

**ATTACHMENT A – SCHEDULE OF DOCUMENTS**

Schedule of documents				
<b>Document No</b>	<b>Page number</b>	<b>Document description</b>	<b>My decision</b>	<b>Exemption(s)</b>
1	3	Email from Dr Nelson	Partial (redacted)	s 22
2	1	Email from Dr Nelson	Release in full	N/A
3	1	Email from Dr Nelson	Release in full	N/A
4	2	Email from Dr Nelson	Release in full	N/A
5	1	Email from Dr Nelson	Release in full	N/A
6	1	Email from Mr Stokes	Release in full	N/A

## Document One



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On 12 Jun 2018, at 07:40, Brendan Nelson <[Brendan.Nelson@awm.gov.au](mailto:Brendan.Nelson@awm.gov.au)> wrote:

Thanks Ben  
Will do  
Kindest regards  
Brendan

Sent from my iPhone

On 11 Jun 2018, at 22:10, Roberts-Smith, Benjamin <[brs@Seven.com.au](mailto:brs@Seven.com.au)> wrote:

Hi Brendan,

redacted has emailed me in regards to catching up when he and his group are in Canberra.

redacted

Over to you redacted

Hope all's well your end Brendan,

Regards

**Ben Roberts-Smith**  
General Manager  
Seven Brisbane / Regional Queensland

**Seven Network (Operations) Limited**  
[GPO Box 604 | Brisbane QLD 4001 Australia](#)  
PO Box 296 | Maroochydore QLD 4001 Australia  
T [+61 \(7\) 3369 777](tel:+6173369777)



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Document Two

**From:** Brendan Nelson  
**To:** [Greg Kimball](#)  
**Cc:** [Chris Wagner](#)  
**Subject:** RE: Interview request - Special Forces enquiry  
**Date:** Friday, 8 June 2018 1:16:52 PM

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Nothing to say Greg

Brendan

**Brendan Nelson**

Director

[brendan.nelson@awm.gov.au](mailto:brendan.nelson@awm.gov.au) | t 02 6243 4262 | f 02 6243 4218

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**From:** Greg Kimball  
**Sent:** Friday, 8 June 2018 10:51 AM  
**To:** Brendan Nelson  
**Cc:** Director.Office; Chris Wagner  
**Subject:** Interview request - Special Forces enquiry

Hi Brendan

Tim Sweeney from Ten News at APH has called and asked if you would like to provide comment on the [investigations into Australia's Special Forces](#) which has been reported in the media today. This particular story does not involve Ben Roberts-Smith VC (I didn't see any specific operators named), but more on the general report commissioned by Jeff Sengelmen.

CAM's recommendation would be to leave this one to Defence and others to speak to and let the enquiry run its course, but it's your decision.

Grateful if you could let me know what you'd like to do, we may get further interest in this matter today and over the weekend.

Cheers

Greg

**Greg Kimball**

Media Relations Manager | Communications and Marketing

[greg.kimball@awm.gov.au](mailto:greg.kimball@awm.gov.au) | t 02 6263 6628 | m 0402 800 649 | f 02 6243 4585

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## Document Three

**From:** Brendan Nelson  
**To:** [Greg Kimball](#)  
**Cc:** [Director.Office](#); [Chris Wagner](#)  
**Subject:** RE: Nine News interview request re Ben Roberts-Smith  
**Date:** Thursday, 29 November 2018 9:37:34 AM

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No comment Greg

Thanks

Brendan

**Brendan Nelson**

Director

[brendan.nelson@awm.gov.au](mailto:brendan.nelson@awm.gov.au) | t 02 6243 4262 | f 02 6243 4218

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**From:** Greg Kimball

**Sent:** Thursday, 29 November 2018 9:35 AM

**To:** Brendan Nelson

**Cc:** Director.Office; Chris Wagner

**Subject:** Nine News interview request re Ben Roberts-Smith

Good morning Director

Hope your trip went well.

