

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: **Nikita Louise Irvine**
Address: [REDACTED]
Occupation: Major, Australian Army
Date: 26 September 2023

I, Nikita Louise Irvine, of [REDACTED] Major in the Australian Army, affirm:

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 affirming this affidavit and verified by me as a true copy of the relevant document.

Background

3. I joined the Army in 2008 and studied a Bachelor of Arts at the Australian Defence Force Academy before completing military training in 2011 at the Royal Military College, Duntroon. I was allocated to the Royal Australian Army Medical Corps and posted to

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
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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]

Marlia Saunders

Marlia Saunders

Darwin in 2012 as the manager of a small deployable medical team and staff officer, prior to posting to Brisbane in 2015 as the second in charge of a deployable surgical team. During this time, I deployed to PNG and Iraq and was then posted to Albury-Wodonga as a medical services instructor in 2017.

4. From around June 2018 to June 2019, I was posted to Australian Parliament House (APH) in Canberra as an aide-de-camp (ADC).
5. An ADC is a junior military officer (approximately 10 years of service) who is posted to assist a senior military general, or in the case of APH, one of the three Defence portfolio Ministers.
6. During my time in APH I served Marise Payne (then Minister for Defence), Steven Ciobo (then Minister for Defence Industry) and Linda Reynolds (Minister for Defence Industry followed by Minister for Defence).
7. My time as an ADC was unique in that I served three Ministers. Usually, you are selected for one Minister and stay with that person for the year.
8. An ADC working for a Minister is responsible for supporting the Minister when they undertake work at a military or defence industry event. When working for Senator Reynolds, I was responsible for supporting her at Defence and Defence Industry events.
9. My tasks included ensuring travel was booked, vehicles were organised, programs were confirmed and her advisors were aware of the arrangements. I confirmed speeches and dietary requirements, kept the Minister on time for moving to the next location, informed the Minister of who meetings were with, took notes and supported media staff in getting photos and information for social media posts. I also advised on any requirements when meeting dignitaries and gift receiving and giving, as well as arrangements when they visited a military unit or parade. I did not manage the Minister's diary.
10. The best way to describe my role was an assistant, but strictly within the military context. It was a strictly non-political role. I also supported the Minister's advisors when they accompanied her at an event, but my priority was always the Minister. While we often mingled professionally with the political staff, there was a clear line of what I did and did not attend or get involved with. During this period, I was travelling frequently – up to twice weekly, especially with Senator Reynolds.
11. After leaving APH in June 2019, I worked as a Staff Officer in Russell, ACT, near Duntroon, for six months prior to studying a master's degree full time.
12. In January 2022, I posted to my current position in Adelaide, which is Officer Commanding of a small deployable health capability.



Relationship with Ms Higgins

13. I met Brittany Higgins in November 2018 when she started with Mr Ciobo as the receptionist/media assistant.
14. I would describe our relationship at that time as a friendly working relationship.

