

Form 59
Rule 29.02(1)

Affidavit

No. NSD103 of 2023

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

BRUCE LEHRMANN

Applicant

NETWORK TEN PTY LIMITED ACN 052 515 250 and another
Respondents


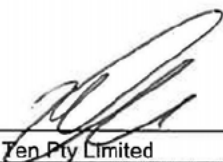
Affidavit of: **Samuel Thomas O'Connor**
Address: [REDACTED]
Occupation: Member for Bonney, Queensland Parliament
Date: 9 October 2023

Contents

I, Samuel Thomas O'Connor, of [REDACTED], Member for Bonney, say on oath:

1. The matters set out in this affidavit are based on my own knowledge, except where I have stated or qualified otherwise. Where I have set out my recollection of conversations in this affidavit I have included the effect of the words spoken as I recall them.
2. Where I refer to a document in this affidavit, that document was produced to me at the time of swearing this affidavit and verified by me as a true copy of the relevant document.
3. Text messages reproduced in this affidavit reflect the actual messages sent and received, including any typographical errors.

Background

Filed on behalf of (name & role of party) First Respondent, being Network Ten Pty Limited
Prepared by (name of person/lawyer) Marlia Saunders
Law firm (if applicable) Thomson Geer
Tel 02 8248 5836 Fax _____
Email msaunders@tglaw.com.au
Address for service Level 14, 60 Martin Place, Sydney NSW 2000
(include state and postcode)

[Version 3 form approved 02/05/2019]

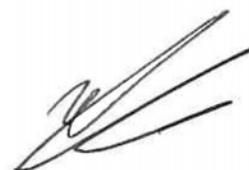
4. I was elected as the Member for Bonney in the Queensland Legislative Assembly on 25 November 2017 and I remain in that role.
5. I previously worked in the office of former Member for Fadden Stuart Robert from January 2015 until May 2017. This involved occasionally working from the Parliament in Canberra so I have an understanding of the building, the environment and generally of what it is like to be a federal political staffer.

Relationship with Brittany Higgins

6. I first met Ms Higgins in or around April 2018.
7. One of the advisers in our opposition office in Brisbane had been her mentor and told me that Ms Higgins, a Griffith University student, lived in my electorate and was keen to get some work experience around my office.
8. Ms Higgins started assisting in the office in or around April 2018.
9. I believe she also joined the Liberal National Party around this time as I recall attending a couple of party events with her.
10. Within a few months of us meeting, Ms Higgins got a job in the ministerial office of Gold Coast Federal MP Steve Ciobo and she moved to Canberra.
11. At the time, I understood through speaking to Ms Higgins that working in Mr Ciobo's office at Parliament House was her dream job. I knew that she had also been offered a role in state politics in Queensland at around the same time, but the first opportunity Ms Higgins got to move to Canberra, she took this position instead. I remember admiring how quickly she was able to become a federal staffer. She was a go-getter, keen and hungry. This was what she wanted to do.
12. Ms Higgins is only about three years younger than me and we formed a friendship. I would still regard her as a friend and we keep in touch via text message, although we don't keep in contact as much now as before.

Disclosure by Ms Higgins

13. I talked to Ms Higgins quite frequently on the phone when she was living in Canberra.
14. Back then we would text back and forth every few days and speak on the phone on average one night every couple of weeks or so.
15. She spoke to me at length about the incident at Parliament House before she went public with her story, and we have spoken at length about it since then.
16. She first alluded that something had happened via a text message to me on 29 March 2019 and alluded to it again via a text on 19 April 2019.



17. The 29 March 2019 text exchange went as follows:

Mr O'Connor: *How's your week been?*

Ms Higgins: *Can't even convey how intense it's been.*

On the off chance you've heard anything in relation to me would beyond appreciate a heads-up.

Team Reynolds has been a somewhat controversial topic in the federal scene as late.

Mr O'Connor: *I'm intrigued*

Ms Higgins: *Trust me, it's best left alone haha*

If you hear anything particularly pointed though, you know where to direct it.

