given on oath before the [Inspector-General of the Australian Defence Force] inquiry has been canvassed in the press and that Fairfax has allegedly accessed it. Not only is it illegal, it is unfair to people who haven't given evidence and it has the potential to undermine the fairness of the inquiry."

The celebrated soldier said he was confident "direct witnesses will categorically demonstrate the falsity" of all the allegations made against him.

The Prime Minister Malcolm Turnbull was asked yesterday about the story and allegations against Mr Roberts-Smith, saying: "I am aware of the allegations, complaints have been made to police and they will be dealt with appropriately," Mr Turnbull said. "I can't make any comment on the specific matters because they are being dealt with by the police."

RELAX

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A close connection

Thousands of people make the pilgrimage to Old Parliament House each year, but Jim and Wendy Starkey's visit to the heart of Australian democracy was more special than most. Mr Starkey is the great-grandson of former prime minister Joseph Lyons and Mrs Starkey the great-granddaughter of former prime minister Billy Hughes. "It makes you feel proud that our forefathers changed the way Australia was shaped," Mr Starkey said.

Full story - Page 6



Jim and Wendy Starkey outside Old Parliament House. Photo: Sitthixay Dittthavong

HOSPITAL Daughter seeks answers

Justice sought over death

Andrew Brown

Prior to being admitted to Calvary Hospital, Robyn, who did not want her surname published, said her 85-year-old mother Gwen was full of life and energy.

"She was able to drive herself around and she was living independently in Canberra. She was very lively," Robyn said.

However, that all changed when Gwen was taken to Calvary in late April last year, suffering from an infected leg ulcer.

During a weekend visit to see her mother in hospital in May 2017,

Robyn said Gwen's condition deteriorated rapidly after contracting sepsis in one of the wards.

"Mum had gone a very strange colour and she was struggling to breathe and she couldn't be roused," Robyn said.

Despite the pleas from Gwen's family, staff were unable to check her condition over the weekend, as regular doctors and specialists were only available on weekdays.

Robyn said staff told her doctors were not able to be called in for a fear of backlash and intimidation from senior staff.

It was these factors, Robyn al-

leged, that led to her mother's death just weeks later. Following her diagnosis of septic shock, Gwen was transferred to Calvary's intensive care unit and eventually discharged into a high-care nursing facility, before she died on July 6 last year.

Her daughter said negligence from staff as well as staff being intimidated as a result of a culture of bullying at the hospital contributed to her mother's death.

An investigation into the circumstances that led to Gwen's

Continued Page 5

S.A.S. rookie told to shoot unarmed man

Chris Masters
Nick McKenzie

A Special Air Service Regiment trooper on his first deployment to Afghanistan was pressured to execute an elderly, unarmed detainee by fellow higher-ranking soldiers as part of a "blooding" ritual, according to defence insiders who were witnesses at the scene.

And on the same mission, another man with a prosthetic leg was killed by machine-gun fire. His plastic leg was souvenired and later taken back to SAS headquarters in Perth to be used as a novelty beer drinking vessel.

The summary execution of the elderly detainee on Easter Sunday, 2009, is one of several incidents involving a rogue SASR team operating in Afghanistan which

has been uncovered by a Fairfax Media investigation and corroborated by special forces insiders.

The grey-haired, bearded Afghan man executed by the "rookie" was, according to some SASR members, a suspected Taliban member, but at the time presented no threat to Australian soldiers. The newly deployed soldier allegedly shot the man after being prompted by two more senior soldiers, one of whom was earlier overheard proclaiming a need to "blood the rookie".

One of the sources said the killing was less abhorrent than the pressuring.

"If shit needs to be done, do it

Continued Page 10



Jan Thima with her children Tongthara, 3, Buabucha, 5. Photo: Jason South

Push to get mothers back to work

Eryk Bagshaw

More than 360,000 families are set to lose their childcare benefits in less than a month, leaving them hundreds of dollars out of pocket if they fail to sign up to the Turnbull government's childcare package.

The government has urged families to get a move on as it encourages more women back to work through income tax cuts and a \$2.5 billion childcare boost.

The existing two-tiered system – the Child Care Benefit and the Child Care Rebate – will shut down from July 1, as families rush to get their paperwork together for the new all-in-one online platform.

The overhaul, which new figures from the Department of Education show 750,000 families have signed up for, will have childcare subsidies paired to the amount of work,

study or volunteering a parent does, with the primary caregiver given a means-tested subsidy of up to 50 hours a week for 24 hours of activity. Department figures show that more than 360,000 families have still to sign up.

The new system will eliminate a cap on childcare that has had thousands of families earning up to \$187,000 run out of subsidies before the end of the year.

"When people run out, typically between March and May, they start looking to cut back those hours of care, or they just do it really tough for those couple of months," said Goodstart early learning advocacy manager John Cherry.

Federal Education Minister Simon Birmingham said the package was the most significant change to childcare in 40 years. "The system that's evolved over

time means too many mums, dads and carers drop out of the workforce."

Labor is "deeply concerned" one in four families may be worse off under the changes, particularly those with a stay-at-home parent who does not meet the minimum four hours of activity required to gain access to the subsidy.

Labor's spokeswoman for early childhood education Amanda Rishworth says she has concerns about parents who work casually being forced to estimate the number of hours they will receive to establish their subsidy entitlement.

A Senate inquiry heard this week that up to 90 per cent of a part-time working parent's wage was taken by childcare and a cut in family tax benefits if they opted to work a fourth day a week.

"The biggest trap in the whole

system is for people who work part-time with kids in childcare," said the Grattan Institute's chief executive, John Daley.

Mr Daley found Australia would be up to \$25 billion better off if it matched Canada's female workforce participation rate, which has soared on the back of generous childcare subsidies and low to middle-income tax cuts.

Melbourne mother Jan Thima said without the extra childcare subsidy she will receive she would have had to cut back on toys and clothes for her three-year-old son. "I want to be back at work, but I don't have any family here like a grandma or grandpa, so childcare is a solution to look after my kids."

The government believes its proposed 32.5 per cent flat tax for those earning between \$40,000 and \$200,000 a year will

complement the childcare package by cutting the number of taxpayers who congregate just below a tax bracket increase, known as "bunching". An ANU study of 160 million taxpayer records between 1999 and 2014 found bunching was most noticeable for mothers and self-employed.

The elasticity – or disincentive to work more – increased with the number of children they had.

PricewaterhouseCoopers partner Paul Abbey said women having children and not returning to work full-time was a key weakness of Australia's workforce participation. "[The flat tax rate] takes bunching out of the equation for them, especially if they are self-employed and have flexibility," he said. "The rate change will no longer be a disincentive to committing more time and effort."

S.A.S. rookie 'blooded' by executing an unarmed man

From Page 1

yourself," the soldier said.

SASR sources claim the man with the prosthetic leg was machine-gunned by a soldier that, for legal reasons, Fairfax Media will call "Leonidas".

Leonidas is also implicated in the killing of a detainee three years later in September 2012 during a SASR mission in the village of Darwan. Leonidas kicked handcuffed detainee Ali Jan Faqir off the edge of a small cliff, badly injuring his face, according to claims of two defence force insiders who witnessed the event.

As the detainee lay injured, hands still bound, the two witnesses say Leonidas was party to the decision among soldiers to "get him out of his misery." The claims have been

backed by the relatives of Faqir and who were interviewed this week by an Afghan journalist on assignment with Fairfax Media.

Australia's ugly turn in Afghanistan
FOCUS Page 17

The allegations, which have circulated among insiders for years have now been corroborated by various sources across the globe during a six-month Fairfax Media investigation.

They are likely to be central to inquiries commenced two years ago by the Inspector General of the Australian Defence Force, assisted by NSW Supreme Court Judge,

Major General Paul Brereton.

The IGADF inquiry was commissioned by then Chief of Army, Lieutenant General Angus Campbell (soon to become Chief of the Defence Force) following a scoping study instigated by then Special Forces commander, Major General Jeff Sengelman, and conducted by Dr Samantha Cromptvoets.

At the time, General Sengelman took what must have been an unpopular stand among some of his peers by lifting the lid on the secrets of the SASR, but also raising questions about command failure. Dr Cromptvoets' report came to detail "unsanctioned and illegal application of violence on operations" and a "complete lack of accountability" involving Australia's elite special forces. The main

combat elements of Australian Special Forces are the Special Air Service Regiment and the Commandos. Observers say Australia's longest war was allowed to bleed on, desensitising Special Forces operators engaged in too many deployments. Over time, the secretive status of Special Forces generated a culture allowing mateship to overwhelm accountability.

The IGADF inquiry into "rumours of the possible breaches of the Laws of Armed Conflict" parallels an International Criminal Court investigation into alleged atrocities committed in Afghanistan by Taliban, militants and coalition forces.

The ICC's interest is likely to be one reason the ADF wants to stay ahead of the curve for the sake of its

international reputation.

Dr Cromptvoets' report describes "enormous and difficult challenges" facing the Australian government in combating rogue actions by soldiers, warning the misconduct goes "well beyond blowing off steam" and involves "problems deeply embedded in the culture of the Special Forces".

In a statement, the defence force said the ongoing inquiry by Justice Brereton inquiry would make "recommendations" about how to deal with any substantiated allegations of war crimes.

"The IGADF Afghanistan Inquiry has, for some time, been aware of allegations of significant issues involving the Special Operations Task Group in Afghanistan, which are within the scope of the Inquiry," the statement said.

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KICK MORE GOALS
TV boss' plan to save footy
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WHO, ME?
Leading questions for Albanese
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\$4 SATURDAY, JUNE 9, 2018

I N D E P E N D E N T . A L W A Y S .

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EXCLUSIVE



SAS's day of shame

An elite Australian soldier is alleged to have taken part in executions in Afghanistan, a special investigation by **Nick McKenzie** and **Chris Masters** reveals.



An Australian special forces soldier kicked a handcuffed Afghan detainee off a cliff before endorsing his summary execution, according to allegations made by direct witnesses.

The case is one of two alleged executions involving a single Special Air Service Regiment soldier in late 2012, and which have been described in detailed testimony of witnesses.

The revelations are the first corroborated accounts of alleged war crimes involving the Special Air Service Regiment in Afghanistan. They are the most serious cases to face the Australian military in years, not only because of the gravity of the alleged conduct but also because they allegedly involve a small number of the nation's most elite soldiers.

The alleged breaches of the Geneva Convention - international laws that are meant to protect civilians and detainees in war zones - also raise serious questions about a command failure to oversee SASR soldiers during Australia's longest war, with evidence suggesting one small team



of soldiers went rogue over several years.

Yesterday *The Age* published a leaked Defence Force inquiry from 2016 that described "unsanctioned and illegal application of violence on operations" and a "complete lack of accountability" involving some of Australia's elite special forces, which are primarily comprised of the SASR and the Commandos.

The alleged incidents of war crimes come as a secretive inquiry into what Defence has described as "rumours" of inappropriate special forces conduct enters its third year. The International Criminal Court is also deciding whether to launch an investigation into atrocities committed by all sides in the Afghanistan conflict.

Labor yesterday urged the public release of the confidential Defence report, labelling it "deeply concerning". Defence Minister Marise Payne said the allegations against special forces soldiers were being thoroughly investigated

Continued Page 10

NICK MCKENZIE



SPECIAL REPORT
'During the Afghan campaign, there was a group of individuals who believed they were immune from the law.'

