

REFEREE'S REPORT

Bruce Lehrmann v Network Ten Pty Limited ACN 052 515 250 & Lisa Wilkinson - Federal Court of Australia (Court); Lisa Wilkinson (LW) v Network Ten Pty Limited (NT) ACN 052 515 250; Network Ten Pty Limited ACN 052 515 250 v Lisa Wilkinson No: NSD103/2023 (proceeding)

I, Roland Matters of Unit 4 1 Tunks Street Waverton New South Wales, report as above, by this paragraph, at paragraphs 1 - 31 below and by the endnotes to the report (**report**).

A. Wilkinson Relevant Questions and order 4 of the 28 June Order

1. The Court, by Order made on 28 June 2024 in the proceeding (**28 June Order**), ordered that:

“1. Pursuant to s 54A of the *Federal Court of Australia Act 1976* (Cth) and Div 28.6 of the FCR:

(a) the questions set out in Annexure A to these Orders (**Wilkinson Relevant Questions**) be referred to Mr Roland Matters (**Referee**) for the purposes of the Referee conducting an inquiry into the Wilkinson Relevant Questions (**Wilkinson Reference**) and providing a report to the Court (of no more than 20 pages) stating, with reasons, the Referee's opinion on the Wilkinson Relevant Questions (**Wilkinson Report**);”

2. A copy of Annexure A to the 28 June Order recording the Wilkinson Relevant Questions is attached to the report and marked “**A**”. I understand that the Court has, by order 1(a) of the 28 June Order, ordered that I inquire and report my opinion and reasons for my opinion on the Wilkinson Relevant Questions **only**¹.

3. The Court, by order 4 of the 28 June Order, ordered that:

“4. The parties are excused from the requirement to provide a statement to the Referee pursuant to rule 28.65(7) of the FCR.”

B. Commencement of the inquiry and material that has been provided to me in the inquiry

4. I understand, in the absence of an alternative commencement date expressed in the 28 June Order, the inquiry to have commenced on 28 June 2024.

5. A copy of a document headed “Index To Brief To Roland Matters - Wilkinson Reference”, provided to me by attachment to an email dated 28 August 2024 received from NT's legal representative, is attached to the report and marked “**B**” (**attachment B**). Attachment B tabulates material (**order 3 material**) that the Court ordered, by order 3 of the 28 June Order, be provided to me with one revision, that being the document tabulated at 15. of attachment B identified as “Second Further Amended Spreadsheet of Second Respondent's costs” (**second further amended worksheets**).

6. A list of the material provided to me in the inquiry (**inquiry material**), excluding email communications between the legal representatives of LW and of NT (collectively, **inquiry parties**) and me in the inquiry not included in the list, is attached to the report and marked “**C**” (**attachment C**).

7. References in the report to material listed in attachment C are as the material is denoted in attachment C.

C. Premises from which the reasons for my opinions proceed

8. The phrase “no valid costs agreement between the second respondent and Gillis Delaney Lawyers.” expressed in notation 3(b) to the 28 June Order means the absence of written or oral express terms and the absence of implied terms agreed between LW and Gillis Delaney Lawyers (**GDL**) to be given effect or regarded in the inquiry in answering those of the Wilkinson Relevant Questions in respect of which application or regard would be otherwise given to the terms of a costs agreement².
9. The phrase “reasonably necessary”, where expressed in the Wilkinson Relevant Questions relating to tasks, services and amounts recorded in the “GDL Entries Pressed (Filtered)” and “Disbursements Pressed” tabbed worksheets of the second further amended worksheets, means the tasks that commonly would be addressed, the services that commonly would be provided and the amounts that commonly would be quantified on behalf of a second respondent **separately represented in the proceeding**³, in the position of LW other than being absent the indemnity to which the Court has expressed that LW is entitled⁴:
- 9.1 with regard to the state of knowledge that the second respondent’s legal representatives would commonly possess **at the time that the tasks were addressed, the services were provided and the amounts were quantified**; and
- 9.2 undertaken with the objectives of:
- 9.2.1. obtaining judgment for the second respondent on the statement of claim or, in the event of a judgment for the applicant as against the second respondent, minimising the judgment sum as against the second respondent;
- 9.2.2. obtaining an ordered costs receipt entitlement for the second respondent³ as against the applicant or, in the event of a judgment for the applicant as against the second respondent, minimising the second respondent’s ordered costs liability; and
- 9.2.3. incurring the **minimum** amount of legal costs **as between client and law practice** in order to achieve the objectives listed at sub-paragraphs 9.2.1 and 9.2.2 above⁵.
10. Neither LW nor NT bear in the inquiry an onus for findings that either represents/submits should be made⁶
11. I am required to have:
- 11.1 a logically probative basis for facts found⁷; and
- 11.2 “factual material sufficient to entitle” me “to reach the conclusions” that I reach⁸.
(collectively, **sufficient basis/material**)

D. My opinions on the Wilkinson Relevant Questions and reasons for my opinions

12. I report my opinions on the Wilkinson Relevant Questions (collectively, **my opinions**) and the reasons for my opinion (collectively, **reasons**) at paragraphs 14 - 27 below, by the endnotes and by orange and yellow highlighted content of the copy of the “GDL Entries Pressed (Filtered)” and “Disbursements Pressed” tabbed worksheets of the second further amended worksheets, attached to the report and marked “**D-1**” (**attachment D-1**) and “**D-2**” (**attachment D-2**) respectively.
13. Each question of the Wilkinson Relevant Questions to which an opinion reported relates is identified as that question is headed and enumerated in the Wilkinson Relevant Questions.

14. **Gill Delaney Lawyers' rates**

1. For work performed from 9 May 2023, a reasonable⁹ rate¹⁰ for the Second Respondent to have incurred for work carried out at GDL in relation to the proceeding by each of:
 - a. a partner is \$71.50 per six minute unit expended;
 - b. a senior associate is \$55.00 per six minute unit expended;
 - c. an associate is \$44.00 per six minute unit expended;
 - d. a graduate lawyer is \$27.50 per six minute unit expended; and
 - e. a paralegal is \$22.00 per six minute unit expended;

inclusive of amounts incurred in reimbursement of Commonwealth goods and services tax (**GST reimbursement**) payable by GDL on the supply of services by its personnel to LW¹¹.

15. **Costs associated with preparation of the Second Respondent's defence**

2. The implicit premise from which the question proceeds, that LW prepared and drafted her defence insofar as it related to the CII without reference to the defence prepared by the First Respondent in circumstances where LW's defence was due on 7 March 2023 but was filed on 1 March 2023, is in part correct and in part incorrect. To the extent that such implicit premise is correct, it was reasonably necessary for LW to prepare and draft her defence insofar as it related to the CII without reference to the defence prepared by the First Respondent in circumstances where the Second Respondent's defence was due on 7 March 2023 but filed on 1 March 2023.¹²
3. The conditional clause with which question 3 commences is not operative for reason of the answer to question 2 reported above and consequently, I have not answered question 3.

16. **Costs associated with the Applicant's extension of time application (EOT Application)**

4. Having regard to the Court's comments in *Lehrmann v Network Ten Pty Limited* [2023] FCA 385 at [160]-[171]¹³, it was reasonably necessary for LW to incur costs in respect of the tasks and/or services identified at 4.a. - 4.i. below to the extent that the tasks and/or services were undertaken in soliciting the findings of law or fact in the EOT application identified at 4.j. to 4.m. below or to the extent that the tasks and/or services were undertaken in observing services provided to NT by NT's legal representatives in opposing the EOT application¹⁴

Tasks and/or services

- a. the preparation of an affidavit of Anthony Jefferies
- b. the preparation of written submissions in opposition to the EOT Application
- c. general preparation by solicitors, including lists of authorities and court book
- d. pre-hearing preparation by one solicitor, being a partner of GDL and by senior counsel
- e. attendance on day 1 of the interlocutory hearing by one solicitor, being a partner of GDL and by senior counsel
- f. general hearing preparation and attendances between days 1 and 2 of the interlocutory hearing

- g. attendance on day 2 of the interlocutory hearing by one solicitor, being a partner of GDL and by senior counsel
- h. post-hearing tasks including transcript review and further submissions
- i. attendance on judgment delivery and directions by one solicitor, being a partner of GDL and by senior counsel

Findings of law or fact solicited on behalf of LW in the EOT application

- j. that LW made reasonable requests to call Mr Warwick (“Rick”) Korn to give evidence
 - k. that Mr Lehrmann intended to sue LW in defamation when he first watched the television programme aired on Network Ten on 15 February 2021
 - l. that the requisite question that section 56A of the *Limitation Act 1969* (NSW) raised was whether or not it was reasonable for Mr Lehrmann to have commenced in any court, as defined
 - m. the findings “grouped into five main propositions”, as reasoned by Lee J in *Lehrmann v Network Ten Pty Limited* [2023] FCA 385 at [161] bearing on exercise by the Court of the discretion to extend the limitation period to no later than fourteen days after the ACT Director of Public Prosecutions had discontinued the prosecution of Mr Lehrmann on 2 December 2022
5. It was not reasonably necessary for LW to incur costs in relation to paragraph three of the Notice to Produce served on 10 March 2023, which was the subject of the ruling and comments in *Lehrmann v Network Ten Pty Limited* [2023] FCA 250¹⁵.

It was reasonably necessary for LW to incur costs in relation to paragraphs one and/or two of the Notice to Produce served on 10 March 2023, which was the subject of the ruling and comments in *Lehrmann v Network Ten Pty Limited* [2023] FCA 250 only to the extent that the production required by paragraphs one and/or two was for the purpose of obtaining documents addressing findings solicited listed at 4.j - 4.k. and 4. m. above.

Neither the inquiry material, inferences drawn from the inquiry material nor my specialised knowledge provide sufficient basis/material for identifying which costs it was reasonably necessary for LW to incur in relation to paragraphs one and/or two of the Notice to Produce served on 10 March 2023 only to the extent that the production required by paragraphs one and/or two was for the purpose of obtaining documents addressing findings solicited listed at 4.j - 4.k. and 4. m. above.

17. **Costs associated with hearing**

6. It was not reasonably necessary for LW to retain senior counsel, junior counsel, two partners and another solicitor to attend Court (including conferences with client and after court) but it was reasonably necessary for LW to retain:
 - a. one senior counsel, one junior counsel, one partner and another solicitor to attend Court (including conferences with client and after court) on day 22 November 2023 and one senior counsel, one partner and another solicitor to attend Court (including conferences with client and after court) on days 23 - 24, and 27 November 2023, being days on which the parties opened their cases and the Applicant called his witnesses and was cross-examined by the First Respondent's senior counsel;
 - b. one senior counsel, one partner and another solicitor to attend Court (including conferences with client and after court) on days 28 November 2023 and 5 December 2023 and one senior counsel and one partner to attend Court (including conferences with client and after court) on 29 November 2023 - 1 December 2023, 6 - 8 December 2023 and 11 December 2023, being days on which [sic] First Respondent ran its truth defence¹⁶;
 - c. one senior counsel and one partner to attend Court (including conferences with client and after court) on days 12 and 13 December, being days on which the First Respondent's qualified privilege witnesses gave evidence;
 - d. one senior counsel and one partner to attend Court (including conferences with client and after court) on days 14 - 15 December 2023 of the hearing, being days on which the Second Respondent gave evidence;
 - e. one senior counsel and one partner to attend Court (including conferences with client and after court) on days 18 and 19 December 2023, being days on which some of the First Respondent's witnesses gave evidence and Ms Brown (who was cross-examined by Ms Chrysanthou SC) gave evidence; and
 - f. one senior counsel, one junior counsel and one partner to attend Court (including conferences with client and after court) on days 21 and 22 December 2023 of the hearing, being closing addresses.
7. It was reasonably necessary for the Second Respondent to incur the costs of:
 - a. senior counsel but not of junior counsel carrying out trial preparation on 25 - 26 November 2023, relating to the preparation of a submission on separate cross-examination of the Applicant, and preparation for that cross-examination (having regard to the reasons in *Lehrmann v Network Ten (Cross Examination)* [2023] FCA 1477) to the extent that the submission sought relief, and the separate cross-examination addressed findings, according with the Court's orders 1(a) and 1(b) of 27 November 2023¹⁷

- b. It was reasonably necessary for the Second Respondent to incur costs of senior counsel and junior counsel carrying out trial preparation on 2 - 3 December 2023, relating to:
 - i. the preparation of submissions in respect of a suppression order sought by ABC and News Life Media to the extent that LW's submissions did not substantively replicate any submissions made on behalf of NT in respect of the suppression order sought¹⁸

It was reasonably necessary for the Second Respondent to incur costs of senior counsel but not of junior counsel carrying out trial preparation on 2 - 3 December 2023, relating to:

- ii. the preparation of submissions in respect of cross-examination

It was reasonably necessary for the Second Respondent to incur costs of senior counsel and junior counsel carrying out trial preparation on:

- c. 6, 8 - 10 and 16 - 17 December, relating to:
 - i. the preparation of Ms Brown's cross examination; and
 - ii. the preparation of the Second Respondent for cross examination

- 8. Taking into account the answer to question 7 [sic]¹⁹ above, the proportion of the hours charged by GDL²⁰ in reference to the below hearing dates that were not reasonably necessary for LW to have incurred is, rounded to the second decimal place, for days:

- a. 22 - 24, and 27 November 2023, being days on which the parties opened their cases and the Applicant called his witnesses and was cross-examined by the First Respondent's senior counsel - 6.78%
- b. 28 November 2023 - 11 December 2023, being days on which [sic] First Respondent ran its truth defence - 5.18%
- c. 12 and 13 December, being days on which the First Respondent's qualified privilege witnesses gave evidence - 9.13%
- d. 14 - 15 December 2023 of the hearing, being days on which the Second Respondent gave evidence - 21.77%
- e. 18 and 19 December 2023, being days on which some of the First Respondent's witnesses gave evidence and Ms Brown (who was cross-examined by Ms Chrysanthou SC) gave evidence - 15.77%
- f. 20 to 22 December 2023, being closing addresses, plus one day of out-of-court preparation - 12.53%

9. Taking into account the answer to question 7 [sic]²¹ above, what is the reasonable²² cost incurred by the Second Respondent for senior counsel and junior counsel for the following dates:
 - a. 22 - 24, and 27 November 2023, being days on which the parties opened their cases and the Applicant called his witnesses and was cross-examined by the First Respondent's senior counsel - \$39,050.00 inclusive of GST reimbursement²³
 - b. 28 November 2023 - 11 December 2023, being days on which [sic] First Respondent ran its truth defence - \$79,200.00 inclusive of GST reimbursement²⁴
 - c. 12 and 13 December, being days on which the First Respondent's qualified privilege witnesses gave evidence - \$17,600.00 inclusive of GST reimbursement²⁵
 - d. 14 - 15 December 2023 of the hearing, being days on which the Second Respondent gave evidence - \$17,600.00 inclusive of GST reimbursement²⁶
 - e. 18 and 19 December 2023, being days on which some of the First Respondent's witnesses gave evidence and Ms Brown (who was cross-examined by Ms Chrysanthou SC) gave evidence - \$17,600.00 inclusive of GST reimbursement²⁷
 - f. 20 to 22 December 2023, being closing addresses, plus one day of out-of-court preparation - \$37,620.00 inclusive of GST reimbursement²⁸
10. Having regard to the written submissions filed for the First Respondent and the Second Respondent²⁹, it was reasonably necessary for LW to incur the costs of preparation of the content of her own opening written submissions at paragraphs 44 - 49 under the heading "F. QUESTIONS 13, 14 AND 15 - DAMAGES" and content of her own closing submissions addressing questions of law and fact on the CII of the defence of substantial truth but it was not reasonably necessary for LW to incur costs otherwise of preparation of her own opening written submissions or closing written submissions on the CII
11. Noting the answer to question 11 [sic]³⁰, if the phrase "unreasonably incurred" expressed in the question:
 - a. has the same meaning as not "reasonably necessary", as that phrase is expressed in question 10, a global discount of 15.63%³¹ should be applied to time entries referable to preparation of written submissions, to account for costs unreasonably incurred; or
 - b. means increased as a consequence of the provision of legal services and the quantification of amounts for those services that do not accord with common legal service practice with reference to a second respondent separately represented in the position and with the objectives reported at paragraph 9. above, other than the objective reported at sub-paragraph 9.2.3, then there should be no global discount applied to time entries referable to preparation of written submissions

18. **Costs associated with re-opening application and re-opened hearing**

12. It was reasonably necessary for LW to incur costs in the preparation of the hearing of NT's application to re-open its case to the extent that such costs were incurred in LW's legal representatives understanding NT's position on the "five matters" identified by Dr Collins in respect of the application.³²
13. It was not reasonably necessary for LW to retain senior counsel, a partner and/or another solicitor to attend Court for the re-opening application.³³
14. It was not reasonably necessary for LW to retain junior counsel and a partner to attend on the re-opened hearing on 4 - 5 April 2024.³⁴
15. It was not reasonably necessary for LW to retain senior counsel to conduct substantive work in relation to the re-opened hearing²⁸ by:
 - a. reviewing documents produced under subpoena; and
 - b. conferring with Mr Auerbach regarding cross examination preparation; and
 - c. reviewing transcripts of hearing³⁵

19. **Costs to be discounted on a solicitor / client basis**

16. No further discount should be applied to the costs that were reasonably necessary for LW to incur (in accordance with the questions above), on the basis of an ordinary solicitor / client assessment
20. I understand the phrase "ordinary solicitor / client assessment" as expressed in the Wilkinson Relevant Questions to require application of those provisions in Part 4.3 of the *Legal Profession Uniform Law (NSW) (Uniform Law)* and of legal costs assessment practice effected were application made by LW³⁶ for the assessment of legal costs described and quantified in attachment D-1 and attachment D-2 that I have found to be reasonably necessary in answering and reporting my opinion in respect of questions 1 - 15 above
21. The principal provisions in Part 4.3 of the Uniform Law that would be given effect in an application referred to at paragraph 20 above are sub-sections 199(2)(b), 200(1) and 172(1) and 172(2), the Court having previously noted for the purpose of the Wilkinson Reference, findings that would be given effect in, inter alia, application of sub-section 199(2)(a)³⁷.
22. Application of the phrase "fair and reasonable" as it is expressed in sub-section 199(2)(b) of the Uniform Law, stated in summary terms, requires findings of fact by a New South Wales statutorily-appointed costs assessor as to whether or not:
 - 22.1 the interests of the client have been prelated, including to that of the law practice, in the incurrence of legal costs the subject of an application; and
 - 22.2 the legal costs the subject of the application accord with common legal service practice in terms of tasks addressed in the retainer, services provided in terms of their nature and extent and in terms of the amounts quantified for those services³⁸ including as to the manner in which provision of services have been allocated to personnel of the law practice, as between solicitor law practice and barrister law practice or to other service providers; but

does not require application of the objective reported at sub-paragraph 9.2.3 above as does application of my understanding of the phrase “reasonably necessary” reported at paragraph 9 above and expressed in question 16.

23. Given that the fact-finding required by the phrase “fair and reasonable” is, in not requiring or permitting application of the objective reported at sub-paragraph 9.2.3 above, likely to be more inclusive than the fact-finding required by the phrase “reasonably necessary”, legal costs found to be “reasonably necessary” would not be excluded in an application referred to at paragraph 20 above in application of fact-finding required by the phrase “fair and reasonable” as expressed in sub-section 199(2)(b) of the Uniform Law.
24. The consideration required to be given in an application referred to at paragraph 20 above of whether or not legal costs the subject of the application are “fair and reasonable” within the meaning of sub-section 199(2)(b) of the Uniform Law, requires in addition to the fact-finding reported at sub-paragraphs 22.1 and 22.2 above, application of the “principles in section 172 so far as they are applicable”³⁹, which includes the principles that the legal costs have been “proportionately” incurred and are “proportionate” in amount.
25. Findings as to whether or not legal costs have been “proportionately” incurred and are “proportionate” in amount are made by regard to mandatory considerations expressed in sub-section 172(2) of the Uniform Law and, if the retainer relates to the conduct of litigation, commonly with regard to discretionary relevant considerations of whether or not costs have been incurred with an appropriate relationship to the monetary and/or non-monetary value and importance of the subject matter of a proceeding, to questions of law and fact, procedure and practice litigated and/or to the manner in which an adverse party conducted the proceeding⁴⁰.
26. Legal costs found to be “reasonably necessary” would not be excluded in an application referred to at paragraph 20 above in application of “principles in section 172 so far as they are applicable” for the reasons expressed in endnote 40 below.

27. **Residual matters**

17. To the extent that the answers to the above questions have not addressed the reasonableness of the costs incurred by LW in respect of the balance of the work undertaken in the proceeding (including, for example, discovery issues, notices to produce and subpoenas, submissions in relation to the jury trial, submissions in relation to live-streaming, preparation of short minutes of order, timetabling orders, attendances at case management hearings, considering objections to the First Respondent’s evidence, party/party correspondence), and having regard to the answers to the questions asked above, the percentage discount that should be applied to the costs incurred in respect of such work in order to reflect the reasonably necessary costs incurred by LW is:

- a. nil for reason of the allocation of tasks and services between personnel of GDL⁴¹;
- b. nil for reason of the allocation of tasks and services between personnel of GDL and Ms Chrysanthou SC and Mr Dean⁴²;

- c. nil for reason of the allocation of tasks and services between Ms Chrysanthou SC and Mr Dean⁴³;
- d. 20.14% of in respect of the balance of the work undertaken in the proceeding by personnel of GDL recorded in attachment D-1 and shaded in yellow⁴⁴; and
- e. 1.1% of the balance of the work undertaken in the proceeding by Ms Chrysanthou SC, Mr Dean and other service providers recorded in attachment D-2 and shaded in yellow.

E. The parties to the inquiry

28. The parties to the inquiry within the meaning of sub-rules of rule 28.65 of the *Federal Court Rules 2011* (Cth) (**FCR**) are LW and NT.

F. The methodology used in formulating my opinions

29. I have:

29.1 read/re-read the inquiry material;

29.2 read records held in the "Court Events and Orders" (including judgments and orders linked in the Orders column) and in the "Documents Filed" sub-tabs of the "Miscellaneous" tab in respect of the date range 7 February 2023 to 28 June 2024 returned by Federal law search at the web address <https://www.comcourts.gov.au/file/Federal/P/NSD103/2023/actions>; and

29.3 formed my opinions, including by application of my specialised knowledge, and recorded the findings that I have made in the report and in attachment D-1 and attachment D-2.

G. Assumptions made in addition to any assumptions reported above or in the endnotes below

30. All mathematical functions recorded in the footnotes to the Wilkinson Relevant Questions and recorded in, or to be inferred from, the content of attachment D-1 and attachment D-2, have been performed correctly.

31. The term "review" as expressed in attachment D-1 means, unless otherwise indicated, the reading of documents and/or communications for the first time and the application of legal practice knowledge and/or skills in the analysis of whether or not a response is indicated and if so, the comprehension of the response that is indicated

Roland Matters

Roland Matters

3 December 2024

Dated

Endnotes

¹ The submissions made by LW by paragraphs 1 - 19 of her draft report submissions include submissions addressing questions other than those that I have been ordered to answer.

The Wilkinson Relevant Questions neither require that I answer (and consequently I have not answered), nor do they require that I have regard to as relevant considerations in answering the Wilkinson Relevant Questions, as has been submitted on behalf of LW:

- 1.1. what are the costs reasonably incurred pursuant to LW's entitlement to indemnity - paragraph 1 of LW's draft report submissions;
- 1.2. whether or not this was a significant case for LW with real life consequences to her personally and professionally - paragraph 2 of LW's draft report submissions;
- 1.3. whether or not LW was entitled to take and receive advice from her lawyers on all issues, and to allow her lawyers to act in what they regarded as her best interests - paragraph 3 of LW's draft report submissions;
- 1.4. that work "done by LW's lawyers was not reasonably necessary" for reason only that "work of the same or similar kind was also being undertaken by NT's Lawyers" - paragraph 4 of LW's draft report submissions;
- 1.5. the legal service tasks, services and amounts that LW was "entitled" to obtain/incur as between herself and GDL and/or the total amount of costs that LW represents that NT incurred as between it and Thomson Geer - paragraphs 4 - 6 of LW's draft report submissions;
- 1.6. the reason(s) for the represented 'excision' of \$243,401.13 and the relevance of that to answering the Wilkinson Relevant Questions - paragraph 7 of LW's draft report submissions;
- 1.7. whether or not "Ms Wilkinson's lawyers are somehow subservient to NT's lawyers or had only a retainer akin to a watching brief" and whether or not GDL, Ms Chrysanthou SC and/or Mr Dean conducted "Ms Wilkinson's case competently and according to their own skill and judgment" - paragraph 9 of LW's draft report submissions;
- 1.8. whether or not "an indemnity is an indemnity" - paragraph 10 of LW's draft report submissions;
- 1.9. whether or not the phrase "unreasonable frolic" is synonymous with the phrase "not reasonably necessary" - paragraph 10 of LW's draft report submissions;
- 1.10. "reductions" to be made on a "party/party basis" - paragraph 11 of LW's draft report submissions;
- 1.11. that an element of a 'benefit reasonably expected to be achieved' by LW, as that phrase is reasoned in the authority cited at endnote 40 below, was avoidance of a damages judgment according with the finding expressed by Lee J at [1090] of *Lehrmann v Network Ten Pty Limited (Trial Judgment)* [2024] FCA 369 (**trial judgment**) - paragraph 12 of LW's draft report submissions;
- 1.12. whether or not LW's legal representatives could "simply rely on or wait for NT to do certain things" - paragraph 14 of LW's draft report submissions;
- 1.13. that the taking of "proper account" of the considerations of 'separate representation' and 'practical realities associated with many of the tasks' expressed at paragraph 15 of LW's draft report submissions requires anything other than the application of the understanding of the phrase "reasonably necessary" reported at paragraph 9 above - paragraph 15 of LW's draft report submissions;
- 1.14. "actual amounts for costs allowed and/or disallowed" for reason that none of the Wilkinson Relevant Questions require findings referred to in the draft report submissions as 'allowance' or 'disallowance' of 'actual amounts' of costs (the difference between 'actual amounts' and 'amounts' is unexplained were I required to answer this question) - paragraph 17 of LW's draft report submissions; and
- 1.15. "the overall amount of costs" for reason that none of the Wilkinson Relevant Questions require specification of such an amount - paragraph 18 of LW's draft report submissions.

