

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: **Mark Lyle Fairweather**

Address: [REDACTED]

Occupation: Retired

Date: 26 September 2023

I Mark Lyle Fairweather [REDACTED] retired, 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. Between 1996 and 2006, I was a security guard for Armaguard.
3. Between 2007 and 2020, I was a security guard at Australian Parliament House in Canberra.

**22 and 23 March 2019**

4. Between around 11pm on 22 March 2019 and 7am on 23 March 2019, I was the officer in charge of Point 8 at Parliament House. Point 8 is the carpark security entrance of Parliament House. It is in the ministerial wing.

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

5. Nikola Anderson was working with me on that night, as Foxtrot Four. "Foxtrot Four" refers to the security guard who is on foot patrol, which was Ms Anderson on this shift.
6. Ms Anderson was on patrol that night, which required her to walk through the ministerial wing and make sure everything was secure.
7. At the time, to gain entry to Parliament House through Point 8, staff members were required to swipe their pass at the entry gate at the carpark and then proceed to Point 8.
8. However, if a staff member did not have a pass, they could still get access to Parliament House. The staff member would firstly hit the button at the entry gate to the carpark. The Parliamentary Security Operations Room (**PSOR**) answers the button and asks the staff member who they are and what they want. The staff member would then have to explain that they are a passholder who does not have their pass on them and give their name. The PSOR would look up their name and if the name was a passholder at Parliament House authorise them to come to Point 8. The staff member would then have to enter through the security entrance at Point 8 to gain access to the ministerial wing of Parliament House.
9. At about 1.41am on 23 March 2019, a man and a woman came in to Point 8.
10. When they came in to Point 8, I said words to the effect of: "*Geez guys, can't this wait until Monday?*"
11. The man responded "*No*".
12. I had seen both the man and the woman before at Parliament House, but I did not know their names.
13. To gain entry to Parliament House late at night, at that time passholders were required to provide a reason for their entry, otherwise security could refuse them entry.
14. The man said words to the effect of: "*We're here to do some work*".
15. I do not recall when, but the man told me, in substance, that they had to go to Minister Reynolds' suite.
16. The man did not have his pass on him.
17. He told me his name and I looked it up on the computer.
18. I do not recall the man showing me photo identification, but it is possible that he did.
19. When I looked up staff members' names on the computer it came up with their picture and the office they're allowed to go into.
20. The man's photo came up and I validated his pass to make sure it was current.



21. I also double checked that they were entitled to go into Minister Reynolds' office.
22. I then got him to fill out a Parliament House sign-in sheet.
23. Staff members entering Parliament House filled out the "Visitor's Name" and "Sponsor's Name" columns on the left-hand side. The security guard admitting the relevant staff member filled out the columns on the right-hand side which notes the security guard's pass number, the staff member's pass number, and the time the staff member entered and left Point 8.
24. After I identified the man, I wrote a green access pass out for him.
25. A green access pass is issued when a passholder does not have their official pass. When a person leaves Parliament House, they have to return their green access pass. When they return the green access pass, I would write the time of exit on the Parliament House sign in sheet.
26. I then identified the woman using the same process as set out above. I do not recall the woman showing me photo identification, but it is possible that she did.
27. The man filled out the Parliament House sign-in sheet for the woman, which he was allowed to do according to Parliament House procedure.
28. To the best of my recollection, Ms Anderson wrote the green access pass out for the woman.
29. When the man and woman entered Point 8, I could smell alcohol on one or both of them. I could not tell where it was coming from. I remember a general smell of alcohol.
30. I observed that they were possibly affected by alcohol, but I did not think that they were overly affected by alcohol.
31. If I had thought they had been intoxicated I would have refused them entry to Parliament House.
32. I have previously said I thought at the time that the woman and man were 'intoxicated'. I think the word 'intoxicated' means slurring, falling over, vomiting level drunk. On reflection, I think they were possibly affected by alcohol, but did not appear to be intoxicated.
33. Once a staff member has a green access pass, they are required to put their things through an X-ray machine and they have to walk through a metal detector.
34. I recall that the woman had to go through the metal detector twice because her shoes were setting it off.



