

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: **Lauren Emma Gain**

Address: [REDACTED]

Occupation: Public servant

Date: 6 October 2023

I Lauren Emma Gain, [REDACTED] public servant,  
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.
3. This affidavit records my recollection of events at The Dock bar and the 88mph nightclub on 22 March 2019.

### Background

4. Between April 2017 and November 2018, I was a communications advisor in the Department of Defence.

*Lauren Emma Gain*      *Marlia Saunders*

Filed on behalf of (name & role of party) First Respondent, being Network Ten Pty Limited  
Prepared by (name of person/lawyer) Marlia Saunders  
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[Version 3 form approved 02/05/2019]

- 5. Between November 2018 and February 2019, I worked as an Advisor in the office of the Minister for Defence Industry, the Hon. Steven Ciobo MP.
- 6. During this time, I met Brittany Higgins, who was already working in Mr Ciobo's office.
- 7. At the time, I understood that Ms Higgins was the administrative assistant who also provided some media support.
- 8. I had left the Department of Defence to work in Mr Ciobo's office and had organised to return to the Department of Defence prior to Mr Ciobo's resignation from the Cabinet.
- 9. When Mr Ciobo resigned, I returned to work at the Department of Defence as a communications adviser.
- 10. During the course of this role as part of routine, departmental business, I liaised with Senator Reynolds' office.

**Relationship with Brittany Higgins**

- 11. In or around late March 2019, the nature of my relationship with Ms Higgins was professional. We did not maintain a friendship, however, we had a positive working relationship. We also socialised at work events, such as the office Christmas party in Canberra and another office celebration on the Gold Coast.
- 12. I had a background in media and communications, which was an area that Ms Higgins wanted to work in. From time-to-time, we spoke about my experience.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*Lawrence* *Caroline Roberts*

[Redacted text block containing multiple lines of blacked-out content]

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*Cordine Deht*

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*Laumf*

*Corbin DeWitt*

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*[Handwritten signature]*

*[Handwritten signature]*

**23 March 2019**

57. On Saturday 23 March 2019, I exchanged Telegram messages with Ms Irvine, including the following:

Ms Irvine: *How was 88?*

Me: *It was really fun!*

Ms Irvine: *Oh nice!!!*

Me: *Brittany hooked up with Bruce*

58. I was, and remain, good friends with Ms Irvine. When I said "hooked up" I meant "kissed" in the sense I have described in paragraph 52 above.

**24 March 2019**

59. On or about 24 March 2019, I met with Ms Irvine.

60. I do not remember exactly what we said, but I recall we discussed in general terms what had happened on the Friday night prior and that Mr Lehrmann and Ms Higgins had kissed.

**Subsequent communication with Ms Higgins**

61. I do not recall catching up, seeing or speaking to Ms Higgins (except for the messages described in this paragraph and in paragraphs 62, 63 and 65) after the night of 22 March 2019. We exchanged a couple of messages, but they were not about anything in particular and were not about that night.

62. On or about 10 February 2021, I exchanged the following Telegram messages with Ms Higgins:

Ms Higgins: *Hey Lauren,*

*Don't feel like you have to respond to this at all. This is mostly just a cathartic thing for me to get it off my chest. I was so ashamed for so long and I've finally moved beyond it.*

*I don't know if you'd even remember but that night we all went out to the dock and then 88mph ahead of the 2019 election Bruce ended up taking me back to Parliament House. I passed out in the office and when I woke up he was sexually assaulting me. He left at some point during the night and the next day the ministerial security team found me.*

*I'm okay now but it really messed with me for the longest time. I've ended up resigning from PH and have since moved back to QLD.*

*Sorry for the random message. It was just something I had to do to finally close the book and process this whole ordeal.*

Me: *Hi Brittany, you're a strong woman and never ever should be subjected to the kind of disgusting violation of your body you've described. I'm sorry you went through this and I hope you're getting the ongoing support you need in Queensland. Taking control of your life is the best thing you can do. Please reach out if there's ever anything I can do, in particular if you would like support reporting the incident.*

Ms Higgins: *Thank-you Lauren. Honestly, I can't even begin to explain how much this response means to me.*

*Yes, it's lovely to be home and healing. Absolutely, it feels really nice to be back in a safe space.*

*Definitely, I'll let you know if it ever progresses to that. All the best. X*

Me: *Please do, I just want you to be supported and feel confident that you're doing the right thing xx*

63. The last time I had communicated with Ms Higgins before the message exchange on or about 10 February 2021 was in about October 2020 when I declined an invitation to her birthday party.
64. Until I received the Telegram message from Ms Higgins on or about 10 February 2021, I knew nothing about the allegation that Mr Lehrmann had sexually assaulted Ms Higgins.
65. In response to news reporting on news.com.au, I sent Ms Higgins the following Telegram message on 15 February 2021:

*Thinking of you today. I really want you to feel supported and strong. You're braver than I was at your age. Xx*

66. I did not receive a response. I have not attempted to communicate, or communicated with, Ms Higgins since 15 February 2021.

#### **Concerns about giving evidence**


67. On 24 March 2021, I gave an interview to ACT Police in relation to their investigation into sexual assault allegations made against Mr Lehrmann.
68. On or about 4 June 2023, I became aware that an extract of the audio recording of that police interview was used in the 7News Spotlight program entitled 'Trial and Error'


(Program) which was broadcast on that day. I became aware that I was named in the Program, and that the extract of the recording was played, from friends who messaged and called to check on my wellbeing. I did not watch the Program until three to four days after the broadcast.

69. I was shocked that the recording was played, particularly as I understand it was not played in open court during the course of the criminal trial of Mr Lehrmann. I was not contacted by Channel 7 prior to the broadcast of the extract and therefore did not have an opportunity to provide consent to it being used in the Program, nor was I given any advance notice that it would be used.
70. I felt a sense of betrayal that I was not afforded an opportunity to decide whether I would participate in the Program, and disappointed that parts of my interview with police were characterised as a 'lie'. It eroded the confidence I had that the interview I willingly gave to the ACT Police would be used for the purpose of aiding their investigation, and not for the purpose of supporting a narrative prosecuted through the media. I no longer feel confident about participating in this legal process.

Affirmed by the deponent  
at Canberra  
in Australian Capital Territory  
on 6 October 2023  
Before me:

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\_\_\_\_\_  
Signature of deponent

  
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Signature of witness

Caroline Doherty  
Solicitor  
Level 4, 15 Moore Street, Canberra ACT 2601  
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law.