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CHRIS MASTERS



WEATHER

Today Shower or two clearing
Tomorrow Morning fog, then mostly sunny
Monday Morning fog, then sunny
Details

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7-15
6-16
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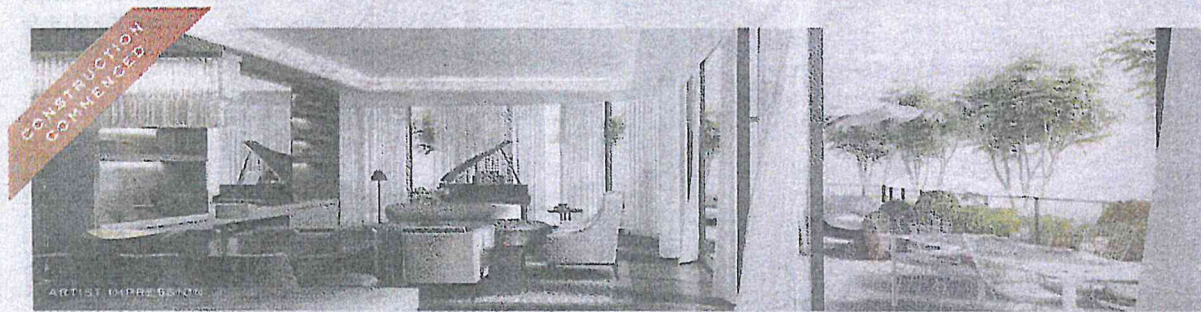
ODDSPOT

A man in Texas almost died after the head of a rattlesnake he found in his backyard and decapitated sank its fangs into his hand and held on for 30 seconds. By the time Jeremy Sutcliffe's wife got him to hospital he was in septic shock and bleeding internally. He survived, thanks to 26 doses of antivenom.



Business

What Apple does next is the trillion-dollar question
JOHN McDULING
Page 8



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Did the SAS kick a cuffed man off cliff?

SPECIAL REPORT



BY



NICK MCKENZIE



CHRIS MASTERS

An Afghan father set off to get flour. He ran into some Australian soldiers. He never came home.

The Australian special forces soldier led his prisoner towards a ridge above a dry creek bed near the Afghan village of Darwan.

The prisoner's fate lay in the hands of the man leading him to the edge. His own hands were bound.

It was September 11, 2012 – 11 years to the day after planes piloted by al-Qaeda ploughed into the World Trade Centre in New York, causing Australia to enter what would become the nation's longest war.

The handcuffed detainee was Ali Jan, a shepherd in his late 30s from a village three hours' walk from Darwan where his wife's family owned a plot of land. The day before, he'd travelled by donkey to Darwan to get flour. He'd left his pregnant wife, Bibi, and seven young children behind, telling them he'd be back soon.

After arriving in Darwan, Ali Jan had dinner and settled in for the night at a relative's home, a bare mud house brightened with carpets and the chatter of children. He planned to return home the next morning.

But when the sun rose on what was to be the last day of Ali Jan's life, it revealed a group of heavily armed Australian soldiers sweeping through Darwan on a manhunt.

They were searching for a rogue Afghan National Army sergeant called Hekmatullah who, days earlier, shot dead three unarmed and unsuspecting Diggers and injured two others as they played cards inside a coalition patrol base.

By the time the Australian special

Major General Jeff Sengelman (pictured) was worried that the nation's most revered group of soldiers was "no longer holding itself to account".



forces soldiers arrived in Darwan, the wanted man had vanished. Hoping to find any trace of his whereabouts, they began arresting dozens of local men for questioning. Ali Jan was also detained.

Most of the men were later released, but Ali Jan never arrived home. Soon, word reached his wife that something terrible had happened in Darwan.

Since then, speculation about what happened in that village in the rugged hills of Afghanistan's central Oruzgan province has only intensified, travelling across continents and time zones. In the Perth barracks of Australia's most elite fighting unit, the Special Air Services Regiment, the incident is discussed in hushed tones. In southern Afghanistan it evokes grief.

Now, five years after Ali Jan was walked towards the cliff edge, rumour has hardened into allegations, and then into evidence. *The Age* has spent months looking into Ali Jan's fate as part of a broader investigation into the behaviour of SASR forces in Afghanistan. The investigation

involved interviews with dozens of current and former soldiers and senior officials, and unearthed highly confidential documents and briefings. *The Age* also hired an Afghan journalist to track down Darwan villagers and Ali Jan's family to tell their story.

Among the special forces soldiers risking their careers to brief *Age* reporters are those who have also been summoned to give evidence to a special inquiry now being held into the actions of Australians in Afghanistan. The inquiry is run by a Supreme Court judge with the backing of top military officials.

Behind closed doors, the words "war crimes" are being used. Not only specific incidents, but the entire culture and command structure of Australia's most renowned and trusted fighting force is now under scrutiny in a manner unprecedented in Australian military history.

SOTTO VOCE: THE QUIET VOICE

In May 2015, as the colder nights advanced on Canberra, a newly minted Special Operations

Commander issued a memo. It had been 18 months since the Special Operations Task Group, comprised principally of the SAS Regiment and its younger special forces siblings, the Sydney-headquartered Commandos, had withdrawn from Australia's longest war.

During 13 years on the battleground in Afghanistan, the SASR had sent 23 rotations involving thousands of men and hundreds of missions.

Many of the 41 Australians killed in Afghanistan served with these two elite forces.

Major-General Jeff Sengelman, an intense and cerebral officer known for speaking his mind, began his report by describing three concerning incidents: an SASR member had been caught stealing explosives, another had been arrested for armed robbery, and a third had lost weapons.

Sources say a fourth incident, which involved an SASR soldier drawing a pistol on an Australian spy in Afghanistan, had also deeply troubled Sengelman.

These incidents, wrote the new commander, were symptoms of something deeper and more worrying: a "gradual erosion of leadership and accountability across the full span of command responsibilities".

Then he switched to plainer language. He was worried, he said, that the nation's most revered group of soldiers was "no longer holding itself to account".

Sengelman urged SASR members to write to him personally about their concerns. It was a bold move.

Tracing its beginnings to the top-secret Australian Z Special Unit that fought during World

SAS's day of shame: Elite Australian soldier allegedly took

From Page 1

independently from the chain of command.

The silver lining for the Defence Force is that the alleged war crimes have been exposed by SASR whistleblowers who have been backed by certain high-ranking officers, including now former major-general Jeff Sengelman and incoming Defence Force chief Angus Campbell. This is despite the potential impact on the reputation of serving and former members.

The prisoner of war allegedly

kicked off a cliff was detained by the SASR in the Afghan village of Darwan, in Oruzgan province, on September 11, 2012. He was arrested as Australian soldiers searched the village for Afghan army sergeant Hekmatullah, who days earlier had murdered three Australian soldiers and injured two others at a patrol base.

The SASR soldier, nicknamed "Leonidas" by a fellow soldier, after a Spartan warrior, kicked the handcuffed detainee off the edge of a small cliff, badly injuring his face, according to

claims of two Defence Force insiders who witnessed the event. As the detainee lay injured, hands still bound, the two witnesses say Leonidas was party to the decision among soldiers to "get him out of his misery".

The Age unsuccessfully sought to interview Leonidas, who cannot be named for legal reasons.

An Afghan freelance reporter working on assignment for Fairfax Media has spoken to the family of the man who was allegedly executed as well as other villagers from Darwan. They said Ali Jan, a father of seven who worked as

a shepherd, was arrested and had been detained by the SASR before he was allegedly executed. The villagers also claimed that Ali Jan had been forced over a cliff edge prior to his death, but did not directly witness this event or his later shooting.

The second alleged summary execution involving Leonidas occurred in October 2012. It has also been described in detailed testimony by two direct Defence Force witnesses. Both alleged that Leonidas instructed an Afghan soldier working with the Australians to execute an unarmed prisoner of war

suspected to have secreted a cache of arms in the wall of a house.

"If you won't do it, I will," the SASR soldier told the Afghan soldier, according to an Australian soldier who witnessed the alleged execution. A second Defence witness alleged Leonidas was "peer pressuring" the Afghan soldier to execute the unarmed man.

The two alleged summary executions are among several serious and credible accounts of war crimes uncovered by *The Age* involving a small SASR patrol and a small



An artist's impression of the 2012 incident, based on witness testimony. Illustrations: Matt Davidson

War II and operating under the motto "Who Dares Wins", those in the regiment receive intensive training to carry out the nation's most sensitive and dangerous military missions.

As the SASR has adapted to modern conflict, hunting terrorists in Iraq and Afghanistan and leading spy missions in Africa, its historical penchant for secrecy has remain unchanged. Everything is

classified until it is not. The 700-odd members – half of whom are active "operators" who must pass a gruelling selection course testing their physical and mental capacity – cannot be photographed or discuss their work, ostensibly for security reasons.

They are men used to anonymity, and who tend to resent anyone, including one of their own, breaking ranks.

"They love the mystique," is how one special forces insider described it in a leaked Defence report charting the special forces' culture, "and the government loves it. And everybody loves it."

It wasn't just this culture that Sengelman was challenging, but also a bond of brotherhood, forged at its deepest in blood and bravery.

Continued Page 12

Payne promises all claims will be investigated

David Wroe

The Turnbull government has vowed it is taking seriously allegations that some elite Australian special forces soldiers committed war crimes in Afghanistan, while Labor has demanded a confidential report containing the claims be made public.

Defence Minister Marise Payne said it was well-known that special operations soldiers – made up primarily of the SAS and commandos – operated in "a complex, chaotic and very dangerous environment to defend our freedoms".

But she said allegations of "un-sanctioned and illegal application of violence on operations", as well as claims of a lack of accountability to the military chain of command, were being thoroughly investigated. "As Australians would expect, these allegations must be – and are being – thoroughly examined, independently from the chain of command."

She said an inquiry by the Inspector General of the Australian Defence Force had been going on since May 2016.

Foreign Minister Julie Bishop said there were "very serious allegations" but the ADF was taking them seriously. "I regard the soldiers of the SAS as some of our finest. These are men who are prepared to put their life on the line in conflict situations to defend us and to defend our freedoms," she said.

Labor defence spokesman Richard Marles labelled the reports "deeply concerning" and said the opposition would seek a briefing from the Defence Minister. "We will also be seeking, subject to national security considerations, as much of this report as possible be brought to the public domain. Information in a report as significant as this should not be coming to light via leaks to newspapers," Mr

Marles said in a statement. He said military personnel, especially special forces, operate in "difficult and complex environments" and Australians should be assured they are working in a professional and legal way.

Liberal MP Andrew Hastie, a former SAS officer, told ABC radio: "I don't want to go into any specific allegations, but they should be taken seriously."

Former defence minister David Johnston said he'd never seen any indication of problems within the elite units. "I think we have the best, highest level, highest standard special forces in the world and I'm very, very surprised that there would be aspersions cast upon them," he said.

'I'm very, very surprised that there would be aspersions cast upon them'

Former defence minister David Johnston

Neil James, executive director of the Australia Defence Association, said there was "definitely a serious problem" but added there should be more attention on the causes – singling out the fact that special forces personnel were sent on too many operations.

"Governments of both persuasions have had such an aversion to casualties because they think it will lose them votes. That's driven them to overuse special forces for lots of things that could have been done by conventional military.

"And high operational tempo in an elite group is the type of scenario where you're going to get cultural problems and where those problems are going to become institutionalised over time."

part in Afghanistan executions, investigation reveals

number of other SASR soldiers. The allegations extend to soldiers covering up the deaths of civilians.

It is understood the incidents are known to an inquiry under the auspices of the Defence inspector general and led by NSW judge and Paul Brereton.

