

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 named in the schedule  
Respondents

Affidavit of: **Laura Binnie**  
Address: c/- 7PM Company Pty Ltd, Como Centre, Level 1, 620 Chapel Street, South  
Yarra VIC 3141  
Occupation: Supervising Producer  
Date: 28 July 2023

I Laura Binnie of c/- 7PM Company Pty Ltd, Como Centre, Level 1, 620 Chapel Street, South Yarra VIC 3141 affirm:

1. I am a Supervising Producer of The Project.
2. The Project is a nightly current affairs program broadcast by Network Ten Pty Limited and its affiliates (**Network Ten**).
3. 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.
4. 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.

Filed on behalf of (name & role of party) The 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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(include state and postcode)

[Version 3 form approved 02/05/2019]




5. Where I refer to the fact of provision of legal advice in this affidavit, I am not authorised to and do not waive privilege in respect of its content.

### Work history

6. I am employed by 7PM Company Pty Ltd (7PM), the producer of The Project.
7. I have been a television journalist for over 15 years.
8. I have worked in the following roles:
- (a) 2008-2009: News Producer, Fox Sports News;
  - (b) 2010- March 2011: Journalist, Australian Broadcasting Corporation;
  - (c) March 2011- January 2015: Producer / Reporter, Seven Network Limited;
  - (d) August 2013 – January 2015: Freelance writer and producer;
  - (e) May 2018 – December 2018: Senior Producer, Thinkative TV;
  - (f) Jan 2015 – November 2019: Investigative Producer / Journalist, The Project;
  - (g) November 2019 – present: Supervising Producer, The Project.
9. My work email address is: [REDACTED].
10. I communicated extensively using my email account during the period of January and February 2021 in relation to the broadcast of the story which is the subject of this proceeding. I understand that from around 20 January 2021 to 15 February 2021, I sent, received and was copied into a large number of emails about the production of this story. Those emails were on a number of production-related topics, including:
- (a) the commissioning of the story;
  - (b) the development of the story; and
  - (c) the editing of the story.
11. My mobile telephone number is [REDACTED].
12. I communicated extensively using my mobile phone during the period of January and February 2021 in relation to the broadcast of the story which is the subject of this proceeding. From 20 January 2021 to 15 February 2021, I made and received a large number of telephone calls with other members of the production team including, Editorial Consultant Peter Meakin, Producer Angus Llewellyn and Executive Producer Chris Bendall [FRD.005.00000200; FRD.005.00000201].
13. I also was involved in a group iMessage with Mr Meakin and Mr Llewellyn about the development of the story [FRD.001.00000252- FRD.001.00000258].



**Roles and responsibilities**

14. In January 2021, I was the Supervising Producer on The Project.
15. As Supervising Producer, my role is to oversee producers and other members of the production team who work on 'feature' stories.
16. Feature stories are different to news or general interest stories as they involve more of an investigative angle. As Supervising Producer, it is my job to oversee all of the feature stories that the team is working on at any given point and help producers, presenters and other members of the production team to get the story ready for broadcast.
17. In my time as a television journalist, I have produced a large number of stories for broadcast. While I occasionally still produce stories for The Project, my role is mostly to oversee the work of other producers.
18. Generally speaking, my oversight role includes some or all of the following tasks on any given story:
  - (a) I work with producers, presenters and other members of the production team to consider how we tell the stories we tell on air, including what angle or angles I think we should be pursuing;
  - (b) I review and edit scripts and video footage;
  - (c) I am a key point of contact for producers on ethical questions that may arise in the course of their work; and
  - (d) I liaise with producers and Network Ten's lawyers on legal issues that may arise during the preparation of stories, including the seeking and consideration of pre-publication legal advice.
19. As a general rule, most of my involvement with a story comes after it has been shot or a script has been prepared. I normally work with producers once they have a well-advanced or near-final script prepared. While I am often involved around the time or just after a story is commissioned, my focus is on working with producers during the 'post-production' phase of a story. Generally, when there is a big or important story I will be told about it before it is shot or a script has been prepared.
20. Once a story is shot and a script is prepared, it enters what we call the 'post-production' phase. As a general rule, most stories spend approximately three days in 'post-production' before they are broadcast.