The above-expressed questions/considerations may or may not be questions/considerations to be answered/addressed other than in the inquiry.

² NT's position submitted to me on 2 August 2024 by email from Thomson Geer sent at 9.32am on that date is as I have reported at paragraph 8 above whilst I infer from LW's position submitted to me on 13 August 2024 by email from GDL at 5.02 pm on that date, by way of supplementary response to the question that I posed by point 2 of my email to the inquiry parties' legal representatives of 30 July 2024, that LW's position is also as I have reported at paragraph 8 above.

The understanding that I report accords with the record of the case management hearing in the proceeding on 27 June 2024 at T6.10-40, referenced by both NT's initial submissions in the inquiry made on 2 August 2024 (**NT's initial inquiry submissions or its initial inquiry submissions**) and LW's initial submissions in the inquiry made on 7 August 2024 as supplemented on 13 August 2024 (**LW's initial inquiry submissions**), wherein neither Lee J nor Mr Elliott SC for LW is recorded as expressing that the absence of an operative "retainer agreement" in respect of GDL's retainer by LW from 9 May 2023 was confined to agreement in writing or evidenced in writing.

There is no basis in the inquiry material for finding that the reference in notation 3(b) to the 28 June Order to "costs agreement" means anything other than the definition expressed by Professor Dal Pont being an "agreement as to the manner in which the lawyer is to be remunerated for providing legal services (a 'costs agreement')"; see G E Dal Pont *Law of Costs* 5th Edition (Lexis Nexis 2021) at [3.3].

³ The Court has found that the indemnity referred to at endnote 4 below includes costs incurred consequent on LW's representation in the proceeding separate from that of NT; see *Lehrmann v Network Ten Pty Limited (Cross Claims)* [2024] FCA 102 at [22] and [43] - [44]; such costs are "reasonably necessary" **to the extent that they meet the other elements of the meaning of the phrase "reasonably necessary" reported at paragraph 9 above.**

⁴ LW's entitlement to be indemnified, as provided by sub-section 3(1)(b) of the *Employees Liability Act 1991* (NSW) and at general law, has been expressed by the Court; see *Lehrmann v Network Ten Pty Limited (Cross Claims)* [2024] FCA 102 at [20] and [24]. Findings as to tasks, services and amounts the subject of the Wilkinson Relevant Questions are to be made applying the counter-factual of a second respondent not so indemnified; *Broom v Hall* 7CB (NS) 504 cited at paragraph 38 of NT's "First Respondent's Submissions (Costs)" dated 22 April 2024 (**NT's costs submissions or its costs submissions**) in the proceeding.

⁵ I have added emphases in reporting this premise subsequent to receipt of LW's draft report submissions as certain of those submissions, identified in the report, proceed from premises other than that reported at paragraph 9 above whilst omitting to address the understanding of the adjective 'necessary' that I report in this endnote and which I have given expression by sub-paragraph 9.2.3 above, omitting to address whether or not it requires findings different from the adjective 'reasonable' had it been used instead of 'necessary' in the Wilkinson Relevant Questions and omitting to address whether or not the understanding given expression by sub-paragraph 9.2.3 above is correctly given effect in answering the Wilkinson Relevant Questions.

My practice experience is that the phrase "reasonably necessary", with reference to legal service tasks addressed, legal services provided and quantification of amounts for those services as between law practice and client in the performance of a legal services retainer, in general law applicable in, and by courts exercising, Commonwealth or New South Wales jurisdiction has not been used prior to the making of the 28 June Order. The phrase is not expressed in that of the authority cited at paragraphs 36 - 40 of NT's costs submissions and at paragraph 3 of "Ms Wilkinson's submissions on further orders on cross-claim" dated 22 April 2024, filed on 23 April 2024 in the proceeding (**LW's further cross claim submissions**), that I have been able to access.

My practice experience of the terminology in the above-referenced general law and fora has been that the adjective "reasonable" is used absent use of the adjective "necessary" when reference is made to legal service tasks addressed, legal services provided and quantification of amounts for those services as between law practice and client in the performance of a legal services retainer and when used, does not require consideration of the objective reported at sub-paragraph 9.2.3 above.

My practice experience, when the adjective 'necessary' is used in respect of costs quantification, is of findings of fact as to the **minimum** legal service tasks addressed, services provided and amounts quantified **according with an objective** of the receiving person/entity obtaining the relief sought by originating application/process, summons and/or pleading and/or to which there was entitlement in law or equity, absent use of hindsight.

The phrase “reasonably necessary”, as expressed in the Wilkinson Relevant Questions, is constituted by the adjective “necessary” modified by the adverb “reasonably”. The phrase, in the terms in which it is expressed, requires findings, using an objective criterion in application of my knowledge of common practice, as to the tasks that would be addressed, the services that would be provided and the amounts that would be quantified on behalf of a second respondent in the position of LW in the proceeding, absent indemnity and absent use of hindsight, holding the principal objectives of obtaining judgment and an ordered costs receipt entitlement and a third principal objective of obtaining the minimum tasks addressed, services provided and amounts quantified to achieve the other two principal objectives.

NT referred me, at point 8 of its initial inquiry submissions to its costs submissions at paragraphs 36 - 40, the content of the latter of which NT described as including a summary of “the case law which considers the extent to which an employer or principal must reimburse an indemnified person for costs in defending a proceeding” which the “phrase “reasonably necessary” is intended to pick up”. It is evident from:

- the content of paragraphs 37 - 39 of NT’s costs submissions; and
- the record of the case management hearing in the proceeding on 27 June 2024 at T10.25-27;

that the Court and LW’s legal representatives were apprised of NT’s position that both the phrase “reasonably necessary” and the adjective “necessary” were correctly expressed to direct findings as to costs that NT is obligated to indemnify and that those findings included “regard to how those costs might be minimised given the separate but related work being undertaken by Network Ten”; NT’s costs submissions at 40.

It is also evident from the content of paragraphs 1 and 3 of LW’s further cross claim submissions and proposed order (1) of the “PROPOSED SHORT MINUTES OF ORDER” attached to LW’s further cross claim submissions that LW sought expression of the phrase “reasonably incurred”, and did not seek expression of either the phrase “reasonably necessary” or of the term “necessary”, to direct findings as to costs that NT was obligated to indemnify.

LW submitted, by her initial inquiry submissions, that “The term “*reasonably necessary*” as used in the Wilkinson Relevant Questions is synonymous with the term “*costs reasonably incurred in defending*” as expressed in *National Roads and Motorists’ Association v Whitlam* [2007] NSWCA 81. However, I am unaware of authority for the submission that LW makes that the two phrases, expressed differently as they are, require the same fact-finding in the inquiry such that my experience of legal costs and costs quantification summarised above in respect of the different fact-finding required in application of the adjectives “reasonable” and “necessary” is not to be given effect.

LW submitted by paragraph 8. of her draft report submissions, that “...the appropriate lens within which to approach these costs and the questions put to you is to consider what work was reasonably necessary for Ms Wilkinson’s legal team to undertake to protect her interests and defend the claim”. With the addition of the consideration of tasks and amounts and characterising the submission as a summary statement of my function in the inquiry in addressing the Wilkinson Relevant Questions, this is what I have done.

My principal ordered function in the inquiry and in reporting is to answer the Wilkinson Relevant Questions as they have been expressed in Annexure A to the 28 June Order. The content of the above-referenced material before the Court in the proceeding, assuming that regard may correctly be had to it as extrinsic to the expression of the phrase “reasonably necessary” to be construed and applied in answering the Wilkinson Relevant Questions, applied collectively with my experience of legal costs and costs quantification, favours a construction of the phrase so as to require findings in the inquiry as reported at paragraph 9 above.

⁶ There is no basis expressed in the terms of the 28 June Order, in the rules of FCR Division 28.6, in the transcript of case management hearing in the proceeding on 27 June 2024, in other of the inquiry material or in the reasons of the Court as to principles relating to adoption; see *Gulf Conveyor Systems Pty Ltd v Gulf Integrated Systems Solutions Pty Ltd* [2020] FCA 1245 at [17] for finding that either LW or NT bear an onus for findings in the inquiry. The inquisitorial procedure ordered by the Court by order 1(a) of the 28 June Order indicates that I am to make findings without reference to either party bearing an onus.

⁷ FCR sub-rule 28.65(4) provides that, as a referee, I am not bound in the inquiry by the rules of evidence but may be informed in any way that I think fit whilst order 1(d)(v) of the 28 June Order expresses that “the laws of evidence will not apply in relation to the Reference”. However, I understand that neither of such provisions absolve me, in the provision of procedural fairness to the parties, from an obligation to have a logically probative basis for fact-finding.

I understand, given the provision made by FCR sub-rule 28.65(4), that I am permitted to have regard to the opinions of legal practitioners expressed in the inquiry material to the extent that the opinions provide a logically probative basis for fact-finding in the inquiry.

⁸ *Gulf Conveyor Systems Pty Ltd v Gulf Integrated Systems Solutions Pty Ltd* [2020] FCA 1245 at [17]

I understand that sufficient basis/material will include findings based on inferences reasonably drawn from the inquiry material

⁹ I understand that “reasonable” as expressed in this question requires findings as to common practice in the provision of legal services from 9 May 2023 onwards to a second respondent against whom the tort of defamation has been pleaded separately represented in a proceeding, in the position of LW other than being absent the indemnity to which the Court has expressed that LW is entitled.

LW submits by paragraph 22 of her draft report submissions that “there is no mention of a rate for special counsel in this list” and by the second row of the tabulation at paragraph 30 submits a rate for “Special counsel” “that should be applied to calculate costs incurred after 9 May 2023”. LW is correct in the submission that “there is no mention of a rate for special counsel in this list” but omits reference to the evident reason for the omission being that question 1 of the Wilkinson Relevant Questions does not express that I report a rate for “Special counsel”.

LW submits by paragraph 23 of her draft report submissions that “it is not at all clear how these rates have been determined”. Findings have been made, in the absence of sufficient basis/material provided by the inquiry material, including by LW’s draft report submissions, as to common practice in the provision of legal services from 9 May 2023 onwards to a second respondent against whom the tort of defamation has been pleaded separately represented in a proceeding, in the position of LW other than being absent the indemnity to which the Court has expressed that LW is entitled, by application of my specialised knowledge, as sub-paragraph 29.3 above indicates.

LW submits by paragraphs 24 - 31 of her draft report submissions that the following considerations both provide sufficient basis/material for, and are relevant to, the answer to question 1.

- 9.1. Time-based GST reimbursement exclusive rate ranges represented by LW “for specialist defamation lawyers in Sydney equipped to take on a matter of this significance”, including for solicitor law practice positions and in respect of the services of “senior counsel” not referenced by question 1 - LW’s draft report submissions sub-paragraph 24(a)
- 9.2. One sub-item, maximum-capped but not minimum-capped, attendance allowance of nineteen item allowances (including work product-based and discretionary allowances) provided for by Schedule 3 to the *Federal Court Rules 2011 (Cth)* (FCR) having application, by application of FCR sub-rule 40.29(b), to the taxation of costs, **ordered by the Court to be paid**, pursuant to rules in FCR Division 40.2 - LW’s draft report submissions sub-paragraph 24(b)
- 9.3. New South Wales fora ordinary basis **ordered costs** quantification guides issued pursuant to the power provided to a statutory administrative body by regulation 57 of the *Legal Profession Uniform Law Application Regulation 2015* (NSW) - LW’s draft report submissions sub-paragraph 24(c)
- 9.4. Time-based rates agreed between NT and Thomson Geer used to quantify NT’s law practice-client legal costs of its defence in the proceeding for the services of Ms Saunders, Mr O’Beirne, Ms CausleyTodd, Ms Meixner, Ms Currie and Ms Stellas, represented by LW to be “likely...lower than the rates charged to private clients due to NT being a large commercial client of the law practice” - LW’s draft report submissions sub-paragraph 24(d) and paragraph 25

- 9.5. The number and practice experience of the practitioners of GDL that provided to LW most of the services described in attachment D-1, both in absolute terms and relative to similarly designated positions of practitioners of Thomson Geer providing services to NT in the proceeding and with reference to the represented “limited paralegal support” - LW’s draft report submissions paragraph 27 - 29

There is insufficient basis/material for a finding in accordance with the representation made by LW by the submission summarised at 9.1 above, the submissions summarised at 9.2 and 9.3 above are irrelevant to the findings required in answer to question 1. and/or would involve use of a statutory instrument and regulation-based guide other than for their issued purpose whilst the submissions summarised at 9.4 and 9.5 above at most tangentially address the understanding that I report in the first paragraph of this endnote of the term “reasonable” expressed in question 1.

¹⁰ “rate” as expressed in this question is one element of a mathematical multiplication function used to calculate an amount to be quantified and indemnified in respect of the services provided by personnel of GDL. Whilst it is to be inferred from the question that I am to consider that there may be differences in such element depending on the position of the personnel member that would commonly provide any particular service, it is not to be presumed that the element is to be time-based. “rate” may be conceivably work-product based referencing words or pages produced/read and analysed, retainer-based, phase-based, task-based and/or be in part dependent on fulfilment of condition precedent or in part dependent on expressed discretionary considerations.

The reason that I have made the findings reported at paragraph 14 above is that I understand them to accord with common practice in the provision of legal services from 9 May 2023 onwards to a defendant to a proceeding in the Court against whom the tort of defamation has been pleaded separately represented in a proceeding, in the position of LW other than being absent the indemnity to which the Court has expressed that LW is entitled

¹¹ There is no probative basis in the inquiry material for findings that GDL did not incur obligations to pay Commonwealth goods and services tax on the services supplied to LW by its personnel or that LW did not incur an obligation to pay to GDL, GST reimbursement amounts or that LW is indemnified in respect of such an obligation by way of input tax credits for such amounts

¹² LW submits, by the content of paragraphs 32 - 40 of her draft report submissions, expressed in summary terms that:

- 12.1. the implied premise from which question 2 proceeds, that she prepared and drafted “her defence insofar as it related to the CII without reference to the defence prepared by the First Respondent” is only in part correct (see paragraphs 34 - 35 and 39 of LW’s draft report submissions); and
- 12.2. to the extent that the implied premise from which question 2 proceeds is correct, the answer to question 2 is ‘yes’ (see paragraphs 36 - 38 and 40 of LW’s draft report submissions); and

as a consequence, the conditional clause on which the requirement to answer question 3 is dependent is not operative and therefore I am not required to answer question 3

NT submits by the content of paragraphs 5 - 9 of its draft report submissions, expressed in summary terms, that:

- 12.3. the implied premise from which question 2 proceeds, that LW prepared and drafted “her defence insofar as it related to the CII without reference to the defence prepared by the First Respondent” is wholly correct;
- 12.4. in my consideration of whether or not it was reasonably necessary for LW to prepare and draft “her defence insofar as it related to the CII without reference to the defence prepared by the First Respondent in circumstances that LW’s defence was due on 7 March 2023 but file on 1 March 2023” I should:
- 12.4.1. not find that the date on which NT “provided its draft defence to Ms Wilkinson” is determinative of the answer to question 2;
- 12.4.2. find that LW had decided, on or about 17 February 2023, to “prepare her own defence (including insofar as it related to the CII) without reference to Network Ten’s defence”;
- 12.4.3. find that NT “had indicated that it would provide a copy of its draft defence to LW prior to the filing deadline” and would have provided LW’s legal representatives earlier than 7 March 2023 “but for the fact that Ms Wilkinson had already filed her defence on 1 March 2023.”;

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- 12.4.4. find that NT was not provided with an opportunity of providing a draft defence to LW any earlier than it did; and
- 12.4.5. find that “There was no reason consistent with the objectives set out at [9.2] of the Draft Report for Ms Wilkinson to draft and file her defence insofar as it related to the CII without reference to the draft defence prepared by Network Ten.”

The correct position is that submitted by LW. The position submitted by NT is unpersuasive for the following reasons.

- 12.5. NT’s position proceeds from an assumption that I neither made nor expressed in providing the inquiry parties with drafts of the report, being that the phrase “without reference to the defence prepared by the First Respondent” expressed in question 2 means without reference to the document given by NT’s legal representatives to LW’s legal representatives on 7 March 2023. To the contrary, the drafts of the report given on 13 November 2024, 24 November 2024 and 26 November 2024 included reference to the “date by which content...of NT’s defence pleading as to the CII substantially as filed on 7 March 2023 was available to LW’s legal representatives”
- 12.6. NT does not raise dispute with the representations of fact made in the eighth row of the tabulation at paragraph 35 of LW’s draft report submissions which I find constitute “reference to the defence prepared by the First Respondent” as expressed in question 2, the phrase contemplating reference to NT’s defence without specification of any particular part of the prospective pleading. A fortiori, by paragraph 1(b) of NT’s factual inaccuracies submissions, NT represents that it “identified extensive factual errors with Ms Wilkinson’s draft defence that were communicated to her legal representatives” from which, it can reasonably be inferred that LW’s legal representatives were referencing the defence prepared by NT”
- 12.7. The content of NT’s draft report submissions at paragraphs 5 - 9 does not provide a basis for finding that between 17 February 2023 and 1 March 2023 LW’s legal representatives or LW had a date other than “prior to the filing deadline” communicated to them by which the content...of NT’s defence pleading as to the CII substantially as filed on 7 March 2023 would be available to them and does not provide a basis for finding that the representations of fact made by LW by the first sentence of paragraph 40 of her draft report submissions are inaccurate
- 12.8. The content of NT’s draft report submissions at paragraphs 5 - 9 and of sub-paragraph 1.(c) of its factual inaccuracies submissions, to the extent that they represent that LW had decided “well in advance of the date by which the defences were due to be filed”, does not address question 2 but rather addresses a question that I have not been ordered to answer, being the date(s) on which it was reasonably necessary for LW to commence preparation and the drafting of her defence in so far as it related to the CII

¹³ Whilst I understand that “regard to the Court’s comments in *Lehrmann v Network Ten Pty Limited* [2023] FCA 385 at [160]-[171]” expressed in the question is mandatory, in the absence of expression of the term ‘only’ or a synonym of ‘only’ after the term “regard” in the question, I don’t understand that that regard is the sole regard that may correctly be given in answering the question. I have read and had regard to other of the content of Lee J’s reasons in *Lehrmann v Network Ten Pty Limited* [2023] FCA 385

¹⁴ LW submits by paragraph 44 of her draft report submissions that “it is not clear what costs have been allowed or disallowed in the draft report under this category of costs”.

Question 4 identifies the costs referred to in the question as the tasks listed at sub-questions 4.a. - 4.i and hence my answer to question 4 identifies the tasks listed at sub-questions 4.a. - 4.i that I have found to be reasonably necessary but only to the extent that those tasks identified addressed and the services provided to LW solicited the findings listed at 4.j. - 4.m. at paragraph 16 above.

Any sequelae for the amounts to be quantified in accordance with my answer is not a question posed by the Wilkinson Relevant Questions, it may or may not be answerable based only on the inquiry material and may be a question to be answered other than in the inquiry.

The submission made by the first paragraph of sub-paragraph 45.a. of LW's draft report submissions is correct and has been given effect by my answer to question 4 in so far as I have found the tasks listed at sub-questions 4.a. - 4.i to be reasonably necessary but only to the extent that those tasks identified were addressed and services provided to LW in soliciting the findings listed at 4.j. - 4.m. of paragraph 16 above.

There is insufficient basis/material to find that the represented presumption expressed at sub-paragraph 45.b. of LW's draft report submissions, which I understand references detriment rather than "prejudice", is a presumption required/permitted by law to be made.

The submission made at sub-paragraph 45.c. of LW's draft report submissions does not address question 4 but rather addresses the question of NT's interests in resisting Mr Lehrmann's EOT application against it.

LW, by paragraph 46 of her draft report submissions, submits a circular proposition, being that all reasonably necessary arguments put to advance Ms Wilkinson's position were reasonably necessary. The referred to "overlap with NT" is a relevant consideration in making findings as to whether or not the costs the subject of question 4 were "reasonably necessary" as I report my understanding of that phrase at paragraph 9 above.

¹⁵ I infer from the reasons in *Lehrmann Network Ten Pty Limited* [2023] FCA 250 at [13], [18], [20] and [21] that it was Lee J's understanding that, **from the time of preparation of the notice to produce by LW's legal representatives**, paragraph three ought to have been understood by LW's legal representatives as inapposite.

The submission made by paragraph 49 of LW's draft report submissions does not address the findings of fact required by the expressed purpose for which costs in relation to paragraphs one and/or two of the Notice to Produce served on 10 March 2023 is required to be incurred reported by the second paragraph of the answer to question 5 at paragraph 16 above.

The submission made by paragraph 50 of LW's draft report submissions neither addresses the inference reported above in this endnote nor references the phrase "reasonably necessary" expressed in the question and represents, by the final sentence, a fact irrelevant to answering question 5.

¹⁶ NT submitted, by paragraphs 13 - 16 of its draft report submissions, that the answer to question 6.b. that I reported by my draft report provided on 26 November 2024 be re-considered to the effect that findings be made that it was reasonably necessary for LW to be provided with services of personnel and of the nature identified at paragraphs 15 and 16 of its draft report submissions only, characterised by NT as a "watching brief" on the days specified by question 6.b.

I have given consideration to NT's submissions made by paragraphs 13 - 16 of its draft report submissions and have given further consideration to the answer to question 6.b. that I reported by my draft report provided on 26 November 2024 with regard to the transcript of the hearing for the days specified by question 6.b..

I disagree with NT's submissions for the following reasons.

^{16.1.} The paraphrasing of the answer to question 6.b. that I reported by my draft report provided on 26 November 2024, expressed by NT by sub-paragraphs 13(a) and 13(b) of its draft report submissions, is not comprehensive. The answer to question 6.b. that I expressed in draft, for reason of the question that I have been asked to answer by question 6.b., was as to the legal representatives that it was reasonably necessary for LW to retain to attend Court on the days specified by question 6.b.. This question required consideration of any questions of law and fact, procedure and practice addressed in Court on the days specified by question 6.b. in addition to those questions addressed "during the running of Network Ten's truth defence". I understand, as one element of this consideration, that the cross examination on behalf of LW permitted by the Court's Order of 27 November 2023 was not limited to questions of fact bearing on the resolution of SII.

^{16.2.} The consideration of questions of law and fact, procedure and practice addressed in Court on the days specified by question 6.b. in addition to those questions addressed “during the running of Network Ten’s truth defence” is persuasive for the finding that it was reasonably necessary for LW to be provided with more extensive services of personnel and of a nature than those identified at paragraphs 15 and 16 of NT’s draft report submissions, characterised by NT as a “watching brief”.

By way of example, on 28 November 2023, Ms Chrysanthou SC addressed the Court in respect of her prospective cross examination of Mr Lehrmann as to resolution of his proceeding against New Life Media and in response to New Life Media’s application for suppression of, inter alia, publication/disclosure of the terms of that resolution bearing on the SII of aggravated damages pleaded against LW and subsequently cross examined Mr Lehrmann

By way of further example, on 30 November 2023 Ms Chrysanthou SC addressed the Court, arising from Ms Higgins’ cross examination by Mr Whybrow SC, as to what if anything LW had requested as to the manner in which Ms Higgins be cross examined as to differences between her statements recorded by a record of interview with Ms Maiden and her vive voce evidence at hearing

By way of further example, on 1 December 2023, Ms Chrysanthou SC addressed the Court as to the tender of material either during or at the conclusion of Ms Higgins’ cross examination, as to the admissibility of a recording of a telephone conversation that Mr Whybrow SC proposed be played to Ms Higgins during her cross examination and as to tendered material in LW’s case

By way of further example, on 5 December 2023, Ms Chrysanthou SC addressed the Court, arising from Ms Higgins’ cross examination by Mr Whybrow SC, as to the construction of a statement of Ms Higgins’ recorded on page 13 of MFI42 to be addressed by her under cross examination by Mr Whybrow SC and also addressed the Court in relation to a call for production by Mr Lehrmann relating to fact-finding relevant to Mr Lehrmann’s pleading of aggravated damages against LW

By way of further example, on 6 December 2023, Ms Chrysanthou SC tendered material addressing fact-finding relevant to Mr Lehrmann’s pleading of aggravated damages against LW and responded to New Life Media’s application for restriction of publication/disclosure of confidential parts of documents produced by it on that date and recorded by the Court as exhibits

By way of further example, on 7 December 2023, Ms Chrysanthou SC addressed the Court as to exclusion of exhibit 59 by application of section 46 of the *Evidence Act 1995* and the omission of Mr Lehrmann to comply with the rule in *Browne v Dunn*

By way of further example, on 11 December 2023, Ms Chrysanthou SC addressed the Court as to the catalyst for, and content of, LW’s affidavit of 5 December 2023 and the attention to be given to whether or not LW was to maintain claims of legal professional privilege in respect of communications relevant to her defence of qualified immunity and as to the admissibility of particular paragraphs of Mr Angus Llewellyn’s affidavit bearing on her defence of qualified privilege

By way of further example, on 11 December 2023, Ms Chrysanthou SC addressed the Court as to the admissibility of the material to be produced under subpoena for which Mr Lehrmann sought leave to issue to Sky News for the production of audio recordings and any transcript of those recordings of conversations between Ms Higgins’ lawyer and Ms Higgins’ fiancé in December 2023

By way of further example, on 12 December 2023, Ms Chrysanthou SC addressed the Court on the use to which 2021 audio recordings of conversations between Ms Higgins and Mr Try and Ms Cash could and could not be put, preparatory to cross examination of Mr Angus Llewellyn as to his familiarity with such recordings

¹⁷ The answer to the 'query' expressed by paragraph 66 of LW's draft report submissions is that the application of my understanding of the phrase "reasonably necessary" reported at paragraph 9 above and in particular, at subparagraph 9.2.3. above, with regard to the reasons in *Lehrmann v Network Ten (Cross Examination)* [2023] FCA 1477), with regard to the Court's orders 1(a) and 1(b) of 27 November 2023 and to the transcript of the cross examination of Mr Lehrmann by Ms Chrysanthou SC on 28 November 2023 at T504.34-T527.31 is persuasive for finding that it was reasonably necessary for LW to incur the costs of one barrister only "carrying out trial preparation" described in and on the dates specified by sub-question 7.a. and that it was reasonably necessary that the one barrister be senior counsel who, in the event, undertook Mr Lehrmann's cross examination on behalf of LW.