But several serving and former SASR soldiers have broken ranks to brief reporters because there is no guarantee the findings of the Brereton inquiry will ever be publicly tabled, and doubt about whether the Australian Federal Police has the capability to conduct its own war crimes investigation, a prerequisite to any prosecution.

In a statement, the Defence Force said the Brereton inquiry would make "recommendations" about how to deal with any substantiated allegations of war crimes.

"The IGADF Afghanistan Inquiry has, for some time, been aware of allegations of significant issues involving the Special Operations Task Group in Afghanistan, which are within the scope of the inquiry," the statement said.

It is understood that for two years until April, Justice Brereton had worked as a full-time judge while also overseeing the inquiry in his spare time.

Multiple sources also questioned if Defence and the government were prepared to examine major failures of oversight among some senior officers who, they say, ignored red flags, including that soldiers such as Leonidas were allegedly operating with no regard for the law.

The 2016 Defence inquiry detailed accounts from special forces insiders that some soldiers had allegedly committed war crimes, described as involving a "disregard for human life and dignity", during Australia's deployments to

Afghanistan between 2001 and 2013.

The inquiry was commissioned in 2016 by then Special Operations commander Sengelman, and was backed by incoming Defence Force chief Campbell.

The report also describes "enormous and difficult challenges" facing the Australian government in combating the issue, warning the misconduct goes "well beyond blowing off steam" and involves "problems deeply embedded in the culture" of the elite group at the centre of Australia's military response in Afghanistan.

The inquiry also warns that Australia's national security is being

damaged by "major gaps in knowledge" across government about the capability and culture of Special Operations Command, and poor coordination between its two key units, the Special Air Service Regiment and the Commandos.

The inquiry was conducted by Defence Department consultant Samantha Crompvoets, who interviewed special forces personnel, senior military leaders and top national security officials, including Defence Department secretary Greg Moriarty. The later and still ongoing inquiry by Justice Brereton was prompted by Dr Crompvoets' investigation.

SPECIAL
REPORT

Evidence mounts of SAS role in execution of cuffed man

From Page 11

Historian Charles Bean describes Australia's "big" discovery in WWI - the "character of men" - as forged by the Anzacs who "rushed the hills at Gallipoli and held out there during the long afternoon and night".

The SASR's character and place in Australia is shaped by its own stories. Most recently, certain battles in Afghanistan have helped define the regiment: the courageous fight at Tizak in 2010, which involved many SASR soldiers displaying extraordinary heroism under fire; and the bravery displayed during a fierce firefight with the Taliban in 2008 at Khas Oruzgan. Both battles led to multiple awards being presented to SASR members, including two Victoria Crosses, the Commonwealth's highest honour.

But in spite of this fierce pride and the taboo about breaking ranks, members began writing to Sengelmann. Over time, serving and former regiment members have also briefed reporters working on this story. They speak of an untold story from Afghanistan involving a small number of regiment members who began to confuse secrecy with impunity; men whose actions exist in the shadowy margins of what constitutes proper behaviour in combat.

As one highly decorated Afghanistan SASR veteran puts it: "I'm all for dropping the hammer [shooting people] when the time comes. But that doesn't mean killing civilians or getting up your 'kill count' when you can take a prisoner instead."

Says another who fought at Tizak: "I've got no problem with taking out bad fellas. But what happened at Darwan and elsewhere isn't right."

As the letter count grew, Sengelmann called his boss, then chief of army Angus Campbell, himself a former SASR officer. Together, they commissioned a defence consultant, Dr Samantha Cromptvoets, to dig further.

Cromptvoets was given free rein. She spoke to people from the Chief of Defence Force down in preparing her highly confidential 2016 report, which *The Age* has seen. Cromptvoets wrote of SASR "insiders" initially disclosing information "sotto voce" or in the quiet voice. Over time, she wrote, these insiders got "much louder ... and difficult to ignore" as they spoke of "extremely serious breaches of accountability and trust".

At their most serious, Cromptvoets wrote, their accounts concerned the "unsanctioned and illegal application of violence on operations, disregard for human

life and dignity, and the perception of a complete lack of accountability".

Cromptvoets' report reinforced a fear held by some in Perth that the SASR's character had been compromised by a small group.

Cromptvoets, Sengelmann and Campbell all declined to be interviewed. But by the end of 2016, all three were acutely aware that one SASR soldier was being whispered about more than most. He had deployed repeatedly to Afghanistan and formed impeccable connections up the chain of command.

One SASR officer, to himself, called this man "Leonidas", after a fearsome warrior of ancient Sparta. Leonidas was part of the sweep through Darwan on September 11, 2012. And it was Leonidas who had allegedly led Ali Jan to the edge.

SPARTA AND HOLLYWOOD

Questions inside the regiment about Leonidas, who *The Age* unsuccessfully sought to interview and who cannot be named for legal reasons, began to be asked in 2009.

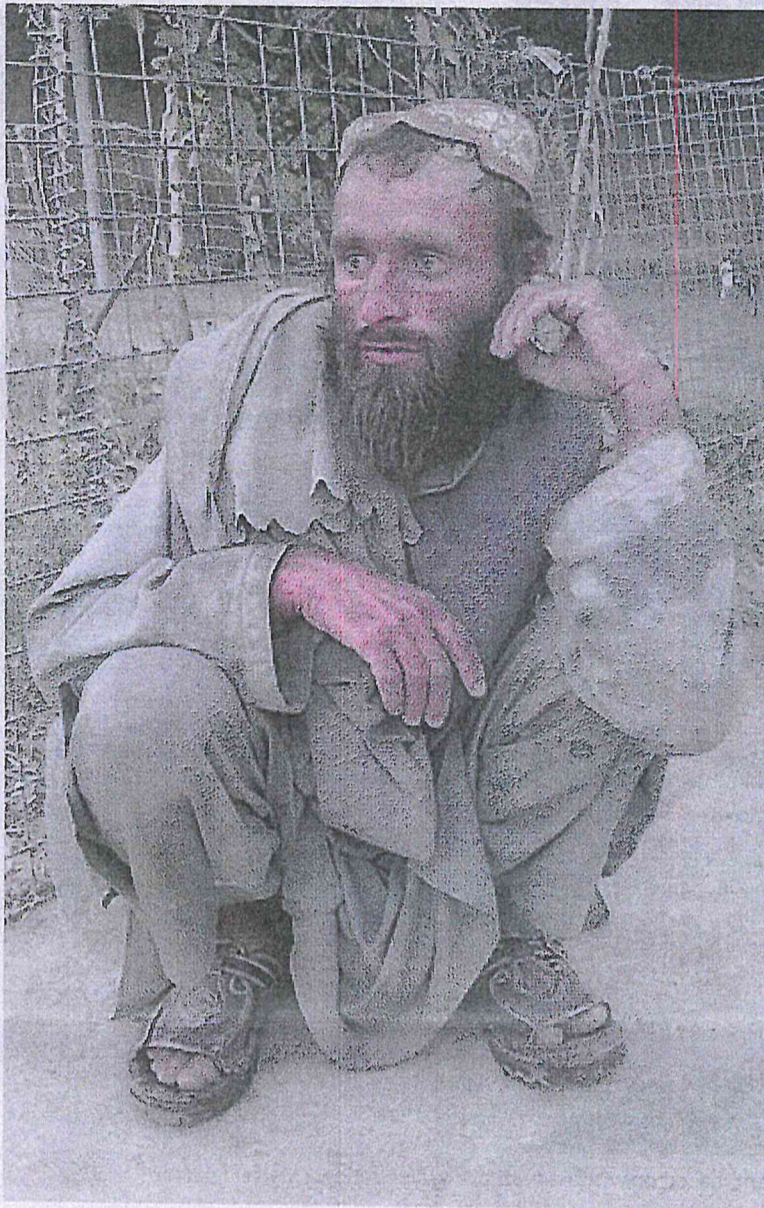
At the time, he was part of an SASR patrol that was increasingly dividing the regiment. A warrior culture was being embraced by some special forces troops but loathed by others. It involved tattoos and a devotion to the Hollywood movie *300*, which glorifies the fighting prowess of the ancient Spartans, and whose climactic moment involves an enemy soldier being kicked off a ridge.

Several former SASR officers say this rock-star ethos emboldened certain soldiers to test the elasticity of the rules of engagement - rules that govern when a soldier can take a life.

"The regiment over time prided itself on being an organisation that broke the rules but not the law," explains one former officer. "What happened, though, was during the Afghan campaign, there was a group of individuals who believed they were immune from the law."

As he plunged, his face smashed into rocks.

A specialist embedded with the SASR noted two distinct personalities emerging as one four-month rotation blurred into the next and the regiment honed its ability to kill or capture militants, men placed on the coalition's Joint Priority Effects List, the modern version of a wanted poster.



Abdul Ahmad, the brother dead shepherd Ali Jan.

The specialist says some soldiers sought redeployment in Afghanistan because they loved the hunt. Others came to feel uneasy as an escalating enemy body count was not matched by progress in achieving the US-led NATO mission.

Former SASR captain Andrew Hastie, who served in Afghanistan in 2013 and is now a Liberal MP, recalls the latter group of soldiers "grasping for operational clarity in a fog of strategic ambiguity".

The patrol Leonidas belonged to appeared unburdened by such introspection. In this group, sources say, junior members were pushed to kill rather than detain.

In time, members of this patrol tacked a "kill board" to the wall of their patrol room. Members of another patrol heard Leonidas urging his fellow patrol members on - "only two more to go, boys" - a suspected reference to reaching a desired kill count to record on the board.

Sources say the patrol fused a warrior ethos with the regiment's secretive culture. Its aggressive approach drew some admirers,

including officers who believed it was needed on Afghanistan's asymmetrical battlefield.

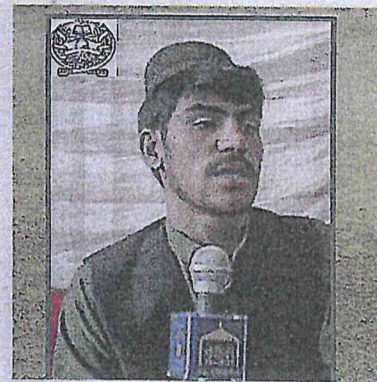
Leonidas, too, had his fierce backers, including regiment members who believed his assertive soldiering was setting an example for others in the regiment. Those bagging Leonidas, they said, were jealous of his courage and resolve.

Less aggressive patrols risked unofficial sidelining. One patrol commander was regarded by his peers as overly cautious after he told his soldiers they had to be comfortable with everything they did in battle.

"He told us we needed to be able to get to sleep at night when we were grandparents," says a patrol member. Subsequently, this member says the patrol started being overlooked for missions.

RUMBLINGS AND DISCONTENT

By 2010, there were disparate rumblings about incidents involving Leonidas' patrol on the battlefield. A prisoner of war was



Killer: Hekmatullah.

found dead in suspicious circumstances by a member of another patrol; an SASR soldier discovered the bodies of two farmers in a field without weapons; one of Leonidas' patrol colleagues was quietly complaining about another shooting on patrol.

In each case, Leonidas' patrol had failed to conduct a proper "site sensitive exploration", according to sources at the scenes.

This is supposed to involve scouring for any items that can be exploited for intelligence, such as radios, but it also helps document the circumstances of a killing, such as whether a person was armed.

But it was not until two years later, in 2012, that witnesses began emerging with vivid, first-hand testimony about what Samantha Cromptvoets later described as "unsanctioned and illegal application of violence".

By the second-last year of Australia's deployment, the coalition's Afghanistan strategy was on life-support. Soldiers and diplomats viewed Afghanistan's criminal justice system as a revolving door for militants.