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**Involvement with this story***Initial involvement*

21. In January 2021, I became aware that Lisa Wilkinson had been approached by David Sharaz about a story on behalf of his partner Brittany Higgins. Ms Wilkinson was one of the hosts of The Project.
22. Ms Wilkinson came to me directly to discuss the story. I believe this discussion occurred in Mr Campbell's office. Mr Campbell was at that time the Executive Producer of The Project.
23. I do not now recall when this meeting happened. I was told by Mr Campbell and Ms Wilkinson that they believed they had a huge story they wanted to talk to me about. Given the passage of time, I do not recall exactly what was said or the precise words that were used during this meeting.
24. I recall being told by Mr Campbell and Ms Wilkinson about a young woman who alleged she had been raped in Parliament House. I recall being told:
  - (a) that the young woman felt she had tried to discuss her matter with people but nothing had happened; and
  - (b) that was an internal police force in Parliament House which the woman felt had not been able to properly investigate her claims, including by not being able to access key documents and CCTV footage from the night in question.
25. I agreed with Ms Wilkinson and Mr Campbell that this was a potentially big story and that I thought it should be explored. I believe it was during this meeting that Ms Wilkinson told me the story related to Ms Higgins.
26. I believe that Mr Llewellyn, a producer who works on The Project, had already been told about this story by the time I had this meeting with Mr Campbell and Ms Wilkinson. I believe I was told this at my meeting with Mr Bendall and Ms Wilkinson. Ordinarily, as Supervising Producer it is my job to allocate a story to a producer. I recall Ms Wilkinson wanted to work with Mr Llewellyn on this story and that is why he had already been told about it.
27. At the end of this meeting, I believe I agreed that Mr Llewellyn should be the producer allocated to this story. Mr Llewellyn is a very experienced producer and the most experienced producer on The Project's staff. He and I had worked together for about two and a half years by this point. I regard Mr Llewellyn as the most thorough journalist on our staff. I recall feeling that Mr Llewellyn would relish the opportunity to work on this story because it would require him to work so closely with Network Ten's lawyers. This has

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- always seemed like something he enjoys doing. I felt confident that Mr Llewellyn would not cut any corners or rush the story to air. I believed this story needed someone thorough and experienced like Mr Llewellyn because of its potential impact and obvious sensitivities. By potential impact, I refer to my belief at the time that this story was going to be a big and potentially explosive political story.
28. Generally speaking, I would not appoint a male producer to a woman's story about being a sexual offence complainant, however I felt Mr Llewellyn was an exception to this rule and would approach the story with the appropriate level of sensitivity and care.
29. After this meeting, I had a telephone call with Mr Llewellyn. I told him, in substance, that the story had been allocated to him and that I had full confidence he would do a good job. As I believed this story would take up most, if not all of Mr Llewellyn's time, I arranged for his schedule to be cleared to allow him to dedicate his time to it.
30. On 20 January 2021, I received an email from Ms Wilkinson regarding Ms Higgins' allegations [FRD.001.00000925].
31. Ms Wilkinson's email attached a "Timeline" that had been provided by Mr Sharaz (the **Timeline**). I believe I reviewed the Timeline. I expect I discussed the Timeline with Mr Meakin and Mr Llewellyn. I cannot recall when I first learned Mr Lehrmann's name. I believe it was as a result of reading the Timeline.
32. I attended a number of further meetings with the production team. I do not now recall particular details of these meetings, such as when or where they were held or who else was in attendance.
33. At some point, I became aware that Mr Llewellyn was meeting with Ms Higgins and Mr Sharaz. I do not recall when this occurred or how I became aware of it. I assume Mr Llewellyn told me about this because I would typically speak to Mr Llewellyn on the telephone a number of times a day about this story from the time I told him that he had been allocated to produce it.
34. My recollection of the purpose of the first meeting with Ms Higgins was that Mr Llewellyn and Ms Wilkinson went along to assess the credibility of the claims made by Ms Higgins.
35. I had a telephone call with Mr Llewellyn and Mr Meakin after Mr Llewellyn and Ms Wilkinson had met with Ms Higgins and Mr Sharaz for the first time.
36. This call was, in effect, a debrief of the meeting Mr Llewellyn and Ms Wilkinson had attended with Ms Higgins and Mr Sharaz. Mr Llewellyn told me, in substance, that he believed this story should be produced and that he found Ms Higgins to be believable and reliable. I do not recall the precise words Mr Llewellyn or I used, only the general thrust of what we spoke about.