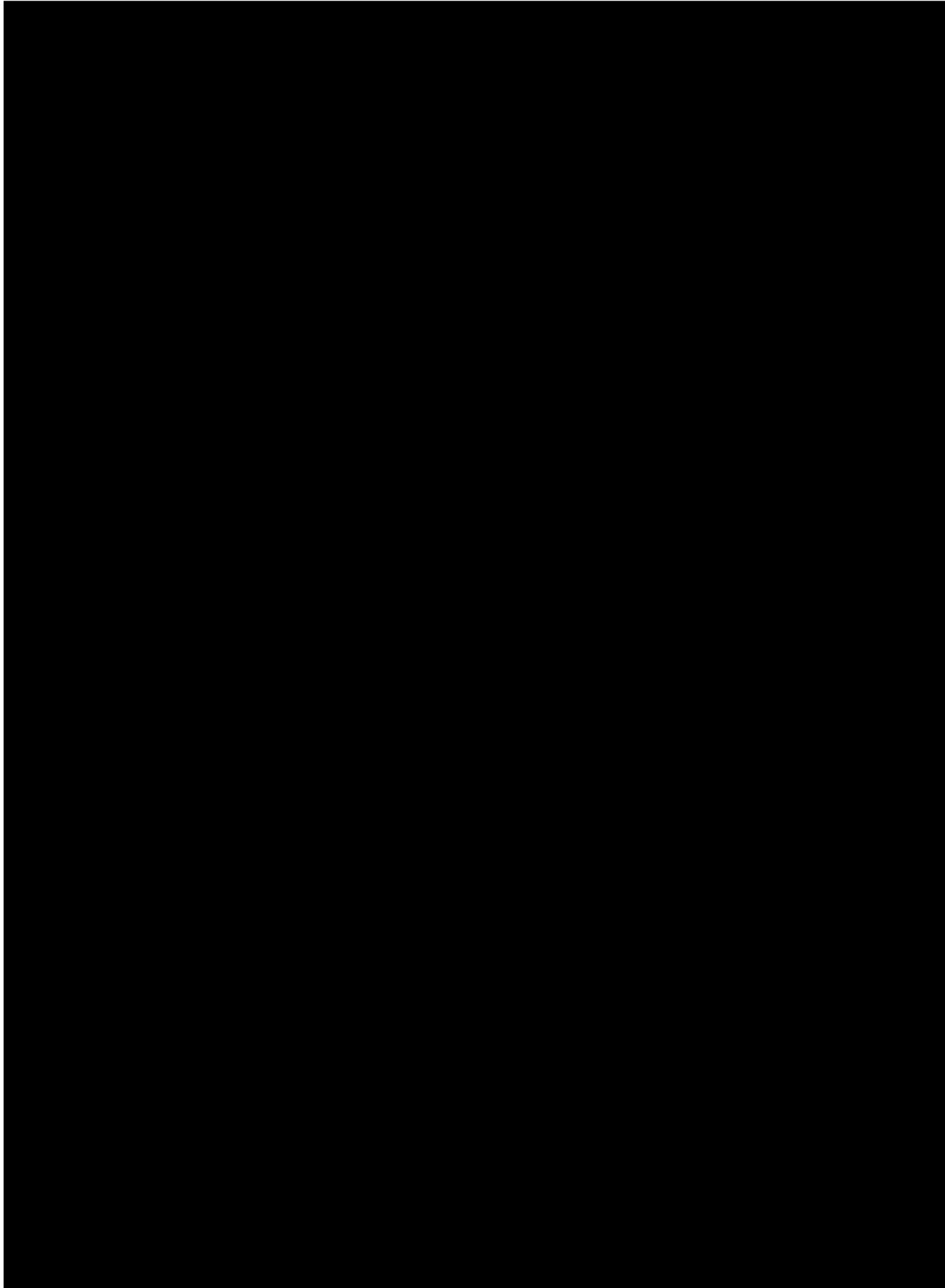
Relationship with Mr Lehrmann

15. On or around 28 February 2019, Mr Ciobo announced he would be resigning as the Defence Industry Minister. On 2 March 2019, Senator Reynolds was appointed as the Minister.
16. An agreement was made that I would be Senator Reynolds' ADC and some of her staff would merge with some of Mr Ciobo's staff to form the office. One of these individuals was Bruce Lehrmann, who had been working in Senator Reynolds' office.
17. I had met Mr Lehrmann briefly when I was supporting Mr Ciobo during a trip to Perth in or around November 2018 and knew of him through people I worked with. However, I did not spend time with him socially.
18. I recall only two interactions with him before he left the office in the weeks following Senator Reynolds' appointment to Minister for Defence Industry.
19. The first interaction was when I spoke to Mr Lehrmann when he was setting up his desk in our office in or around the first week of March 2019. I was aware during this time that Mr Lehrmann had been deliberating whether to stay on with Senator Reynolds. My general understanding at that time was that he was likely to be leaving the role. I think I had heard he was going to go and work for a security agency. At around that time, I asked if he was staying and he told me, in substance, that a few things were "up in the air" and that "we will see".
20. The second interaction was when I spoke to Mr Lehrmann briefly in or around the second week of March 2019. He asked if I could access a classified document from the safe for his reading.
21. It was common for me to assist staffers in accessing these sorts of documents.
22. At the time, there was a process that had to be followed with these requests. Given it was a new office under an interim chief of staff, this process was not solidified in writing. In early March 2019, my colleague Chris Payne advised me that the safe combinations had changed and fewer people had access. He told me that only a small group of individuals could access the safe, being myself, Mr Payne, Chief of Staff Fiona Brown, and senior advisors.