According to a former SASR officer, small, combat-fatigued cliques inside the regiment were embracing "special warrior" rules of combat. They were enabled, he says, by wilfully blind colleagues and an embattled command system.

Then, on August 29, 2012, Afghan sergeant Hekmatullah shot dead three Australian soldiers.

The murdered trio were meant to be Hekmatullah's comrades, but he killed them in cold blood and fled. One defence insider embedded with the SASR as it began the hunt for Hekmatullah describes a "change of attitude, a change of eyes". Some soldiers, he says, were out for blood.

When satellites intercepting phone calls gathered intelligence that placed Hekmatullah in the vicinity of Darwan, the Australians moved fast. For them, he was the most wanted man in Afghanistan.



The body of an alleged "spotter" was sighted by a soldier from his helicopter. Illustration: Matt Davidson.

'ONE SPOTTER K-I-A'

The radio message crackled into the earpieces of the special forces soldiers: "Three minutes till wheels up." The Darwan mission was ending. The helicopters were about to take the Australians and a small number of villagers selected for additional questioning back to the district capital, Tarin Kowt.

Soon after, the 50 or so detainees crammed into a compound at Darwan received their own blunt warning. "If you come outside before the helicopters are gone, you'll be shot," an SASR patrol commander barked.

The Afghans waited, some with heads bowed, listening for the whir of rotor blades that would signal the end of their ordeal.

Then the radio crackled again, this time relaying a message from Leonidas: "One spotter K-I-A [killed in action]," he said.

One of the SASR members on the ground, a respected and experienced operator, describes feeling a distinct pang of suspicion. "I thought to myself, something's not right."

The SASR had already spent hours searching compounds and rounding up dozens of men, designated "PUCs" (Persons Under Confinement) so they could be interrogated.

The soldier who felt something was awry was a member of a six-man patrol with a clear line of sight up the dry creek bed, but at a distance of about 50 metres from detainees being guarded by a patrol that included Leonidas.

If a spotter – an enemy surveillance operative who reports coalition soldiers' movements to militants – had emerged, the soldier reckoned he would have seen him. It also made little sense, the soldier thought, for an active spotter to approach the Australians so late into their Darwan mission.

"We didn't require any spotting – we had come in like an elephant and made our presence well

known," the SASR soldier recalls.

As his helicopter lifted off, he remembers glancing down from a helicopter, seeing what looked like a body at the bottom of a cliff and asking himself a question: if it wasn't a spotter who was K-I-A, who was it?

Some time later, an SASR soldier responsible for securing the Darwan detainees separately approached two senior regiment members with an answer. The junior soldier described a scene he'd witnessed which was playing on an endless loop in his head, haunting his dreams.

It involved an irate and frustrated Leonidas grabbing one of the handcuffed PUCs and walking him to the edge of a rocky cliff perhaps 10 metres high.

Leonidas gave himself a short run-up then kicked the detainee off the edge. As he plunged, his face smashed into rocks. Then the injured man was executed, the junior soldier told his two superiors.

A second witness serving with the SASR during the Darwan mission has corroborated that story. He says he saw Leonidas kicking "the hell" out of an Afghan detainee, causing him to tumble down the rocky incline. This witness says this incident mirrored the climactic "kick" scene from the Sparta movie, 300.

As the PUC lay injured, hands still bound, this second witness says Leonidas conferred with a small number of soldiers, explaining the injured prisoner "was acting suspicious". Then the man, says this witness, was summarily executed in some scrub out of the view of the other detainees and most of the other soldiers.

Stories differ about the precise sequence of events leading to the fatal bullet being fired, although both witnesses say Leonidas was party to the decision to "get him [the PUC] out of his misery".

Villagers tracked down by an Afghan journalist working with

The Age provide further corroboration. Darwan's village elders claim that several innocent residents were slain when the SASR swept through the village on September 11, 2012.

Among their tally of the dead were two men killed in a compound filled with almonds. These two deaths match reports filed by SASR members save for a critical difference: the soldiers say the two men were armed, the villagers say they were not.

The villagers also describe a detainee who was forced over a cliff by an Australian soldier and then executed.

When the soldiers had flown away, the villagers recognised the dead man as Ali Jan, a shepherd

Accounts concerned 'disregard for human life'.

from a nearby village. They dispatched a young boy to run to a village three hours away with the news. Expecting her husband to return home to the hills with flour and gossip from the village, Ali Jan's pregnant wife, Bibi, instead received word that he was dead.

Ali Jan's brother, Abdul Ahmad, was with her. He recalls reeling in disbelief that "a person who went to get flour" could somehow end up dead. When the news sunk in, it brought utter despair.

"Then the screams started," Ahmad says. "Ali Jan's mother was crying day and night for a week. His two elder daughters were screaming and running after their grandmother" in a state of bewilderment, pleading to be told their father was alive.

A SECRET HEARING

In late 2017, an SASR soldier who had been at Darwan received an unexpected call from a Defence investigator working for NSW Supreme Court judge Paul

Brereton. Justice Brereton, the investigator explained, wanted the soldier to attend a secret hearing.

Several weeks later, another SASR member was summoned for questioning. This year, many more have been grilled.

In 2016, and partly as a result of the Cromptvoets inquiry, Justice Brereton was commissioned by the then chief of army, Angus Campbell, to investigate what the Defence Department described as "rumours" of special forces' misconduct in Afghanistan.

Brereton refuses to be interviewed by the media, but those who know the 60-year-old judge describe him as determined and fiercely independent. He also has military credibility, having enjoyed a decorated career as an army reservist, including as a commander of the fifth brigade. His father, NSW judge Russell Brereton, prosecuted Japanese soldiers after WWII.

Two soldiers who have been interviewed by Brereton say many of his questions were directed to events at Darwan.

"I was blown away by the detail he had," says one interviewee.

Yet both soldiers, and several others who've been interviewed, say they are unsure if Brereton has the power and backing not only to breach the SASR code of silence but expose all that he finds.

Some senior Defence officials insist Brereton's inquiry, which operates under the aegis of the secretive watchdog, the Inspector General of Defence, is limited to a "scoping" exercise and that any credible evidence of war crimes will need to be referred to the Australian Federal Police for a subsequent inquiry.

In a statement, the Defence Force said the Brereton inquiry would make "recommendations" about how to deal with any substantiated allegations of war crimes.

"The IGADF Afghanistan Inquiry has, for some time, been aware of allegations of significant issues involving the Special Operations Task Group in Afghanistan, which are within the scope of the inquiry," the statement said.

Senior federal police privately say they are wary of inheriting from Brereton a politically sensitive probe involving a cold evidence trail on a foreign battlefield.

And yet evidence is mounting. During research for this story, two first-hand witnesses provided detailed, corroboratory accounts of Leonidas' directing an Afghan partner-force soldier to execute a prisoner of war in October 2012.

Evidence also extends beyond Leonidas and his collaborators, to a small number of other SASR members. This evidence points to other summary executions or attempts to cover up civilian deaths. While the allegations involve a tiny minority of the regiment, they also raise questions about the blindness and competency of some commanders.

The Commandos – the other major component of

Australian special forces – do not appear to be facing allegations as serious as those in SASR.

In her confidential report, Cromptvoets warned the issues she had uncovered should not be dismissed as soldiers "blowing off steam".

Rather, she wrote, they involved "problems deeply embedded in the culture" of the special forces, which would resist "simple or cosmetic solutions".

Cromptvoets also warned of "a deep impediment to change because of the extent to which leaders with SOF [special operations forces] backgrounds, highly placed throughout the ADO [Defence] and beyond, were compromised by their own participation or complicity in problematic behaviours of the past".

Yet it is also clear that some of those who are fighting behind the scenes for transparency are serving or former SASR members. Angus Campbell, who in April was selected to become the next Chief of the Defence Force, appears to be among them.

One of his last moves as Chief of Army has been to restrict soldiers from wearing clothing adorned with controversial symbols, such as death heads and Spartan warrior iconography. It was met with howls of resistance from many in Defence and some in the media.

Those inside the SASR pushing for greater accountability say the public must be told how a small group of soldiers could act with apparent impunity even as those up the chain of command were ostensibly overseeing them.

Such a public reckoning, they say, could also consider the damage wreaked by those few soldiers who allegedly cared more for adding to their tally of dead than the Afghans they'd been sent overseas to protect.

By many accounts, the coalition's mission in Afghanistan failed. The Taliban now controls over 10 of Afghanistan's 407 districts, including the village of Darwan and, according to US government figures, it is building its influence in many more.

The freelance reporter who recently tracked down Ali Jan's family for *The Age* worked under the constant threat that the Taliban might uncover his activities. Using a network of tribal elders, the freelancer arranged for Ali Jan's brother, Abdul Ahmad, to travel to a safe house to tell the family's story.

Ahmad said Ali Jan's death had left his wife, Bibi, struggling to put food on the table. They can no longer afford meat or to send the children to school.

But the family, he said, had also been blessed. Three months after Ali Jan was allegedly kicked off a cliff by an Australian soldier, Bibi gave birth to a baby girl. Ali Jan's youngest daughter, Razia, is now five.

Reporting in Afghanistan by Sharif Khoram.

3RD

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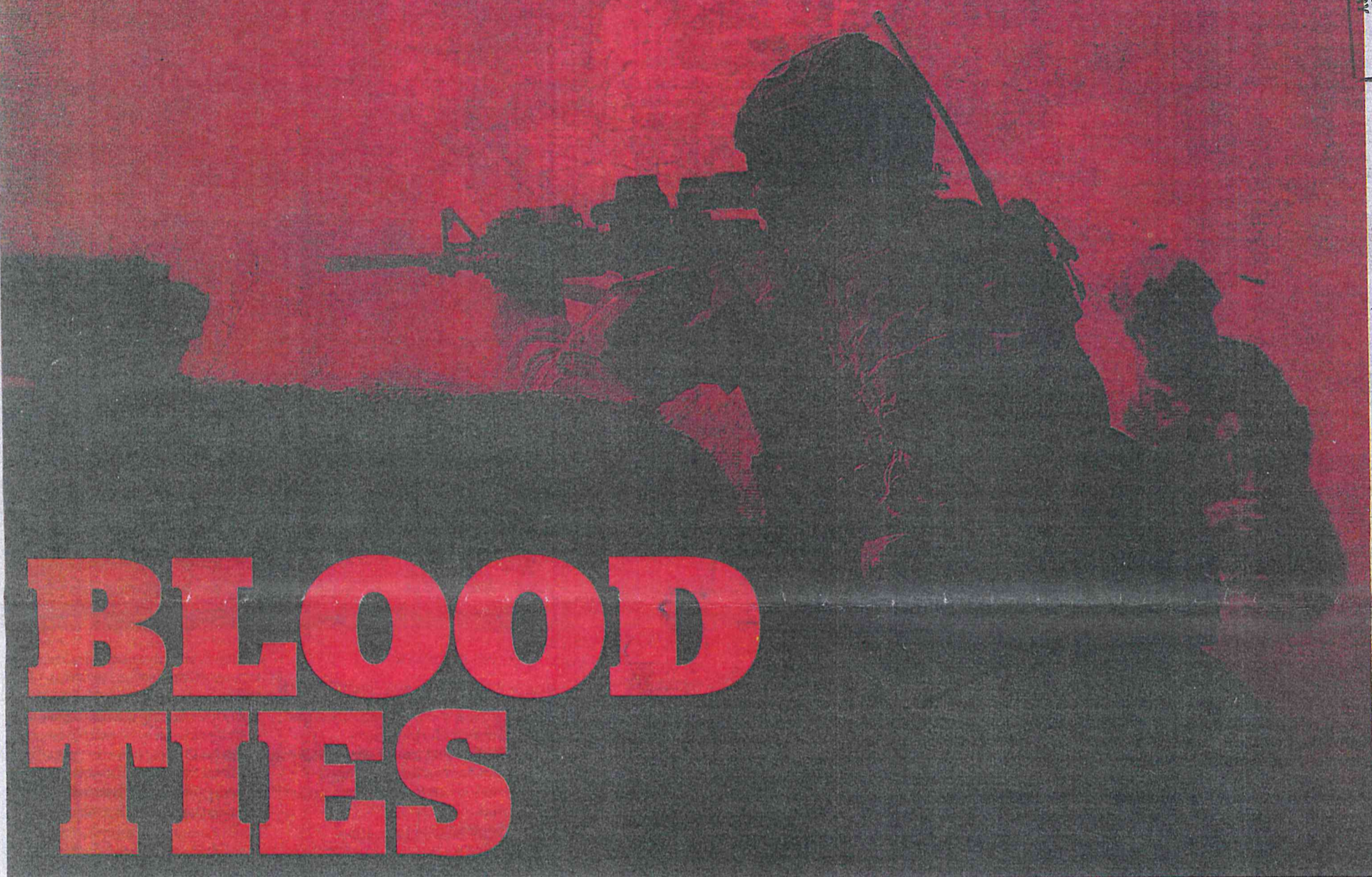
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Sunday Age