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37. After this call, I attended a meeting with Mr Llewellyn, Mr Meakin, Mr Campbell and two of Network Ten's lawyers Myles Farley and Tasha Smithies. I believe the meeting was held on 29 January 2021 and was conducted via Microsoft Teams [FRD.001.00002641]. I believe we discussed what Mr Llewellyn had told Mr Meakin and me in our earlier debrief call. I do not now have an independent recollection of exactly what was said at this meeting, but I recall Mr Llewellyn discussing the evidence he said Ms Higgins had to substantiate her claims.
38. From at least the time when I had the debrief call with Mr Llewellyn and Mr Meakin, I believed the story that we wanted to tell was about the treatment Ms Higgins said she had endured after complaining that she had been raped, rather than a story about the alleged rape itself.
39. I believed at the time, and still believe, that there is an important difference between the two stories, and that, while both are in the public interest, the former is a story of greater public interest because Ms Higgins' then-employer was the federal government.
40. The production team resolved that the story would focus on Ms Higgins and what Ms Higgins said. We did not want the story to focus on or be about Mr Lehrmann. I cannot now recall exactly when the decision was made not to name Mr Lehrmann, but it was early on in the production phase of this story.
41. I recall this decision was made for at least two reasons. First, we did not want Mr Lehrmann to sue for defamation. We felt if we did not name him the risk of him suing was lower. Secondly, we did not want our story to impact Mr Lehrmann's ability to receive a fair trial if the matter ever got that far.
42. I considered that there was a significant public interest in presenting Ms Higgins story about what had happened to her and how she felt like she had not been listened to by her colleagues and superiors at Parliament House. I also considered that there was a reasonable prospect that Mr Lehrmann might be charged based on the information provided by Ms Higgins, the other material we had obtained during the preparation of the story and the fact that she had re-enlivened her complaint to police. I considered at the time that an appropriate balance was struck between the public interest in publishing Ms Higgins' story and not interfering with any subsequent criminal prosecution by not naming Mr Lehrmann in the story. I was also mindful that any criminal proceedings would be decided on the evidence before the court.
43. In my time as a journalist I have been involved in producing a number of stories about victim-survivors of sexual abuse. Generally speaking, I am concerned with the following things:

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- (a) first, the complainant's credibility. If I do not think that a complainant is credible I would never proceed with a story. Part of forming an assessment of a person's credibility in this context revolves around asking (or understanding) whether they went to police and asking to see any documents in support of the things they say happened. Telling a story about a sexual offence which is only one person's word against another's carries some degree of risk and I would be uncomfortable doing so unless I had seen or been provided with other evidence. For example, where the story is only one person's word against another's, I often ask to speak to any person the complainant complained to or disclosed the allegation to at or shortly after the incident;
- (b) secondly, I am always mindful of assessing what a person's motivations are for wanting to tell their story. If I feel there are questionable or improper motives on the part of the complainant, I will not proceed with producing or finalising the story; and
- (c) thirdly, if a complainant wants to talk to me, or another journalist at The Project, I believe the focus needs to be on that person's experience rather than the perpetrator. I regard the alleged, or in some cases convicted, perpetrators as less important to stories of sexual assaults told by complainants.
44. We regularly produce and broadcast stories detailing alleged (and proven) sexual offences. Each time we do, I believe our process is similar, if not the same. A key feature of our work on The Project is that we engage with Network Ten's lawyers from very early on in the process. We always have lots and lots of conversations about these kinds of stories with the lawyers. The meeting referred to at paragraph 37 is an example of the team (including me) engaging with lawyers from very early on in the production of a story.
45. From the time I was first told about this story I believe I was updated by Mr Llewellyn about the production of the story on a daily basis. I believe most of these updates occurred over the phone. I suspect that some of these updates may have occurred over a video conference on Microsoft Teams or Zoom, however I don't recall specifically what we discussed during these meetings.