35. She then removed her shoes and put them through the X-ray machine and went through the metal detector barefoot.
36. I recall that she had trouble getting her high heel shoes back on.
37. I said words to the effect of: "*Don't worry about it. Carry them with you and put them on in the suite*".
38. At this point, Ms Anderson was waiting with the man by the lift.
39. I understood that Ms Anderson then took the man and woman up to Minister Reynolds' ministerial suite. I briefly watched them walk to Minister Reynolds' ministerial suite on the CCTV camera screens on my desk.
40. I rang PSOR and said words to the effect of: "*These passholders are entering. Security, Foxtrot Four is on her way with them to let them in.*" I also provided PSOR with their pass numbers.
41. Based on my experience as a security guard at Parliament House, PSOR would then have looked on the CCTV and watched Ms Anderson and the man and the woman walking down the hallway.
42. At about 2.30am the same morning, the man came back through Point 8.
43. I observed the man when he got to the metal detector.
44. When exiting Parliament House you are not meant to walk back through the metal detector, you are meant to walk through the electronic doors. The man walked through the metal detector.
45. As the man walked past me, I said words to the effect of: "*Oi, are you coming back?*"
46. He said: "*No*". I observed that he said this hastily.
47. He did not seem to want to stop and talk. He was looking down on his phone.
48. He flicked his green access pass onto the desk and, before I could ask him any more questions, he had already walked out of Point 8. I recall that he flicked his pass onto the desk because I felt that it was rude and was annoyed about it at the time.
49. I wanted to ask him questions about the woman because I wanted to secure the suite so I had to know whether the woman had gone out of it.
50. When a person walks through the metal detector, it registers numbers. As part of my role, I kept track of how many people entered and exited Parliament House that shift. At the end of each shift, I had to know how many people entered and exited Point 8. If a person walked back through the metal detector, it threw my numbers out. A person therefore had to exit through the electronic doors. I recall that the man walked through the metal



detector instead of the electronic doors because I thought at the time that it would throw my numbers out and I felt annoyed.

51. After the man left, I had a conversation with Ms Anderson and my supervisor, Kevin Callan, about the woman and the man.
52. Either myself or Mr Callan said to Ms Anderson words to the effect of: "*Can you go up and make sure the lady is gone so you can secure the suite?*"
53. Securing the suite involves locking the suite up and re-alarming it.
54. As there were other entrances to Parliament House open twenty-four seven, I was aware that the woman could have exited Parliament House through one of these other points. I recall that at one stage while I worked at Parliament House, the House of Representatives and Senate entrances closed after midnight, but I cannot recall if that was the case in 2019.
55. Ms Anderson then walked up to the suite.
56. Ms Anderson subsequently returned to Point 8.
57. Ms Anderson said words to the effect of: "*I found her naked*" and "*she had her you know what showing*".
58. I then said words to the effect of: "*I fucking knew it. That's fucking typical*". I had had a thought when the man and the woman were going up to the suite that they may not have been going up to the suite to work. When Ms Anderson told me that she found the woman naked, I thought they had had sex or had been drinking, rather than working. They said they were there to work, but you do not work naked. I was irritated because I did not want stains left on the Minister's couch or a mess left in her office or bathroom.
59. I finished work at around 7am on 23 March 2019.
60. On or about 24 March 2019 I prepared an incident statement. I prepared an incident statement because I was not happy with them coming in at that time on a Saturday morning and I had my suspicions about what they had been doing in the Minister's suite. I was not happy with the woman being naked on the lounge in an office that she was not meant to be in and I was not happy with the man flicking his pass at me.
61. I understand that during my Record of Conversation with Detective Leading Constable Trent Madders on 18 March 2021 (ROC), I said that the woman could write properly and that she filled out the sign in sheet herself. When I said this, I had not seen a copy of the sign in sheet. Having seen a copy of the sign in sheet I now believe that the man filled it out for her.



62. During the ROC, I also said that I could not smell alcohol on the man and the woman. I said this because Detective Leading Constable Madders asked me whether I smelt alcohol on their breath. I had smelt a general whiff of alcohol from them, but I did not know whether it was from them or their clothes and so could not say I smelt alcohol on their breath.

**CCTV cameras at Point 8, Parliament House**


63. In March 2019, there were three CCTV cameras at Point 8 in Parliament House:

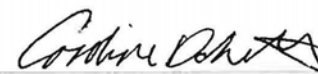
- (a) one CCTV camera pointing towards the metal detector and X-ray machines;
- (b) one CCTV camera above the lift, pointing at the X-ray machine; and
- (c) one CCTV camera pointing towards where the security guard on duty sat at Point 8.

64. As a result of my involvement with the Supreme Court of the Australian Capital Territory proceedings in *R v Lehmann*, I have seen some of the CCTV footage of Point 8. I have seen footage from the cameras described in paragraphs 63(a) and 63(b) above. I have not seen footage from the camera described in paragraph 63(c).

Sworn by the deponent  
at Canberra  
in the Australian Capital Territory  
on 26 September 2023  
Before me:

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Signature of deponent

  
\_\_\_\_\_  
Signature of witness

Caroline Doherty  
Solicitor  
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An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law