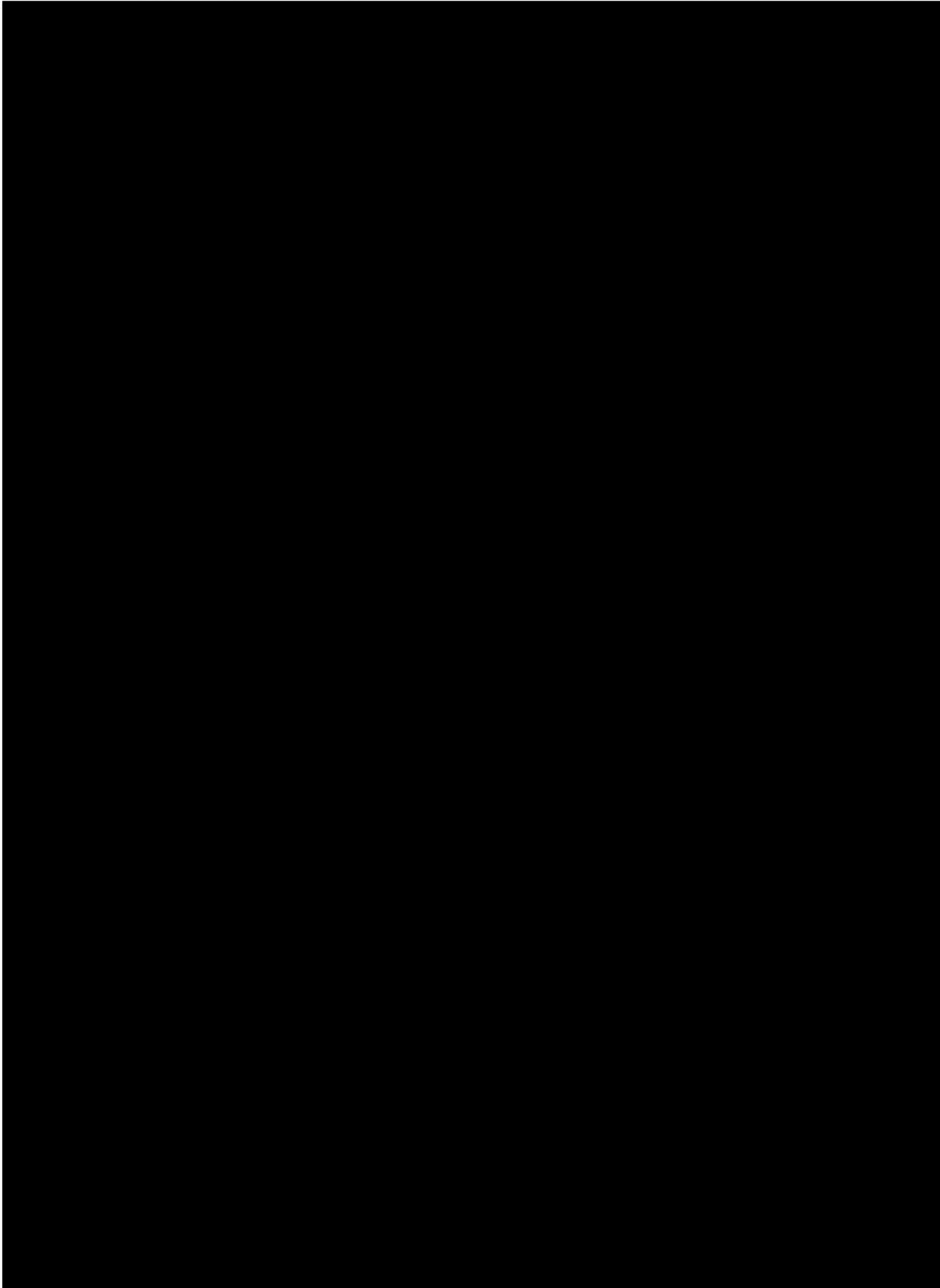
23. I was aware that Mr Lehrmann did not have access to the safe. If he did have access to the safe, there would be no reason for him to be asking me to access it for him.
24. At the time Mr Lehrmann asked me to access a document from the safe, I confirmed that he had the right security clearance to view the document. I checked with Mr Payne or Ms Brown that he could access the document. I wouldn't have given access to any new staffer without checking first. I then accessed the safe and handed it to him. I recall it was a piece of intelligence derived from one of the intelligence agencies. When he was finished with the document, I am reasonably certain he handed it to me and I placed it back in the safe.
25. The dynamic of our office at this time was fresh and new. We were all finding our feet in a new context and under a new Minister and Chief of Staff. I do not recall any negative interactions between Mr Lehrmann and Ms Higgins in the office.