*Interview with Ms Higgins*

46. I received a number of emails about arranging an interview between Ms Wilkinson and Ms Higgins for 2 February 2021 [see, eg, **FRD.001.00000014**; **FRD.001.00001620**; **FRD.001.00001627**].
47. Ordinarily, when an interview is scheduled, I liaise with the producer about the kinds of questions I think we should be asking to make sure we get the content and footage that

we think we need to put the best version of the segment or story to air. This is an ordinary part of the pre-production process.

48. Mr Llewellyn had prepared some questions ahead of Ms Wilkinson's interview with Ms Higgins. I believe I reviewed those questions with Mr Llewellyn and Mr Meakin [see, eg, **FRD.001.00002448**]. I believe I had a telephone call with Mr Llewellyn and Mr Meakin to discuss the questions. I agreed with the approach taken by Mr Llewellyn to the interview. I do not recall proposing any particular or specific questions for Ms Wilkinson to ask Ms Higgins. I expect Mr Meakin and I would have proposed some minor changes to wording and structure, but I do not recall either of us proposing or making any material amendments to what Mr Llewellyn had prepared. As is normal, I expect these questions were also sent to Mr Farley given he was involved in the production of the story.
49. Around this time, I attended a meeting with the production team where we discussed this story and, in particular, how we would address or refer to Mr Lehrmann. I do not recall when this meeting was, but I believe it was conducted over Microsoft Teams. I believe Mr Llewellyn, Mr Meakin, Mr Farley and Ms Smithies were all at the meeting. I believe it was at this meeting that we discussed how we should refer to Mr Lehrmann. I recall that we decided to describe Mr Lehrmann as a "senior staffer" as we wanted to use language that was vague, but not too vague to potentially implicate other people. A key consideration in describing Mr Lehrmann in the way that we did was that we wanted to convey the power imbalance that existed between him and Ms Higgins at the time of the alleged rape. I felt that this was a particularly important part of the story. I believed it was important because it was consistent with the difficulties that I perceived Ms Higgins had had coming forward and making a complaint about what had happened.
50. I cannot recall if it was at this meeting or on another occasion, but I recall being aware that we would ask Ms Higgins to swear a statutory declaration to the effect that what she had told us was true and correct. This is a common measure that we employ at The Project, particularly in cases where it comes down to one person's word against another's. I was not involved in the preparing or obtaining this statutory declaration, but I believe I saw a copy of it once it was sworn. Ultimately, I felt the fact Ms Higgins was willing to swear the statutory declaration added to her credibility.
51. Apart from working with Mr Meakin to finalise the list of questions, I do not believe I was particularly involved in preparations for the interview Mr Llewellyn and Ms Wilkinson did with Ms Higgins.
52. I attended a post-interview debrief with Mr Meakin and Mr Llewellyn. I believe this was on the same day or the day after the interview and was done over the telephone. I believe Mr Llewellyn called Mr Meakin and me. I do not recall the precise words Mr Llewellyn





used, but he said, in substance, that he found Ms Higgins to be more believable and impressive than he remembered. He suggested that she had held up really well and that Ms Wilkinson had done a really good job interviewing her. Mr Llewellyn said, in substance, that he believed he was going to have a hard time pulling the story together because there was so much good, relevant and interesting material to work with.