There is insufficient basis/material for finding that the absence of the services of two barristers "carrying out trial preparation" described in and on the dates specified by sub-question 7.a. would have resulted in the time and costs outcome represented by LW at paragraph 66 of her draft report submissions and to the extent that the represented "ordinary practice" with reference to the legal representation of "all other parties in the proceedings" is relied on in the submission, the submission does not address my understanding of the phrase "reasonably necessary" reported at paragraph 9 above.

¹⁸ The transcript of the hearing on 28 November 2023 at T485.37 - 497.32 provides probative basis for finding that LW's interests were likely to be affected by the outcome of the application for suppression made by News Life Media

Neither the inquiry material, inferences drawn from the inquiry material nor my specialised knowledge provide sufficient basis/material for answering question 7.b.i. with any greater specificity

¹⁹ Given the dates, tasks and services referred to in question 8, I infer that the reference in the first line of question 8 to "the answer to question 7" is incorrect and rather should be a reference to question 6

²⁰ I understand that the phrase "proportion of the hours charged" requires the below answers calculated and expressed as a percentage of the total of the amounts recorded in column E of attachment D-1 referenced by each sub-question and the constituents of which are identified by orange shading in attachment D-1.

I have also calculated and expressed below the total of amounts recorded in column I of attachment D-1 referenced by each sub-question in the event that the phrase "proportion of the hours charged" correctly refers to the amounts recorded rather than the hours recorded to which each question relates.

The answers to questions 8.a. to 8.f. exclude amounts recorded in column I of attachment D-1 where my finding as to reasonable necessity differs from the positions expressed on behalf of NT in column K as "time objection as to 50%" and on behalf of LW in column O as "Does not press part of entry" and have been calculated as follows.

8.a. Total of column E hours in orange shaded row numbers 2955 - 2996, 2998 - 3023 = 6.9 hours
 Total of column E hours in row numbers 2955 - 2996, 2998 - 3023 = 101.8 hours
 Percentage of column E hours not reasonably necessary for LW to have incurred = 6.777%

Total of column I amounts in orange shaded rows numbers 2955 - 2996, 2998 - 3023 = \$4,988.50
 Total of column I amounts in row numbers 2955 - 2996, 2998 - 3023 = \$74,624.00
 Percentage of column I amounts not reasonably necessary for LW to have incurred = 6.684%

N.B. Question 8.a. does not include the content of row 2997 recorded for the date 26 November 2023

8.b. Total of column E hours in orange shaded row numbers 3024 - 3280 = 6.5 hours
 Total of column E hours in row numbers 3024 - 3280 = 125.4 hours
 Percentage of column E hours not reasonably necessary for LW to have incurred = 5.183%

Total of column I amounts in orange shaded rows numbers 3024 - 3280 = \$4,862.00
 Total of column I amounts in row numbers 3024 - 3280 = \$96,888.00
 Percentage of column I amounts not reasonably necessary for LW to have incurred = 5.018%

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- 8.c. Total of column E hours in orange shaded row numbers 3281 - 3332 = 2.4 hours
 Total of column E hours in row numbers 3281 - 3332 = 26.3 hours
 Percentage of column E hours not reasonably necessary for LW to have incurred = 9.125%
- Total of column I amounts in orange shaded rows numbers 3281 - 3332 = \$1,716.00
 Total of column I amounts in row numbers 3281 - 3332 = \$21,037.50
 Percentage of column I amounts not reasonably necessary for LW to have incurred = 8.156%
- 8.d. Total of column E hours in orange shaded row numbers 3333 - 3365 = 8.6 hours
 Total of column E hours in row numbers 3333 - 3365 = 39.5 hours
 Percentage of column E hours not reasonably necessary for LW to have incurred = 21.772%
- Total of column I amounts in orange shaded rows numbers 3333 - 3365 = \$6,149.00
 Total of column I amounts in row numbers 3333 - 3365 = \$27,835.50
 Percentage of column I amounts not reasonably necessary for LW to have incurred = 22.090%
- 8.e. Total of column E hours in orange shaded row numbers 3367 - 3412 = 4.7 hours
 Total of column E hours in row numbers 3367 - 3412 = 29.8 hours
 Percentage of column E hours not reasonably necessary for LW to have incurred = 15.771%
- Total of column I amounts in orange shaded rows numbers 3367 - 3412 = \$3,003.00
 Total of column I amounts in row numbers 3367 - 3412 = \$23,716.00
 Percentage of column I amounts not reasonably necessary for LW to have incurred = 12.662%
- 8.f. Total of column E hours in orange shaded row numbers 3413 - 3474 = 5.8 hours
 Total of column E hours in row numbers 3413 - 3474 = 46.3 hours
 Percentage of column E hours not reasonably necessary for LW to have incurred = 12.526%
- Total of column I amounts in orange shaded rows numbers 3413 - 3474 = \$5,505.50
 Total of column I amounts in row numbers 3413 - 3474 = \$36,338.50
 Percentage of column I amounts not reasonably necessary for LW to have incurred = 15.150%

LW is correct in the understanding expressed at paragraphs 52 and 53 of her draft report submissions to the extent that the reference is to the content of endnote 14 and the orange highlighted rows in attachment D-1 copied to GDL on 24 November 2024 and to the extent that the reference is now to this endnote and the orange highlighted rows in attachment D-1 and refers to the hearing dates specified by question 8.

The submissions made at paragraphs 54 and 57 of LW's draft report submissions incorrectly confine the answer to question 8 to consideration of "the attendance of solicitors from GDL at Court for each of the hearing dates", address the irrelevant consideration in answering question 8 of "a comparison of the solicitors in attendance on some of the hearing dates from TG (where available and excluding solicitors who may have been in the back of the Court)" and in expressing that "it is reasonable to determine that the only costs incurred during the hearing period as reasonably necessary were the costs of attendance at Court", incorrectly characterise the findings that I have made in answering question 8, as is disclosed by rows in attachment D-1 for the dates referred to in question 8 which have not been highlighted in orange and which describe services other than "attendance at Court".

The submission made at paragraph 59 of LW's draft report submissions reiterate LW's position, which was comprehended by me by inference drawn from the content of the worksheets referred to at paragraph 9 of the report above, that position being that it was reasonably necessary for Mr Collinge and Ms Sanchez to attend the live-streaming of the hearing on the dates referred to in addition to the appearance/attendance of LW's legal representatives before the Honourable Justice Lee on those dates that I have found was reasonably necessary in answering question 6. However, the submission provides no probative basis further to what was before me prior to receipt of LW's draft report submissions.

The submissions made at paragraph 60 of LW's draft report submissions reiterate LW's position, which were comprehended by me by inference drawn from the content of the worksheets referred to at paragraph 9 of the report above, but do not assist me in answering questions 6 and 8 for two reasons. First, neither question 6 nor question 8 require me to address "work undertaken in the lead up to...the hearing period". Second, it is evident from findings that I have made in answering question 8, as is disclosed by rows in attachment D-1 for the dates referred to in question 8 which have not been highlighted in orange and which describe services other than "attendance at Court", that I have found that "work undertaken...during the hearing period by lawyers and paralegals who were in the office rather than in Court was reasonably necessary" and the submission provides no further probative basis in respect of work that I have identified as not reasonably necessary in answering question 8.

I have given consideration to NT's submissions made by paragraphs 17 - 23 of its draft report submissions, having given further consideration to the answers to question 8 that I reported by my draft report provided on 26 November 2024 and to the content of the draft attachment D-1 to which those answers refer.

The bases on which NT submits that the percentages reported in answer to question 8 should be varied are not correct for the following reasons.

- 20.1. The construction and application of the terms of question 8 submitted by NT by paragraph 18 of its draft report submissions are that to which I gave effect in reporting my draft answers to question 8 and which I have given effect in reporting my answers to question 8 above. I reiterate what I express above in this endnote that "The submissions made at paragraphs 54 and 57 of LW's draft report submissions incorrectly confine the answer to question 8 to consideration of "the attendance of solicitors from GDL at Court for each of the hearing dates" and refer to the content of rows highlighted in orange in attachment D-1 recording services on dates referred to by question 8 that are other than attendances at court and in conferences by counsel and solicitors. By way of one example, at row 3357 of attachment D-1, services recorded as having been provided by Mr Collinge on 15 December 2023 described as "Review correspondence regarding agreed facts; transcripts, updating consul" are expressly not an "attendance in court or in conference"
- 20.2. The premise for the submission made by NT by paragraphs 19 - 21 of its draft report submissions, being that "Having found it was reasonable for the purpose of a watching brief to have a solicitor attend court", does not accord with my answer to question 6
- 20.3. Were I to use the denominator submitted to be correct by NT by paragraph 22 of its draft report submissions, the resulting percentages reported would answer the question of what proportion of the time of GDL's personnel spent in attending court including conferences with LW and counsel before and after court were not reasonably necessary. This is not the question that question 8 requires that I address; rather question 8 requires as a denominator the total hours spent by personnel of GDL on the dates referred to by question 8 and requires as a numerator the total hours that I have found that it was not reasonably necessary for LW to have incurred on those dates which is the calculation that I have undertaken in answering question 8
- 20.4. NT's submission made by paragraph 23 of its draft report submissions is methodologically and factually flawed in so far as it proceeds from an unexpressed premise for which there is insufficient basis/material and which cannot reasonably be inferred that the percentage of court attendance hours for dates referred to in question 8 found not to have been reasonably necessarily incurred by LW is the same percentage for services provided by GDL on these dates other than court attendances.

²¹ Given the dates, tasks and services referred to in question 9, I infer that the reference in the first line of question 9 to "the answer to question 7" rather than to question 6 is incorrect

²² I understand that the phrase "reasonable cost incurred" refers to the amounts that would commonly be incurred by a second respondent separately represented in the proceeding, in the position of LW other than being absent the indemnity to which the Court has expressed that LW is entitled with regard to the state of knowledge reported at sub-paragraph 9.1 above and with the objectives reported at sub-paragraphs 9.2.1 and 9.2.2 above but not sub-paragraph 9.2.3, premised on the answers to questions 6.a. - 6.f. reported at paragraph 17 above.

LW is correct in her submission at paragraph 62 of her draft report submissions that services provided by Ms Chrysanthou SC and Mr Dean on the dates specified by question 9, taking into account my answer to question 6, have been quantified at the rates expressed in LW's submission.

The submission made at paragraphs 63 and 64 of LW's draft report submissions does not address the terms in which question 6 is expressed, the answer to which question 9 requires me to take account, but rather:

- addresses LW's "entitlement" to be separately represented and to choose the number and identity of barristers undertaking her advocacy on hearing dates (incongruously referring to a "team" that included Ms Chrysanthou SC as "manned"); and
- makes an irrelevant comparison between a characterisation of NT's legal representation as a "cast of thousands in Court each day" and the represented costs that NT elected to incur on hearing dates as between itself and its legal representatives (which is also represented by NT, by sub-paragraph 1.(d) of its factual inaccuracies submissions, to be a factually inaccurate representation as regards the number of junior counsel appearing for NT).

The answer to the 'query' expressed by paragraph 65 of LW's draft report submission is the application of my understanding of the phrase "reasonably necessary" reported at paragraph 9 above and in particular, sub-paragraph 9.2.3. above, with reference to the content of the hearing transcript for the dates referred to in question 6. The submission incorrectly represents my finding reported at paragraph 17 above in respect of sub-question 6.f. whereby I have expressed that it was reasonably necessary for LW to "retain" junior counsel to attend Court with senior counsel and a partner of GDL on "days 21 and 22 December 2023 of the hearing, being closing addresses".

²³ being the total of Ms Chrysanthou SC's fees inclusive of GST reimbursement for the dates specified in the question quantified in column J of attachment D-2 and Mr Dean's fee of \$3,850.00 inclusive of GST reimbursement for his services on 22 November 2023, recorded in his invoice number 723 dated 22 January 2024

²⁴ being the total of Ms Chrysanthou SC's fees for the dates of 28 November - 1 December 2023, 5 - 8 December 2023 and 11 December 2023 quantified in column J of attachment D-2

²⁵ being the total of Ms Chrysanthou SC's fees for the dates specified in the question quantified in column J of attachment D-2

²⁶ being the total of Ms Chrysanthou SC's fees for the dates specified in the question quantified in column J of attachment D-2

²⁷ being the total of Ms Chrysanthou SC's fees for the dates specified in the question quantified in column J of attachment D-2

²⁸ being the total of Ms Chrysanthou SC's fees inclusive of GST reimbursement for the dates specified in the question quantified in column J of attachment D-2 and the total of Mr Dean's fees inclusive of GST reimbursement for the dates specified in the question, recorded in his invoice number 723 dated 22 January 2024

²⁹ LW's opening written submissions and closing written submissions are those copied to me as part of the order 3 material identified respectively as "SECOND RESPONDENT'S OPENING SUBMISSIONS" dated 10 November 2023 and "CLOSING SUBMISSIONS OF THE SECOND RESPONDENT" dated 11 March 2024

NT's opening written submissions and closing written submissions are those copied to me as part of the order 3 material identified respectively as "OUTLINE OF FIRST RESPONDENT'S OPENING SUBMISSIONS" dated 13 November 2023 and "FINAL OUTLINE OF FIRST RESPONDENT'S CLOSING SUBMISSIONS" dated 11 March 2024

³⁰ I infer that the reference expressed in question 11 to "question 11", correctly expressed, is to question 10

³¹ The percentage of 15.63% or, expressed as a fraction 30/192, reported has been based on the length and content of LW's opening written submissions and closing written submissions with regard to the content of NT's opening written submissions and closing written submissions, as both are identified at endnote 29 above, that

addressed CII other than the CII of compensatory damages as it was addressed in LW's opening written submissions and other than the CII of the defence of substantial truth as it was addressed by LW's closing submissions, relative to the total length and content of LW's opening written submissions and closing written submissions, being 192 pages

I have proceeded on an assumption, in the absence of probative basis in the inquiry material, that the time expended in the preparation of content addressing CII and SII in LW's opening written submissions and closing written submissions was proportionate relative to the length of that content. It is an assumption on which NT appears to have proceeded also in submitting LW's closing written submissions spreadsheet.

LW's submissions at paragraphs 32 and 73 of her draft report submissions were the catalyst for my further analysis of NT's and LW's closing submissions on the CII of the defence of substantial truth and having undertaken that further analysis, I find that it was reasonably necessary that LW incur the costs of her own closing written submissions on the CII of the defence of substantial truth for the following reasons.

- 31.1. LW's closing written submissions on the CII of the defence of substantial truth were substantively different to those of NT as they related to the question of fact of whether or not, if sexual intercourse occurred between Mr Lehrmann and Ms Higgins on the night of 22 - 23 March 2019, it occurred without Ms Higgins' consent, a difference that was expressly recognised by the Court by content of section H of the trial judgment
- 31.2. NT's closing written submissions were **inclusively** characterised by the Court as "less than helpful in relation to this aspect of the case" (trial judgment at [562])
- 31.3. The determinative importance in the proceeding to LW that the defence of substantial truth be "made out" as it was

It follows from the reason expressed at endnote 31.1 above that I do not agree with NT's submission, made by point 1.(a) of its factual inaccuracies submissions, that "The truth defences were identical in substance." or that the transcript of 18 December 2023 at T2000.14 - 2001.31, referred to by NT at point 1.(a) of its factual inaccuracies submissions, provides a sufficient basis for finding that "Ms Wilkinson's truth defence was not framed "very differently" or that "the truth defences were identical in substance".

LW's draft report submissions at paragraphs 68 - 73 do not provide a basis for finding that it was reasonably necessary that LW incur costs in preparation of opening written submissions on the CII of the defence of substantial truth, identification or abuse of process by Mr Lehrmann or of closing written submissions on the CII of identification, ordinary compensatory damages or abuse of process by Mr Lehrmann.

LW's submission at paragraph 69 of her draft report submissions omits to reference the finding reported at 11.b. in paragraph 17 above that if the phrase "unreasonably incurred" expressed in question 11 has the meaning expressed at 11.b. above, a meaning different from "reasonably necessary" as I have reported my understanding of that phrase at paragraph 9 above, there should be no "global discount...applied to time entries referable to preparation" of LW's opening and closing written submissions. Regard to LW's and NT's both opening and closing written submissions was mandated by the terms in which question 10 is expressed.

The further consideration given to the answer reported at 11.a. of the draft report provided on 26 November 2024 has also involved consideration of NT's submissions at paragraphs 32 - 33 of its draft report submissions and the content of the closing written submissions spreadsheet. I acknowledge that, if I had understood the unexpressed premise from which the analysis disclosed by the closing written submissions spreadsheet to be correct, then the percentage submitted on behalf of NT at paragraph 32 would be substantially correct (if my answer to question 10 in respect of LW's opening written submissions is also regarded).

However, I don't understand the unexpressed premise from which the analysis disclosed by the closing written submissions spreadsheet to be correct, that premise being that it was not reasonably necessary for LW's closing written submissions to address the defence of substantial truth as to, inter alia, legal principle applicable to the defence and to fact-finding relevant to the defence, as to fact-finding to be made and as to the credibility of vive voce witnesses.

³² T2693.17-27

The submission made at paragraph 75 of LW's draft report submissions misstates the finding reported in answer to question 12 at paragraph 18 above which relates to NT's application to re-open the hearing. To the extent that costs of senior counsel's services were limited to her obtaining an understanding of NT's position on the "five matters" identified by Dr Collins SC in respect of the application, then it was reasonably necessary that such costs were incurred.

Otherwise, the answers to questions 12 - 15 reported at paragraph 18 above are principally based on an analysis of the transcript of the hearing of NT's application to re-open the hearing and of the re-opened hearing referred to in this endnote and in endnotes 33 - 35 below with regard to the understanding of the phrase "reasonably necessary" reported at paragraph 9 above and in particular, sub-paragraph 9.2.3 above.

³³ based on the transcript of the hearing of the application to re-open on 2 April 2024 including T2713.38-2716.32

³⁴ based on the transcript of the hearing re-opened on 4 and 5 April 2024 including T2811.39-2812.12, T2835.18-2837.9 and T2868.31-2877.11

³⁵ on the assumption that the term "hearing" as expressed in question 15.c. refers to dates prior to 4 April 2024

³⁶ pursuant to the entitlement provided by sub-section 198(1)(a) of the Uniform Law

³⁷ See notes 3(a) and 3(b) to the 28 June Order

³⁸ with application of the legal presumption legislated by sub-section 172(4) of the Uniform Law if applicable

³⁹ Sub-section 200(1) of the Uniform Law

⁴⁰ When regard is had to the relationship of a law practice-client legal costs quantum the subject of an application and a monetary subject matter of a proceeding, the relationship is neither to be considered with hindsight nor simplistically by means of a comparison of judgment/settlement sum and legal costs quantum; *Blairgowrie Trading Ltd v Allco Finance Group Ltd (receivers & Managers Appointed) (in liq) (No 3)* [2017] FCA 330 (**Blairgowrie**) at [181]; *Caason Investments Pty Limited v Cao (No 2)* [2018] FCA 527 at [148] - [152]; *Petersen Superannuation Fund Pty Ltd v Bank of Queensland Limited (No 3)* [2018] FCA 1842 at [134]. "The question is to compare it with the benefit sought to be gained from the litigation. Moreover, one should be careful not to use hindsight bias. The question is the benefit reasonably expected to be achieved, not the benefit actually achieved. Proportionality looks to the expected realistic return at the time the work being charged for was performed, not the known return at a time remote from when the work was performed." *Blairgowrie* at [181]

The applicant's pleading at sub-paragraphs 9(a) - 9(g) of the statement of claim filed in the proceeding on 7 February 2023 read together with the Court's reasons at [971] - [1090] of the trial judgment provides probative basis for finding in the inquiry that the applicant maintained from commencement of, to judgment in, the proceeding a pleading of the aggravation of hurt and harm occasioned by publication of the three matters that the applicant complained of which, if found by the Court, would have had the consequence of the inapplicability of the statutory cap on non-economic loss; see trial judgment at [977].

Conversely, the prospect that the Court would find that no damages or nominal damages should be awarded, were hurt and harm found to have been occasioned by publication of the three matters of which the applicant complained, was extant from commencement of the proceeding to the trial judgment, the Court subsequent to reservation of judgment in the proceeding on 22 December 2023 obtaining the parties' written submissions on the correctness of McCallum J's statutory construction reasoned in *Dank v Nationwide News Pty Ltd* [2016] NSWSC 295.

There is insufficient probative basis provided by the inquiry material for finding as to the monetary subject matter of the proceeding being defended that was, absent hindsight, reasonably anticipated by LW's legal representatives relative to the amount of legal costs that I understand from the inquiry material LW incurred in the retainer to defend the applicant's causes of action, being some \$1.8 million.

The above written, the monetary subject matter of the proceeding that was, absent hindsight, reasonably anticipated by LW's legal representatives relative to the amount of legal costs that LW incurred in the retainer to defend the applicant's causes of action is not the relationship that would be found in the course of an application referred to at paragraph 20 above as principally indicative that legal costs the subject of the application are proportionate of incurrence and amount with regard to the considerations listed in sub-section 172(2) of the Uniform Law.

The principal considerations that that would be found in the course of an application referred to at paragraph 20 above as indicative that legal costs the subject of the application are proportionate of incurrence and amount with regard to the considerations listed in sub-section 172(2) of the Uniform Law are:

- the extent of the questions of law and fact, and interlocutory and final relief litigated and decided, heard on some thirty-one separate days with particular reference to the Court's finding recorded in the trial judgment at [14] that "Most of the important facts are contested";
- the expedition with which those question were litigated and decided in some fourteen months from commencement;
- the extent of the material addressed, which I understand as included in the Court Book was constituted by some 5,000 pages; and
- the difficulties for LW's legal representatives occasioned by the inclinations, abilities and recollections of two principal witnesses in the proceeding, being the applicant and Ms Higgins, as expressed in the trial judgment at [9] - [10]

which are disclosed by the some 329 page, 1098 paragraphs trial judgment (as initially published), by documents numbered 16 - 17 and 19 - 22 in the order 3 material and by the records referred to at sub-paragraph 29.2 above.

⁴¹ The mean six minute unit rate at which costs for the services provided by personnel of GDL have been quantified, being some \$39.09 per six minute unit inclusive of GST reimbursement, is indicative of a reasonably necessary allocation of tasks and services

⁴² based on the description of tasks addressed and services provided by Ms Chrysanthou SC and Mr Dean contained in attachment D-2

⁴³ The mean six minute unit rate at which costs for the services provided by Ms Chrysanthou SC and Mr Dean have been quantified is some \$76.92 per six minute unit inclusive of GST reimbursement. Whilst this is, prima facie, higher than a finding in application of reasonable necessity in the allocation of tasks and services indicates, I am persuaded that by:

- reason of the number of barristers for the applicant by which Ms Wilkinson's legal representatives were opposed and the number of barristers engaged on behalf of NT including those appearing at hearing; and
- inference drawn as to the division of chamber and advocacy tasks and services available to the applicant and NT by reason of such number;

application of reasonable necessity warranted that barristers' services provided to Ms Wilkinson be provided by senior counsel to a greater extent than otherwise would be indicated, resulting in the mean six minute unit reported above

⁴⁴ The percentage of 20.14% has been calculated as a division of \$115,330.87, being the sum of amounts in column I of yellow-shaded rows in attachment D-1 **excluding those rows addressed by other of the Wilkinson Relevant Questions and other than half of the amounts in column I of yellow-shaded rows in attachment D-1 in which NT has included in column K the phrase “time objection as to 50%” and LW has included in column O the phrase “Does not press part of entry”** by \$572,753.50, being total of the amounts in column I of rows in attachment D-1 **excluding those rows addressed by other of the Wilkinson Relevant Questions**, expressed as a percentage rounded to the second decimal place.

The total of the amounts in column I of rows in attachment D-1 is \$1,008,716.50 and the total of the amounts in column I of rows in attachment D-1 addressed by other of the Wilkinson Relevant Questions is \$435,963.00.

I have not, in the time reasonably available to me in the inquiry with reference to the ordered date for submission of the report, made findings as to the reasonably necessary costs incurred by LW **in respect of amounts in column I of yellow-shaded rows in attachment D-1 in which NT has included in column K the phrase “time objection as to 50%” and LW has included in column O the phrase “Does not press part of entry”**. Such findings, if required of me, can be provided on remitter and further consideration.

This endnote was added to the draft of the report subsequent to the draft provided to the inquiry parties’ legal representatives on 24 November 2024 and consequently, the submissions made at sub-paragraph 81(a), paragraph 82 and paragraph 87 of LW’s draft report submissions are no longer of currency, the latter for reason that the rows describing tasks, services and quantifying amounts the subject of the Wilkinson Relevant Questions other than question 17 have been excluded from my answer to question 17.