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BLOOD TIES

Exclusive
Chris Masters
Nick McKenzie

A Special Air Service Regiment trooper on his first deployment to Afghanistan was pressured to execute an elderly, unarmed detainee by fellow higher-ranking soldiers as part of a "blooding" ritual, according to defence insiders who were witnesses at the scene.

And on the same mission, another man with a prosthetic leg was killed by machine-gun fire. His plastic leg was souvenired and later taken back to SAS headquarters in Perth to be used as a novelty beer drinking vessel.

The summary execution of the elderly detainee on Easter Sunday,

2009, is one of several incidents involving a rogue SASR team operating in Afghanistan which has been uncovered by an *Age* investigation and corroborated by special forces insiders.

The grey-haired, bearded Afghan man executed by the "rookie" was, according to some SASR members, a suspected Taliban member, but at the time presented no threat to Australian soldiers. The newly deployed soldier allegedly shot the man after being prompted by two more senior soldiers, one of whom was earlier overheard proclaiming a need to "blood the rookie".

One of the sources said the killing was less abhorrent than the pressuring. "If shit needs to be done, do it yourself," the soldier said.

SASR sources claim the man with the prosthetic leg was machine-gunned by a soldier that, for legal reasons, *The Sunday Age* will call "Leonidas".

Leonidas is also implicated in the killing of a detainee three years later in September 2012 during a SASR mission in the village of Darwan. Leonidas allegedly kicked handcuffed detainee Ali Jan off the edge of a small cliff, badly injuring his face, according to claims of two defence force insiders who witnessed the event.

As the detainee lay injured, hands still bound, the two witnesses say Leonidas was party to the decision among soldiers to "get him out of his misery". The claims have been backed by the relatives of Ali Jan,

who were interviewed last week by an Afghan journalist on assignment with *The Age*.

The allegations, which have circulated among insiders for years, have now been corroborated by various sources across the globe during a six-month *Age* investigation.

They are likely to be central to inquiries commenced two years ago by the Inspector-General of the Australian Defence Force, assisted by NSW Supreme Court judge Major-General Paul Brereton.

The IGADF inquiry was commissioned by then chief of army, Lieutenant-General Angus Campbell (soon to be become chief of the

Continued Page 2

INSIDE THE SAS
PAGE 20

EXTRA



COOL CHANGE

Jane Kennedy's rock'n'roll makeover
SUNDAY LIFE



WORLD CUP

Teams, draw, and our experts' picks
SPORT



Weather TODAY Fog then sunny 7 - 15 TOMORROW Mostly sunny 6 - 16 Page 31

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BA NATAGE A001

DIGITAL SUNDAY



PHOTO

Rebecca Howson got into the spirit of things at the Melbourne Oz Comic-Con at the Convention Centre yesterday. Go online to see a gallery of the event.



ONLINE

We're counting down to the 21st FIFA World Cup in Russia. Go online for our World Cup 2018 fixture interactive.



INSIDE

NEWS

Australia's largest online GP booking business 'HealthEngine' has been caught altering negative patient reviews and publishing them as "positive customer feedback", potentially misleading users.

PAGE 11

WORLD

Chinese government hackers have compromised the computers of a US Navy contractor, stealing highly sensitive data related to undersea warfare - including secret plans to develop a supersonic anti-ship missile for use on US submarines by 2020.

PAGE 17

EXTRA

Aspiring immigrants to the United States are turning to fake marriages in testing times.

PAGE 22

OPINION

Women are the losers in *Meanjin's* botched politics of symbolism, writes Julie Szego.

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PLUS



NATAGE A002 BA

Parliament target for cyber strike

Andrew Brown

A third of all cyber attacks investigated in the past financial year by Australia's cyber security agency targeted the federal government.

Figures from the Australian Cyber Security Centre revealed that of the 671 cyber security incidents in 2016-17 that warranted an operational response, 33 per cent of those were aimed at Federal Parliament.

According to the centre, almost 14 per cent of threats were aimed at state or territory governments. However, the Australian Signals Directorate declined to comment on the statistics for specific jurisdictions.

Of the remaining cyber threats, more than 29 per cent targeted industry. All other attacks made up just less than 23 per cent.

An Australian Cyber Security Centre spokesman said threats were on the decline.

"As the security of government agencies and awareness of the threats have increased, the ASCS has been required to respond to fewer incidents," the spokesman said.

"The federal government continues to constitute the majority of targets, followed by industry and state and territory governments."

The decrease in the number of cyber attacks Australian Cyber Security Centre investigated comes as a bipartisan deal was reached in Federal Parliament to introduce laws that will crack down on foreign interference.

The laws were introduced following warnings of unprecedented espionage damaging the national interest. Attorney-General Christian Porter said last week that tougher measures were needed.

"There's an unprecedented level of foreign intelligence activity in Australia and that means more foreign agents and more foreign powers using more tradecraft and more technologies to engage in espionage and foreign interference and the attempted foreign influence of our democratic processes," Mr Porter said.

Analysis by the Australian Cyber Security Centre revealed cyber crime is estimated to cost

Australians \$1 billion a year. However, some estimates state the real impact to the nation is about \$17 billion annually.

"As people and systems become increasingly interconnected, the quantity and value of information held online has also increased and, unfortunately, so have the efforts to steal and exploit that information," the Cyber Security Centre spokesman said.

Among the most frequent types of cyber security threats was ransomware, as well as malware targeting businesses.

"It affects individuals and organisations alike, and can impose significant costs in both recovery and downtime," the spokesman said. "Trusted third parties access continues to be exploited, regardless of organisation size."

The figures on cyber security threats to the federal government comes after a \$9 million cyber security operations centre for Parliament House was announced in last month's federal budget.

Cyber crime costs Australians \$1 billion a year.

The Department of Parliamentary Services said seven staff members were expected to work in the new centre, which will be set up in the 2018-19 financial year to focus on protecting the parliamentary computer network.

UNSW Canberra cyber security strategy and diplomacy professor Greg Austin said while there was a significant number of cyber security threats in 2016-17, the true number may never be known.

"The relationship between cyber security awareness and the actual cyber security of the federal and state governments aren't that strongly connected," he said.

"Governments and corporations talk about their cyber security awareness as if it's the solution to the problem, when there's about 1000 other more important things to do to monitor cyber security than just promote awareness."

The Cyber Security Centre is expected to hand down its next report on cyber threats in October.



Hurry up or lose childcare

Eryk Bagshaw

More than 360,000 families are set to lose their childcare benefits in less than a month, leaving them hundreds of dollars out of pocket for failing to sign up to the Turnbull government's new childcare package.

The government has urged families to get a move on as it looks to encourage more women back to work with its personal income tax cuts and \$2.5 billion childcare boost.

The existing two-tiered system - the Child Care Benefit and Child Care Rebate - will end from July 1, as families rush to get paperwork together for the new all-in-one online platform.

The overhaul, which new Education Department figures show 750,000 families have already signed up for, will pair childcare subsidies to the amount of work, study or volunteering a parent does, with the primary caregiver given a means-tested subsidy of up to 50 hours a week for 24 hours of activity. The figures show that more than 360,000 families have still to sign up.

The new system will eliminate a cap on childcare that has led to thousands of families earning up to \$187,000 running out of government payments before the end of the year.

"When people run out, typically between March and May, they start looking to cut back those hours of care, or they just do it really tough for those couple of months," said Goodstart early learning advocacy manager John Cherry.

Federal Education Minister Simon Birmingham said the package was the most significant change to childcare in 40 years.

The reforms "are about putting more money back in the pockets of families and tackling those disincentives to work," he told *The Sunday Age*. "The system that's evolved over time means too many mums, dads and carers drop out of the workforce."

Labor says it is "deeply concerned" that one-in-four families could be worse off under the changes, particularly those with one stay-at-home parent who does not meet the minimum four hours of activity to access the subsidy.

SAS rookie 'blooded' by

From Page 1

Defence Force) following a scoping study instigated by then special forces commander Major-General Jeff Sengelman, and conducted by Dr Samantha Crompvoets.

At the time, General Sengelman took what must have been an unpopular stand among some of his peers by lifting the lid on the secrets of the SASR, but also raising

questions about command failure.

Dr Crompvoets's report came to detail "unsanctioned and illegal application of violence on operations" and a "complete lack of accountability" involving Australia's elite special forces.

Observers say Australia's longest war was allowed to bleed on, desensitising special forces operators engaged in too many deployments. Over time, the

secretive status of special forces generated a culture allowing mateship to overwhelm accountability.

The IGADF inquiry into "rumours of the possible breaches of the Laws of Armed Conflict" parallels an International Criminal Court investigation into alleged atrocities committed in Afghanistan by Taliban, militants and coalition forces. The ICC's interest is likely to



The souvenired prosthetic leg.

Odds shorten on poll in spring

Analysis
Mark Kenny

Labor is quietly preparing for a spring election, despite Malcolm Turnbull's continued assurances of a 2019 poll.

Sources confirm the opposition has recently stepped up its internal processes for completing policy documents, finalising candidates, and mapping out its media buys.

The flurry of activity reflects Labor's hard-headed assessment of the electoral landscape spearheaded by a wariness about the Super Saturday byelections on July 28.

The feeling is that the byelections could lead quickly to a general election if the government improves its vote or parliamentary majority.

That could see a snap poll called for September or October, sending unlucky voters in Mayo (SA), Longman (Qld), Braddon (Tas), Perth (WA), and Fremantle (WA) back to the ballot box.

While that would represent a backflip by the PM, even Labor insiders concede this "negative" for Turnbull would be shortlived.

Labor's strategic assessment looks past Turnbull's assurances to the politico-economic arithmetic, concluding that after nearly two years of fruitless toil, the equation is beginning to tilt the Coalition's way.

Economic growth of 1 per cent last quarter putting growth over the year to March at 3.1 per cent, well ahead of the 2.75 per cent budget prediction, was the government's best news since its near-death 2016 election win. Allied with record jobs growth and rising company profits, the expanding economy reinforces the Coalition's "jobs and growth" message.