*Preparation of the script*

53. On 3 February 2021, I was included in an email chain with Mr Campbell and others about the timeline for the story and matters including seeking comment from political or police contacts [FRD.001.00002676].
54. On 5 February 2021, I received an email from Mr Llewellyn about Ms Higgins' health and wellbeing [FRD.001.00001668]. Mr Llewellyn's email said Ms Higgins "is quite fragile at the moment". I understood from speaking to Mr Llewellyn on the telephone throughout this period that Mr Llewellyn was concerned about Ms Higgins' health and wellbeing. I shared those concerns at the time.
55. On 5 February 2021, I was included in an email chain with Mr Campbell, Mr Meakin, Ms Thornton and others about the story and our promotion of the story [FRD.001.00001680].
56. At 4.53pm on 5 February 2021, I received an email from Mr Llewellyn setting out a draft version of parts 1 and 2 of the script [FRD.001.00000944]. I expect I clicked on this link and reviewed this version of the script.
57. There were three days between the interview and when Mr Llewellyn sent through a draft script. This is longer than usual. I did not find this unusual because the interview between Ms Higgins and Ms Wilkinson was lengthy and the script Mr Llewellyn had prepared was so much longer than usual scripts. I believe I spoke to Mr Llewellyn over the telephone during this period about the draft script and how he was going with its preparation [FRD.005.00000201].
58. When I say this script was "so much longer", I believe it was two to three times longer than our normal 'feature' scripts. Normally, a feature runs over one segment of the show. It is not common, but sometimes we run stories over an ad break (i.e., over or across two segments). In this case, the script ran for three segments. This is an unusually long piece. It is the kind of length reserved for only the most serious or important stories. I cannot recall when the decision to run this piece 'long' was made, but I expect it would have been made by one of Mr Bendall or Craig Campbell. I believe the decision was made after Mr Llewellyn had prepared the first version of the script.

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59. In this case, I supported the decision to run this story long. I believed if we skimmed or skipped over detail it would have impacted the way we told the story. I felt there were three distinct parts to Ms Higgins' story which needed to be told in detail:
- (a) first, the lead up to the alleged assault. This included Ms Higgins obtaining her job, attending the drinks for her colleagues on the night she alleges she was raped and the way Mr Lehmann interacted with her at the drinks;
  - (b) secondly, the alleged assault itself. As this is such a serious allegation, I believed we needed to establish as many of the relevant facts as we could in telling this part of the story; and
  - (c) thirdly, the handling of Ms Higgins' claims, including the various people that she told about the allegations and the various people in various departments who dealt with her in the aftermath of her making a complaint.
60. While going through the first version of the script, I identified things that I believed we could not use. I cannot recall exactly what these parts were, but I believed they related to identifying particular people. I thought at the time that if we were going to make a claim against any person in this story we needed to be able to justify and prove it.
61. I spoke to Mr Meakin at 6.24pm on 5 February 2021 [FRD.005.00000201]. I believe we spoke about the draft script that Mr Llewellyn had provided.
62. At 8.22am on 6 February 2021, I received an email from Mr Meakin with his thoughts on the draft script [FRD.001.00000944]. I recall agreeing with his comments.
63. At 3.19pm on 6 February 2021, I received an email from Mr Llewellyn about assembling a first video cut or work-in-progress (WIP) version of the story [FRD.001.00001681]. I understood from this email that Ms Smithies and Mr Farley had already reviewed the first version of the script referred to above at paragraph 56.
64. I estimate that these changes resulted in us removing or cutting approximately ten minutes' worth of content from the script.
65. I engaged with Mr Farley throughout the process of reviewing the script.
66. I believe I reviewed the script on an almost daily basis from the time I was sent the first version until the date of broadcast. This is common. The first version of a script is almost never the version that ends up being broadcast. The difference in this case was that the script was much longer than normal and the editing of it went for a much longer period than usual.