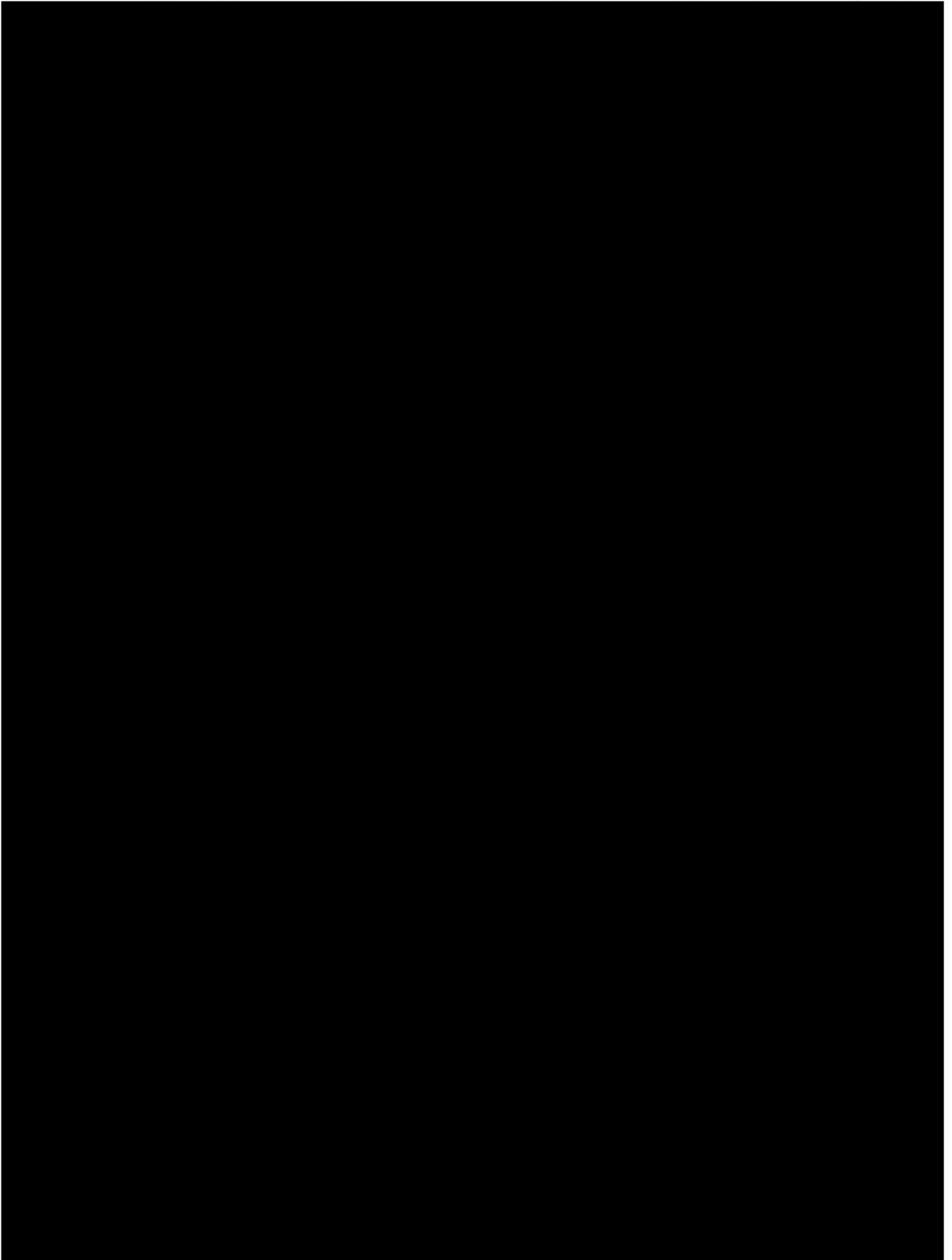
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