Labor also points to the government's plan to put its blocked company tax and income tax bills to a vote before the winter break. This is despite trenchant opposition to company tax cuts and pressure to hive off the third stage of its seven-year income tax cuts plan.

Ordinarily, legislative defeat makes governments look feckless but Senate intransigence in the current context could help build the case that only a fresh general election can resolve parliamentary intransigence.

Much, of course, turns on the three seats the Liberal Party is contesting. If the government loses support, which is usual in byelections, it's back to Plan A. But any improvement would validate the Coalition complaint that the Parliament is demonstrably at odds with public opinion. A win would turbocharge that case.

In such circumstances, Turnbull would come under immediate internal pressure to simply junk his 2019 commitment and capitalise electorally at the ballot box.

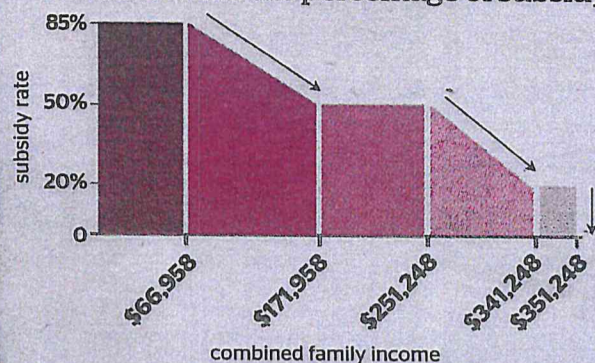
Why wait? Last week's solid economic numbers have invited a new risk assessment in the Coalition: what if we stick to the 2019 timetable and the economy slips back again?

In a turbulent world, stranger things have happened.

How does it work?

Three factors determining the childcare rate

1. Combined family income: will determine the percentage of subsidy.



2. Hours of activity | Hours of subsidy (maximum)

For families earning up to \$66,958 [▲]	
Less than 8 hours	24 hours
For families earning up to \$351,248 [▲]	
8 to 16 hours	36 hours
More than 16 to 48 hours	72 hours
More than 48 hours	100 hours

*per fortnight

3. Type of childcare service: calculated per hour.

Centre-based day care:	\$11.77
Family day care:	\$10.90
Outside school hours:	\$10.29
In home care:	\$25.48 (per family)



Jan Thima, with her children Buabucha, 5, and Tongthara, 3. Photo: Jason South

Mother of two Farrah Millar was diagnosed with breast cancer on the day her second son was born, then her partner left her. "My family was turned upside down," she said.

She did not meet the activity threshold of the new system because she had to spend her time getting treatment, forcing her to spend days in a holding pattern with Centrelink to prove she was in exceptional circumstances.

It was only when she published a blog post on Kidspot that she was approved for a full subsidy.

"There is just a huge gap, I was fortunate that I was able to campaign for my case," she said. "It looks simplified... but for anyone who is new to the system or isn't computer savvy it isn't, and they can often be the people that need it most."

Labor's spokeswoman for early childhood education, Amanda Rishworth, said she has concerns about parents who work casually being forced to estimate the amount of hours they will receive to establish their subsidy entitlement.

"The parent might find themselves with irregular work and



carers - mostly women - to take up more work.

A Senate inquiry heard last week up to 90 per cent of a part-time working parent's wage was taken by childcare and a reduction in family tax benefits if they worked a fourth day per week.

"The biggest trap in the whole system is for people who work part time with kids in childcare," said the Grattan Institute's chief executive, John Daley.

"It's not surprising that women that respond to that very raw financial incentive, it's very hard to go back to work for nothing."

Mr Daley found Australia would be up to \$25 billion better off if it matched Canada's female workforce participation rate, which has soared on the back of generous childcare subsidies and low to middle-income tax cuts.

Moonee Ponds mother Jan Thima said without the extra childcare subsidy she will receive she would have had to cut back on toys and clothes for her three-year-old son.

"I want to be back at work, but I don't have any family here like a

won't get as many hours as they had before," she said. "They could end up with a debt to the Commonwealth."

She said the childcare centres in areas with high migrant populations and low incomes were struggling to get parents to sign up.

"One community centre has had to pay a translator to translate the process for families," she said.

The government maintains situations such as Ms Millar's are a hiccup in a system undergoing fundamental reform and that once the changeover is completed, the package will better at targeting spending and encouraging primary

carers - mostly women - to take up more work.

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"I want to be back at work, but I don't have any family here like a

grandma or grandpa, so the childcare is a solution to look after my kids."

She is about to start her practicum for her own early education diploma. The activity test means her study will now count towards the subsidy for an extra day, saving up to \$110 a week.

"Next month I can send him three days a week and it will cost almost the same amount," she said.

The Turnbull government believes its proposed 32.5 per cent flat tax for those earning \$40,000-\$200,000 a year, will complement the childcare package by reducing the amount of taxpayers that congregate just below a tax bracket increase, a phenomenon known as "bunching".

PricewaterhouseCoopers partner Paul Abbey said women having children and not returning to work full time was a key weakness of Australia's workforce participation.

"[The flat tax rate] takes bunching out of the equation for them, especially if they are self-employed and have flexibility," he said.

"The rate change will no longer be a disincentive to committing more time and effort."

executing elderly, unarmed man

be one reason the ADF wants to stay ahead of the curve for the sake of its international reputation.

Dr Cromptvoets' report describes "enormous and difficult challenges" facing the Australian government in combating rogue actions by soldiers, warning the misconduct goes "well beyond blowing off steam" and involves "problems deeply embedded in the culture of the Special Forces".



Friday, June 8



Saturday, June 9

In a statement, the Defence Force said the ongoing inquiry by Justice Brereton would make

"recommendations" about how to deal with any substantiated allegations of war crimes. "The IGADF Afghanistan Inquiry has, for some time, been aware of allegations of significant issues involving the Special Operations Task Group in Afghanistan, which are within the scope of the Inquiry," it said.

5TH

PUB TEST FAIL? Financial services giant slammed over compensation scheme **PAGE 2**

WHAT'S IN A NAME?

Calling out those most popular **PAGE 3**



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in Melbourne since 1854



ZACH OF ALL TRADES

The cat's out of the bag **PAGE 42**

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SPECIAL INVESTIGATION

THE CRACKS IN A WAR HERO'S FACADE

Ben Roberts-Smith — Victoria Cross recipient, Father of the Year, business leader and mental health advocate — is one of Australia's most respected public figures. But serious questions have been raised about his past, and the Prime Minister has confirmed the former SAS soldier is under police investigation. Roberts-Smith denies allegations made against him.

Nick McKenzie
David Wroe
Chris Masters

PAGES 8-10



Police blitz on teen crime

Joe Hinchliffe

Police have arrested 14 people including a 14-year-old boy and seized stolen cars and a military assault rifle following a "terrifying" spree of carjackings and aggravated robberies across Melbourne's south-eastern suburbs.

Three have been charged with a string of offences, including armed robbery, aggravated carjacking and possession of a prohibited weapon, handling stolen goods and unlicensed driving.

Police expect to make more arrests and lay further charges in coming days.

All of those arrested whose ages have been released are teenage males.

Officers arrested the 14 suspects on Thursday and yesterday in Cranbourne, Pakenham, Dandenong South, Officer, Narre Warren South, Clyde North, Cranbourne North and Doveton.

Detective Inspector Shayne Pannell said there were "more people we want to speak to".

"The investigation will continue past today and we do expect further arrests early next week," he said yesterday afternoon.

He also indicated more charges would be laid against those already arrested.

Victoria Police said its investigators recovered two stolen vehicles: a black Holden

Continued Page 4

TRAVELLER

THE ASIA ISSUE
SPECIAL 56-PAGE GLOSSY MAGAZINE

WEATHER

Today Showers, chance of thunderstorm
Tomorrow Shower or two
Monday Possible early shower
Details

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ODDSPOT

A man has been charged with walking a pig on a busy street in Norwich - without a lead. Police were called to Prince of Wales Road, where they found the pig "running around" with a dog, which bit one of the officers. The animals' owner has been charged with having an out-of-control dog and an untethered pig.

COMPETITION

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BUSINESS

Back in Oz, Murdoch may be plotting his next move
JOHN MCDULING
Liftout

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A recipient of the ultimate bravery award, Ben Roberts-Smith has become a leading figure in Australian public life. Why are so many questions being asked about his past? Nick McKenzie, David Wroe and Chris Masters report.

When Malcolm Turnbull gave a speech four months ago about the struggle some veterans faced readjusting to civilian life, it was hard to ignore the man towering behind him in the Great Hall of Parliament House.

Hands clasped and head slightly bowed, Australia's most decorated Afghanistan veteran, Ben Roberts-Smith, stood on stage with the Prime Minister as a living testament to success after the military.

Having received a Victoria Cross for bravery during an assault on the Afghan village of Tizak in 2010 – an award that was preceded by a Medal for Gallantry and followed by a Commendation for Distinguished Service – Roberts-Smith was in the midst of a seemingly successful transition into corporate life.

The transformation from battlefield to boardroom was significant. For 10 years, Roberts-Smith had served with Australia's Special Air Service Regiment, a unit of elite soldiers who are mostly not allowed to speak about their work.

Receiving the Commonwealth's ultimate bravery award made Roberts-Smith an instant celebrity. His agent began charging thousands to corporate clients to hear not only from "the most decorated soldier in the Commonwealth" but a man who had also been named "Australian Father of the Year".

He was appointed chairman of the Australia Day Council, and the deputy chairman of the Prime Minister's Defence mental health committee and veterans' employment committee. He became the public face of a campaign against one-punch violence and the Stay Kind campaign, which urges Australians to look after vulnerable mates.

He helped select domestic violence campaigner Rosie Batty as an Australian of the Year. The award ceremony produced an evocative image of the 196-centimetre tall warrior gently comforting a tearful Batty.

The photograph fitted his public ethos, which was to value "moral courage" above physical prowess and "cherish your family every single day".

But as he stood behind Turnbull at a veterans' function at Parliament House on March 28, serious doubts about his conduct were being discussed in senior Defence circles.

Among the assembled generals and politicians in the Great Hall that night were some who had trouble reconciling disturbing allegations about Roberts-Smith's behaviour in Afghanistan and back home with the grand public image.

Over almost a year, *The Age* has interviewed dozens of veterans, officials and people with knowledge of Roberts-Smith's personal conduct, including decorated soldiers who served alongside him. Their claims include bullying, intimidation and his involvement in small SAS teams suspected of the abuse of unarmed civilians and the use of force that goes well beyond what is acceptable in the theatre of

war. Indeed, some of the most important people in the room that night knew of the allegations.

At the VIP table sat the unflappable Chief of Army and special forces veteran Lieutenant-General Angus Campbell. Two years earlier, Campbell had commissioned the Inspector-General of the Defence Force to begin an inquiry into the nation's special forces – the most penetrating inquiry in the recent history of Australia's military.

Disturbing rumours

By the time of the Great Hall event, it was clear to an inner circle in Defence that disturbing rumours about small SAS patrol teams – typically consisting of five to six men including a patrol commander and deputy commander – involved serious allegations about their conduct in Afghanistan.

The patrols under scrutiny featured Roberts-Smith as a key player, either as a deputy or lead patrol commander. Those making the allegations were from the SAS itself and had served alongside Roberts-Smith's patrols in Afghanistan.

The allegations concerned the patrols' treatment of detainees or unarmed Afghans. They included claims that the patrols may have failed to report accurately incidents in which Afghans had been subjected to the use of force, including acts of brutality perpetrated against unarmed men.