*Further versions of the script and WIP videos and promotional material*

67. On 8 February 2021, I received emails about a possible opening to the story [FRD.001.00001689].
68. Throughout 9 February 2021, I received emails from Mr Llewellyn and Mr Meakin which related to draft versions of the script for Parts One and Two of the story and a WIP video for part one of the story [FRD.001.00000959; FRD.001.00002483; FRD.001.00000968]. I expect I clicked on these links and reviewed the script and WIP video [see, eg, FRD.001.00000969]. I spoke to Mr Llewellyn on the telephone at 5.08pm on 9 February 2021 [FRD.005.00000201]. I believe we discussed the draft script and WIP videos then. I do not recall how long the telephone call went for.
69. At 4.02pm on 9 February 2021, I received an email from the editor, Darryl Brown, with a link to a further WIP video for part two of the story [FRD.001.00000967]. I clicked on this link and watched the WIP video, then had a phone call with Mr Llewellyn and Mr Meakin to discuss it [FRD.001.00000969].
70. At 11.39pm on 9 February 2021, I received an email from Mr Brown with a link to a further WIP video of part one of the story [FRD.001.00000974]. I expect I clicked on this link and watched the WIP video.
71. At 11.45pm on 10 February 2021, I received an email from Mr Brown with a link to further WIP videos of the story [FRD.001.00000981]. I believed I followed these links and watched the WIP videos on 11 February 2021 [FRD.001.00000985]. At 8.12am on 11 February 2021, I sent Mr Llewellyn an email that said:
- "Thanks Angus and Darryl this is looking extremely strong. And I agree, the ending is a ball tearer.*
- I hope you're both having a well deserved sleep-in this morning for burning the midnight oil last night."*
72. I recall being impressed by the WIP videos. I thought Mr Llewellyn's investigative work was very good and that the editing looked good. When I described the ending as a "ball tearer" I was responding to the email Mr Llewellyn sent me at 12.38am on 11 February 2021 where he described the ending as "quite breath taking". In describing the ending in this way, I intended to convey my view that the ending was outstanding [FRD.001.00001775].
73. On 11 February 2021, I received an email from Mr Meakin which forwarded Mr Campbell's initial thoughts on the broadcast [FRD.001.00000992]. I expect I discussed these changes with Mr Meakin or Mr Llewellyn or both of them.

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74. At 1.37pm on 11 February 2021, I received an email from Mr Llewellyn regarding the story, including a draft script of additional footage that Ms Wilkinson was going to record from Parliament House [FRD.001.00000048]. I expect I reviewed the draft script and discussed it with Mr Meakin or Mr Llewellyn or both of them [FRD.001.00000997]. I received further emails about this on 12 February 2021 [FRD.001.00000069].
75. At 5.23pm on 11 February 2021, I received an email from Mr Brown with links to further WIP videos of the story [FRD.001.00001806]. I believed I followed these links and watched the WIP videos. On 11 and 12 February 2021, I received emails from Ms Wilkinson, Mr Llewellyn and Mr Meakin about these draft versions of the story [FRD.001.00001005]. I believe I discussed Ms Wilkinson's comments with Mr Meakin and possibly Mr Llewellyn over the telephone on 12 February 2021 [FRD.005.00000201].
76. On 12 February 2021, I received emails from Mr Llewellyn and Mr Meakin about possible promotional material for the story [FRD.001.00001843].
77. At 1.37am on 13 February 2021, I received an email from Mr Brown with links to further WIP videos of the story [FRD.001.00001806]. I believe I followed these links and watched the WIP videos. I also received other emails from Mr Llewellyn, Mr Meakin and Ms Wilkinson and others about these versions and expect I discussed these WIP videos with Mr Meakin and Mr Llewellyn on the telephone [FRD.001.00000271; FRD.005.00000201; FRD.001.00002527].
78. On 14 February 2021, I sent and received emails about the story, including promotional material we were intending to publish on 15 February 2021 [FRD.001.00001874; FRD.001.00001880; FRD.001.00000079; FRD.001.00000080; FRD.001.00001882; FRD.001.00001567; FRD.001.00000346]. I believe I spoke to Mr Meakin and Mr Llewellyn about these matters on the telephone on 14 February 2021 [FRD.005.00000201].
79. On 15 February 2021, I sent and received a number of emails about the story, including promotional material for the story, introductory and closing remarks [see, eg, FRD.001.00000294; FRD.001.00000302; FRD.001.00000308; FRD.001.00002547; FRD.001.00000339; FRD.001.00000343; FRD.001.00001103; FRD.001.00000365]. I expect I reviewed the promotional video that was contained in Mr Llewellyn's email at 8.57am [FRD.001.00001047]. The volume of emails on 15 February 2021 reflects the nature of preparing a show for broadcast. While the crux of what we published was finalised well in advance, we were effecting changes to the broadcast right up until it was signed off by Mr Bendall just before it went to air [FRD.001.00002010].