18. The 19 April 2019 text exchange in the morning went as follows:

Ms Higgins: *Sorry, I'm just over it.*

This super fucked up thing happened a little while ago and I've just lost the fire.

Mr O'Connor: *Sorry*

Is this a super fucked thing you told me about before?

Ms Higgins: *Naa I haven't talked to you about this*

I briefly mentioned the PMO involvement in an incident but that was it I think

Mr O'Connor: *Which one was this?*

I thought we were as open as possible haha

How fucked up are we talking?

Ms Higgins: *Pretty shitty*

It's been rough.

Mr O'Connor: *When did this thing happen?*

Ms Higgins: *About four weeks ago I'd say*

Mr O'Connor: *I'm going to ask what happened*

Would you prefer if I called



Ms Higgins: *Naa, it's cool. I just want to focus on eating my Thai food and enjoying the new season of homeland*

19. The first time we discussed it specifically was over the phone later that day on 19 April 2019, as I set out below.
20. By this point, it had been more than a year since Ms Higgins had left the Gold Coast but we retained our friendship. We acted as confidantes to each other. She had made disclosures to me of a personal nature in the past and would talk to me about her personal life in Canberra.

The April 2019 call

21. Later that evening, we had a further text exchange as follows:

Mr O'Connor: *How's your night going?*

Ms Higgins: *Not too bad. Just went out for tapas with a few friends from work.*

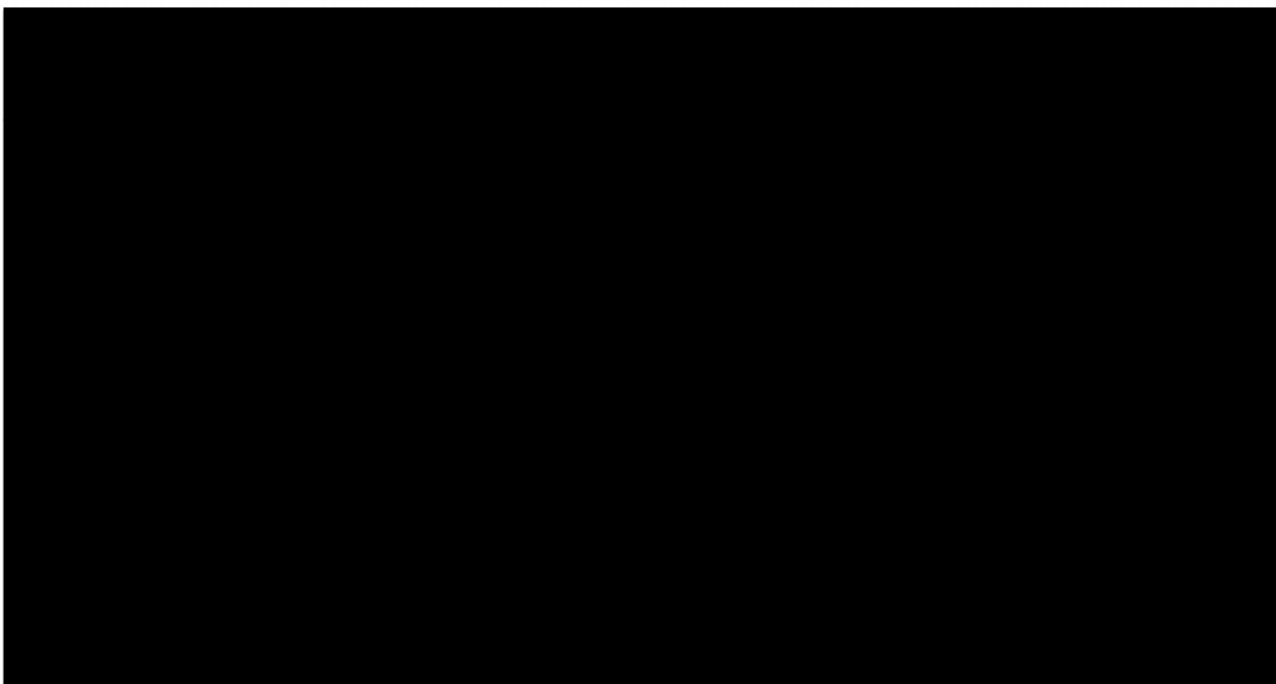
Also, whenever you are free I'd potentially like to get your take on how to approach the whole incident that went down.