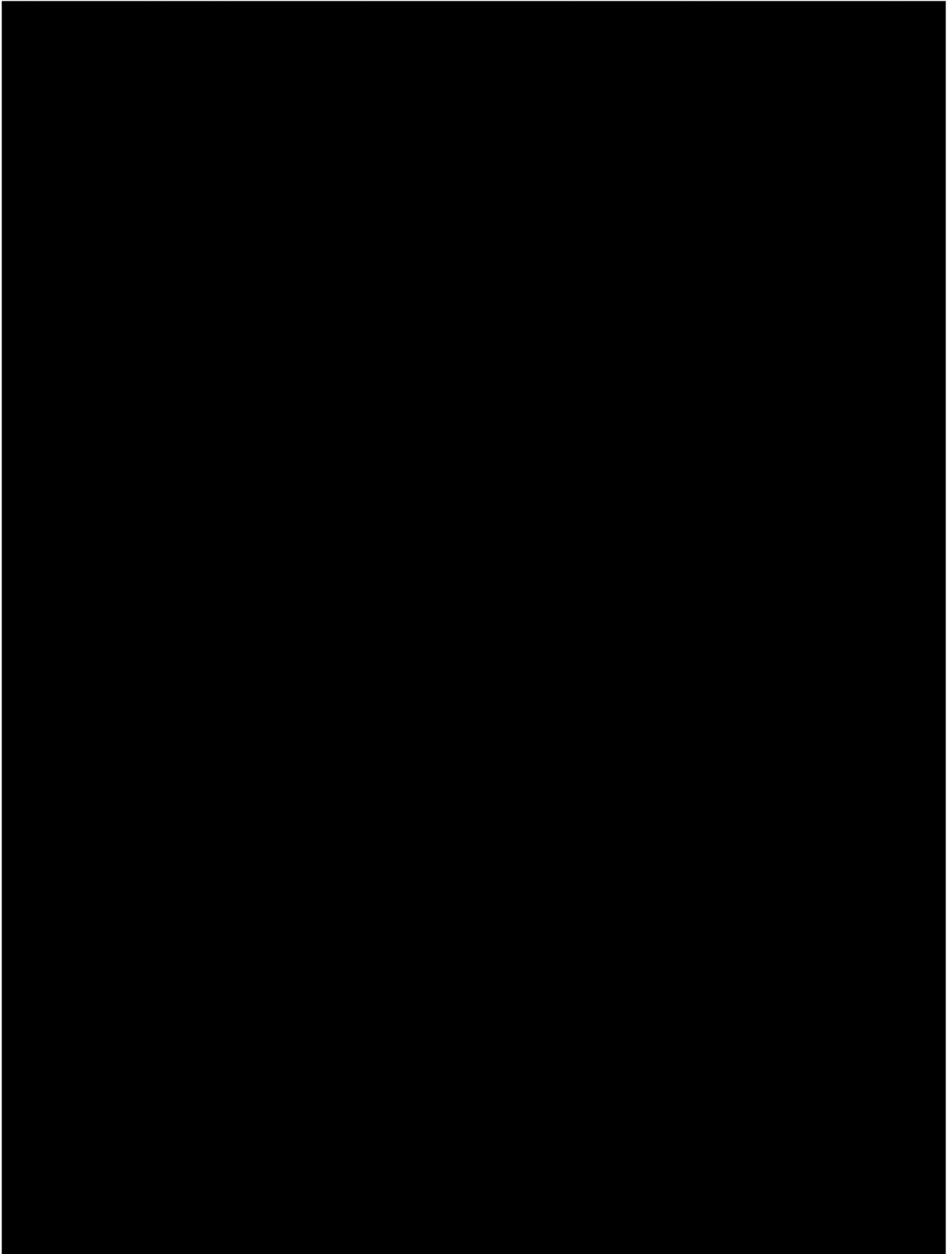
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