Whether or not “it appears to Ms Wilkinson that the approach applied is somewhat akin to a party/party assessment”, as is submitted by paragraph 83 of LW’s draft report submissions, I have not taken such an approach. This is evident from content of the report, including paragraph 9. My position since 2022 as a costs assessor appointed by the Chief Justice of New South Wales pursuant to the power provided by section 93C of the *Legal Profession Uniform Law Application Act 2014* (NSW), requiring me to assess almost exclusively ordered costs payable by parties to litigation, provides specialised knowledge with which to report that what appears to Ms Wilkinson is not the approach that I have taken.

As to the reasons that services and amounts expressed in attachments D-1 and D-2 have been highlighted in yellow, they are those services and amounts that, in reading those attachments, that:

- 44.1. I have found not to be reasonably necessary; or
- 44.2. for which there is insufficient probative basis provided by the description of the service, by other of the inquiry material including LW draft report submissions, by inference drawn from the inquiry material and/or by application of my specialised knowledge to find that the services described and/or amounts as quantified were reasonably necessary; or
- 44.3. are described in rows in attachment D-1 in which NT has included in column K the phrase “time objection as to 50%” and **LW has included in column O the phrase “Does not press part of entry”**

The provision of further material by the inquiry parties in relation to the content of the draft report including attachments D-1 and D-2 was invited by email to their legal representatives of 13 November 2024.

The example referenced by LW at sub-paragraph 84(b) of her draft report submissions misstates the reason that the row referred to has been highlighted. It is not the absence of reasonable necessity for the provision of the service that is identified by the highlighting, it is the amount quantified for the filing of a notice of address for service that I have found not to be reasonably necessary.

As to the submission made at paragraph 86 of LW's draft report submissions, to the extent that it references:

- 44.4. the finding represented at sub-paragraph 85(a), Mr Dean attended with Ms Chrysanthou SC on the delivery of judgment on Mr Lehrmann's extension of time application and when orders were proposed in respect of costs of that application, the costs of Mr Lehrmann's application to set aside paragraph 3 of the notice to produce issued on behalf of LW on 10 March 2023 and of the date fixed for leave to appeal from Lee J's judgment extending the time in which Mr Lehrmann was permitted to proceed, I have found that it was not reasonably necessary that he do so, with reference to my understanding of the phrase "reasonably necessary" reported at paragraph 9 above and in particular, sub-paragraph 9.2.3 above;
- 44.5. the finding represented at sub-paragraph 85(b), the services and amounts are described in rows in attachment D-2 in which NT has included in column M the phrase "time objection as to 50%" or "Time objection (20 units)" and **LW has included in column Q the phrase "Does not press part of entry" or "20 units not pressed"**; and
- 44.6. the findings represented at sub-paragraph 85(c), there is insufficient basis/material for finding that the "hard drive" is other than a non-salary overhead of GDL's practice and for finding that the cost of lunches as described are correctly characterised as disbursements of GDL or if so, they were reasonably necessary with reference to my understanding of the phrase "reasonably necessary" reported at paragraph 9 above and in particular, sub-paragraph 9.2.3 above

NT addressed the answer to question 17 expressed at 17.d. in the draft report of 26 November 2024 by paragraphs 24 - 30 of its draft report submissions in respect of which I find as follows.

- 44.7. NT submitted by paragraph 26 that I had incorrectly calculated the total of amounts in column I of attachment D-1 and used that incorrect total as the denominator for the calculation of the percentage that I reported in answer to question 17. NT is correct in this submission but omitted to submit as to further errors that I had made in respect of both the numerator and denominator used in the calculation of the percentage reported.

The correct denominator in the answer given at 17.d. above is \$572,753.50, being the total of the amounts in column I of rows in attachment D-1 other than those rows addressed by other of the Wilkinson Relevant Questions.

The numerator that I have used in calculating and reporting the answer given at 17.d. above is \$115,330.87, being the sum of amounts in column I of yellow-shaded rows in attachment D-1 excluding those rows addressed by other of the Wilkinson Relevant Questions and other than half of the amounts in column I of yellow-shaded rows in attachment D-1 in which NT has included in column K the phrase "time objection as to 50%" and LW has included in column O the phrase "Does not press part of entry"

- 44.8. The submissions made by NT by paragraphs 28 and 29 of its draft report submissions are methodologically flawed in so far as they proceed, inter alia, from a premise that "Ms Wilkinson had an obligation to leverage the work Network Ten was engaging in throughout the proceeding" and in so far as a submission is made that an inference can correctly be drawn "as to the appropriate discount applicable to pre-trial work, by having regard to the approach Ms Wilkinson took to the hearing and submission generally."
- 44.9. NT's submission made by paragraph 30 of its draft report submissions that "a number of line items caught by this agreement have not been shaded in yellow in the Draft Spreadsheet" is accurate but omits to express that the rows referenced by the submission are the subject of findings addressed by the Wilkinson Relevant Questions other than question 17.

^{44.10.} NT's submission made by paragraph 31 of its draft report submissions that "the Referee appears to have inadvertently also included non-hearing dates (2 and 3 December 2023) which are separately addressed by the answers at [17.7(a)-(b)], as being costs incurred in relation to submissions on separate cross-examination and suppression" is correct other than that the inclusion was not inadvertent but rather was a result of my previous construction of the phrase in question 9.b. "28 November 2023 - 11 December 2023" as different from the days specified by question 6.b. which I have revised in answering question 9.b..



Annexure A

Wilkinson Relevant Questions

Definitions:

Common interest issues (CII) = extension of time application / limitation defence, truth defence, identification, ordinary compensatory damages; abuse of process arguments; re-opening application.

Separate interest issues (SII) = qualified privilege defence; aggravated damages arising from Logies' speech; issues of privilege.

Excel Spreadsheet = the Excel spreadsheet provided to the Referee and agreed by the parties to record the costs claimed by the Second Respondent the subject of this reference.

Gillis Delaney Lawyers' rates

1. For work performed from 9 May 2023, what rate is a reasonable rate for the Second Respondent to have incurred for work carried out by each of:
 - a. a partner;
 - b. a senior associate;
 - c. an associate;
 - d. a graduate lawyer; and
 - e. a paralegal,at Gillis Delaney Lawyers in relation to the proceeding.

Costs associated with preparation of the Second Respondent's defence

2. Was it reasonably necessary for the Second Respondent to prepare and draft her defence insofar as it related to the CII without reference to the defence prepared by the First Respondent in circumstances where the Second Respondent's defence was due on 7 March 2023 but filed on 1 March 2023?
3. If no, which costs incurred by the Second Respondent were not reasonably necessary to be incurred in the preparation of her defence?¹

Costs associated with the Applicant's extension of time application (EOT Application)

4. Having regard to the Court's comments in *Lehrmann v Network Ten Pty Limited* [2023] FCA 385 at [160]-[171], was it reasonably necessary for the Second Respondent to incur any of the following (and if so, which) costs in relation to the EOT Application:

¹ Excel Rows 69, 164, 173, 188, 187, 188, 189, 192, 211, 219, 221, 222, 223, 224, 234, 238, 240, 241, 250-256, 261, 262-270, 276, 277, 279-282, 284-285, 287-293, 295, 297-299, 301, 305-312; Barry Dean (BD) Invoice 28.04.2023 – 21.02.2023, 23.02.2023, 27.02.2023; Sue Chrysanthou SC (SC) Invoice 01.05.2023 – entries of 13.02.2023, 14.02.2023, 17.02.2023, 19.02.2023, 20.02.2-23, 21.02.2023, 22.02.2023, 23.02.2023, 27.02.2023, 28.02.2023, 1.03.2023, 2.03.2023.



- a. the preparation of an affidavit of Anthony Jefferies;²
- b. the preparation of written submissions in opposition to the EOT Application;³
- c. general preparation by solicitors, including lists of authorities and court book;⁴
- d. pre-hearing preparation by three solicitors (including two partners), an associate, a paralegal, senior counsel and junior counsel;⁵
- e. attendance on day 1 of the interlocutory hearing by two solicitors (both partners), a paralegal, senior counsel and junior counsel;⁶
- f. general hearing preparation and attendances between days 1 and 2 of the interlocutory hearing;⁷
- g. attendance on day 2 of the interlocutory hearing by one partner and a paralegal, senior counsel and junior counsel;⁸
- h. post-hearing tasks including transcript review and further submissions;⁹ and
- i. attendance on judgment delivery and directions by two solicitors (both partners), a paralegal, senior counsel and junior counsel.¹⁰

5. Was it reasonably necessary for the Second Respondent to incur costs (and if so, which) in relation to the Notice to Produce served on 10 March 2023, which was the subject of the ruling and comments in *Lehrmann v Network Ten Pty Limited* [2023] FCA 250?¹¹

Costs associated with hearing

6. Was it reasonably necessary for the Second Respondent to retain senior counsel, junior counsel, two partners and another solicitor to attend Court on days (including conferences with client and counsel before and after court):
 - a. 22 – 24, and 27 November 2023, being days on which the parties opened their cases and the Applicant called his witnesses and was cross-examined by the First Respondent's senior counsel;

² Excel Rows 158, 520, 537, 551, 557, 586, 590, 591, 593, 597-602, 604-607, 612-613; BD Invoice 28.04.2023 – 1.03.2023; SC Invoice 1.05.2023 – 8.03.2023 (2.75hrs), 10.03.2023 (6hrs).

³ Excel Rows 216, 301, 589, 606, 618, 619, 975-980, 982-993, 1000, 1017; SC Invoice 1.5.2023 entries of 1.03.2023, 2.03.2023, 13.03.2023, 14.03.2023, 17.03.2023, 20.03.2023, 21.03.2023, 24.03.2023, 25.03.2023; BD Invoice 28.4.2023 entries of 6.03.2023, 8.03.2023, 9.03.2023, 10.03.2023, 13.03.2023, 20.03.2023, 21.03.2023, 24.03.2023; SC Invoice 1.05.2023 – 13.03.2023, 14.03.2023.

⁴ Excel Rows 627, 643, 647, 715, 718, 727, 743, 748, 751, 755, 758, 767, 779, 780, 786, 787, 789, 790, 803, 808, 810, 811, 815, 823, 908, 910, 921.

⁵ Excel Rows 734-817 (\$9,900 for AJJ); 711-733 (\$7,744 for DEC, NRS, RAS), SC Invoice 1.05.2023, 15.03.2023 (11.5 hours); BN Invoice 28.04.2023, 15.03.2023 (1 day).

⁶ Excel Rows 818-838, SC Invoice 1.05.2023, entry of 16.03.2023 (1 day); BD Invoice 28.04.2023, 15.03.2023 (1 day).

⁷ Excel Rows 839-955; SC Invoice 1.05.2023, entry of 22.03.2023 (4.5hr); BN Invoice 28.04.2023, entry of 22.03.2023 (1 hr).

⁸ Excel Rows 956-973; SC Invoice 1.05.2023, entry of 23.03.2023 (1 day); BN Invoice 28.04.2023, entry of 23.03.2023 (1 day).

⁹ Excel Rows 974-1033 (except those relating to pleading issues and reviewing other parties' submissions).

¹⁰ Excel Rows SC Invoice 1.05.2023, entry of 28.04.2023; BN Invoice 28.04.2023, entry of 28.04.2023.

¹¹ See, eg, Excel Rows 578, 580, 583, 692, 793, 948, 958, 968; BD invoice 28.4.2023, entries of 10.03.2023 - 23.03.2023; SC invoice 1.5.2023, entries of 10.03.2023 - 23.03.2023.



- d. 14 – 15 December 2023, being days on which the Second Respondent gave evidence;¹⁹
 - e. 18 and 19 December 2023, being days on which some of the First Respondent's witnesses gave evidence and Ms Brown (who was cross-examined by Ms Chrysanthou SC) gave evidence;²⁰ and
 - f. 20 to 22 December 2023, being closing addresses, plus one day of out-of-court preparation.²¹
9. Taking into account the answer to question 7 above, what is the reasonable cost incurred by the Second Respondent for senior counsel and junior counsel for the following dates:
- a. 22 – 24, and 27 November 2023, being days on which the parties opened their cases and the Applicant called his witnesses and was cross-examined by the First Respondent's senior counsel;²²
 - b. 28 November 2023 – 11 December 2023, being days on which the First Respondent ran its truth defence;²³
 - c. 12 and 13 December 2023, being days on which the First Respondent's qualified privilege witnesses gave evidence;²⁴
 - d. 14 – 15 December 2023, being days on which the Second Respondent gave evidence;²⁵
 - e. 18 and 19 December 2023, being days on which some of the First Respondent's witnesses gave evidence and Ms Brown (who was cross-examined by Ms Chrysanthou SC) gave evidence;²⁶ and
 - f. 20 to 22 December 2023, being closing addresses plus one day of out-of-court preparation.²⁷
10. Having regard to the written submissions filed for the First Respondent and the Second Respondent, to what extent (if any) was it reasonably necessary for Ms Wilkinson to incur costs in the preparation of her own written submissions on the CII.
11. Noting the answer to question 11 above, should a global discount be applied to time entries referable to preparation of written submissions, to account for costs unreasonably incurred? If so, please identify the discount as a percentage.

Costs associated with re-opening application and re-opened hearing

¹⁹ Excel Rows 3333 to 3365 (total costs = \$27,835.50).

²⁰ Excel Rows 3367 to 3412 (Total costs = \$23,716).

²¹ Excel Rows 3413 to 3474 (Total costs = \$36,338.50).

²² SC Invoice dated 9.05.2024, entries of 22.11.2023 – 24.11.2023, 27.11.2023; BD Invoice 22.01.24, entries of 22.11.2023 – 24.11.2023, 27.11.2023.

²³ SC Invoice dated 9.05.2024, entries of 28.11.2023 – 01.12.2023; 5.12.2023 – 8.12.2023; 11.12.2023; BN Invoice dated 22.01.2024, entry of 28.11.2023.

²⁴ SC Invoice dated 9.05.2024, entries of 12.12.2023 – 13.12.2023.

²⁵ SC Invoice dated 9.05.2024, entries of 14.12.2023 – 15.12.2023; BD Invoice dated 22.01.2024, entries of 14/12/2023 – 15.12.2023.

²⁶ SC Invoice dated 9.05.2024, entries of 18.12.2023 – 19.12.2023.

²⁷ SC Invoice dated 9.05.2024, entries of 20.12.2023 – 22.12.2023; BD Invoice dated 22.01.2024, entry of 22/12/2023.



- b. 28 November 2023 – 1 December 2023; 5 – 8 and 11 December 2023, being days on which First Respondent ran its truth defence;
 - c. 12 and 13 December 2023, being days on which the First Respondent's qualified privilege witnesses gave evidence;
 - d. 14 – 15 December 2023 of the hearing, being days on which the Second Respondent gave evidence;
 - e. 18 and 19 December 2023, being days on which some of the First Respondent's witnesses gave evidence and Ms Brown (who was cross-examined by Ms Chrysanthou SC) gave evidence; and
 - f. 21 and 22 December 2023 of the hearing, being closing addresses.
7. Was it reasonably necessary for the Second Respondent to incur the costs of senior counsel and junior counsel carrying out trial preparation on:
- a. 25 – 26 November 2023, relating to the preparation of a submission on separate cross-examination of the Applicant, and preparation for that cross-examination (having regard to the reasons in *Lehrmann v Network Ten (Cross Examination)* [2023] FCA 1477);¹²
 - b. 2 – 3 December 2023, relating to:
 - i. the preparation of submissions in respect of a suppression order sought by ABC and News Life Media; and
 - ii. the preparation of submissions in respect of cross-examination;¹³ and
 - c. 6, 8 - 10 and 16 - 17 December 2023, relating to:
 - i. the preparation of Ms Brown's cross-examination; and
 - ii. the preparation of the Second Respondent for cross-examination.¹⁴
8. Taking into account the answer to question 7 above, what proportion of the hours charged by Gillis Delaney Lawyers in reference to the below hearing dates, were not reasonably necessary for the Second Respondent to have incurred:¹⁵
- a. 22 – 24, and 27 November 2023, being the days during which the parties opened their cases and the Applicant called his witnesses and was cross-examined by the First Respondent's senior counsel;¹⁶
 - b. 28 November 2023 – 11 December 2023, being days on which First Respondent ran its truth defence;¹⁷
 - c. 12 and 13 December 2023, being days on which the First Respondent's qualified privilege witnesses gave evidence;¹⁸

¹² See SC Invoice dated 9.05.2024, entries of 25.11.2023 and 26.11.2023 (14.5 hours); BD Invoice dated 22.01.2024, entry of 26.11.23 (6.5 hours).

¹³ SC Invoice dated 9.05.2024, entries of 2.12.2023 – 3.12.2023; BD Invoice dated 22.01.2024, entry of 3.12.2023 (3 hours).

¹⁴ SC Invoice dated 9.05.2024, entries of 9.12.2023, 10.12.2023, 16.12.2023 and 17.12.2023; BD Invoice dated 22.01.2024, entries of 6.12.2023, 8.12.2023 and 10.12.2023.

¹⁵ See, eg, AJJ time recording on day 1 of the hearing (Excel Rows 2960 to 2972, total \$10,560). Time recordings for hearing days include attendances at Court, in addition to individual time entries recorded with respect to correspondence, redaction of documents, reviewing materials etc.

¹⁶ Excel Rows 2955 to 3023 (total costs = \$76,598.50).

¹⁷ Excel Rows 3024 to 3280 (total costs = \$97,960.50).

¹⁸ Excel Rows 3281 to 3332 (total costs = \$21,312.50).



12. Was it reasonably necessary for the Second Respondent to incur costs in the preparation of the hearing of the First Respondent's application to re-open its case?²⁸
13. Was it reasonably necessary for the Second Respondent to retain senior counsel, a partner and another solicitor to attend Court for the re-opening application?²⁹
14. Was it reasonably necessary for the Second Respondent to retain junior counsel and a partner to attend on the re-opened hearing on 4 – 5 April 2024?³⁰
15. Was it reasonably necessary for the Second Respondent to retain senior counsel to conduct substantive work in relation to the re-opened hearing including by:
 - a. reviewing documents produced under subpoena; and
 - b. conferring with Mr Auerbach regarding cross-examination preparation; and
 - c. reviewing transcripts of hearing.³¹

Costs to be discounted on a solicitor / client basis

16. Should any further discount be applied to the costs that were reasonably necessary for the Second Respondent to incur (in accordance with the questions above), on the basis of an ordinary solicitor / client assessment?

Residual matters

17. To the extent that the answers to the above questions have not addressed the reasonableness of the costs incurred by the Second Respondent in respect of the balance of work undertaken in this proceeding (including, for example, discovery issues, notices to produce and subpoenas, submissions in relation to jury trial, submissions in relation to live-streaming, preparation of short minutes of order, timetabling orders, attendances at case management hearings, considering objections to the First Respondent's evidence, party/party correspondence), and having regard to the answers to the questions asked above, what percentage discount should be applied to the costs incurred in respect of such work in order to reflect the reasonably necessary costs incurred by the Second Respondent?³²

²⁸ Excel Rows 3596 – 3630; 3646 – 3669; SC Invoice dated 9.05.2024, entries of 30.03.2024 – 1.04.2024.

²⁹ Excel Rows 3631 - 3642; SC Invoice dated 9.05.2024, entry of 2.04.2024.

³⁰ Excel Rows 3669 - 3690; BD Invoice dated 24.04.2024 entries of 4.04.2024 – 5.04.2024.

³¹ SC Invoice dated 9.05.2024, entries of 3.04.2024 to 7.04.2024.

³² See, generally, Excel Rows 1018 to 2954, being costs incurred between extension of time hearing and commencement of hearing, excluding any costs specifically addressed elsewhere by the Referee.

IN THE FEDERAL COURT OF AUSTRALIA
NSD103/2023

BRUCE LEHRMANN
 Applicant

v

NETWORK TEN PTY LIMITED ACN 052 515 250
 First Respondent

and

LISA WILKINSON
 Second Respondent

INDEX TO BRIEF TO ROLAND MATTERS – WILKINSON REFERENCE

No	Date	Document
1.	7 February 2023	Statement of Claim – Bruce Lehrmann
2.	1 March 2023	Defence – Lisa Wilkinson
3.	7 March 2023	Defence – Network Ten Pty Ltd
4.	15 February 2023 – 8 May 2023	Exhibit Ref 1 (Bundle of Costs Material)
5.	16 February 2023	Sue Chrysanthou SC Fee Agreement
6.	20 June 2024	Affidavit of Marlia Ruth Saunders
7.	23 May 2024	Letter from Thomson Geer to Gillis Delaney
8.	27 May 2024	Letter from Thomson Geer to Gillis Delaney
9.	3 June 2024	Letter from Thomson Geer to Gillis Delaney
10.	11 June 2024	Letter from Thomson Geer to Gillis Delaney (including annotated bundle of bills)
11.	19 June 2024	Letter from Gillis Delaney to Thomson Geer regarding spreadsheet (attachment omitted)
12.	25 June 2024	Letter from Thomson Geer to Gillis Delaney (attachment omitted)
13.	26 June 2024	Letter from Gillis Delaney to Thomson Geer

14.	9 July 2024	Letter from Thomson Geer to Gillis Delaney regarding spreadsheet (attachment omitted)
15.	28 August 2024	Second Further Amended Spreadsheet of Second Respondent's costs
16.	9 June 2023 – 27 June 2024	Consolidated case management hearings transcript
17.	22 November 2023 – 5 April 2024	Consolidated trial transcript
18.	1 May 2024	Costs hearing transcript
19.	10 November 2023	Second Respondent's Opening Submissions
20.	13 November 2023	First Respondent's Opening Submissions
21.	11 March 2024	First Respondent's Final Closing Submissions
22.	11 March 2024	Second Respondent's Final Closing Submissions
23.	22 April 2024	Second Respondent's Submissions (Costs)
24.	22 April 2024	First Respondent's Submissions (Costs)
25.	23 April 2024	Second Respondent's Submissions (Cross-claim Costs)
26.	28 June 2024	Orders (Lee J)

C

Inquiry Material

1. Material referred to in order 3 of the 28 June Order (**order 3 material**) identified by tabulated numbers 1. - 26. of an “Index of documents” (**attachment B**) provided to me on 28 August 2024 by emailed link received from Thomson Geer, with one revision, that being the document tabulated at 15. of attachment B identified as “Second Further Amended Spreadsheet of Second Respondent’s costs” (**second further amended worksheets**)
2. NT’s initial submissions in the inquiry made on 2 August 2024 (**NT’s initial inquiry submissions or its initial inquiry submissions**)
3. LW’s initial submissions in the inquiry made on 7 August 2024 as supplemented on 13 August 2024 (**LW’s initial inquiry submissions**)
4. Emails to the inquiry parties’ legal representatives dated 13 and 14 November 2024, copies of which are attached to the report and marked “E” and “F” respectively
5. Email from Thomson Geer to me dated 21 November 2024 and emails to the inquiry parties’ legal representatives dated 22 and 24 November 2024, copies of which are attached to the report and marked “G”, “H” and “I” respectively
6. “Ms Wilkinson’s Submissions on draft Referee Report” dated 27 November 2024 (**LW’s draft report submissions or her draft report submissions**), a copy of which is attached to the report and marked “J”
7. “Network Ten’s submissions to the Referee” given 29 November 2024 (**NT’s draft report submissions or its draft report submissions**), a copy of which is attached to the report and marked “K” and the spreadsheet referred to in paragraph 33 of NT’s draft report submissions (**closing written submissions spreadsheet**), a copy of which is attached to the report and marked “L”
8. “Network Ten’s submissions to the Referee regarding factual inaccuracies in Ms Wilkinson’s submissions to the Referee dated 27 November 2024” (**NT’s factual inaccuracies submissions or its factual inaccuracies submissions**), a copy of which is attached to the report and marked “M”
9. “Ms Wilkinson’s response to Network Ten’s further submissions of 2 December 2024, a copy of which is attached to the report and marked “N”