Your opinion is always valued so would probably be good to hear what you think.

Mr O'Connor: *I can call on my drive home if you like?*

Ms Higgins: *Cool, sounds good.*





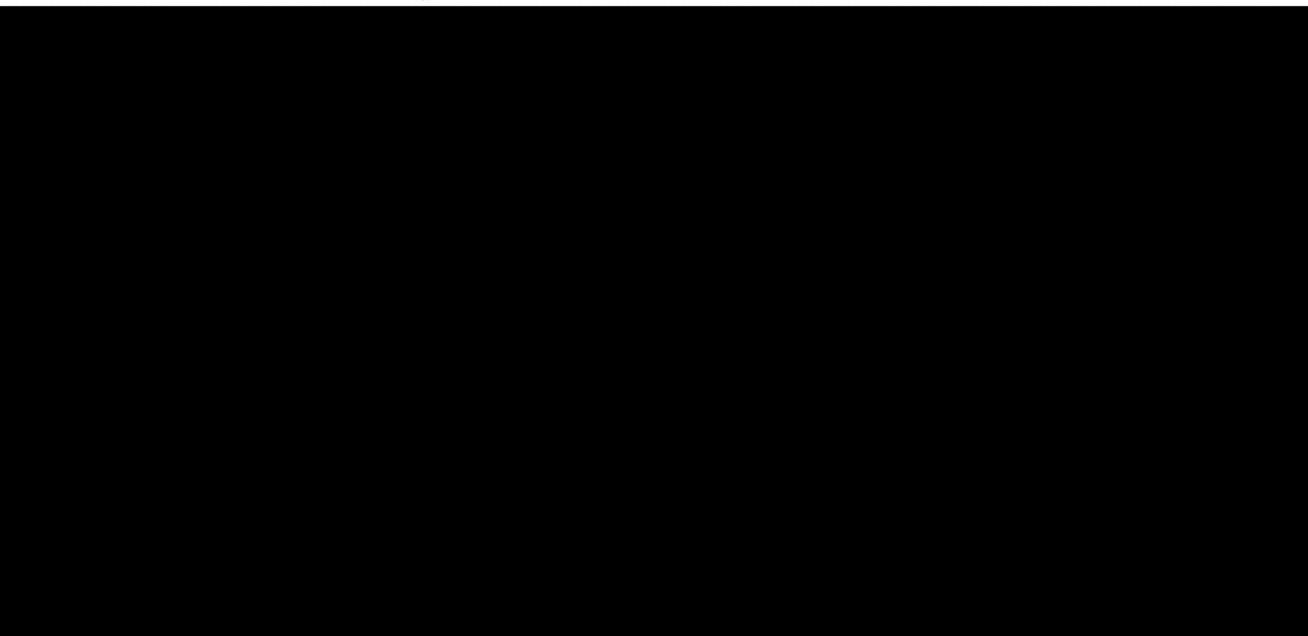
Subsequent conversations about the incident