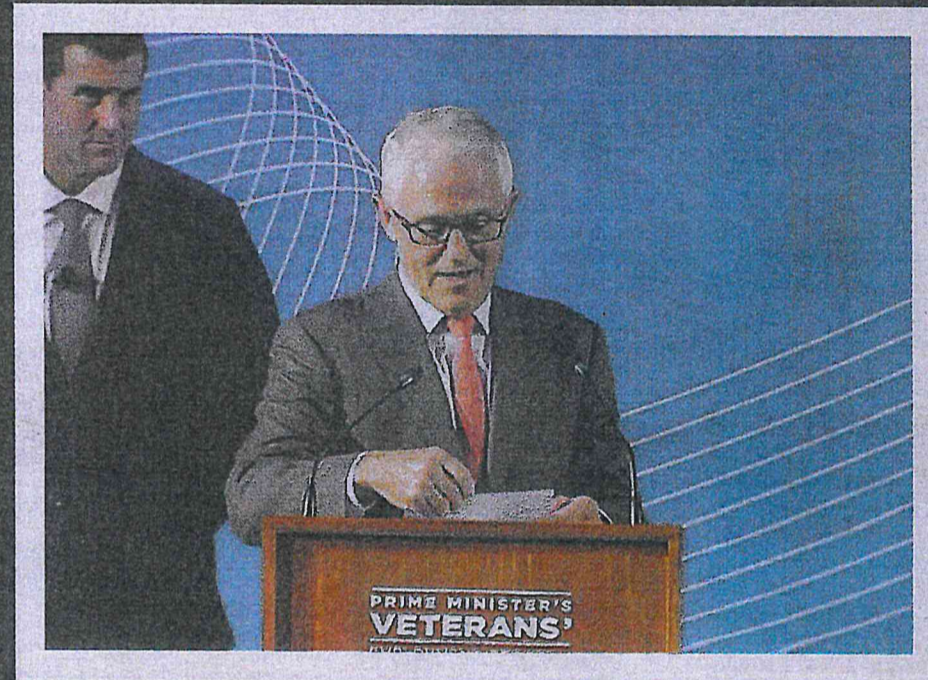
SAS veterans have also alleged to *The Age* that Roberts-Smith bullied and intimidated fellow soldiers, including two junior operators who made internal complaints about the impact of his conduct on their mental health.

Witnesses allege one was punched in the head by an angry Roberts-Smith after a battlefield bungle.

But it wasn't only Roberts-Smith's conduct as an SAS operator that would prompt scrutiny. That evening at the Great Hall would result in further allegations that suggest he was struggling with the difficult task of living up to all that was expected of him.

Sitting on the same VIP table as Lieutenant-General Campbell, between ADF deputy chief Vice-

Beneath the bravery



Admiral Ray Griggs and Veterans' Affairs Minister Darren Chester, was a female lawyer whom Roberts-Smith had brought as his guest, and whom he had introduced to military figures earlier that day as a client of his employer, Channel Seven.

After completing a master's of business administration in 2016, the former Australian Army corporal had been appointed general manager of the TV network's Queensland operations by media tycoon Kerry Stokes. But the woman wasn't a Channel Seven client. Instead, Roberts-Smith was in the midst of an extramarital relationship with the woman.

Sources at the event questioned why Roberts-Smith risked revealing that he was having an affair by taking his mistress to a high-profile function where, beyond the Prime Minister, he was the most prominent guest. But, far more concerning, senior Defence officials later learnt of allegations she raised with police about what

had happened later that night at the Hotel Realm in Canberra: an alleged act of domestic violence and intimidation.

Yesterday Roberts-Smith issued a denial of the allegations, calling them a "catalogue of lies".

Risking all

Shortly after the guns fell silent at Tizak in 2010, the sneakers Ben Roberts-Smith wore during the famous battle were photographed. The white shoes are splattered with blood. They evoke the image of a man racing towards danger, risking all.

His Victoria Cross citation puts this image in words, describing an "extreme devotion to duty" paired with "a total disregard for his own safety" as Roberts-Smith "stormed the enemy position killing the ... machine gunners".

During his deployments to Afghanistan in 2009 and 2010, Roberts-Smith was deputy commander of a small SAS patrol.

In his last overseas deployment, prior to leaving the army in 2013, he was appointed patrol commander. *The Age* has confirmed by speaking to multiple special forces insiders that among the allegations made to the Inspector-General's inquiry is that patrols he helped lead brutally mistreated unarmed Afghans.

Four Defence insiders have alleged that they observed patrols under Roberts-Smith's direct or deputy leadership severely mistreat unarmed Afghans on four occasions.

A member of Roberts-Smith's 2009 patrol allegedly encouraged a more junior trooper to execute a detainee – a suspected militant – and was later overheard boasting about it. *The Age* has obtained a photo of the dead man and two witness accounts describing the circumstances in which the Afghan died.

One insider, an experienced SAS soldier, has vividly described intervening to stop Roberts-Smith bashing an unarmed Afghan whom

Roberts-Smith fails in move to stop

Fergus Hunter
Dana McCauley

Decorated Australian war hero Ben Roberts-Smith has failed in a bid for an injunction against Fairfax Media to prevent publication in today's *Age* and *Sydney Morning Herald* newspapers of detailed allegations concerning the former corporal's behaviour.

Mr Roberts-Smith took action last night in the Federal Court, arguing there had been a breach of

confidentiality against federal law concerning an inquiry into him.

Prime Minister Malcolm Turnbull said yesterday he was aware of a police investigation into a domestic violence allegation against Mr Roberts-Smith, declining to comment on specifics but declaring that Australia has "zero tolerance" for violence against women.

Responding to an *Age* investigation into Mr Roberts-Smith's conduct while serving in Afghanistan with the elite Special Air Service Regiment and

accusations relating to an incident in Canberra, the Prime Minister said a police inquiry was under way.

"I am aware of the allegations, complaints have been made to police and they will be dealt with appropriately," Mr Turnbull said yesterday.

He condemned any violence against women, adding that disrespect towards women "is how violence against women begins".

Mr Roberts-Smith, who is one of just three living recipients of the Victoria Cross issued an emphatic

denial of the allegations, labelling them a "catalogue of lies". He said he would vigorously defend himself against the "malicious" claims.

"I unequivocally deny any physical abuse of any woman at any time ever, and I have not at any stage been interviewed by police about any purported complaint by any woman," he said.

He said he was confident "direct witnesses will categorically demonstrate the falsity" of all the allegations.

Based on interviews with



Ben Roberts-Smith speaks at an Anzac Day dawn service in Melbourne last year (main picture); and Roberts-Smith with Malcolm Turnbull at the Prime Minister's Veterans' Employment Awards in Canberra this year. Photos: AAP, ABC

two patrol commanders were seeking to arrest in 2010.

The bearded man had frozen in the foetal position when Roberts-Smith entered the room, wearing Kevlar gloves.

The insider describes Roberts-Smith unexpectedly attacking the man, and pummeling him in the face with his fists and in the stomach with his knees. "RS [Roberts-Smith] repeatedly smashed this guy in the cheek and kneed him in the guts. I went, 'Whoa, whoa, whoa. Back off mate. We have this under control.'"

"The fella's face immediately blew up. We stepped back and gave the fella some space. We then arrested him."

Two alleged incidents have been separately recounted by other SAS members and involve men under the control of a patrol being led by Roberts-Smith. Both involve the alleged mistreatment of Afghan men who witnesses claim were posing no threat to Australian soldiers and could have been

arrested without the use of force. One of the men harmed was in custody and posing no threat at all when he was allegedly badly assaulted.

Sources from inside the SAS say this alleged mistreatment was not only unnecessary but potentially counterproductive. An essential

'RS [Roberts-Smith] repeatedly smashed this guy in the cheek.'

SAS insider

purpose of the Afghanistan mission was the protection of the local population and the generation of confidence in the coalition and government forces.

The sources also concede that, while the allegations caused deep concern, and were discussed informally and sometimes raised

with more senior SAS soldiers, they were not immediately reported to senior command in Canberra.

Keeping secrets is part of being in the SAS. Yet by late 2012 and early 2013, as Roberts-Smith was preparing to embark on his new career as a corporate and community leader and mental health champion, some of his SAS colleagues were asking if the decorated warrior might have shirked scrutiny because less experienced soldiers were worried about challenging him.

Much of the concern held by senior military officers about the cultural problems within the SAS have involved keeping quiet about behaviours that needed confronting. A report in March 2016 by then Special Operations commander Major-General Jeff Sengelman described a culture of impunity that may have normalised allegedly disturbing behaviour. Sengelman's report also identified serious "governance and behavioural

lapses" and ultimately helped spark the Inspector-General's inquiry.

A record of a discussion between two long-serving SAS patrol commanders, obtained by *The Age*, reveals some experienced soldiers in the regiment were worried that Roberts-Smith's apparent bullying meant some in his patrol were scared to question battlefield incidents or those which allegedly occurred back at base or in training.

The two patrol commanders identify that the first time Roberts-Smith came to attention for alleged bullying inside the SAS was in 2006, during his first deployment to Afghanistan.

Following a hair-raising battle early in the deployment, Roberts-Smith fell out with two members of a six-man patrol, in part over whether it was necessary to kill an Afghan who had earlier walked past the patrol's observation post.

One of the two patrol members later insisted to colleagues the Afghan appeared to be an unarmed teenager whose death could have been avoided.

But it was a perilous circumstance and a tough call apparently made in the fog of war. Roberts-Smith's version of events was backed by other patrol members.

The young male was presumed to be a "spotter". This meant there was a chance he might have seen the observation post and planned to report it to the Taliban, who could then attack. Roberts-Smith and other patrol members also said the male was armed with a smoke grenade, which exploded after he was shot.

The conflicting accounts are mirrored in official reports relayed by the patrol to senior officers and seen by *The Age*. Some post-incident reports describe an anti-coalition militant posing a "threat". Some reports go further, falsely stating the dead male was armed with an automatic rifle.

Roberts-Smith accused the two patrol members critical of his actions of cowardice and failing to prepare their weapons.

Multiple sources contend Roberts-Smith followed up this critique with repeated bullying of the smaller and quieter of the two patrol members, Trooper M. (*The Age* cannot name a serving SAS soldier but has confirmed he is still serving and has been promoted to patrol commander.)

More than one witness claims to have overheard Roberts-Smith threatening to harm Trooper M, an alleged threat Trooper M relayed to colleagues. The two patrol commanders alleged "years of bullying that RS [Roberts-Smith] put him through" and which

impacted his mental health. A bullying complaint against Roberts-Smith was ultimately lodged inside the SAS by Trooper M, which led to mediation.

Commended for leadership

Roberts-Smith's promotion to patrol commander left him responsible for mentoring junior soldiers under his command. It was an appointment he relished, a realisation of leadership ambitions. Some other SAS soldiers were also pleased, considering Roberts-Smith a fierce and impressive soldier now able to pass on his knowledge to less experienced operators.

But not all felt that way. Concerns inside the SAS about the treatment of the least-experienced member of Roberts-Smith's patrol, Trooper J, were raised in mid-2012, just prior to deployment to Afghanistan.

During a training exercise in Perth involving the mock capture of an Afghan prisoner, three SAS soldiers witnessed Roberts-Smith instruct Trooper J to shoot the detainee.

"RS grabbed [Trooper J] by the shoulder and said, 'F—ing kill him, f—ing kill him,'" an SAS soldier who claims to have witnessed the event said.

The soldier alleges Trooper J responded by half-heartedly simulating a mock execution ("He went 'bang' as a joke," recalls a witness).