D-1

Claim									NETWORK TEN OBJECTION		WILKINSON RESPONSE	
Date	Person	Details	Units	Rate	Amount	GST Amt	Total					
8/02/2023	AJJ	Review corro from Fordham re commencement of proceedings	1	55.00	55.00	5.50	60.50					
10/02/2023	NRS	Review and draft high level comments regarding statement of claim	5	45.00	225.00	22.50	247.50					
10/02/2023	AJJ	Review corro from client re commencement of proceedings	3	55.00	165.00	16.50	181.50					
10/02/2023	AJJ	Attendance preparation for and attend client conference with Ms Wilkinson and Senior Counsel and draft corro ar review initiating process	19	55.00	1045.00	104.50	1149.50					
10/02/2023	AJJ	Review corro from client and NF engagement, contract, counsel and next steps in proceedings	2	55.00	110.00	11.00	121.00					
12/02/2023	AJJ	Draft corro to S.C and reply re arrange initial conference and issue of representation of LW in proceedings (x 2) ar draft note to NF re same	1	55.00	55.00	5.50	60.50					
13/02/2023	DEC	Conference with senior counsel	12	50.00	600.00	60.00	660.00					
13/02/2023	NRS	Draft note to client re outcome of conference with SC and next steps re proceedings	2	45.00	90.00	9.00	99.00					
13/02/2023	DEC	Settle note to you reporting re outcome of conference with SC and next steps re proceedings	5	50.00	250.00	25.00	275.00					
13/02/2023	AJJ	Attendance preparation for and attend conference with S.C and then client and further calls to S.C and confer wi client and Nick Fordham	19	55.00	1045.00	104.50	1149.50					
13/02/2023	AJJ	Draft corro to S.C texts re particulars and injunction and call to discuss	1	55.00	55.00	5.50	60.50					
13/02/2023	AJJ	Review corro from Thomson Geer re service and Smithies earlier corro re independent advice issues	1	55.00	55.00	5.50	60.50					
13/02/2023	AJJ	Attendance Notice of Appearance - Federal Court	1	55.00	55.00	5.50	60.50					
13/02/2023	AJJ	Draft corro to NF and confer with client and reply corro from client re contract and draft note to Bec McGarvey	1	55.00	55.00	5.50	60.50					
13/02/2023	AJJ	Review corro from S.C re particulars and confer with DEC re appearance	1	55.00	55.00	5.50	60.50					
13/02/2023	AJJ	Draft corro reporting to client - contract and draft note to Ten	2	55.00	110.00	11.00	121.00					
13/02/2023	AJJ	Draft corro - Junior counsel - settle and reply corro re brief to act in proceedings	2	55.00	110.00	11.00	121.00					
13/02/2023	AJJ	Draft long corro to client and reply corro x 2 re docs from Lisa and Ten and appearances and defence and count and Lisa's reply corro seeking clarification on some points	2	55.00	110.00	11.00	121.00					
13/02/2023	AJJ	Review S.C corro and settle request for particulars and amend and circulate	5	55.00	275.00	27.50	302.50					
13/02/2023	AJJ	Review corro from S.C - particulars re O.P and interest on costs thereafter re junior counsel	3	55.00	165.00	16.50	181.50					
14/02/2023	DEC	Review Notice of Address for Service filed by Ten	1	50.00	50.00	5.00	55.00					
14/02/2023	NRS	General Time Task File notice of address for service	1	45.00	45.00	4.50	49.50					
14/02/2023	NRS	Telephone call with counsel	1	45.00	45.00	4.50	49.50					
14/02/2023	NRS	Preparation brief to counsel	3	45.00	135.00	13.50	148.50					
14/02/2023	DEC	Review Court documents lodged by Lehmann and Thomson Geer	1	50.00	50.00	5.00	55.00					
14/02/2023	NRS	Preparation and filing of notice of acting	2	45.00	90.00	9.00	99.00					
14/02/2023	DEC	Review and amend request for particulars	4	50.00	200.00	20.00	220.00					
14/02/2023	AJJ	Review corro from client re instructions on timing of removal of social media posts	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Review corro from client (2nd) re draft corro to Bev and confer with Nick Fordham	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Draft corro to client and call re particulars, documentation from both Lisa and Ten and list of material we require	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Telephone call late client call and the conference with NF and S.C (x 2)	8	55.00	440.00	44.00	484.00					
14/02/2023	AJJ	Review corro from Nicola - serve and genuine steps statement and O.P and address issues for service	4	55.00	220.00	22.00	242.00					
14/02/2023	AJJ	Review corro from junior counsel re brief	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Telephone call to junior counsel particulars and supplementary brief	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Review corro from DEC and confer re draft request for particulars	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Attendance finalise and dispatch request for particulars and confer with S.C prior to dispatch	2	55.00	110.00	11.00	121.00					
14/02/2023	AJJ	Attendance sealed Notice of Acting - attend client and serve	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Draft corro to SC and confer further draft amended request for particulars	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Review corro from Robert Scott re 2 briefs and extra doc's for index for junior counsel	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Draft corro to S.C - 10 Play website	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Review corro from S.C re 2nd letter to O'Brien	2	55.00	110.00	11.00	121.00					
14/02/2023	AJJ	Draft corro to Svilians re request for particulars	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Draft corro to S.C re request for particulars and reply corro	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Telephone call Marlia - returned call - Marlia out of office - mobile short call	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Settle corro to Junior counsel - brief	2	55.00	110.00	11.00	121.00					
14/02/2023	AJJ	Review corro from Thomson Geer circulate re case management hearing	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Review corro from Barry Dean - junior counsel - disclosure docs and brief and employment agreement	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Draft corro from S.C further amendments to Svilians corro - particulars	2	55.00	110.00	11.00	121.00					
14/02/2023	AJJ	Draft corro reporting and calls x 2 re particulars corro - draft and engagement of barristers	2	55.00	110.00	11.00	121.00					
14/02/2023	AJJ	Review corro from Ms Saunders re Justice Lee corro (Fed Court) extension application	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Review corro from Federal Court re first case management hearing and limitations hearing	1	55.00	55.00	5.50	60.50					
14/02/2023	AJJ	Review corro from Lisa and NF re Thomson Geer corro and update on doc's located to date	1	55.00	55.00	5.50	60.50					
15/02/2023	DEC	Review direction from Judge's chambers re time tabling arrangements - consider correspondence from Ten in house legal	4	50.00	200.00	20.00	220.00	time objection as to 50%			Does not press part of entry	
15/02/2023	DEC	Telephone call with senior counsel	6	50.00	300.00	30.00	330.00					
15/02/2023	DEC	Attendance to further conferences with counsel; considering proposed correspondence re Court's suggested timetable	14	50.00	700.00	70.00	770.00					
15/02/2023	DEC	Telephone call with senior and junior counsel re approaches from Ten and News; defence prior to Limitation A issue etc	6	50.00	300.00	30.00	330.00					
15/02/2023	AJJ	Draft meeting and agenda and circulate	2	55.00	110.00	11.00	121.00					
15/02/2023	AJJ	Attendance to and prepare for client teleconference and confer S.C and junior counsel beforehand and update ta list and call NF re update	12	55.00	660.00	66.00	726.00					
15/02/2023	AJJ	Attendance 7pm zoom and draft corro and update DEC	8	55.00	440.00	44.00	484.00					
15/02/2023	AJJ	Review corro from Ms Saunders	1	55.00	55.00	5.50	60.50					
15/02/2023	AJJ	Review corro from Barry Dean	1	55.00	55.00	5.50	60.50					
						0.00	0.00					
15/02/2023	AJJ	Settle corro to client re zoom conference - agenda (7 points)	1	55.00	55.00	5.50	60.50					
15/02/2023	AJJ	Settle corro to O'Brien and ors re proposed email to court re timing of limitations hearing	2	55.00	110.00	11.00	121.00					
15/02/2023	AJJ	Review case law summary	1	55.00	55.00	5.50	60.50					
						0.00	0.00					
15/02/2023	AJJ	Draft long corro reporting to client and annexures	2	55.00	110.00	11.00	121.00					

28/04/2023	RAS	Review of judgement re extension	11	25.00	275.00	27.50	302.50												
28/04/2023	AJJ	Attendance and preparation for court appearance and judgment and then conference with S.C and teleconferen with client	24	55.00	1320.00	132.00	1452.00												
28/04/2023	AJJ	Attendance long teleconference with client and S.C	6	55.00	330.00	33.00	363.00												
28/04/2023	AJJ	Attendance long call with Sue re orders and next steps	4	55.00	220.00	22.00	242.00												
28/04/2023	AJJ	Telephone call NF re outcome next steps	2	55.00	110.00	11.00	121.00												
28/04/2023	AJJ	Review corro from Mr Mcaveney re proposed draft orders and circulate to S.C	2	55.00	110.00	11.00	121.00												
28/04/2023	AJJ	Draft corro to S.C re draft proposed Short Minutes of order - joint presentation to Lee J	1	55.00	55.00	5.50	60.50												
28/04/2023	AJJ	Review Nicola corro re continuing issues and circulate	1	55.00	55.00	5.50	60.50												
28/04/2023	AJJ	Review corro from S.C re proposed consent orders	1	55.00	55.00	5.50	60.50												
28/04/2023	AJJ	Telephone call Sue - consent orders - amendments	1	55.00	55.00	5.50	60.50												
28/04/2023	AJJ	Draft corro to client and confer re judgment in Fed Court + YouTube Link + next steps	1	55.00	55.00	5.50	60.50												
28/04/2023	AJJ	Review corro from McAvaney (x 2) re proposed draft orders and circulate	3	55.00	165.00	16.50	181.50												
28/04/2023	AJJ	Review corro from S.C re judgment notes and circulate	2	55.00	110.00	11.00	121.00												
28/04/2023	AJJ	Review corro from Lee J Associate re sealed orders and circulate	2	55.00	110.00	11.00	121.00												
28/04/2023	AJJ	Review reasons for judgment and circulate to client	2	55.00	110.00	11.00	121.00												
28/04/2023	AJJ	Review corro from Mr Dean of counsel re draft invoice for work done re proceedings	1	55.00	55.00	5.50	60.50												
2/05/2023	NRS	Review email from Court; diarise court dates	2	45.00	90.00	9.00	99.00												
3/05/2023	AJJ	Attendance corro - Nicola - settle re Subpoena corro and insurance - settle and dispatch	4	55.00	220.00	22.00	242.00												
5/05/2023	NRS	Review email from OS attaching submissions re mode of trial; forward to counsel	1	45.00	45.00	4.50	49.50												
5/05/2023	AJJ	Attendance sub re jury trial and confer with counsel and DEC	4	55.00	220.00	22.00	242.00												
5/05/2023	AJJ	Review corro from Thomson Geer and circulate to counsel (submissions x 2)	3	55.00	165.00	16.50	181.50												
5/05/2023	AJJ	Telephone call S.C re submissions and discuss amendments	2	55.00	110.00	11.00	121.00												
5/05/2023	AJJ	Review Applicant's submissions and circulate to S.C and confer with DEC	2	55.00	110.00	11.00	121.00												
5/05/2023	AJJ	Attendance Nicola corro to S.C re submissions re mode of trial and confer with DEC	1	55.00	55.00	5.50	60.50												
5/05/2023	AJJ	Review corro from S.C and call to confer draft submissions re para 1 of Lee's orders of 2 May	1	55.00	55.00	5.50	60.50												
5/05/2023	AJJ	Review corro from Lee J re upcoming case management hearing - Federal Court and circulate and confer with SC	2	55.00	110.00	11.00	121.00												
7/05/2023	DEC	Consider correspondence from Court re interlocutory applications and subpoena	1	50.00	50.00	5.00	55.00												
7/05/2023	NRS	Review email from Court and forward to counsel	1	45.00	45.00	4.50	49.50												
7/05/2023	AJJ	Attendance corro from DEC and action - subpoena issues and confer with S.C	2	55.00	110.00	11.00	121.00												
7/05/2023	AJJ	Review corro from Nicola - re jury issues	1	55.00	55.00	5.50	60.50												
8/05/2023	AJJ	Review long corro from Lee J and circulate to client and later with S.C	2	55.00	110.00	11.00	121.00												
8/05/2023	AJJ	Review corro from S.C to Lee J Associates re proposed variation to timetabling orders	1	55.00	55.00	5.50	60.50												
9/05/2023	DEC	Consider correspondence form Court re variation to timetabling orders	1	50.00	50.00	5.00	55.00												
9/05/2023	NRS	Review correspondences between counsel and Court re proposed variation to timetabling orders	1	45.00	45.00	4.50	49.50												
9/05/2023	NRS	Review further emails between counsel and Court re proposed variation to timetabling orders and issues arising from His Honour's proposed attendance at event in circumstances where proceedings before the Court	1	45.00	45.00	4.50	49.50												
9/05/2023	AJJ	Review S.C corro to Lee J Associate	1	55.00	55.00	5.50	60.50												
10/05/2023	NRS	Review email from court re Orders made by Court	1	45.00	45.00	4.50	49.50												
10/05/2023	DEC	Review Variation to Orders made by Court	1	65.00	65.00	6.50	71.50												
10/05/2023	AJJ	Attendance review corro Lee J Associate and circulate and confer with DEC and S.C	2	75.00	150.00	15.00	165.00												
10/05/2023	AJJ	Attendance review corro Lee J Associate and circulate and confer with DEC and S.C	2	75.00	150.00	15.00	165.00												
15/05/2023	NRS	Email to counsel re arrangement of conference to discuss proceedings	1	65.00	65.00	6.50	71.50												
18/05/2023	NRS	Telephone call to chambers and email re arranging conference with counsel	1	65.00	65.00	6.50	71.50												
18/05/2023	DEC	Review programming orders for conference with counsel	1	65.00	65.00	6.50	71.50												
19/05/2023	NRS	Review defence filed by ABC in related proceedings	1	65.00	65.00	6.50	71.50												
25/05/2023	NRS	Review Court file and subpoena request lodged by Network Ten	1	65.00	65.00	6.50	71.50												
25/05/2023	NRS	Draft note to counsel	1	65.00	65.00	6.50	71.50												
25/05/2023	DEC	Consider proposed subpoena by Ten and orders made by Court	2	65.00	130.00	13.00	143.00												
29/05/2023	NRS	Draft note to counsel re arrangements for conference to discuss preparation of evidence	1	65.00	65.00	6.50	71.50												
29/05/2023	DEC	Meeting to discuss timetable, identify witnesses, allocate tasks	4	65.00	260.00	26.00	286.00												
29/05/2023	DEC	Attendance to correspondence with counsel re conference	1	65.00	65.00	6.50	71.50												
30/05/2023	DEC	Review request by applicant for production of documents subpoenaed in criminal proceedings	1	65.00	65.00	6.50	71.50												
Total fees for invoice 48604 dated 18 October 2024					\$	161110.00	16111.00												

31/05/2023	NRS	Draft note to client	1	65.00	65.00	6.50	71.50												
31/05/2023	AJJ	Attendance agenda updates and confer with Nicola and DEC re S.C conference tomorrow	5	75.00	375.00	37.50	412.50												
31/05/2023	AJJ	Telephone call client re updated agenda (x 2)	1	75.00	75.00	7.50	82.50												
31/05/2023	AJJ	Review corro - Thomson Geer re ACT subpoena and attend to circulate to counsel	2	75.00	150.00	15.00	165.00												
31/05/2023	AJJ	Review corro from Lisa re conference and update agenda and call re time change	2	75.00	150.00	15.00	165.00												
31/05/2023	AJJ	Review Ms Saunders corro - Lee J re subpoena issues	1	75.00	75.00	7.50	82.50												
1/06/2023	NRS	Review email from Court and forward to counsel	1	65.00	65.00	6.50	71.50												
1/06/2023	DEC	Consider correspondence from Court re subpoena to DPP	1	65.00	65.00	6.50	71.50												
1/06/2023	NRS	Conference with counsel and client	20	65.00	1300.00	130.00	1430.00												
1/06/2023	DEC	Conference with you and senior and junior counsel regarding preparation of evidence and discovery	16	65.00	1040.00	104.00	1144.00												
1/06/2023	NRS	Email to client; email to counsel	1	65.00	65.00	6.50	71.50												
1/06/2023	NRS	Review and reply to email from counsel	1	65.00	65.00	6.50	71.50												
1/06/2023	NRS	Telephone call with counsel	1	65.00	65.00	6.50	71.50												
1/06/2023	AJJ	Review corro from Lee J Associate re subpoena's	1	75.00	75.00	7.50	82.50												
1/06/2023	AJJ	Attendance preparation for and attend conference with S.C and Dean re documents and statement drafting ar timetable issues	17	75.00	1275.00	127.50	1402.50												
1/06/2023	AJJ	Review corro to counsel (x 2) re subpoena issues and add to agenda items	2	75.00	150.00	15.00	165.00												
1/06/2023	AJJ	Settle corro to client with court docs - defence (x 3) and same corro to Dean and call to discuss	2	75.00	150.00	15.00	165.00												
1/06/2023	AJJ	Review Saunders corro re production of docs	1	75.00	75.00	7.50	82.50												
1/06/2023	AJJ	Review Saunders corro re appearance DPP issue	1	75.00	75.00	7.50	82.50												

6/07/2023	AJJ	Review 2nd Saunders corro re opposed orders and circulate	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Review long email and attachments from Thomson Geer re Electronic court book and review and settle and dispatch (Nicola) to counsel	3	75.00	225.00	22.50	247.50						
6/07/2023	AJJ	Review corro from Ms Allen O'Brien	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Settle corro to all parties re doc's to be included in Court book	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Settle corro to Lee J Associate	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Review corro from O'Brien lawyers	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Settle corro from Thomson Geer re appearances - Mr Senior ?	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Review ABC - Ms Daley - Court book issues x 2	2	75.00	150.00	15.00	165.00						
6/07/2023	AJJ	Review Thomson Geer corro re Court book - final and circulate and authorise corro to S.C and Dean	2	75.00	150.00	15.00	165.00						
6/07/2023	AJJ	Review corro O'Brien lawyers re National Press Club	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Review Thomson Geer - revised version of court book	1	75.00	75.00	7.50	82.50						
6/07/2023	AJJ	Review Thomson Geer corro to Lee J Associate and dispatch to S.C and Barry Dean	1	75.00	75.00	7.50	82.50						
7/07/2023	DEC	Consider advice form Court regarding uplift of subpoenaed documents	1	65.00	65.00	6.50	71.50						
7/07/2023	NRS	Conference with client and counsel	68	65.00	4420.00	442.00	4862.00	time objection as to 50%				Does not press part of entry	
7/07/2023	NRS	Email to client	1	65.00	65.00	6.50	71.50						
7/07/2023	AJJ	Attendance client conference, prep for court and attend court and post court conference	17	75.00	1275.00	127.50	1402.50						
7/07/2023	AJJ	Attendance preparation and attend client conference with S.C and Mr Dean and continue drafting Lisa's statement	52	75.00	3900.00	390.00	4290.00	time objection as to 50%				Does not press part of entry	
7/07/2023	AJJ	Attendance further long conference with client compromise offer/settlement issues and then confer with S.C and DEC thereafter and update task list and circulate final court orders	11	75.00	825.00	82.50	907.50						
7/07/2023	AJJ	Review Nicola corro to Counsel x 2 re corro served overnight	1	75.00	75.00	7.50	82.50						
7/07/2023	AJJ	Review Lehmann Confidential File - from client - review and discuss contents with Mr Dean and confer re inclusion of parts into draft statement	8	75.00	600.00	60.00	660.00						
7/07/2023	AJJ	Review (2) two further files from client (confidential)	3	75.00	225.00	22.50	247.50						
7/07/2023	AJJ	Review corro from Lee J Associate	1	75.00	75.00	7.50	82.50						
7/07/2023	AJJ	Review S.C corro re further copy of draft statement and circulate - print and provide to DEC	2	75.00	150.00	15.00	165.00						
7/07/2023	AJJ	Review corro from O'Brien Legal - offer and circulate	2	75.00	150.00	15.00	165.00						
7/07/2023	AJJ	Draft corro to Lisa - offer from Svlans	1	75.00	75.00	7.50	82.50						
7/07/2023	AJJ	Review latest draft Statement from S.C and circulate internally and client as well	2	75.00	150.00	15.00	165.00						
8/07/2023	AJJ	Attendance Bundle of doc's - attend S.C, Dean and Nicola	3	75.00	225.00	22.50	247.50						
8/07/2023	AJJ	Attendance draft affidavit of Jefferies	2	75.00	150.00	15.00	165.00						
8/07/2023	AJJ	Attendance corro to Sky - finalise and confer S.C, client and Thomson Geer	2	75.00	150.00	15.00	165.00						
8/07/2023	AJJ	Review Wilkinson/client corro re Sunrise Tweets and other docs and requested for Australia and Brittany file	4	75.00	300.00	30.00	330.00						
10/07/2023	DEC	Consider formal orders from Court	1	65.00	65.00	6.50	71.50						
10/07/2023	NRS	Conference with client and counsel to prepare evidence (including preparation, review documents before conference)	65	65.00	4225.00	422.50	4647.50	time objection as to 50%				Does not press part of entry	
10/07/2023	NRS	Preparation form for Discovery List of Documents	1	65.00	65.00	6.50	71.50						
10/07/2023	AJJ	Attendance prep for and attend conference with client, S.C, BD, Nicola to take statement - the SC's chambers	53	75.00	3975.00	397.50	4372.50	time objection as to 50%				Does not press part of entry	
10/07/2023	AJJ	Attendance client conference - AJJ and Lisa only after counsel re further docs for Statement, confidential material and further text messages	9	75.00	675.00	67.50	742.50	time objection as to 50%				Does not press part of entry	
10/07/2023	AJJ	Attendance settlement issues with client directly and discuss options and timetable issues (overseas timing issue etc)	11	75.00	825.00	82.50	907.50	time objection as to 50%				Does not press part of entry	
10/07/2023	AJJ	Review corro from Lee J Associate re formal orders - review and circulate	2	75.00	150.00	15.00	165.00						
10/07/2023	AJJ	Review Nicola corro to Thomson Geer - uplifting corro and confer re draft discovery list	2	75.00	150.00	15.00	165.00						
10/07/2023	AJJ	Review corro - Barry Dean - draft statement	1	75.00	75.00	7.50	82.50						
11/07/2023	NRS	Review 4 x emails from Thomson Geer and Court re uplift and copying of subpoenaed material	1	65.00	65.00	6.50	71.50						
11/07/2023	AJJ	Review corro from Thomson Geer - subpoena issues	1	75.00	75.00	7.50	82.50						
11/07/2023	AJJ	Review corro from Thomson Geer re MF12	1	75.00	75.00	7.50	82.50						
11/07/2023	AJJ	Review corro from Lee J Ass uplifting documents and reply from Amelia	1	75.00	75.00	7.50	82.50						
11/07/2023	AJJ	Review long corro - Saunders re evidence prep and circulate and confer with Dean	2	75.00	150.00	15.00	165.00						
12/07/2023	NRS	Review email from TG and forward to counsel	1	65.00	65.00	6.50	71.50						
12/07/2023	NRS	Review email from TG re subpoenaed material; arrangements re delivery of drive for copying of material	1	65.00	65.00	6.50	71.50						
12/07/2023	NRS	Preparation of evidence - review emails, messages and other documentary material from client re document identified in pleadings	10	65.00	650.00	65.00	715.00	time objection as to 50%				Does not press part of entry	
12/07/2023	NRS	Review emails from TG and MOL; email to counsel forwarding subpoenaed material and further subpoena	1	65.00	65.00	6.50	71.50						
12/07/2023	NRS	Review subpoenaed documents from NPC; FitzSimons, News Life Media	2	65.00	130.00	13.00	143.00						
12/07/2023	NRS	Email to TG re arrangements for copying of subpoenaed documents	1	65.00	65.00	6.50	71.50						
12/07/2023	NRS	Review pre-interview transcript - re preparation of evidence	29	65.00	1885.00	188.50	2073.50						
12/07/2023	AJJ	Attendance client teleconference re statement and application to examine subpoenaed party and confer with Nio thereafter	5	75.00	375.00	37.50	412.50						
12/07/2023	AJJ	Review corro Thomson Geer re Department Parliamentary Services documents - review	2	75.00	150.00	15.00	165.00						
12/07/2023	AJJ	Review Lee J Ass doc collection	1	75.00	75.00	7.50	82.50						
12/07/2023	AJJ	Review corro from Nicola - Thomson Geer Seven Network corro	1	75.00	75.00	7.50	82.50						
13/07/2023	NRS	Conference with client and counsel re preparation of evidence	60	65.00	3900.00	390.00	4290.00	time objection as to 50%				Does not press part of entry	
13/07/2023	NRS	Review transcript of final interview - re preparation of evidence	10	65.00	650.00	65.00	715.00						
13/07/2023	AJJ	Attendance prep for and attend to S.C conference with client and ons re statement drafting and document management	57	75.00	4275.00	427.50	4702.50	time objection as to 50%				Does not press part of entry	
13/07/2023	AJJ	Review corro from Mr Dean docs for statement - follow up	1	75.00	75.00	7.50	82.50						
14/07/2023	NRS	Email to counsel - re preparation of discovery list of documents	1	65.00	65.00	6.50	71.50						
14/07/2023	NRS	Telephone call with client	2	65.00	130.00	13.00	143.00						
14/07/2023	NRS	Review emails from Court and Thomson Geer; email to counsel re same	1	65.00	65.00	6.50	71.50						
14/07/2023	DEC	Consider advice from TEN re directions hearing on Monday and proposed Court Book	1	65.00	65.00	6.50	71.50						
14/07/2023	NRS	Telephone call with Thomson Geer	1	65.00	65.00	6.50	71.50						
14/07/2023	NRS	Email to court re appearances	1	65.00	65.00	6.50	71.50						
14/07/2023	NRS	Review documentary material; drafting discovery list of documents	30	65.00	1950.00	195.00	2145.00	time objection as to 50%				Does not press part of entry	
14/07/2023	NRS	Email to counsel re electronic court book	1	65.00	65.00	6.50	71.50						
14/07/2023	AJJ	Review corro list of discovery docs	1	75.00	75.00	7.50	82.50						
14/07/2023	AJJ	Review Lee J Ass corro re case management hearing	1	75.00	75.00	7.50	82.50						