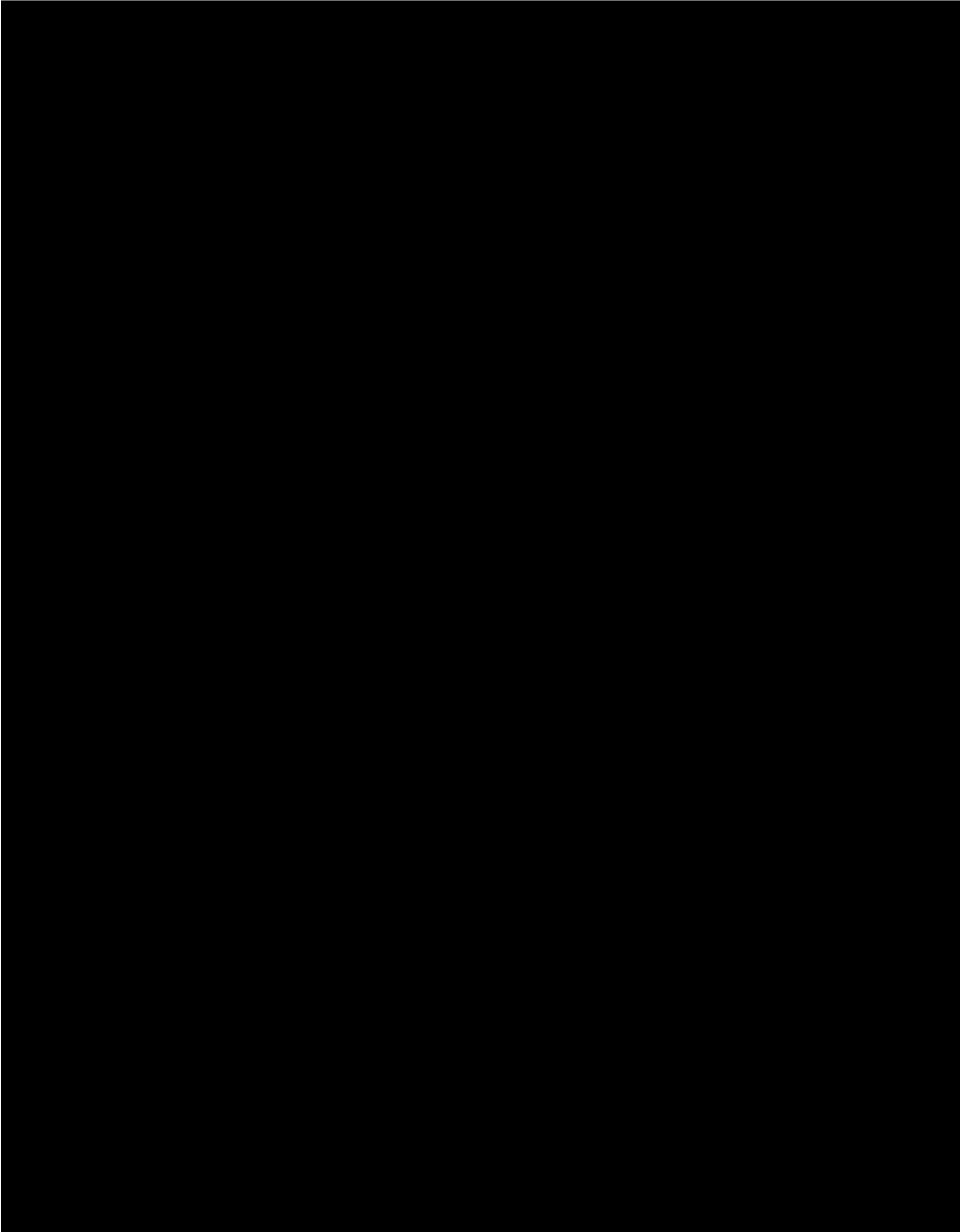
30. The next day, 20 April 2019, I texted Ms Higgins as follows:

Mr O'Connor: *I'm really worried about you after last night. I'm here if you need. We've always got a cone of silence and I'll do anything I can to offer support and advice.*

31. A text exchange we had in early April 2019 went as follows:

Ms Higgins: *You have literally no idea what it's been like. The past six weeks have been absolutely brutal.*