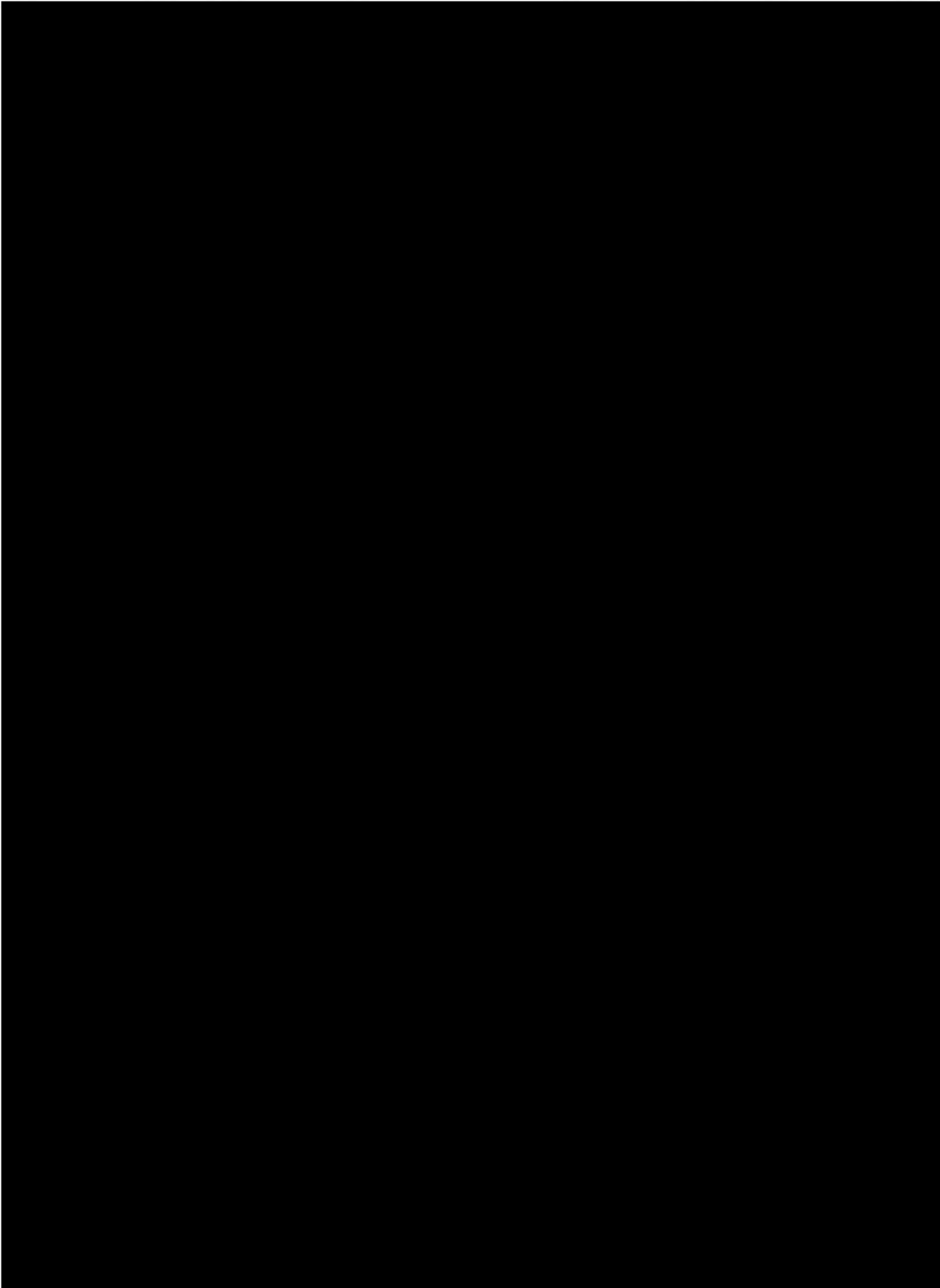
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