24/07/2023	NRS	Review proposed discovery documents; compile bundle of potentially privileged documents	10	65.00	650.00	65.00	715.00	time objection as to 50%		Does not press part of entry
24/07/2023	AJJ	Attendance confer with Lisa statement and discovery list (amended)	8	75.00	600.00	60.00	660.00	time objection as to 50%		Does not press part of entry
24/07/2023	AJJ	Attendance Lisa W re privilege issues raised by 10 and with docs and amendments to paragraphs 59, 63 and 72	9	75.00	675.00	67.50	742.50	time objection as to 50%		Does not press part of entry
24/07/2023	AJJ	Review draft discovery list form Nicola and amend and confer DEC	2	75.00	150.00	15.00	165.00	time objection as to 50%		Does not press part of entry
24/07/2023	AJJ	Review Lisa corro re para's 128 and 129 - statement and other amendments re statement - long corro and call discuss	5	75.00	375.00	37.50	412.50	time objection as to 50%		Does not press part of entry
24/07/2023	AJJ	Settle long corro from Nicola to S.C and Dean re Higgins celebrité corro (5mb)	4	75.00	300.00	30.00	330.00			
24/07/2023	AJJ	Settle draft list of doc's from Nicola and confer DEC	6	75.00	450.00	45.00	495.00			
24/07/2023	AJJ	Review long corro to team from DEC re draft Lisa affidavit	3	75.00	225.00	22.50	247.50			
25/07/2023	NRS	Review further subpoenas filed by Ten; email to counsel re subpoenas	2	65.00	130.00	13.00	143.00			
25/07/2023	DEC	Review subpoenae to give evidence issued by TEN	1	65.00	65.00	6.50	71.50			
25/07/2023	NRS	Telephone call with junior counsel re availability for conference and status of liaising with Ten re evidence of clie circulate Zoom link for conference	1	65.00	65.00	6.50	71.50			
25/07/2023	DEC	Telephone call with M Saunders regarding TEN draft affidavits and outlines	1	65.00	65.00	6.50	71.50			
25/07/2023	NRS	Conference with AJJ, DEC, Dean, Chrysanthou	5	65.00	325.00	32.50	357.50			
25/07/2023	DEC	Telephone call conferring with senior and junior counsel regarding TEN's requests as to privilege; finalisation of clie affidavit; discovery	4	65.00	260.00	26.00	286.00			
25/07/2023	NRS	Compiling bundle of discoverable documents; prepare copy for TEN; draft letter to TEN re privilege and discovery	8	65.00	520.00	52.00	572.00	time objection as to 50%		Does not press part of entry
25/07/2023	NRS	Email to Thomson Geer - re discovery and privilege	1	65.00	65.00	6.50	71.50			
25/07/2023	DEC	Review proposed truth evidence to be served by TEN	12	65.00	780.00	78.00	858.00			
25/07/2023	RAS	Preparation Redacting information from discovery material; emails, phone numbers, live video links etc.	48	25.00	1200.00	120.00	1320.00	time objection as to 50%		Does not press part of entry
25/07/2023	NRS	Review email from Thomson Geer re Ten's evidence; forward email to counsel	1	65.00	65.00	6.50	71.50			
25/07/2023	NRS	Review proposed amendments to affidavit from client; amend draft affidavit to incorporate comments from client and Ten; email to counsel attaching amended draft affidavit	21	65.00	1365.00	136.50	1501.50	time objection as to 50%		Does not press part of entry
25/07/2023	DEC	Consider further amendments to affidavit proposed by client; discussion with junior counsel regarding same	9	65.00	585.00	58.50	643.50	time objection as to 50%		Does not press part of entry
25/07/2023	AJJ	Review corro Ms Allen - Laura Tingle corro - update Court book	1	75.00	75.00	7.50	82.50			
25/07/2023	AJJ	Attendance prep for and attend zoom conference with client & ors re statement amendments	9	75.00	675.00	67.50	742.50			
25/07/2023	AJJ	Attendance and prep for later afternoon and then evening conferences with S.C and Dean and then long telecc with client, DEC & Nicola	13	75.00	975.00	97.50	1072.50			
25/07/2023	AJJ	Attendance later updating calls to S.C and Dean after client conference re statement amendments and update ta list - and draft statement - hand written mark-ups	7	75.00	525.00	52.50	577.50			
25/07/2023	AJJ	Review long corro - Nicola to AJJ and counsel re list of subpoena's and update task list	2	75.00	150.00	15.00	165.00			
25/07/2023	AJJ	Review and settle corro to Saunders re USB doc's	1	75.00	75.00	7.50	82.50			
25/07/2023	AJJ	Review long corro from Saunders re 18 statements - confer DEC and circulate	7	75.00	525.00	52.50	577.50			
25/07/2023	AJJ	Settle corro to Dean re latest version of Wilkinson affidavit	1	75.00	75.00	7.50	82.50			
25/07/2023	AJJ	Attendance further calls with Dean and then S.C re further amendments to statements and update exhibits folder/list	6	75.00	450.00	45.00	495.00			
25/07/2023	AJJ	Review of further documents provided to AJJ by Lisa W and confer with Nicola for inclusion in list of discoverable documents	6	75.00	450.00	45.00	495.00			
26/07/2023	NRS	Email to Thomson Geer re qualified privilege affidavits	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Telephone call with Barry re draft affidavit	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Further 2 x telephone calls with Barry Dean re affidavit	4	65.00	260.00	26.00	286.00			
26/07/2023	DEC	Consider with team further evidence in chief required from client relating to interviews with Higgins	2	65.00	130.00	13.00	143.00			
26/07/2023	NRS	Conference with AJJ and DEC re preparation of client evidence	2	65.00	130.00	13.00	143.00			
26/07/2023	NRS	Further telephone call with Barry Dean re client affidavit	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Email to Barry Dean re transcripts of conferences/interviews between client and Brittany Higgins	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Telephone call with Thomson Geer re discovery, privilege, preparation of evidence	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Review and consider affidavit evidence provided by Thomson Geer	10	65.00	650.00	65.00	715.00			
26/07/2023	NRS	Review further subpoena filed by Network Ten; email to counsel re same	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Review email from counsel and latest draft of client's affidavit	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Review email from Thomson Geer re OP affidavits and forward to counsel	1	65.00	65.00	6.50	71.50			
26/07/2023	DEC	Consider draft OP affidavits from TEN; review further draft of LW affidavit from counsel	11	65.00	715.00	71.50	786.50	time objection as to 50%		Does not press part of entry
26/07/2023	NRS	Telephone call with Barry Dean re discovery list of documents	6	65.00	390.00	39.00	429.00			
26/07/2023	DEC	Consider privilege issues for documents for discovery; analyse documents for redaction	6	65.00	390.00	39.00	429.00			
26/07/2023	NRS	Telephone call with counsel re draft affidavit and privilege	1	65.00	65.00	6.50	71.50			
26/07/2023	NRS	Amend draft affidavit, including correct paragraph numbering and place on Federal Court form	3	65.00	195.00	19.50	214.50			
26/07/2023	DEC	Brief review of further affidavit version following settling by counsel	2	65.00	130.00	13.00	143.00			
26/07/2023	NRS	Preparation of redacted bundle of privileged documents - discovery	25	65.00	1625.00	162.50	1787.50	time objection as to 50%		Does not press part of entry
26/07/2023	NRS	Preparation for conference	2	65.00	130.00	13.00	143.00			
26/07/2023	AJJ	Attendance calls with S.C Dean re statement amendments and update master doc with Nicola	6	75.00	450.00	45.00	495.00	time objection as to 50%		Does not press part of entry
26/07/2023	AJJ	Telephone call calls x 2 with client re conference tomorrow and further amendments instructions	4	75.00	300.00	30.00	330.00	time objection as to 50%		Does not press part of entry
26/07/2023	AJJ	Attendance further page turn review of draft statement and amend accordingly and confer Nicola and DEC	19	75.00	1425.00	142.50	1567.50	time objection as to 50%		Does not press part of entry
26/07/2023	AJJ	Review 10 Material re S30 and cross check against Wilkinson statement and confer with Nicola	11	75.00	825.00	82.50	907.50	time objection as to 50%		Does not press part of entry
27/07/2023	DEC	Consider further OP evidence from TEN and position of TEN re redactions for discovery and relevance documents	2	65.00	130.00	13.00	143.00			
27/07/2023	RAS	Preparation Preparation of discovery material, instant messages	32	25.00	800.00	80.00	880.00	time objection as to 50%		Does not press part of entry
27/07/2023	NRS	Conference with client and counsel - preparation of affidavit (10 hours)	100	65.00	6500.00	650.00	7150.00	time objection as to 50%		Does not press part of entry
27/07/2023	AJJ	Review long corro - Saunders in review and confer with DEC and Nicola re response re discovery documents at update list	2	75.00	150.00	15.00	165.00			
27/07/2023	AJJ	Review discovery email to Mr Dean of counsel and confer	1	75.00	75.00	7.50	82.50			
27/07/2023	AJJ	Review and circulate Binnie affidavit from Saunders	2	75.00	150.00	15.00	165.00			
27/07/2023	AJJ	Review S.C corro re redacted documents and action the same with Nicola	2	75.00	150.00	15.00	165.00			
27/07/2023	AJJ	Attendance prep for and attend long conference with client and Mr Dean of counsel to conference taking detail client statement and confer with S.C during the course of the day and evening	10	75.00	712.50	71.25	783.75	time objection as to 50%		Does not press part of entry
27/07/2023	AJJ	Review Dean latest version of statement	1	75.00	75.00	7.50	82.50			
27/07/2023	AJJ	Settle corro to Saunders re Lisa draft statement and update S.C	1	75.00	75.00	7.50	82.50			
27/07/2023	AJJ	Review Saunders corro re Lisa affidavit - comments - review and confer counsel and client	1	75.00	75.00	7.50	82.50			
28/07/2023	DEC	Conference with you and counsel finalising affidavit evidence	113	65.00	7345.00	734.50	8079.50	time objection as to 50%		Does not press part of entry

28/07/2023	NRS	Conference with client and counsel to finalise affidavit and discovery (12 hours), including finalise discover documents and list of documents, telephone call with OS re discovery, confer in detail re affidavit, witness affidavit serve affidavit	120	65.00	7800.00	780.00	8580.00	time objection as to 50%		Does not press part of entry
28/07/2023	AJJ	Attendance continue taking Lisa's statement and conferring with Dean, Nicola and then S.C during session w client to settle	44	75.00	3300.00	330.00	3630.00	time objection as to 50%		Does not press part of entry
28/07/2023	AJJ	Attendance settle list of documents	9	75.00	675.00	67.50	742.50	time objection as to 50%		Does not press part of entry
28/07/2023	AJJ	Attendance sign off and have discovery and Lisa's affidavit dispatched and updated client and NF accordingly	4	75.00	300.00	30.00	330.00	time objection as to 50%		Does not press part of entry
28/07/2023	AJJ	Settle corro to Mr Dean and confer re Saunders comments version of the statement	1	75.00	75.00	7.50	82.50			
28/07/2023	AJJ	Review long corro Svilans - serving 5 affidavits and circulate	4	75.00	300.00	30.00	330.00			
28/07/2023	AJJ	Review Saunders corro re sharefile evidence	1	75.00	75.00	7.50	82.50			
28/07/2023	AJJ	Review corro - Nicola to all parties - settle - outlines evidence	1	75.00	75.00	7.50	82.50			
28/07/2023	AJJ	Review Saunders corro re evidence in chief - sharefile and circulate	4	75.00	300.00	30.00	330.00			
28/07/2023	AJJ	Settle corro - service our material - sign off	1	75.00	75.00	7.50	82.50			
28/07/2023	AJJ	Settle corro - service to Lee J Associate	1	75.00	75.00	7.50	82.50			
28/07/2023	AJJ	Attendance corro to S.C and Mr Dean and call client and S.C	3	75.00	225.00	22.50	247.50			
31/07/2023	NRS	Review email from Marla Saunders re filing of evidence; review evidence from Plaintiff and Ten	19	65.00	1235.00	123.50	1358.50	time objection as to 50%		Does not press part of entry
31/07/2023	DEC	Review evidence served for applicant and first respondent	33	65.00	2145.00	214.50	2359.50	time objection as to 50%		Does not press part of entry
31/07/2023	NRS	Attendance to copying and arrangements for delivery of discovery documents	5	65.00	325.00	32.50	357.50	time objection as to 50%		Does not press part of entry
31/07/2023	NRS	Review email from Thomson Geer and 2 x further affidavits	2	65.00	130.00	13.00	143.00			
31/07/2023	AJJ	Attendance calls with S.C and client and Nicola	4	75.00	300.00	30.00	330.00			
31/07/2023	AJJ	Attendance final review of discovery docs and list and attend to privilege docs and court orders	6	75.00	450.00	45.00	495.00	time objection as to 50%		Does not press part of entry
31/07/2023	AJJ	Review Lehmann affidavit (and supporting material) and confer with DEC and S.C	14	75.00	1050.00	105.00	1155.00	time objection as to 50%		Does not press part of entry
31/07/2023	AJJ	Telephone call Mr Dean re Court orders - compliance and discovery list issues and update S.C and Nicola	3	75.00	225.00	22.50	247.50			
31/07/2023	AJJ	Review Saunders corro re 2 further affidavits served and circulate	2	75.00	150.00	15.00	165.00			
1/08/2023	NRS	Email to other parties re service of discovery documents	1	65.00	65.00	6.50	71.50			
1/08/2023	NRS	Review court file; email to counsel re further subpoenas filed by Ten	1	65.00	65.00	6.50	71.50			
1/08/2023	NRS	Review email from Marla Saunders and attached affidavit; email to counsel forwarding further evidence served	1	65.00	65.00	6.50	71.50			
1/08/2023	DEC	Review further affidavit served by TEN	1	65.00	65.00	6.50	71.50			
1/08/2023	AJJ	Review Saunders corro re Wenke	3	75.00	225.00	22.50	247.50			
1/08/2023	AJJ	Settle corro to S.C and Dean	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Settle corro to all Parties re USB storage - List of docs and update counsel	3	75.00	225.00	22.50	247.50			
1/08/2023	AJJ	Review Saunders corro - List of Document	2	75.00	150.00	15.00	165.00			
1/08/2023	AJJ	Review corro from Thomson Geer doc password	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Review Saunders corro - re sharefile link	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Review Svilans corro re List of Docs	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Settle corro to S.C and Barry (x2) and confer Nicola re Court orders	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Review Svilans corro to Federal Court Associate re service of documents and circulate affidavits	2	75.00	150.00	15.00	165.00			
1/08/2023	AJJ	Review Svilans corro to Saunders re further affidavits	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Settle corro to Svilans re list of documents issues	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Review Svilans corro re Item 72 in Dropbox	1	75.00	75.00	7.50	82.50			
1/08/2023	AJJ	Review DEC/Nicola corro re Item 72 and 52 in Brief of Evidence and DEC reply corro	2	75.00	150.00	15.00	165.00			
2/08/2023	NRS	Review 2 x emails from Ten re service of discovery documents and download discovery documents	1	65.00	65.00	6.50	71.50			
2/08/2023	DEC	Consider TEN's List of Documents	14	65.00	910.00	91.00	1001.00	time objection as to 50%		Does not press part of entry
2/08/2023	NRS	Review email from Mark O'Brien Legal re service of discovery documents; 2 x emails to counsel re discover documents	1	65.00	65.00	6.50	71.50			
2/08/2023	NRS	Review email from Svilans to Court re applicant evidence	1	65.00	65.00	6.50	71.50			
2/08/2023	DEC	Review applicant's list of documents and documents discovered	8	65.00	520.00	52.00	572.00			
2/08/2023	NRS	Draft email to OS re omissions in discovery material	2	65.00	130.00	13.00	143.00			
2/08/2023	DEC	Settle correspondence to MOBL re defects in discovery	1	65.00	65.00	6.50	71.50			
2/08/2023	NRS	Review email from OS re omitted discovery documents	1	65.00	65.00	6.50	71.50			
3/08/2023	AJJ	Attendance call from Saunders re settlement of proceedings and confer with client and S.C and attend to indemn issues as part of settlement	11	75.00	825.00	82.50	907.50	time objection as to 50%		Does not press part of entry
3/08/2023	AJJ	Review list of documents from 10 Lehmann - cross-check with our list and commence review of all discover material and set up Master Document List for tender bundle for court hearing	17	75.00	1275.00	127.50	1402.50	time objection as to 50%		Does not press part of entry
3/08/2023	AJJ	Review internal tranche of Lehmann evidence and filed and call S.C to discuss re updates and update client	16	75.00	1200.00	120.00	1320.00			
3/08/2023	AJJ	Attendance very long teleconference with client (1:09mins) re evidence and settlement issues	10	75.00	750.00	75.00	825.00			
3/08/2023	AJJ	Attendance DEC re draft Statement and reply corro from S.C	1	75.00	75.00	7.50	82.50			
3/08/2023	AJJ	Attendance consent orders - settlement issues - drafting note for client ie - settlement options and call client discuss	3	75.00	225.00	22.50	247.50			
4/08/2023	NRS	Review email from OS to Thomson Geer re outstanding evidence in chief	1	65.00	65.00	6.50	71.50			
4/08/2023	AJJ	Attendance DEC re settlement discussions with client	1	75.00	75.00	7.50	82.50			
4/08/2023	AJJ	Attendance Barry Dean re discovery documents - see ancillary list and update S.C	1	75.00	75.00	7.50	82.50			
4/08/2023	AJJ	Attendance long call Barry Dean and then S.C re BOI report	2	75.00	150.00	15.00	165.00			
4/08/2023	AJJ	Attendance Barry Dean re Court orders and reply corro issues re court timetable and confer with S.C re need fi reply statements	3	75.00	225.00	22.50	247.50			
4/08/2023	AJJ	Telephone call long call with client - settlement and next steps (1:15 mins x 2 calls) but say 9 units	9	75.00	675.00	67.50	742.50			
7/08/2023	NRS	Attendance to liaison with IT re description of Ten discovery documents	2	65.00	130.00	13.00	143.00			
7/08/2023	NRS	Review email from OS and attached 2 x affidavits; email to counsel forwarding further material	2	65.00	130.00	13.00	143.00			
7/08/2023	NRS	Attendance to attempt to decrypt discovered documents file; email to Ten re potential corruption of files	2	65.00	130.00	13.00	143.00			
7/08/2023	DEC	Consider further affidavits served by TEN	1	65.00	65.00	6.50	71.50			
7/08/2023	AJJ	Attendance Lisa W and then S.C re settlement/indemnity issues and options and timetable issues and release other parties evidence to client	5	75.00	375.00	37.50	412.50			
7/08/2023	AJJ	Review Saunders corro - 2 more affidavits - review and circulate to S.C and Barry (through Nicola) and upda evidence schedule folder	5	75.00	375.00	37.50	412.50			
7/08/2023	AJJ	Review Nicola corro to Amelia - Thomas Geer re decryption docs/codes	1	75.00	75.00	7.50	82.50			
7/08/2023	AJJ	Review corro from Saunders to Associate re Jago statement	1	75.00	75.00	7.50	82.50			
7/08/2023	AJJ	Review Svilans corro re Orders and non-compliance issues-circulate to counsel and update client	2	75.00	150.00	15.00	165.00			
7/08/2023	AJJ	Review Thomas Geer corro - re unzipping of files - 1194 documents	1	75.00	75.00	7.50	82.50			
8/08/2023	DEC	Consider correspondence from MOBL regarding reply evidence	1	65.00	65.00	6.50	71.50			

8/08/2023	NRS	Review email from Network Ten; attendance to decrypt Ten discovery documents	2	65.00	130.00	13.00	143.00	time objection as to 50%			Does not press part of entry		
8/08/2023	NRS	Review email from Ten to OS	1	65.00	65.00	6.50	71.50						
8/08/2023	AJJ	Review Saunders corro re proposed SMO and confer with counsel	2	75.00	150.00	15.00	165.00						
8/08/2023	AJJ	Review Svlans corro to Saunders re SMO	1	75.00	75.00	7.50	82.50						
8/08/2023	AJJ	Review Saunders corro to Svlans re SMO issues	1	75.00	75.00	7.50	82.50						
9/08/2023	NRS	Review emails between Mark O'Brien Legal and Thomson Geer; email to counsel re same	1	65.00	65.00	6.50	71.50						
9/08/2023	DEC	Consider further proposed SMO from Applicant	1	65.00	65.00	6.50	71.50						
9/08/2023	NRS	Email to other parties re proposed short minutes of order and communication to Associate	1	65.00	65.00	6.50	71.50						
9/08/2023	NRS	Review email from OS to court and attached SMO	1	65.00	65.00	6.50	71.50						
9/08/2023	DEC	Consider correspondence from TEN to MOBL re discovery/Harman	1	65.00	65.00	6.50	71.50						
9/08/2023	AJJ	Review balance of Svlans and Saunders affidavit material (2 tranches)	16	75.00	1200.00	120.00	1320.00						
9/08/2023	AJJ	Review Saunders corro re SMO and corro re SMO and corro to be dispatched to the Court	1	75.00	75.00	7.50	82.50						
9/08/2023	AJJ	Review Svlans corro (2nd) SMO - circulate	1	75.00	75.00	7.50	82.50						
9/08/2023	AJJ	Review Saunders - Harman corro and circulate	1	75.00	75.00	7.50	82.50						
10/08/2023	NRS	Review email from Thomson Geer to MOL re effect of discovery on Harman obligations; forward to counsel for input	1	65.00	65.00	6.50	71.50						
10/08/2023	NRS	Review email from SC re any response to communication from TG to MOB re Harman/discovery	1	65.00	65.00	6.50	71.50						
10/08/2023	DEC	Review correspondence from MOBL regarding Harman and non-disclosure orders	1	65.00	65.00	6.50	71.50						
10/08/2023	AJJ	Draft and settle corro to S.C and Dean re Harman undertaking issues and call from Mr Dean to discuss	2	75.00	150.00	15.00	165.00						
10/08/2023	AJJ	Review S.C corro re Harman response	1	75.00	75.00	7.50	82.50						
10/08/2023	AJJ	Review Svlans corro to Saunders (2nd) Harman issues continued	1	75.00	75.00	7.50	82.50						
11/08/2023	DEC	Consider correspondence from Court regarding rejection of proposed timetable amendment	1	65.00	65.00	6.50	71.50						
11/08/2023	NRS	Review email from MOB to TG re discovery, non-publication orders and Harman undertaking; forward email counsel	1	65.00	65.00	6.50	71.50						
11/08/2023	NRS	Review email from Associate re short minutes of order; forward to counsel	1	65.00	65.00	6.50	71.50						
11/08/2023	AJJ	Review corro from Lee J Associate	1	75.00	75.00	7.50	82.50						
11/08/2023	AJJ	Review Nicola corro to S.C and Dean and field calls from S.C re Harman corro and Lee's corro	2	75.00	150.00	15.00	165.00						
11/08/2023	AJJ	Review Nicola corro to S.C and Dean and field call from S.C re Harman corro and Lee's corro	2	75.00	150.00	15.00	165.00						
14/08/2023	NRS	Compiling social media postings re 7 News Spotlight	5	65.00	325.00	32.50	357.50						
14/08/2023	IMG	Research social media posts re 7 news Spotlight	13	25.00	325.00	32.50	357.50						
14/08/2023	AJJ	Attendance review spotlight programme and confer with S.C re possible contempt issues and obtain media coverage and confer with client	18	75.00	1350.00	135.00	1485.00	time objection as to 50%			Does not press part of entry		
14/08/2023	AJJ	Attendance corro re Sky appearance tonight and attend to its taping	2	75.00	150.00	15.00	165.00						
14/08/2023	AJJ	Attendance Nicola re contempt possible issue	1	75.00	75.00	7.50	82.50						
15/08/2023	AJJ	Attendance call from Dean re timetable issue and review correct orders and confer DEC - re reply evidence	3	75.00	225.00	22.50	247.50						
16/08/2023	NRS	Email to Thomson Geer re further subpoenas and transcription relating to Lehmann interviews	1	65.00	65.00	6.50	71.50						
16/08/2023	DEC	Determination of material for evidence in reply and tender in chief; review position of re-service of affidavits/outlin on applicant	3	65.00	195.00	19.50	214.50						
16/08/2023	NRS	Email to counsel re arranging conference to discuss next steps	1	65.00	65.00	6.50	71.50						
16/08/2023	DEC	Consider transcripts of Applicant interview; further subpoena to produce to Seven Network	6	65.00	390.00	39.00	429.00						
16/08/2023	NRS	Compiling copy of evidence and documentary material for counsel; email to counsel re preparation of list documents proposed to be tendered in chief	5	65.00	325.00	32.50	357.50						
16/08/2023	NRS	Review emails from Thomson Geer re subpoena to Seven and transcript; email to counsel re same	1	65.00	65.00	6.50	71.50						
16/08/2023	NRS	Telephone call with junior counsel re preparation of list of documents	3	65.00	195.00	19.50	214.50						
16/08/2023	DEC	Review other parties' discovery for inclusion in tender list	22	65.00	1430.00	143.00	1573.00						
16/08/2023	AJJ	Settle corro to Thomson Geer re Spotlight, Sky interviews and confer with S.C and client	2	75.00	150.00	15.00	165.00						
16/08/2023	AJJ	Review corro S.C and Dean re reply evidence	1	75.00	75.00	7.50	82.50						
16/08/2023	AJJ	Review Thomson Geer corro re transcripts - Spotlight etc and review and circulate	2	75.00	150.00	15.00	165.00						
16/08/2023	AJJ	Review subpoena - Seven Operations - review and circulate	1	75.00	75.00	7.50	82.50						
16/08/2023	AJJ	Settle corro to Mr Dean re tender material and confer Nicola	1	75.00	75.00	7.50	82.50						
17/08/2023	NRS	Telephone call with junior counsel	1	65.00	65.00	6.50	71.50						
17/08/2023	DEC	Review with solicitor items to address for reply/tender list	1	65.00	65.00	6.50	71.50						
17/08/2023	AJJ	Attendance S.C re reply corro and review further affidavit material	12	75.00	900.00	90.00	990.00						
17/08/2023	AJJ	Attendance confer S.C re reply evidence	4	75.00	300.00	30.00	330.00						
17/08/2023	AJJ	Attendance Barry Dean and attend Nicola and DEC re Ten/Lehmann affidavits re reply material - cross check s2 issues and all documents	14	75.00	1050.00	105.00	1155.00						
18/08/2023	NRS	Telephone call conference with counsel and AJJ	5	65.00	325.00	32.50	357.50						
18/08/2023	NRS	Email to Thomson Geer re tender list	1	65.00	65.00	6.50	71.50						
18/08/2023	NRS	Email to counsel re copies of affidavit evidence	1	65.00	65.00	6.50	71.50						
18/08/2023	NRS	Review email from Thomson Geer re tender list	1	65.00	65.00	6.50	71.50						
18/08/2023	NRS	Review and compile news reporting and Hansard from 15 February 2021	3	65.00	195.00	19.50	214.50						
18/08/2023	AJJ	Attendance prep fro and then attend S.C teleconference and update DEC and reply evidence issues before decision made	18	75.00	1350.00	135.00	1485.00						
18/08/2023	AJJ	Telephone call Mr Dean re reply evidence	1	75.00	75.00	7.50	82.50						
18/08/2023	AJJ	Attendance offer letter and then confer with client and S.C and discuss settlement option and update Nicola re drg letter	9	75.00	675.00	67.50	742.50						
18/08/2023	AJJ	Review corro from Thomson Geer re list of documents and review	2	75.00	150.00	15.00	165.00						
18/08/2023	AJJ	Review Saunders corro re draft Calderbank letter and circulate and confer DEC	3	75.00	225.00	22.50	247.50						
18/08/2023	AJJ	Draft corro to Lisa re draft Calderbank letter and call to discuss	3	75.00	225.00	22.50	247.50						
18/08/2023	AJJ	Attendance Mr Dean re calderbank letter	1	75.00	75.00	7.50	82.50						
21/08/2023	NRS	Draft note to Thomson Geer re draft offer of compromise	1	65.00	65.00	6.50	71.50						
21/08/2023	NRS	Telephone call with Thomson Geer - re documentary tender	1	65.00	65.00	6.50	71.50						
21/08/2023	NRS	Email to counsel re documents relevant to proposed offer of compromise by Ten - issue of indemnification - include compile documents	2	65.00	130.00	13.00	143.00						
21/08/2023	NRS	Telephone call with counsel	2	65.00	130.00	13.00	143.00						
21/08/2023	NRS	Review Lehmann discovery material	3	65.00	195.00	19.50	214.50						
21/08/2023	AJJ	Attendance prep for and attend S.C re reply and indemnification and settlement issues and draft orders re dismissal issues	11	75.00	825.00	82.50	907.50						
21/08/2023	AJJ	Attendance balance of App's and Tens evidence re reply continued from last Friday and update S.C and then Lisa	21	75.00	1575.00	157.50	1732.50						