This witness alleges that Roberts-Smith then said, "You good with that?" The witnesses who observed the order said that two patrol commanders informally challenged Roberts-Smith, telling him to "pull your head in".

After arriving in Afghanistan in July 2012, the mentoring of Trooper J generated further controversy when a mission on July 15 to the Chora Valley to flush out the Taliban turned ugly, and one patrol member was nearly shot by a second SAS patrol in a near fatal "friendly fire" bungle.

Trooper J wasn't responsible for the friendly fire but he was accused of breaching protocol by firing his weapon in response and not adhering to Roberts-Smith's orders. He was formally investigated, placed on administrative duties with another patrol and soon after left the army.

According to statements later submitted to senior Defence officials, Roberts-Smith ran his own, off-the-books disciplinary process. Multiple witnesses allege that Roberts-Smith castigated the trooper in front of his patrol, ordering Trooper J to stand up and then punching him in the head.

A further threat from Roberts-Smith was allegedly made several months later: if the trooper's account about the incident and aftermath was not consistent with his version, Roberts-Smith would report him to the International Criminal Court at The Hague for firing in the vicinity of civilians.

The treatment of Trooper J by Roberts-Smith concerned several experienced patrol commanders, who were also troubled about other aspects of Roberts-Smith's mentoring and leadership in 2012. The most pressing issue being discussed among a small number of senior SAS soldiers involved his patrol's involvement in an alleged assault on an unarmed Afghan.

Those with concerns were

publication of Age's story

veterans, officials and people familiar with Mr Roberts-Smith's personal conduct, *The Age* detailed his involvement in small SAS patrols accused of bullying, intimidation and the mistreatment of unarmed Afghans.

The allegations are among those being considered by an inquiry into SAS conduct.

The Age also reported that Mr Roberts-Smith had an extramarital relationship with a female lawyer who accused him of an alleged act of domestic violence

at the Hotel Realm in Canberra this year.

Former Australian of the Year and domestic violence campaigner Rosie Batty voiced her support for Mr Roberts-Smith, warning against a rush to tear down heroes through unproven allegations.

Ms Batty, who met the Victoria Cross winner when the Australia Day Council he led selected her as Australian of the Year in 2015, said he had always behaved in a kind and caring manner in her presence.

She said the veteran was "a target

for women" due to his high profile, in reference to the alleged extramarital affair that was the backdrop of the incident being investigated by police.

"I don't want to disbelieve people, because I do think we too readily disbelieve people, but you've got to be careful what mud we throw and how that sticks and how it ruins people," Ms Batty said. "If there is a proper investigative process it should be taking its due course and we shouldn't be trying to throw mud until we know exactly the outcome."



Ben Roberts-Smith with domestic violence campaigner Rosie Batty.

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Beneath lauded soldier's bravery

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surprised and angered, therefore, when Defence in 2014 released a formal assessment of Roberts-Smith's 2012 service as it awarded him a Commendation for Distinguished Service, praising his exemplary "mentoring... of his patrol and less experienced members".

Three patrol commanders, who are still serving with the regiment and who have also been recognised for their service in Afghanistan, signed a complaint written by one of the trio, Sergeant L. The complaint urged senior officers to investigate Roberts-Smith's mentoring, leadership and treatment of Trooper J.

"As SAS soldiers, we are responsible for accurate reporting and honesty, in the field and in camp. This citation is a contradiction of those values," the complaint said.

For two years, the complaint went nowhere. But it is one of many documents handed to the Inspector-General.

Denials and accusations

For his part, Roberts-Smith traces the complaints about his behaviour to the awarding of the VC in 2011. His forceful, driven personality – one shared by many in the regiment – stoked resentment.

When queried about this last year, he said: "I am hard, I get that, but there is no one I beat up harder than myself. You are supposed to be better. If not, you should not be there. Because if you make a mistake, someone is going to die."

His supporters insist the allegations stem from envy, most particularly from disgruntled veterans. Roberts-Smith's defamation lawyer also blames sensationalist journalists for seeking to bring down a war hero through a "smear campaign".

Ross Coulthart – a former TV investigative journalist who is now a public relations consultant for a firm, Cato and Clegg – is working closely with Roberts-Smith and his lawyer on his own investigation into *The Age's* reporting.

Coulthart has interviewed SAS soldiers close to Roberts-Smith and is privately insisting to people linked to Channel Seven there is no evidence of any wrongdoing. However, he and the PR firm's Sue Cato have declined to share their findings. Publicly, Coulthart refuses even to say who he is working for.

Roberts-Smith has previously decried his critics as hypocrites, saying: "The bullying is what they do to me. Bullies are cowards. They stay in the shadows. This is about group cowardice. I don't like bullies. I am sick of it."

He has been unequivocal he has no questions to answer in respect of any of his actions in Afghanistan.

"I've been under the microscope for the last six years and, you know what, my record is spotless," he said in a newspaper interview when questions about his conduct in Afghanistan first emerged publicly in October 2017.

But the argument that critical accounts of Roberts-Smith amount to tall-poppy syndrome sits uneasily with the testimony of many who



Ben Roberts-Smith at the unveiling of his portrait at the Australian War Memorial in 2014. Photo: Jay Cronan

have served in the SAS, including in Afghanistan. Some sources note that the reputations of that conflict's other Victoria Cross recipients, Mark Donaldson and Dan Keighran (a VC was also awarded posthumously to Commando Corporal Cameron Baird), have faced no such challenges.

Most significantly, the allegations about Roberts-Smith and his patrols have, according to regiment sources, been made under oath before the Inspector-General – a step for those witnesses that is well beyond simply muttering darkly to colleagues and journalists.

Roberts-Smith has also been pushing back, apparently aiming to paint those making allegations about him as disgruntled liars.

In 2017, defamation lawyer Mark O'Brien, who is working for Roberts-Smith, separately wrote to the two soldiers who were members of Roberts-Smith's patrol in 2006 and who had expressed serious misgivings about his conduct.

The lawyer accused the two veterans of colluding to concoct false allegations. Roberts-Smith sent a letter himself to a third SAS veteran, also threatening litigation.

Credibility attacked

Attention then shifted to a fourth SAS Afghanistan veteran, Sergeant L. He has written the 2014 complaint that urged an investigation of Roberts-Smith's Commendation for Distinguished Service and which was signed by two other patrol commanders.

On October 18, 2017, in a letter sent to Fairfax Media, Roberts-Smith's defamation lawyer attacked the credibility of Sergeant L, accusing him of smuggling weapons into Afghanistan in 2012. (The two other patrol commanders who signed the 2014 complaint were not mentioned in the letter.)

By now, more missives attacking Sergeant L were also circulating, although who was responsible for

these remains a mystery.

On October 20, 2017, *The Australian* newspaper received an anonymous email. *The Age* has linked this email to a Queensland photographer, Nathan Richter, but he has said he was just acting as a middleman and refuses to say who wrote and sent it.

This email repeated the historical gun smuggling claim and added some dramatic detail. It claimed Sergeant L was at grave risk of gunning down civilians in Perth. The baseless massacre allegation was also sent to Australian Federal Police in an apparent attempt to get police

'I've been under the microscope for the last six years and, you know what, my record is spotless.'

Ben Roberts-Smith

to raid Sergeant L. Days later, they did so, finding none of the weapons the mystery writer had promised would be located.

Six months later, another mysterious writer emerged.

In April, the female lawyer Roberts-Smith had weeks earlier taken as his guest to the Great Hall of Parliament House also received an email.

It was from a "Danielle Kennedy" and claimed to have been sent on behalf of Roberts-Smith. By then, Canberra sources say the lawyer was alleging Roberts-Smith had subjected her to an act of domestic violence and intimidation in the hours after the Great Hall event in late March.

According to senior sources in Canberra, a relative of the woman complained about the alleged incident to a politician, who alerted a more senior colleague, who in turn

alerted Defence officials. Later, the alleged victim told police of her claims. Police have been told she had been drinking at the event, and as it ended, alleges Roberts-Smith appeared angry at her behaviour, worried it had exposed his affair to the military's top brass.

She stumbled and fell down some stairs at Parliament House as she left the event, causing further embarrassment. Police have been told that by the time the pair arrived back at the Realm Hotel, Roberts-Smith was allegedly furious and she was subjected to an act of domestic violence.

(*The Age* has decided not to name the lawyer due to the nature of her allegations. Defence and political figures who have been told of the allegations have said that once they learnt she had gone to police, they took no further action.)

Police also have details of multiple phone and email accounts the married Roberts-Smith used to conduct the liaison prior to it ending on April 6, when the lawyer disclosed the affair to his wife.

On April 22, the lawyer received the email from "Danielle Kennedy", who claimed to "represent Mr Roberts-Smith" and be acting on his "instructions." *The Age* could not locate any lawyer by the name of "Danielle Kennedy". The photo used in the email appears to have been stolen by someone from the internet. It is of Anne Whelford, an administrator at Lincoln University in Christchurch, New Zealand.

After a university spokesman was supplied by *The Age* with a copy of the "Danielle Kennedy" email, he sent a statement saying: "Lincoln University was unaware of the use of Anne Whelford's photograph, as was she, and neither party sanctions its use in this way."

The use of the picture "is a matter which should be dealt with by the police", the statement said.

The woman at the centre of allegations declined to comment.

Roberts-Smith has also declined requests from *The Age* to be interviewed, or to answer questions about any knowledge he might have of "Danielle Kennedy", or why a stolen photo was used, or to give his version of events.

It is understood that after he received questions, he told his public relations advisers that no affair had ever occurred (a claim undermined by copious evidence) and that the alleged domestic violence and intimidation is also a malicious invention. And on Wednesday this week – six days after he was alerted that *The Age* knew of the allegations reported to police as well as the mysterious "Danielle Kennedy" – Roberts-Smith contacted a Queensland police station, claiming to be a victim of stalking by the lawyer.

In respect of the claims made by SAS soldiers, Roberts-Smith has also privately dismissed allegations he is a bully or that he ever assaulted or bullied a fellow soldier.

Most significantly, Roberts-Smith privately and passionately dismisses all allegations he has ever breached the laws of armed conflict in Afghanistan. He recently retained a top Sydney barrister with expertise in military inquiries, Arthur Moses, SC.

In his recent public appearances, Roberts-Smith appears to have sought opportunities to burnish his image.

He recently appeared on a Channel Seven tourism and lifestyle program to highlight his family values – "family is the most valuable thing" – and his passion for supporting soldiers struggling with mental health problems.

'Not a shred of evidence'

In June, yet another mysterious letter writer was at work. A former member of Roberts-Smith's patrol received a letter from an anonymous source warning that he should withdraw what the letter described as false information given to the Inspector-General, or risk having adverse information about his own activities exposed.

The patrol member immediately reported the letter to the SAS Commanding Officer, who relayed it to the Inspector-General. The Inspector-General does not comment on ongoing investigations.

But the patrol member has told colleagues he is not scared by the threat.

Roberts-Smith's supporters privately insist the Inspector-General will clear him of any wrongdoing and there is not a "shred" of evidence that suggests otherwise. Roberts-Smith's supporters also say that the famous soldier is yet to give his version of events. But SAS insiders aware of some of the adverse allegations about Roberts-Smith or the conduct of his patrols say credible evidence has already been placed on record and on oath.

Questions have dogged Ben Roberts-Smith from a time well before he became supersized by expectation, responsibility and pride in the spirit of the Anzacs. After two years of investigation, and having interviewed 200 witnesses on oath, the Inspector-General is expected to finalise his report in the coming months.