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80. On 15 February 2021, I compiled a brief containing all of the scripts for Mr Bendall and the presenters who would be appearing on the show that night [see, eg, **FRD.001.00000340**; **FRD.001.00001125**; **FRD.001.00000395**].
81. At 3.02pm on 15 February 2021, I received an email from Mr Llewellyn with links to further WIP videos for parts one and two of the story [**FRD.001.00001955**]. I received an email from Mr Llewellyn with a link to a WIP video for part three of the story at 3.48pm [**FRD.001.00001960**]. I believe I followed these links and watched the WIP videos.
82. At 4.06pm on 15 February 2021, I received an email from Mr Llewellyn with links to further WIP videos. I believe these were the same versions I had received just before. I do not recall if I clicked on these links or watched these WIP videos, but if they were the same versions I expect I would not have.

### **Confidentiality**

83. This story was kept largely confidential. A number of measures were put in place to try and minimise the number of people who were aware of its production. These measures included:
- (a) ensuring the interview was securely and confidentially transcribed [see, e.g. **FRD.001.00002653**];
  - (b) keeping draft versions of and information about the story off the normal Ten Ardome server [**FRD.001.00002644**, **FRD.004.00000080**; **FRD.001.00001638**];
  - (c) giving the story the codename, "ENVIRO" [**FRD.001.00002686**]; and
  - (d) keeping the production team as small as possible and ensuring that anyone brought in to do work on the story was aware of its confidential nature [see, e.g. **FRD.001.00002645**].
84. This was an important story to keep confidential because it was very sensitive and we understood that we had it to ourselves.

### **Requests for comment**

85. As a part of our production process, we always try and seek comment from people who are potentially affected by our stories, for example because they are the subject of the story or are otherwise featured in a material way. This is an important part of journalism. We seek comment from potentially affected persons to give a story greater balance. Seeking comment from potentially affected persons is something I always either do myself, or ask someone in the production team working with or under me to do. I understand comment was sought in relation to this story. I was not heavily involved in that process, but recall being aware that it was occurring. I understood that Mr Llewellyn



- prepared the requests and ultimately sought comment from a range of different people, including Mr Lehrmann. As best as I can recall, despite the fact we were not naming Mr Lehrmann in the story I always expected that we would go to him for comment.
86. Ordinarily, it is our practice at The Project to publish a potentially affected person's response in full. Where we receive a statement in response to a request for comment, we publish that statement in full on The Project's website. I believe that was the case here. I was not involved in the uploading of these statements.
87. At 10.43pm on 9 February 2021, I received an email from Mr Llewellyn containing a link to a Google Doc containing draft requests for comment [FRD.001.00001738]. I expect I clicked on this link and reviewed the draft requests. I may have also had a telephone call with Mr Llewellyn and Mr Meakin about the proposed questions.
88. On 11 February 2021, I received an email from Mr Llewellyn about when he would send the requests for comment [FRD.001.00000050]. Later that day Mr Llewellyn also asked me separately for a contact list for the Federal Opposition and Federal Government [FRD.001.00002508].
89. I expect I discussed Mr Llewellyn going and seeking comment from various affected or potentially affected persons with him on the telephone around this time.
90. I understood Mr Llewellyn sought and obtained comment from a number of different people, including government officials [FRD.001.00000098]. They included:
- (a) ACT Police [FRD.001.00001898];
  - (b) the Prime Minister's Office [FRD.001.00002535], which included background comment being provided to Mr Llewellyn [FRD.001.00000326];
  - (c) Senator Michaelia Cash's office [FRD.001.00000299];
  - (d) the Presiding Officers of Parliament House [FRD.001.00001084; FRD.001.00001085; FRD.001.00000107];
  - (e) Australian Federal Police [FRD.001.00001948];
  - (f) Yaron Finkelstein [FRD.001.00001102];
  - (g) John Kunkel [FRD.001.00001102]; and
  - (h) the Department of Parliamentary Services.
91. I am aware that Mr Llewellyn had also reached out to Mr Lehrmann for comment, but do not recall how I became aware of this. I am aware that Mr Lehrmann did not respond.