22/11/2023	AJJ	Review Dean corro and reply	1	75.00	75.00	7.50	82.50						
23/11/2023	DEC	Review annotated affidavits; final transcript; record of evidence; consider interlocutory application from Ten re A) evidence; logistic planning for Day 2 and 3; draft lipreading orders; Saunders affidavit re expert lipreader	9	65.00	585.00	58.50	643.50						
23/11/2023	DEC	Consider correspondence from Department of Parliamentary Services re documents proposed to be tendered.	2	65.00	130.00	13.00	143.00						
23/11/2023	DEC	Consider further evidence of applicant; application by Commonwealth	8	65.00	520.00	52.00	572.00						
23/11/2023	NRS	Court Appearance for hearing including preparation and conference after court	93	65.00	6045.00	604.50	6649.50						
23/11/2023	AJJ	Attendance Prep for and attend hearing and pre court conference with counsel	72	75.00	5400.00	540.00	5940.00	time objection as to 50%				Does not press part of entry	
23/11/2023	AJJ	Attendance Post court conference with client and counsel and attend to email corro during the course of the day	18	75.00	1350.00	135.00	1485.00	time objection as to 50%				Does not press part of entry	
23/11/2023	AJJ	Review Transcript Marla - circulate	1	75.00	75.00	7.50	82.50						
23/11/2023	AJJ	Review Corro Lee J Associate	1	75.00	75.00	7.50	82.50						
24/11/2023	DEC	Review redacted material for publication; Spotlight interview material for cross-examination	4	65.00	260.00	26.00	286.00						
24/11/2023	DEC	Consider applicant's further cross-examination	7	65.00	455.00	45.50	500.50						
24/11/2023	NRS	Court Appearance for hearing including preparation and conference after court.	104	65.00	6760.00	676.00	7436.00	time objection as to 50%				Does not press part of entry	
24/11/2023	NRS	Preparation for cross-examination including detailed review and transcribe video material to be tendered	26	65.00	1690.00	169.00	1859.00	time objection as to 50%				Does not press part of entry	
24/11/2023	AJJ	Attendance Prep for and attend Day 3 hearing of pre court conference with counsel and then client	74	75.00	5550.00	555.00	6105.00	time objection as to 50%				Does not press part of entry	
24/11/2023	AJJ	Attendance Post court confere with counsel and client	18	75.00	1350.00	135.00	1485.00	time objection as to 50%				Does not press part of entry	
24/11/2023	AJJ	Review Long corro - S.C. to Collins KC - draft and confer	4	75.00	300.00	30.00	330.00						
24/11/2023	AJJ	Review Quins affidavit	1	75.00	75.00	7.50	82.50						
24/11/2023	AJJ	Review Corro Dean request and attend	1	75.00	75.00	7.50	82.50						
24/11/2023	AJJ	Review S.C. corro re time codes	1	75.00	75.00	7.50	82.50						
24/11/2023	AJJ	Review S.C. corro re Sunrise and action	1	75.00	75.00	7.50	82.50						
24/11/2023	BJR	Preparation of Transcripts of Lehmann's interviews on Sunrise and Sky News	40	25.00	1000.00	100.00	1100.00	time objection as to 50%				Does not press part of entry	
24/11/2023	BJR	Research and compilation of media articles that state a position by Lehmann	15	25.00	375.00	37.50	412.50	time objection as to 50%				Does not press part of entry	
26/11/2023	NRS	Review multiple emails from counsel; attend to download Sky News interview	3	65.00	195.00	19.50	214.50						
27/11/2023	DEC	Consider transcript, judgments, exhibits, course of day's proceedings	12	65.00	780.00	78.00	858.00	time objection as to 50%				Does not press part of entry	
27/11/2023	NRS	Court Appearance for hearing including preparation and conference after court.	104	65.00	6760.00	676.00	7436.00	time objection as to 50%				Does not press part of entry	
27/11/2023	NRS	Telephone call with counsel, further preparation of documents to tender.	2	65.00	130.00	13.00	143.00						
27/11/2023	AJJ	Review Transcript (25th) review and circulate	2	75.00	150.00	15.00	165.00						
27/11/2023	AJJ	Review Dean corro (x3)	2	75.00	150.00	15.00	165.00						
27/11/2023	AJJ	Review S.C. corro and call	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Attendance 26th - review and action, 5 further emails Dean emails with Nicola	3	75.00	225.00	22.50	247.50						
27/11/2023	AJJ	Review Cross-examination corro - S.C. to Associate and corro to S.C.	3	75.00	225.00	22.50	247.50						
27/11/2023	AJJ	Review Lisa W corro	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Nicola corro to Dean	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Lee J Ass. corro	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Dean corro re "Lod" message	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Svilians corro re exhibits	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Attendance Transcript - circulate	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review T.G. tender list corro and confer S.C.	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review T.C. corro re XX requirements	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Dean corro re videos and action with Nicola	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Dean corro item 107 and Tab 1136	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Corro - Lee J Associate	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Attendance Corro from Lee J Associate (x2) and circulate - Nicola	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Svilians corro re Youtube issues	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Review Tab 65 - Court Book issue from T.C.	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Attendance Transcript issues	1	75.00	75.00	7.50	82.50						
27/11/2023	AJJ	Attendance Prep for and attend Fed Court hearing and pre court conference - counsel (x2) and then client	75	75.00	5625.00	562.50	6187.50						
27/11/2023	BJR	Preparation of 2RS exhibits for Court hearing	5	25.00	125.00	12.50	137.50						
27/11/2023	BJR	Preparation of 2RS authorities for Court Hearing	3	25.00	75.00	7.50	82.50						
28/11/2023	DEC	Consider correspondence from COurt re transcript corrections; TG witness estimates request; call for documents re Karp;	3	65.00	195.00	19.50	214.50						
28/11/2023	DEC	Meeting with team to review progress; assign tasks for further hearing	2	65.00	130.00	13.00	143.00						
28/11/2023	NRS	Court Appearance for hearing including preparation and conference after court	90	65.00	5850.00	585.00	6435.00	time objection as to 50%				Does not press part of entry	
28/11/2023	AJJ	Attendance And prep for Fed Court hearing and pre court conferences with counsel then client	69	75.00	5175.00	517.50	5692.50	time objection as to 50%				Does not press part of entry	
28/11/2023	AJJ	Attendance Post court conference - client then S.C. and J.C. and then Nicola/DEC	14	75.00	1050.00	105.00	1155.00	time objection as to 50%				Does not press part of entry	
28/11/2023	AJJ	Review Svilians corro - xx Collins issues and circulate to S.C.	1	75.00	75.00	7.50	82.50						
28/11/2023	AJJ	Review Lee J. Ass corro	1	75.00	75.00	7.50	82.50						
28/11/2023	AJJ	Review Saunders corro - political network and circulate and confer with Nicola	1	75.00	75.00	7.50	82.50						
28/11/2023	AJJ	Review Svilians corro re Deed issues	1	75.00	75.00	7.50	82.50						
28/11/2023	AJJ	Review Letter puttage - T.G. -Saunders	1	75.00	75.00	7.50	82.50						
28/11/2023	AJJ	Attendance Concerns notice service issues - confer Nicola and S.C.	3	75.00	225.00	22.50	247.50						
28/11/2023	AJJ	Review Lee J. Ass. corro and confer Nicola - circulate	1	75.00	75.00	7.50	82.50						
29/11/2023	DEC	Review amended transcript for SOc; documents to tender; media articles re cross-examination; transcript applicant's chronology; applicant's position re lip-reading expert; further affidavit served by Ten	18	65.00	1170.00	117.00	1287.00						
29/11/2023	NRS	Preparation of bundle of documents to tender	12	65.00	780.00	78.00	858.00						
29/11/2023	NRS	Review email from OS re updated transcript and circulate to counsel	1	65.00	65.00	6.50	71.50						
29/11/2023	NRS	Review email from MOBL re expert report and forward to counsel	1	65.00	65.00	6.50	71.50						
29/11/2023	NRS	Review email from Associate re Record of Hearing; forward to counsel	1	65.00	65.00	6.50	71.50						
29/11/2023	NRS	Review email from Thomson Geer re supplementary affidavit, email to counsel re same	1	65.00	65.00	6.50	71.50						
29/11/2023	AJJ	Attendance Prep for and attend Fed Court hearing and pre court conference - client and S.C.	69	75.00	5175.00	517.50	5692.50						
29/11/2023	AJJ	Attendance Post court conference - client and Hen S.C. and J.C. and Nicola	6	75.00	450.00	45.00	495.00						
29/11/2023	AJJ	Review Corro - Svilians re Schedule A	1	75.00	75.00	7.50	82.50						
29/11/2023	AJJ	Review Nicola corro to S.C. re transcript issues and reply corro and confer S.C.	2	75.00	150.00	15.00	165.00						
29/11/2023	AJJ	Review S.C. corro x2 re tender doc's and action with Nicola - call	1	75.00	75.00	7.50	82.50						
29/11/2023	AJJ	Review x2 corro from S.C. re tender doc's and work them up with Nicola	3	75.00	225.00	22.50	247.50						

14/12/2023	DEC	Consider letter from MOBL re airdropping and WhatsApp; Ten's final QP tender list and exhibits; affidavit r lipreader	4	65.00	260.00	26.00	286.00												
14/12/2023	NRS	Review email from OS re proposed agreed facts and forward to counsel	1	65.00	65.00	6.50	71.50												
14/12/2023	AJJ	Attendance Fed Court - client evidence day - early start with client and counsel conference and end at 7:05pm conference after court	105	75.00	7875.00	787.50	8662.50												
14/12/2023	AJJ	Review Russell Kennedy corro - re Brown med. reports	1	75.00	75.00	7.50	82.50												
14/12/2023	AJJ	Review Svilians corro re Brown reports	1	75.00	75.00	7.50	82.50												
14/12/2023	AJJ	Attendance Attend to Brown undertaking - med. records	1	75.00	75.00	7.50	82.50												
14/12/2023	AJJ	Review Medical reports Brown and 2nd corro to MacCallum re affidavit	2	75.00	150.00	15.00	165.00												
14/12/2023	AJJ	Review Corro to MacCallum (x2) - settle and attend dispatch	1	75.00	75.00	7.50	82.50												
14/12/2023	AJJ	Review T.G. corro re tender doc's and attend circulate	1	75.00	75.00	7.50	82.50												
14/12/2023	AJJ	Review S.C. corro re text/email query and Nicola reply	1	75.00	75.00	7.50	82.50												
15/12/2023	NRS	Review email from Thomson Geer re tender list and forward to counsel	1	65.00	65.00	6.50	71.50												
15/12/2023	NRS	Review email from OS re exhibit	1	65.00	65.00	6.50	71.50												
15/12/2023	DEC	Telephone call with senior counsel reviewing cross-examination and next steps, including in relation to any furth proposed questioning by Ten on issues unconnected with primary claim	3	65.00	195.00	19.50	214.50												
15/12/2023	NRS	Review cross-examination of Ms Wilkinson (morning session)	20	65.00	1300.00	130.00	1430.00												
15/12/2023	NRS	Court Appearance for afternoon session including preparation	25	65.00	1625.00	162.50	1787.50												
15/12/2023	NRS	Review emails from MOBL (re proposed agreed fact) and Thomson Geer (re cross-examination of Thornton) ar forward to counsel	1	65.00	65.00	6.50	71.50												
15/12/2023	NRS	Review email from Thomson Geer re discovery correction and forward to counsel	1	65.00	65.00	6.50	71.50												
15/12/2023	NRS	Email to MOBL re - follow up on letter re costs/deed issue	1	65.00	65.00	6.50	71.50												
15/12/2023	DEC	Review correspondence regarding agreed facts, transcripts, updating consul	4	65.00	260.00	26.00	286.00												
15/12/2023	NRS	Email to Fiona Brown solicitors re service of evidence	1	65.00	65.00	6.50	71.50												
15/12/2023	AJJ	Review T.G. corro - exhibit 61. issues - from Svilians Ms Alien and reply corro	1	75.00	75.00	7.50	82.50												
15/12/2023	AJJ	Review Svilians corro re agreed facts	1	75.00	75.00	7.50	82.50												
15/12/2023	AJJ	Review Nicola corro to MacCallum re report issues	1	75.00	75.00	7.50	82.50												
15/12/2023	AJJ	Settle and authorize corro to Svilians re MFI-46	1	75.00	75.00	7.50	82.50												
15/12/2023	AJJ	Attendance 2nd day of client xx - prep for and attend Fed Court	75	75.00	5625.00	562.50	6187.50												
15/12/2023	AJJ	Attendance Conference after court - with client, debrief re xx, thereafter S.C. and J.C.	11	75.00	825.00	82.50	907.50												
15/12/2023	BJR	Preparation and compilation of CB exhibits in an electronic file for Court Hearing	60	25.00	1500.00	150.00	1650.00												
16/12/2023	NRS	Review email from court re hearing record and forward to counsel	1	65.00	65.00	6.50	71.50												
18/12/2023	NRS	Preparation for hearing, including prepare Brown cross-examination bundle, review and forward correspondenc from other parties to counsel	15	65.00	975.00	97.50	1072.50												
18/12/2023	NRS	Email to other parties - re agreed facts	1	65.00	65.00	6.50	71.50												
18/12/2023	DEC	Review correspondence regarding disputed agreed facts: response from MOBL regarding costs billed to applicant	3	65.00	195.00	19.50	214.50												
18/12/2023	NRS	Review court proceedings (morning session), telephone call and emails with counsel, including re documenta tender, Commonwealth application for suppression orders.	25	65.00	1625.00	162.50	1787.50												
18/12/2023	NRS	Review court (afternoon session) including liaison with AJJ and counsel	10	65.00	650.00	65.00	715.00												
18/12/2023	DEC	Review transcript	5	65.00	325.00	32.50	357.50												
18/12/2023	AJJ	Review Corro Lee J Associate - attend - circulate (Nicola)	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review 2nd corro - MacCallum	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Hogan-Doran S.C. corro re Brown	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Attendance Review and circulate - MacCallum exhibits	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Lee J Associate corro re Webex - Hogan-Doran corro and reply corro and circulate	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Corro S.C. re prep for XX of Brown - doc request and compose	3	75.00	225.00	22.50	247.50												
18/12/2023	AJJ	Review MacCallum corro re Gile note and circulate	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review S.C. corro to MacCallum and Matt Collins corro and Wybrow and MacCallum (x2)	3	75.00	225.00	22.50	247.50												
18/12/2023	AJJ	Review Corro from Dean and confer Nicola	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Attendance Fed Court hearing - 10am start - finish 8pm for Brown XX and conference before and after court wil S.C. and client	110	75.00	8250.00	825.00	9075.00												
18/12/2023	AJJ	Attendance S.C. and Dean and Nicola corro re prep for Brown cross examination (5 emails+)	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Saunders corro x2 re MacCallum and agreed facts and Svilians reply corro and circulate to Nicola/S.C. ar J.C.	2	75.00	150.00	15.00	165.00												
18/12/2023	AJJ	Review Svilians - long corro re 2 Dec corro reply and circulate	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Long corro x2 from Saunders to Silans and G.D. re XX of Brown	2	75.00	150.00	15.00	165.00												
18/12/2023	AJJ	Review Lee J orders - circulate	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Saunders corro re agreed facts and Trevanion corro	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Aust Court Solicitor re written subs and circulate	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Corro and circulate Aust Court Solicitor re affidavit issues	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Draft Corro to Nicola re Lee J statement and reply corro	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Nicola corro (x2) re Brown release	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Corro Svilians re Celebrite records	1	75.00	75.00	7.50	82.50												
18/12/2023	AJJ	Review Russell Kennedy corro - x2 medical reports and circulate to counsel and review	3	75.00	225.00	22.50	247.50												
19/12/2023	NRS	Email to counsel re documentary tender	1	65.00	65.00	6.50	71.50												
19/12/2023	NRS	Telephone call with client	1	65.00	65.00	6.50	71.50												
19/12/2023	NRS	Review email from MOBL re proposed agreed fact; forward email to counsel; email to counsel re objections	1	65.00	65.00	6.50	71.50												
19/12/2023	NRS	Review court morning session (re logistical arrangements)	2	65.00	130.00	13.00	143.00												
19/12/2023	NRS	Review email from counsel re objections; review transcript and hearing record; email to other parties re affidavits client	2	65.00	130.00	13.00	143.00												
19/12/2023	NRS	Telephone call with counsel - re documentary material (scripts)	2	65.00	130.00	13.00	143.00												
19/12/2023	NRS	Review file and documents; email to counsel	2	65.00	130.00	13.00	143.00												
19/12/2023	NRS	Review email from Associate re hearing record; forward to counsel	1	65.00	65.00	6.50	71.50												
19/12/2023	NRS	Review transcript of proceedings	5	65.00	325.00	32.50	357.50												
19/12/2023	DEC	Review today's transcript	2	65.00	130.00	13.00	143.00												
19/12/2023	NRS	Review email from Fiona Brown's solicitors and email to counsel re same; review email from SC	1	65.00	65.00	6.50	71.50												
19/12/2023	AJJ	Attendance Prep for and attend Fed Court hearing and attend conference prior to court with counsel and the client	74	75.00	5550.00	555.00	6105.00												
19/12/2023	AJJ	Review Lee J Associate corro - orders (sealed) - circulate	1	75.00	75.00	7.50	82.50												

15/04/2024	DEC	Court Appearance on delivery of judgment	40	65.00	2600.00	260.00	2860.00	time objection as to 50%		Does not press part of entry
15/04/2024	DEC	Review reasons for judgment in detail	20	65.00	1300.00	130.00	1430.00	time objection as to 50%		Does not press part of entry
15/04/2024	AJJ	Attendance prep for and attend pre Court conference with barristers and client	8	75.00	600.00	60.00	660.00			
15/04/2024	AJJ	Attendance Fed Court for Judgement and attend post Court conference with barristers and client and rea judgement and confer DEC	65	75.00	4875.00	487.50	5362.50	time objection as to 50%		Does not press part of entry
15/04/2024	AJJ	Review Lee Ass. corro - reasons - circulate	1	75.00	75.00	7.50	82.50			
15/04/2024	AJJ	Review Lee Ass. orders - attend to circulate - Nicola	1	75.00	75.00	7.50	82.50			
16/04/2024	AJJ	Review corro - Lee Ass.	1	75.00	75.00	7.50	82.50			
16/04/2024	AJJ	Review T.G. corro (x2) - Notice to Produce issues	2	75.00	150.00	15.00	165.00			
17/04/2024	DEC	Consider proposed offer to be made to applicant re costs; seek advice from Sue C and M Elliott.	2	65.00	130.00	13.00	143.00			
17/04/2024	NRS	Review emails from Associate and between Associate and Thomson Geer; email to counsel re same	1	65.00	65.00	6.50	71.50			
17/04/2024	DEC	Attendance to respond to TG regarding proposed offer to Lehmann re costs	3	65.00	195.00	19.50	214.50			
17/04/2024	DEC	Consider correspondence from Court regarding Ten's proposed Notice to Produce	1	65.00	65.00	6.50	71.50			
17/04/2024	NRS	Email to counsel re offers of compromise and further emails re same	2	65.00	130.00	13.00	143.00			
17/04/2024	AJJ	Attendance confer Nicola and review corro and Sue C and Barry	1	75.00	75.00	7.50	82.50			
17/04/2024	AJJ	Settle corro to all barristers re costs arguments - settle and confer DEC and call from Sue C	2	75.00	150.00	15.00	165.00			
17/04/2024	AJJ	Settle corro to Saunders re costs issues	1	75.00	75.00	7.50	82.50			
17/04/2024	AJJ	Review corro - Lee Ass.	1	75.00	75.00	7.50	82.50			
17/04/2024	AJJ	Attendance offer of comp corro and Barry corro in reply	1	75.00	75.00	7.50	82.50			
18/04/2024	AJJ	Review corro - Barki Haddock Fiona - costs corro	1	75.00	75.00	7.50	82.50			
19/04/2024	DEC	Telephone call with senior counsel re advisability of pursuing application for indemnity costs v applicant	2	65.00	130.00	13.00	143.00			
19/04/2024	DEC	Draft letter to first respondent re application for indemnity costs	5	65.00	325.00	32.50	357.50			
19/04/2024	AJJ	Attendance draft corro to T.G. to Sue C. to review and call to discuss and Sue C reply corro	2	75.00	150.00	15.00	165.00			
22/04/2024	DEC	Review TG advice regarding application for indemnity costs	1	65.00	65.00	6.50	71.50			
22/04/2024	DEC	Consider submissions on costs from counsel to amend and file	4	65.00	260.00	26.00	286.00			
22/04/2024	NRS	Attendance to file and serve submissions and send to the Associate	2	65.00	130.00	13.00	143.00			
22/04/2024	DEC	Review Ten's submissions and affidavit re comment	3	65.00	195.00	19.50	214.50			
22/04/2024	NRS	Review email from Applicant's solicitor re submissions and forward to counsel	1	65.00	65.00	6.50	71.50			
22/04/2024	AJJ	Review T.G. subs - review and circulate and affidavits	4	75.00	300.00	30.00	330.00			
22/04/2024	AJJ	Draft corro to Nicola - re Ten's subs	1	75.00	75.00	7.50	82.50			
22/04/2024	AJJ	Draft corro to Elliott S.C. re subs	1	75.00	75.00	7.50	82.50			
22/04/2024	AJJ	Review Svilians subs - review and circulate	3	75.00	225.00	22.50	247.50			
22/04/2024	AJJ	Review Svilians subs - review and circulate	3	75.00	225.00	22.50	247.50			
22/04/2024	AJJ	Review Sue C corro and call and reply	1	75.00	75.00	7.50	82.50			
23/04/2024	DEC	Consider applicant's submissions on costs	2	65.00	130.00	13.00	143.00			
23/04/2024	DEC	Consider correspondence from Court re scope of hearing 1 May 2024	1	65.00	65.00	6.50	71.50			
23/04/2024	AJJ	Review Lee J Ass - Fitz Simons	1	75.00	75.00	7.50	82.50			
24/04/2024	AJJ	Review corro Sue C - re subs and other issues and call to discuss	2	75.00	150.00	15.00	165.00			
24/04/2024	AJJ	Attendance long DEC corro to counsel re supplementary costs subs and call Sue C to discuss	2	75.00	150.00	15.00	165.00			
24/04/2024	AJJ	Review Nicola corro (x2) to counsel - all x4 re costs conference	1	75.00	75.00	7.50	82.50			
24/04/2024	AJJ	Review corro Dean - with attachments	1	75.00	75.00	7.50	82.50			
26/04/2024	AJJ	Attendance calls with Sue C and DEC re insurance issues and further amended subs for costs hearing ne Wednesday	5	75.00	375.00	37.50	412.50			
26/04/2024	AJJ	Review Banki Haddock corro	1	75.00	75.00	7.50	82.50			
26/04/2024	AJJ	Review Lee J Ass - orders - circulate	1	75.00	75.00	7.50	82.50			
1/05/2024	DEC	Consider Application by Auerbach; submissions and evidence	2	65.00	130.00	13.00	143.00			
1/05/2024	AJJ	Attendance attend Sue C prep and post Court and attend Fed Court Judgement and update client	9	75.00	675.00	67.50	742.50			
1/05/2024	AJJ	Review Giles/George corro	1	75.00	75.00	7.50	82.50			
1/05/2024	AJJ	Review Lee J. Ass. corro - order for reference	1	75.00	75.00	7.50	82.50			
1/05/2024	AJJ	Settle corro reporting - settle and call with client	2	75.00	150.00	15.00	165.00			
7/05/2024	NRS	Email to Thomson Geer - re case management hearing	1	65.00	65.00	6.50	71.50			
8/05/2024	DEC	Review material produced by Applicant under Notice to Produce	4	65.00	260.00	26.00	286.00			
9/05/2024	DEC	Consider letter from TG to MOBL re informal production of trust account records	1	65.00	65.00	6.50	71.50			