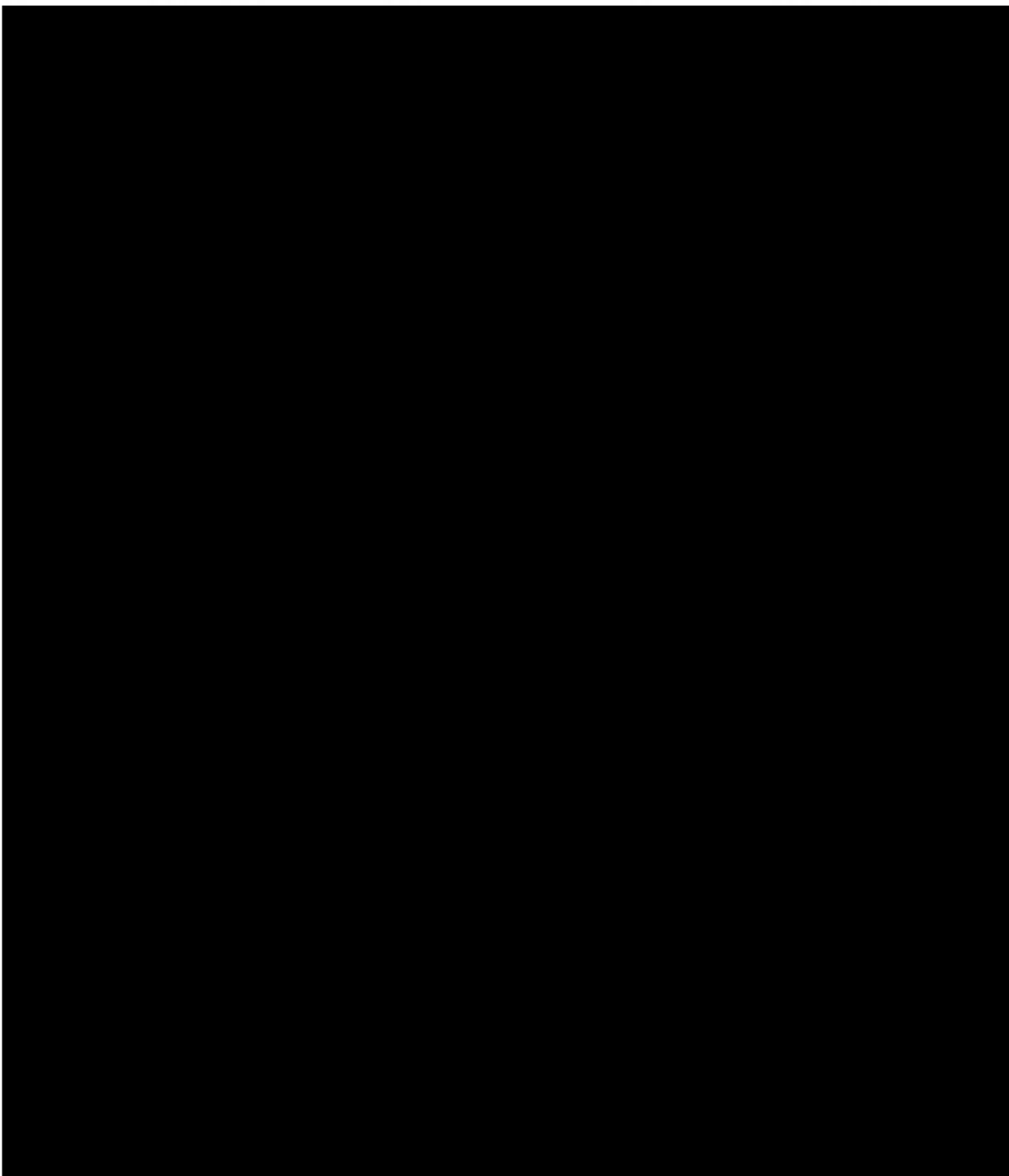
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**Events from 2022**