**Samantha Maiden and News Corp**



92. I understood from early on in the production phase of the story that Ms Higgins had agreed to be interviewed by Ms Wilkinson for a television segment and Ms Maiden for a print article.
93. I did not have any engagement with Ms Maiden about this. I understood Mr Llewellyn was dealing with Ms Maiden during this period. I believe I spoke to Mr Llewellyn about his interactions with Ms Maiden when I spoke to him over the telephone, but I do not recall any particular discussions or emails about anything substantive. I received a number of emails about Ms Maiden's story and how we would promote our story. I sent and received emails about this over the course of 12 February 2021 [see, eg, **FRD.001.00000070**; **FRD.004.00000107**].
94. On 15 February 2021, I received emails from Mr Llewellyn which sent links to Ms Maiden's articles that she published as a result of her interview with Ms Higgins [**FRD.001.00000275**; **FRD.001.00000278**]. I expect I clicked the links and read these articles as I wanted to see what Ms Maiden had published and to check whether our story, which was by this point in the final stages of production, was consistent with what Ms Maiden had published.

#### **Public interest**

95. This story was exceptional in that the allegations were very serious and we believed the story would make a large impact on not just the daily news cycle, but Australian politics. However, while the story was a big, public interest story, the production processes were the same as every feature story we broadcast. When I say the processes were the same, I mean the actual steps that we took along the way followed our usual, established processes. However, the production team took each step in the process to a much more extreme and conscientious level than we would normally take because of the potential impact, reach and sensitivity of this story.
96. I regarded the story as being in the public interest because:
- (a) I felt that it was ultimately a story about the injustice experienced by Ms Higgins with respect to not only the alleged assault, but the way in which she was treated or her complaint was handled after making it;
  - (b) the fact this injustice occurred in Parliament House and with so many senior government officials and politicians supposedly aware of what had happened left me feeling like there was something gravely wrong with Parliament House as a workplace;



- (c) regardless of the truth or falsity of Ms Higgins' rape allegations, I felt a young woman had suffered at the hands of bureaucrats and politicians and that senior politicians, including possibly the Prime Minister, were aware of this and had done nothing; and
  - (d) I believe (generally speaking) that women are at a general disadvantage on issues such as workplace bullying and workplace complaints, particularly on the issue of feeling supported in making complaints against male colleagues.
97. On 15 February 2021, I recall there being high levels of anxiety and excitement about the story. It was my understanding that the story was broadcast when it was because Ms Higgins had asked for it to go to air in a sitting week. It was my understanding that she wanted the story to be broadcast then because she felt like it would gain more attention than it would in a non-sitting week, which was important to her because she felt that she had been silenced or disregarded after she had made her complaint. My understanding of this was based of multiple discussions I had had with Mr Llewellyn over the preceding two weeks about the story and Ms Higgins.
98. I recall that we at The Project had agreed to Ms Higgins' request for the story to be broadcast in a sitting week because we felt it would signal to her that we had listened to what she had said and wanted to make sure she felt heard.
99. While I did not speak to Ms Higgins, in all of my conversations with Mr Llewellyn and from having watched the raw footage of the interview, I formed the view that Ms Higgins did not have any ulterior or sinister motives in coming forward to tell her story in the way that she did. I formed the view that Ms Higgins did not want to bring anyone down, but rather that she wanted to highlight the injustice and failings in process that she had been subjected to.
100. I recall being concerned about Mr Llewellyn's and Ms Higgins' mental health on 15 February 2021. I know the toll a story like this case can take, not only on the people who tell it, but those who produce it.
101. On 15 February 2021, the story was approved for broadcast by Mr Bendall, the acting-EP. Given everyone, including Mr Bendall, had already seen so many earlier versions of the story, I do not recall there being many questions or changes at the last minute.

Affirmed by the deponent  
 at South Yarra  
 in Victoria  
 on 28 July 2023  
 Before me:

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 Signature of deponent

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

**Myles Edwin Finlayson Farley**  
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 An Australian legal practitioner within the meaning of  
 the Legal Profession Uniform Law (Victoria)