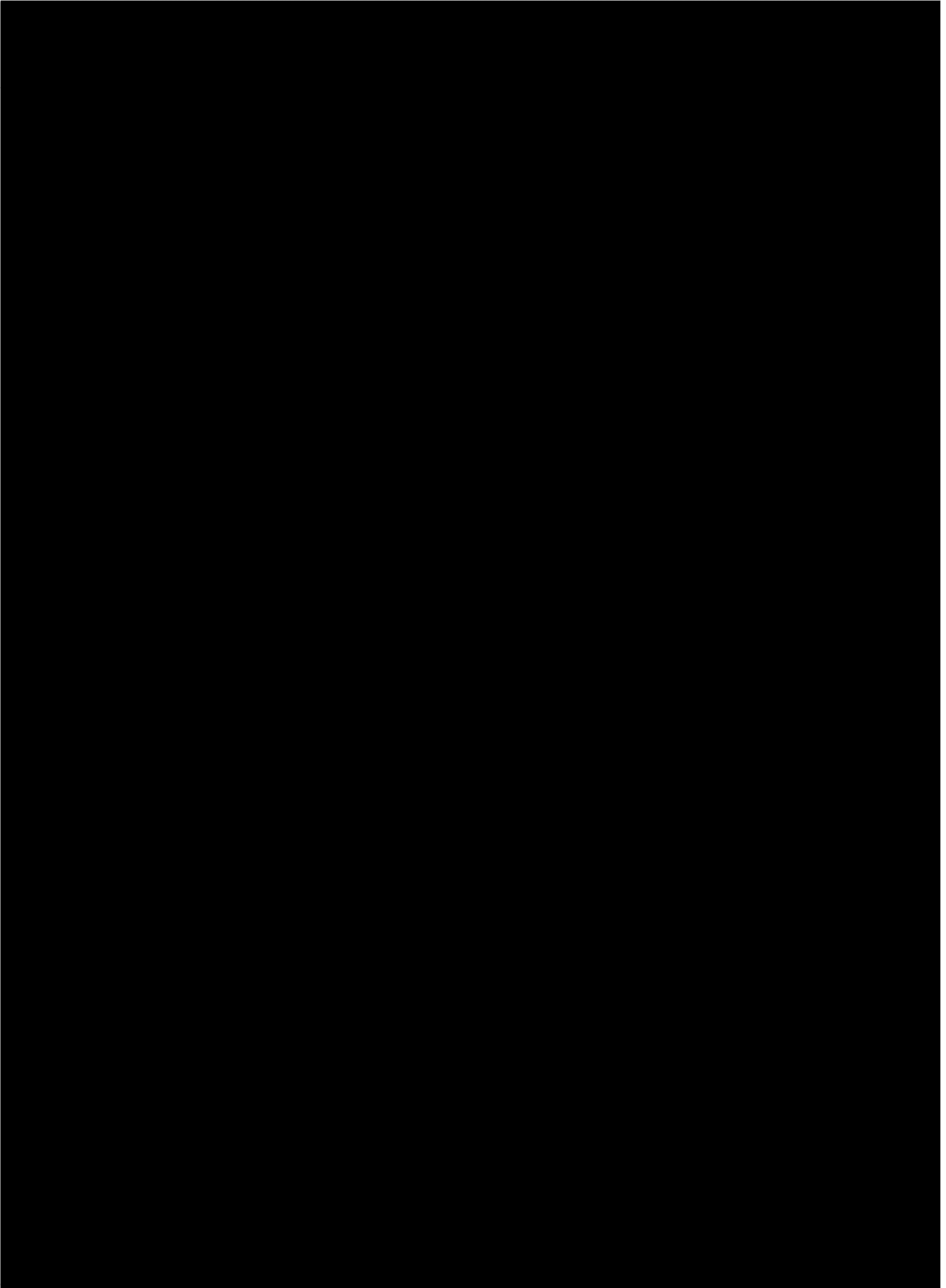




Legal/83133226_10

A handwritten signature in black ink, appearing to be 'E. Stern', is written over the text 'Legal/83133226_10'.

A second handwritten signature in black ink, which is more stylized and less legible than the first, is written to the right of the first signature.




A handwritten signature in black ink, appearing to be 'S. L. ...', is written across the bottom left of the page.

A smaller handwritten mark, possibly initials or a signature, is written in black ink at the bottom right of the page.

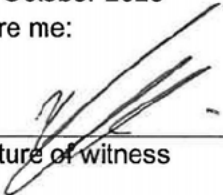


Sworn by the deponent
at Brisbane
in Queensland
on 9 October 2023
Before me:

)
)
)
)
)



Signature of deponent



Signature of witness

Michelle Fanning
Solicitor
Level 28, 1 Eagle Street, Brisbane Qld 4000
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law