92. The day after the jury was discharged in the criminal trial against Mr Lehrmann in October 2022, a news website broadcast snippets of Mr Lehrmann's police interview and published the entire transcript of the interview. I believe it was *The Australian* website. I believe the story has since been taken down from the website. I watched the snippets, read the entire transcript and took screenshots in the transcript of the times he mentioned me.

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A handwritten signature in blue ink, appearing to be 'A. D.', is located at the bottom right of the page.

93. Mr Lehrmann made the following comments during that interview which do not match my recollection of the relevant events in 2019, nor my understanding of the processes in Senator Reynolds' office:
- (a) Mr Lehrmann stated in his police interview (in response to questions 257 and 258), in substance, that he may have come to The Dock on 22 March 2019 because I had mentioned it to him. That is not correct. I did not mention meeting at The Dock to Mr Lehrmann, Mr Wenke or Ms Higgins. The purpose of the drinks at The Dock was to socialise with other ADCs, not political staffers. I had texted Ms Gain to invite her and she replied with words to the effect of: "Yeah I've already been invited and somebody's invited Brittany." I knew Mr Lehrmann in a professional context, but not in a million years would I invite him to drinks or otherwise mention coming to drinks with that group of people. They were just two separate groups of people that did not really mix socially. That was why I was a bit surprised that Ms Higgins was invited. I do not know who invited Ms Higgins.
 - (b) Mr Lehrmann also stated in his police interview, in substance, that the submarine program was a focus of his (in response to question 576) and that when he attended Parliament House he was writing notes on "the submarine issue" (responses to questions 587, 599 and 647) to include in Question Time folders. It is my recollection that anything to do with submarines was stored in the safe along with all classified and secret documents. I have personal knowledge, as I have outlined above, that Mr Lehrmann did not have access to the safe, because I had to retrieve documents for him from the safe in the past. Submarines were not his portfolio.
94. On 4 June 2023, I watched Channel Seven's Spotlight program featuring Bruce Lehrmann. I missed the live broadcast of the show but watched it via Channel Seven's streaming service on the same night of the live broadcast. During that interview, Mr Lehrmann said, in substance, that on the night of the incident he had received information from Department of Defence officials that was highly relevant to a sensitive issue and needed to be documented for Question Time. As a member of the group of Defence staff at The Dock that night, I would never have spoken about anything sensitive and did not do so with Mr Lehrmann. I do not believe anybody in that group would have spoken to Mr Lehrmann, who was not a member of our group, about anything sensitive. It would have been completely inappropriate for them to do so. In any case, based on my understanding of the positions held by the ADC attendees and their roles at the time, I do not believe the ADCs that were in the group at The Dock would have had access to any sensitive material to disclose in the first place.



- 95. I have read subsequent media articles about the same topics covered by the Spotlight program.
- 96. As I was watching the Spotlight program and reading subsequent media articles I felt distressed to discover that statements, video footage and recordings provided to police in the interests of a criminal investigation can find their way into the possession of media outlets. I am not thrilled to be giving evidence in these proceedings but I understand it must be done.

Affirmed by the deponent
 at Adelaide
 in South Australia
 on 26 September 2023
 Before me:

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Signature of deponent

Signature of witness

Felicia Dianos
 Solicitor
 Level 7, 19 Gouger Street, Adelaide SA 5000
 An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law

Felicia Dianos
 A Commissioner for taking affidavits
 in the Supreme Court
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