We've received a request from Jonathan Kearsley from Nine News this morning asking if you have anything to say about the AFP's investigation into war crimes allegations against Ben Roberts-Smith.

I suggested we would let the investigations take their course, but that I would put the request to you, as always.

I note that Nine and Fairfax have formally begun their merger process.

Please advise, thank you.

Greg

**Greg Kimball**

Media Relations Manager | Communications and Marketing

[greg.kimball@awm.gov.au](mailto:greg.kimball@awm.gov.au) | t 02 6263 6628 | m 0402 800 649 | f 02 6243 4585

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## Document Four

**From:** Brendan Nelson  
**To:** [Greg Kimball](mailto:Greg.Kimball@awm.gov.au)  
**Cc:** [Director.Office](mailto:Director.Office@awm.gov.au); [Chris Wagner](mailto:Chris.Wagner@awm.gov.au)  
**Subject:** Re: Media inquiry IGADF  
**Date:** Friday, 24 August 2018 4:34:18 PM

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No thanks Greg  
Brendan

Sent from my iPhone

On 24 Aug 2018, at 16:18, Greg Kimball <[Greg.Kimball@awm.gov.au](mailto:Greg.Kimball@awm.gov.au)> wrote:

Good afternoon Brendan

Is there any action you would like me to take on the below email?

Even if it is to say "the Memorial has nothing to say on this matter" or some such response.

Kind regards,

Greg

**Greg Kimball**

Media Relations Manager | Communications and Marketing

[greg.kimball@awm.gov.au](mailto:greg.kimball@awm.gov.au) | t 02 6263 6628 | m 0402 800 649 | f 02 6243 4585

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**From:** Nick McKenzie [<mailto:nmckenzie@fairfaxmedia.com.au>]

**Sent:** Friday, 24 August 2018 3:57 PM

**To:** Brendan Nelson; AWM Media

**Subject:** Re: Media inquiry IGADF

Dear Dr Nelson and the media team.

Upon reflection, and with Mr Nelson declining to respond to the questions sent today, I would be grateful if you could refer the questions sent earlier to your compliance and audit committee and board.

Could you please refer this formal question to the compliance and audit committee as well. It should be read in connection with my email to Dr Nelson.

- Is the committee satisfied with potential conflict of interest arising from public commentary made by Dr Nelson in respect of the IGADF investigation, Mr Ben Roberts-Smith and other related matters in light of the fact that the chairman of the AWM separately [in a manner unconnected to the AWM] is the employer of Mr Roberts-Smith and is funding a PR and legal strategy on behalf of Mr Roberts-Smith and which appears to have extended to criticism of the IGADF.

I wish to make it clear I am not suggesting any impropriety. However, given the AWM's important public service role, there may be a governance and conflict of interest issue requiring consideration.

In the interests of full disclosure, I also wish to advise you that Fairfax Media will also be conducting an FOI search in respect of this matter.

Regards,

Nick

On 24 August 2018 at 10:33, Brendan Nelson <[Brendan.Nelson@awm.gov.au](mailto:Brendan.Nelson@awm.gov.au)> wrote:

Thank you Mr McKenzie,

I have no comment to make.

Yours sincerely

Brendan Nelson

**Brendan Nelson**

Director

[brendan.nelson@awm.gov.au](mailto:brendan.nelson@awm.gov.au) | t 02 6243 4262 | f 02 6243 4218

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**From:** Nick McKenzie [<mailto:nmckenzie@fairfaxmedia.com.au>]

**Sent:** Friday, 24 August 2018 9:58 AM

**To:** Brendan Nelson

**Subject:** Media inquiry IGADF

Dear Dr Nelson.

I write to you having had members of the defence community raise concerns with me about your public commentary and your possible conflicts of interest, especially in light of the AWM's important public service mission.

Could you please consider these questions by 5 pm today? Please call me if you wish to discuss. 0401877402.

Is it your position that only certain breaches of the laws of armed combat need be respected and that the IGADF inquiry should not be concerned with finding all the facts, but only those which you believe relate to breaches of law that are egregious?

If, as the publicly available reporting to date suggests, the IGADF inquiry is focusing on the assault and summary execution of prisoners and unarmed non-threatening persons (rather than fog of war scenarios), do you support the inquiry examining such matters?

Do you believe the public and parliament should be entitled to read the final IGADF report, subject to operational or national security considerations?

Do you believe that your role as an AWM executive reporting to an AWM chairman who separately runs a firm that employs Ben Roberts-Smith (and who is separately funding his public relations and legal interests) may raise a conflict

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(Commonwealth)

of interest in light of your decision to use your position as an AWM executive to publicly advocate for Mr Roberts-Smith and to cast doubt over the role of the IGADF?

In light of the obligations on public servants (Public Service Act s13 and s14) to avoid possible conflicts of interest, what external independent advice, if any, have you sought in respect of this issue or what other measures have you taken, if any, to manage this potential conflict?

Have you personally spoken to or corresponded with Mr Stokes about what you might or should say publicly about matters affecting Mr Roberts-Smith or about the IGADF inquiry or about media reporting on related issues? If so, on what basis do you consider such interaction appropriate?

Have you personally spoken to or corresponded with Mr Roberts-Smith about what you might or should say publicly about matters affecting him or about the IGADF inquiry? If so, on what basis do you consider such discussions appropriate?

Have any senior defence officials privately raised concerns with you about your comments on the IGADF inquiry?

Have you kept the minister and board apprised of any issues arising from the questions set out above?

Regards

Nick McKenzie

--

Nick McKenzie

Senior Journalist

Investigative Unit

Fairfax Media (*The Age, Sydney Morning Herald, AFR*)

Melbourne, Australia

61 (0) 3 8667 2687

61 (0) 401 877 402

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Nick McKenzie

Senior Journalist

Investigative Unit

Fairfax Media (*The Age, Sydney Morning Herald, AFR*)

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## Document Five

**From:** [Executive](#)  
**To:** ["brs@seven.com.au"](mailto:brs@seven.com.au)  
**Subject:** Recording of reading veteran's letters  
**Date:** Wednesday, 6 June 2018 5:20:00 PM  
**Attachments:** [ROBERTS-SMITH Ben - 2018-290 - DoG unsigned.pdf](#)

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Mr Ben Roberts-Smith VC, MG

[brs@seven.com.au](mailto:brs@seven.com.au)

ACQD10041-004918

Dear Ben,

Thank you for sending the recording of you reading veteran's letters to the Memorial. They're a moving tribute to our service personnel and an edited version of your recording is intended to be used in our forthcoming exhibition *After the War*.

The raw sound footage was so moving that we would love the opportunity to include it in the Memorial's National Collection. I do hope this would be OK with you, and to this end I have included a Deed of Gift number **2018.290** that will legally transfer the recording to us. This includes a non-exclusive copyright licence to use the recordings for non-commercial purposes. Please print and sign the attached Deed, scan it and email it back to our Acquisitions manager, Mr Rob Fisher by emailing [rob.fisher@awm.gov.au](mailto:rob.fisher@awm.gov.au).

If you have any queries or would like to discuss this, please let me know.

Yours sincerely,

**Dr Brendan Nelson**

Director

[executive@awm.gov.au](mailto:executive@awm.gov.au) | t 02 6243 4262 | f 02 6243 4330

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## Document Six



**From:** Kerry Stokes  
**To:** [Anne Bennie](#)  
**Cc:** [Sara Miles](#)  
**Date:** Tuesday, 11 September 2018 1:05:44 PM

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Sent from my  
Anne love the recut of the BRS edit . Looks great sounds great .  
Kate will forward the progress payment as requested .  
Kerry