1008716.50

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Invoice Date:	28/04/2023	Claim	Date	Person	Details	Units	Rate	Amount	GST Amt	Total	NETWORK TEN OBJECTION	NOTES	WILKINSON RESPONSE
Page Bundle:	54		15/02/2023	Barry C Dean	Research on employee indemnity for litigation; conference with S Chrysanthou SC re same.	20	\$35.00	\$700.00	\$70.00	\$770.00			
			21/02/2023	Barry C Dean	Read brief, consider draft defence	10	\$35.00	\$350.00	\$35.00	\$385.00			
			23/02/2023	Barry C Dean	Review draft defence; telephone call with S Chrysanthou SC re same	20	\$35.00	\$700.00	\$70.00	\$770.00			
			27/02/2023	Barry C Dean	Telephone calls with D Collinge and S Chrysanthou SC re defence	5	\$35.00	\$175.00	\$17.50	\$192.50			
			1/03/2023	Barry C Dean	Read affidavit and submissions re extension application; preparing re same; telephone call with S Chrysanthou SC re same	20	\$35.00	\$700.00	\$70.00	\$770.00			
			3/03/2023	Barry C Dean	Consider notice to produce; drafting further categories re same; telephone call with S Chrysanthou SC re same	1	\$35.00	\$35.00	\$3.50	\$38.50			
			6/03/2023	Barry C Dean	Preparing submission re extension application; considering materials re same.	2	\$35.00	\$70.00	\$7.00	\$77.00			
			08/03/2023	Barry C Dean	Appear before Registrat Segal; appear before Lee J with S Chrysanthou sc; conference with S Chrysanthou sc re appearances and extension application	30	\$35.00	\$1,050.00	\$105.00	\$1,155.00			
			9/03/2023	Barry C Dean	Preparing submissions re extension application; considering materials re same	60	\$35.00	\$2,100.00	\$210.00	\$2,310.00			
			10/03/2023	Barry C Dean	Preparing submissions re extension; telephone calls with S Chrysanthou SC re same	30	\$35.00	\$1,050.00	\$105.00	\$1,155.00			
			13/03/2023	Barry C Dean	Telephone call with S Chrysanthou SC re extension application; preparing re same	10	\$35.00	\$350.00	\$35.00	\$385.00			
			15/03/2023	Barry C Dean	Prepare with S Chrysanthou SC re extension application	100	\$35.00	\$3,500.00	\$350.00	\$3,850.00			
			16/03/2023	Barry C Dean	Appear before Lee J re extension application (1 day)	100	\$35.00	\$3,500.00	\$350.00	\$3,850.00			
			20/03/2023	Barry C Dean	Telephone call with S Chrysanthou SC re extension application	5	\$35.00	\$175.00	\$17.50	\$192.50			
			21/03/2023	Barry C Dean	Prepare revised written submission re extension application	60	\$35.00	\$2,100.00	\$210.00	\$2,310.00			
			23/03/2023	Barry C Dean	Prepare for extension application with S Chrysanthou SC	10	\$35.00	\$350.00	\$35.00	\$385.00			
			23/03/2023	Barry C Dean	Appear on extension application before Lee J	60	\$35.00	\$2,100.00	\$210.00	\$2,310.00			
			24/03/2023	Barry C Dean	Preparing note on Pingel re extension application	10	\$35.00	\$350.00	\$35.00	\$385.00			
			28/04/2023	Barry C Dean	Attend judgment and case management hearing; prepare short case management minutes; telephone call with T Senior re short minutes of order; conferring with S Chrysanthou SC re SMO	25	\$35.00	\$875.00	\$87.50	\$962.50			

			13/02/2023	Sue Chrysanthou SC	Confer with instructing solicitors	10	\$80.00	\$800.00	\$80.00	\$880.00			
			13/02/2023	Sue Chrysanthou SC	Draft request for particulars, review originating application	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00			
			14/02/2023	Sue Chrysanthou SC	Settle final draft letter to other side	1	\$80.00	\$80.00	\$8.00	\$88.00			
			16/02/2023	Sue Chrysanthou SC	Consider correspondence from Court, confer with Mr Jeffries	3	\$80.00	\$240.00	\$24.00	\$264.00			
			17/02/2023	Sue Chrysanthou SC	Review material, draft defence	40	\$80.00	\$3,200.00	\$320.00	\$3,520.00			
			19/02/2023	Sue Chrysanthou SC	Review further material provided by client, confer with Mr Jeffries	7.5	\$80.00	\$600.00	\$60.00	\$660.00			
			20/02/2023	Sue Chrysanthou SC	Review further material including material provided by Network 10, consider client's changes to defence and amend draft defence	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00			
			21/02/2023	Sue Chrysanthou SC	Confer with client and Mr Jeffries, further confer with Mr Jeffries	7.5	\$80.00	\$600.00	\$60.00	\$660.00			
			22/02/2023	Sue Chrysanthou SC	Review client's changes to draft defence and settle, consider correspondence from other side, confer with Mr Jeffries	7.5	\$80.00	\$600.00	\$60.00	\$660.00			
			23/02/2023	Sue Chrysanthou SC	Confer with Mr Collins, review and amend draft defence, confer with Mr Dean	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00			
			27/02/2023	Sue Chrysanthou SC	Review messages to Lehmann prior to broadcast, make final amendments to defence, confer with Mr Jeffries, further confer with client	7.5	\$80.00	\$600.00	\$60.00	\$660.00			
			28/02/2023	Sue Chrysanthou SC	Consider correspondence from client and amend defence, consider correspondence from other side, confer with Mr Jeffries, make further changes to defence	10	\$80.00	\$800.00	\$80.00	\$880.00			
			1/03/2023	Sue Chrysanthou SC	Review correspondence from other side, confer with Mr Jeffries, confer with client for final changes to defence, draft response to other side	10	\$80.00	\$800.00	\$80.00	\$880.00			
			1/03/2023	Sue Chrysanthou SC	Confer with client, confer with Mr Jeffries	5	\$80.00	\$400.00	\$40.00	\$440.00			
			1/03/2023	Sue Chrysanthou SC	Review material relied upon by applicant to extend time, confer with Mr Dean about next steps, evidence and submissions	12.5	\$80.00	\$1,000.00	\$100.00	\$1,100.00			
			2/03/2023	Sue Chrysanthou SC	Review full court decision regarding extension, confer with Mr Dean to draft letter to other side regarding evidence on extension application	7.5	\$80.00	\$600.00	\$60.00	\$660.00			
			3/03/2023	Sue Chrysanthou SC	Draft letter to Mr Svilians regarding Daily Mail publications, correspondence with client, confer with Mr Jeffries, consider notices to produce and subpoenas, settle notice to produce in consultation with Mr Dean and Mr Collinge, draft letter to Quilk regarding insurance	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00		Time objection as to 50%	Does not press part of entry
			6/03/2023	Sue Chrysanthou SC	Confer with Mr Olson regarding notice to produce and potential objections, confer with Mr Dean, further telephone conference with Mr Olson	3	\$80.00	\$240.00	\$24.00	\$264.00			
			7/03/2023	Sue Chrysanthou SC	Review network 10's defence, confer with Mr Dean, confer with Mr Jeffries	7.5	\$80.00	\$600.00	\$60.00	\$660.00			
			7/03/2023	Sue Chrysanthou SC	Draft letter to other side regarding particulars in conference with Mr Dean	2.5	\$80.00	\$200.00	\$20.00	\$220.00			
			8/03/2023	Sue Chrysanthou SC	Confer with Mr Dean regarding notice to produce issues, confer with client about other respondent's defences, prepare for notice to produce dispute, confer with Mr Whybrow	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00		Time objection as to 50%	Does not press part of entry
			8/03/2023	Sue Chrysanthou SC	Brief on interlocutory application	10	\$80.00	\$800.00	\$80.00	\$880.00			
			8/03/2023	Sue Chrysanthou SC	Confer with Mr Jeffries and Mr Dean regarding evidence for extension application, confer with client, confer with Mr Dean regarding submissions and cases for extension application, review documents produced on subpoena and select documents for affidavit in consultation with Mr Dean	27.5	\$80.00	\$2,200.00	\$220.00	\$2,420.00			
			9/03/2023	Sue Chrysanthou SC	Review documents produced by Lehmann, confer with Mr Dean	10	\$80.00	\$800.00	\$80.00	\$880.00			
			10/03/2023	Sue Chrysanthou SC	Review further documents, confer with Mr Dean, settle affidavit, settle submissions, confer with Mr Jeffries, confer with client, draft notice to produce, consider other respondents' evidence and submissions, confer with client	40	\$80.00	\$3,200.00	\$320.00	\$3,520.00		Time objection (20 units)	20 units not pressed
			13/03/2023	Sue Chrysanthou SC	Review further documents produced by applicant, confer with Mr Dean regarding amendments to limitation provision and list of authorities, confer with instructing solicitor	25	\$80.00	\$2,000.00	\$200.00	\$2,200.00			
			14/03/2023	Sue Chrysanthou SC	Review further documents produced by applicant, confer with Mr Dean regarding amendments to limitation provision and list of authorities, confer with instructing solicitors	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00			
			15/03/2023	Sue Chrysanthou SC	Prepare for argument, review submissions, prepare speaking notes, review authorities, review and mark up court book, prepare cross examination, confer with Mr Dean	115	\$80.00	\$9,200.00	\$920.00	\$10,120.00			
			16/03/2023	Sue Chrysanthou SC	Brief on hearing (extension of time) (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00			
			17/03/2023	Sue Chrysanthou SC	Review reply, review authorities, draft letter to other side, confer with Mr Olson, confer with Mr Dean and Mr Jeffries	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00			
			18/03/2023	Sue Chrysanthou SC	Consider correspondence from Network 10, confer with Mr Jeffries, confer with Mr Dean	7.5	\$80.00	\$600.00	\$60.00	\$660.00			
			19/03/2023	Sue Chrysanthou SC	Consider correspondence from Network 10, confer with Mr Jeffries	5	\$80.00	\$400.00	\$40.00	\$440.00			
			20/03/2023	Sue Chrysanthou SC	Draft notice to produce, confer with Mr Dean regarding notice and submissions	10	\$80.00	\$800.00	\$80.00	\$880.00			
			21/03/2023	Sue Chrysanthou SC	Settle amended limitation submissions, confer with Mr Dean	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00			
			22/03/2023	Sue Chrysanthou SC	Prepare for application, confer with Mr Dean, mark-up new court book, prepare speaking notes, review submissions served by other parties	45	\$80.00	\$3,600.00	\$360.00	\$3,960.00			

23/03/2023	Sue Chrysanthou SC	Brief on application (1 day)	10	\$80.00	\$800.00	\$80.00	\$880.00												
24/03/2023	Sue Chrysanthou SC	Confer with Mr Dean, settle supplementary submissions	5	\$80.00	\$400.00	\$40.00	\$440.00												
25/03/2023	Sue Chrysanthou SC	Confer with client and Mr Jefferies	2	\$80.00	\$160.00	\$16.00	\$176.00												
27/04/2023	Sue Chrysanthou SC	Consider other respondents' costs submissions	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
28/04/2023	Sue Chrysanthou SC	Attend judgment and case management hearing, prepare short minutes in consultation with Mr Dean, confer with client and Mr Jefferies, correspondence with other counsel, review reasons for judgment	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00												

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1/05/2023	Sue Chrysanthou SC	Confer with Mr Dean regarding judgment and jury issue, confer with Mr Collins, confer with instructing solicitor	7.5	\$80.00	\$600.00	\$60.00	\$660.00												
2/05/2023	Sue Chrysanthou SC	Finalise short minutes after correspondence with other parties, correspondence with Court	3	\$80.00	\$240.00	\$24.00	\$264.00												
2/05/2023	Sue Chrysanthou SC	Review draft jury submissions, confer with counsel for respondents about timetabling orders, confer with Mr Dean	5	\$80.00	\$400.00	\$40.00	\$440.00												
3/05/2023	Sue Chrysanthou SC	Review amended jury submissions	2	\$80.00	\$160.00	\$16.00	\$176.00												
8/05/2023	Sue Chrysanthou SC	Correspondence with Court	1	\$80.00	\$80.00	\$8.00	\$88.00												
9/05/2023	Sue Chrysanthou SC	Correspondence with other parties and Court regarding proposed orders	1	\$80.00	\$80.00	\$8.00	\$88.00												
25/05/2023	Sue Chrysanthou SC	Consider subpoena and communication from court	2	\$80.00	\$160.00	\$16.00	\$176.00												
30/05/2023	Sue Chrysanthou SC	Confer with Mr Collins, confer with client, confer with Mr Dean, confer with Mr Jefferies regarding evidence	7.5	\$80.00	\$600.00	\$60.00	\$660.00												
1/06/2023	Sue Chrysanthou SC	Confer with client and team regarding evidence	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00												
2/06/2023	Sue Chrysanthou SC	Confer with Mr Dean regarding client's affidavit	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
2/06/2023	Sue Chrysanthou SC	Confer with Mr Dean to draft letter to other side regarding further particulars of mitigation	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
4/06/2023	Sue Chrysanthou SC	Review Lehmann television interview, confer with client, confer with Ms Saunders	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
5/06/2023	Sue Chrysanthou SC	Confer with Mr Dean and Mr Jefferies, draft letter to other side, confer with Mr Collins, consider correspondence from other side, amend mitigation letter in conference with Mr Dean	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
6/06/2023	Sue Chrysanthou SC	Deal with media coverage and contempt issues, confer with Mr Jefferies, client, Ms Saunders and Mr Whybrow, draft letters to Ch 7 and The Australian, draft letter to other side, confer with Mr Dean, draft further letter to 7, further confer with Ms Saunders, confer with client	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00												
7/06/2023	Sue Chrysanthou SC	Confer with Ms Saunders, confer with Mr Dean, confer with Mr Collins	5	\$80.00	\$400.00	\$40.00	\$440.00												
8/06/2023	Sue Chrysanthou SC	Confer with client, instructing solicitors and Mr Dean about evidence	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00												
8/06/2023	Sue Chrysanthou SC	Review proposed orders, draft interrogatories, confer with Mr Dean, prepare for case management hearing, review draft submissions on interrogatories, prepare note on improper purpose, review sky publications, draft letter to sky, confer with client and Mr Jefferies	45	\$80.00	\$3,600.00	\$360.00	\$3,960.00												
9/06/2023	Sue Chrysanthou SC	Attend case management hearing	10	\$80.00	\$800.00	\$80.00	\$880.00												
9/06/2023	Sue Chrysanthou SC	Brief on applications/case management, confer with Mr Dean (0.5 days)	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00												
12/06/2023	Sue Chrysanthou SC	Review draft affidavit, amend, correspondence with Mr Dean, draft letter to Bennett regarding Reynolds (audio leak), confer with Mr Jefferies, draft ACMA complaint	37.5	\$80.00	\$3,000.00	\$300.00	\$3,300.00												
13/06/2023	Sue Chrysanthou SC	Confer with Mr Jefferies	2.5	\$80.00	\$200.00	\$20.00	\$220.00												

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1/06/2023	Barry C Dean	Conference with S Chrysanthou SC, L Wilkinson and Gillis Delaney Solicitors re evidence and trial preparation	15	\$35.00	\$525.00	\$52.50	\$577.50												
2/06/2023	Barry C Dean	Prepare draft outline for Wilkinson affidavit; telephone call with S Chrysanthou SC re same	15	\$35.00	\$525.00	\$52.50	\$577.50												
5/06/2023	Barry C Dean	Conference with S Chrysanthou SC; amending email re mitigation	10	\$35.00	\$350.00	\$35.00	\$385.00												
7/06/2023	Barry C Dean	Preparing draft outline re Wilkinson; telephone calls with S Chrysanthou SC and T Senior re case management hearing	45	\$35.00	\$1,575.00	\$157.50	\$1,732.50												
8/06/2023	Barry C Dean	Attend conference with S Chrysanthou SC, Gillis Delaney, and client	10	\$35.00	\$350.00	\$35.00	\$385.00												
9/06/2023	Barry C Dean	Prepare and attend case management hearing; conferences with S Chrysanthou SC re case management hearing and preparation; prepare Wilkinson draft outline	30	\$35.00	\$1,050.00	\$105.00	\$1,155.00												
13/06/2023	Barry C Dean	Prepare Wilkinson draft outline	7.5	\$35.00	\$262.50	\$26.25	\$288.75												
21/06/2023	Barry C Dean	Telephone call with S Chrysanthou SC, solicitors and client; prepare Wilkinson draft outline; review documents re same	25	\$35.00	\$875.00	\$87.50	\$962.50												
23/06/2023	Barry C Dean	Prepare Wilkinson draft outline; review documents re same	20	\$35.00	\$700.00	\$70.00	\$770.00												
26/06/2023	Barry C Dean	Prepare Wilkinson draft outline; review documents re same	30	\$35.00	\$1,050.00	\$105.00	\$1,155.00												
27/06/2023	Barry C Dean	Prepare Wilkinson draft outline; review documents re same	20	\$35.00	\$700.00	\$70.00	\$770.00												
3/07/2023	Barry C Dean	Conference with S Chrysanthou and Client re evidence (5 hours 15 mins)	62.5	\$35.00	\$1,837.50	\$183.75	\$2,021.25												
7/07/2023	Barry C Dean	Conference with L Wilkinson and S Chrysanthou SC re evidence	60	\$35.00	\$2,100.00	\$210.00	\$2,310.00												
10/07/2023	Barry C Dean	Attend conference with S Chrysanthou SC and L Wilkinson re evidence; amend draft outline re same	60	\$35.00	\$2,100.00	\$210.00	\$2,310.00												
13/07/2023	Barry C Dean	Conference with L Wilkinson re evidence	55	\$35.00	\$1,925.00	\$192.50	\$2,117.50												
17/07/2023	Barry C Dean	Appear on case management hearing before Lee J	10	\$35.00	\$350.00	\$35.00	\$385.00												
18/07/2023	Barry C Dean	Conference with L Wilkinson and Gillis Delaney re evidence	90	\$35.00	\$3,150.00	\$315.00	\$3,465.00												
20/07/2023	Barry C Dean	Telephone call with N Sanchez re discovery; consider draft discovery documents	7.5	\$35.00	\$262.50	\$26.25	\$288.75												
25/07/2023	Barry C Dean	Videoconference re discovery and evidence with Gillis Delaney and S Chrysanthou SC	2.5	\$35.00	\$87.50	\$8.75	\$96.25												
26/07/2023	Barry C Dean	Consider and prepare evidence re Wilkinson; prepare for conference with Wilkinson; telephone calls with Gillis Delaney re evidence and discovery; consider and review discovery	100	\$35.00	\$3,500.00	\$350.00	\$3,850.00												
27/07/2023	Barry C Dean	Conference with L Wilkinson and Gillis Delaney re evidence	95	\$35.00	\$3,325.00	\$332.50	\$3,657.50												
28/07/2023	Barry C Dean	Conference with L Wilkinson and Gillis Delaney re evidence; confer with N Sanchez re discovery	100	\$35.00	\$3,500.00	\$350.00	\$3,850.00												
29/07/2023	Barry C Dean	Telephone call with S Chrysanthou SC re identification issues	2.5	\$35.00	\$87.50	\$8.75	\$96.25												

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21/07/2023	Sue Chrysanthou SC	Review documents for discovery, confer with Mr Dean	3	\$80.00	\$240.00	\$24.00	\$264.00												
23/07/2023	Sue Chrysanthou SC	Confer with Mr Jefferies, review comments from Network 10 regarding affidavit	3	\$80.00	\$240.00	\$24.00	\$264.00												
25/07/2023	Sue Chrysanthou SC	Review further comments regarding affidavits, confer with team	5	\$80.00	\$400.00	\$40.00	\$440.00												
28/07/2023	Sue Chrysanthou SC	(briefly) Review evidence served by other parties, confer with Mr Dean	10	\$80.00	\$800.00	\$80.00	\$880.00												
29/07/2023	Sue Chrysanthou SC	Confer with Mr Dean regarding identification issues and evidence and authorities	10	\$80.00	\$800.00	\$80.00	\$880.00												
3/08/2023	Sue Chrysanthou SC	Confer with client and team	5	\$80.00	\$400.00	\$40.00	\$440.00												
6/08/2023	Sue Chrysanthou SC	Confer with Mr Jefferies	3	\$80.00	\$240.00	\$24.00	\$264.00												
13/08/2023	Sue Chrysanthou SC	Capture material, correspondence with team	5	\$80.00	\$400.00	\$40.00	\$440.00												
14/08/2023	Sue Chrysanthou SC	Review further interviews given by applicant, confer with Mr Jefferies	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
15/08/2023	Sue Chrysanthou SC	Confer with Mr Collins	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
18/08/2023	Sue Chrysanthou SC	Confer with team	5	\$80.00	\$400.00	\$40.00	\$440.00												
18/08/2023	Sue Chrysanthou SC	Consider correspondence from Thompson Geer, confer with Mr Jefferies	3	\$80.00	\$240.00	\$24.00	\$264.00												

	21/08/2023	Sue Chrysanthou SC	Confer with Mr Dean, settle letter to other side, confer with Mr Jefferies, confer with Mr Collins	10	\$80.00	\$800.00	\$80.00	\$880.00											
	30/08/2023	Sue Chrysanthou SC	Review correspondence, confer with Mr Dean	5	\$80.00	\$400.00	\$40.00	\$440.00											
	25/09/2023	Sue Chrysanthou SC	Consider interrogatories from other parties, confer with Mr Dean, draft letter to other side	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00											
	26/09/2023	Sue Chrysanthou SC	Consider objections to expert report, correspondence with team	3	\$80.00	\$240.00	\$24.00	\$264.00											
	30/09/2023	Sue Chrysanthou SC	Review other side's objections to interrogatories	2.5	\$80.00	\$200.00	\$20.00	\$220.00											
	6/10/2023	Sue Chrysanthou SC	Confer with team regarding trial prep	3	\$80.00	\$400.00	\$40.00	\$440.00											
	10/10/2023	Sue Chrysanthou SC	Review submissions regarding objections to expert evidence	2.5	\$80.00	\$200.00	\$20.00	\$220.00											

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	22/02/2024	Barry C Dean	Prepare further submissions re cross-claim and questions from Court; zoom conference with S Chrysanthou SC, M Collins KC and T Senior re same; telephone call with S Chrysanthou SC re same	70	\$35.00	\$2,450.00	\$245.00	\$2,695.00											
	28/02/2024	Barry C Dean	Review and settle further submissions; telephone calls with S Chrysanthou SC re same	47.5	\$35.00	\$1,662.50	\$166.25	\$1,828.75											
	29/02/2024	Barry C Dean	Prepare further responsive submissions; telephone call with S Chrysanthou SC re same	30	\$35.00	\$1,050.00	\$105.00	\$1,155.00											
	4/03/2024	Barry C Dean	Prepare further responsive submissions	15	\$35.00	\$525.00	\$52.50	\$577.50											
	11/03/2024	Barry C Dean	Finalise further reply submissions	10	\$35.00	\$350.00	\$35.00	\$385.00											

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	3/04/2024	Barry C Dean	Prepare for re-opened hearing	20	\$35.00	\$700.00	\$70.00	\$770.00											
	4/04/2024	Barry C Dean	Appear on return of subpoena and re-opened hearing; prepare re same - 1 day	10	\$35.00	\$350.00	\$35.00	\$385.00											
	5/05/2024	Barry C Dean	Appear on hearing - 1 day	10	\$35.00	\$350.00	\$35.00	\$385.00											
	17/04/2024	Barry C Dean	Telephone call with S Chrysanthou SC and later Gillis Delaney re costs	2.5	\$35.00	\$87.50	\$8.75	\$96.25											
	19/04/2024	Barry C Dean	Prepare draft submissions	30	\$35.00	\$1,050.00	\$105.00	\$1,155.00											
	22/04/2024	Barry C Dean	Telephone call with S Chrysanthou SC re costs	5	\$35.00	\$175.00	\$17.50	\$192.50											

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	16/06/2023	Sue Chrysanthou SC	Consider correspondence from lawyers for Seven and Sky	2.5	\$80.00	\$200.00	\$20.00	\$220.00											
	17/06/2023	Sue Chrysanthou SC	Confer with Mr Jefferies and client	5	\$80.00	\$400.00	\$40.00	\$440.00											
	21/06/2023	Sue Chrysanthou SC	Confer with team and client regarding evidence preparation, confer with Ms Saunders	10	\$80.00	\$800.00	\$80.00	\$880.00											
	2/07/2023	Sue Chrysanthou SC	Review documents in client's draft affidavit and review affidavit	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00											
	3/07/2023	Sue Chrysanthou SC	Confer with client, Mr Dean and instructing solicitor to prepare affidavit	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00											
	4/07/2023	Sue Chrysanthou SC	Confer with Ms Saunders, confer with Mr dean, telephone conference with Mr Jefferies	5	\$80.00	\$400.00	\$40.00	\$440.00											
	5/07/2023	Sue Chrysanthou SC	Review subpoenas issues by parties and correspondence with objections, confer with Mr Dean	7.5	\$80.00	\$600.00	\$60.00	\$660.00											
	6/07/2023	Sue Chrysanthou SC	Prepare for case management hearing, confer with Mr Dean	7.5	\$80.00	\$600.00	\$60.00	\$660.00											
	7/07/2023	Sue Chrysanthou SC	Attend case management conference, including related preparation	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00											
	7/07/2023	Sue Chrysanthou SC	Confer with client to prepare her affidavit in consultation with Mr Dean and instructing solicitors	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00											
	8/07/2023	Sue Chrysanthou SC	Confer with Mr Jefferies	2.5	\$80.00	\$200.00	\$20.00	\$220.00											
	10/07/2023	Sue Chrysanthou SC	Confer with Client to review discovered documents and prepare affidavit, confer with Mr Dean and instructing solicitors	60	\$80.00	\$4,800.00	\$480.00	\$5,280.00											
	18/07/2023	Sue Chrysanthou SC	Confer with client and team, review documents for discovery, amend affidavit	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00											
	19/07/2023	Sue Chrysanthou SC	Settle affidavit	7.5	\$80.00	\$600.00	\$60.00	\$660.00											

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	17/10/2023	Sue Chrysanthou SC	Confer with client, then confer with Mr Dean regarding trial preparation, review	12.5	\$80.00	\$1,000.00	\$100.00	\$1,100.00											
	17/10/2023	Sue Chrysanthou SC	Confer with instructing solicitors	5	\$80.00	\$400.00	\$40.00	\$440.00											
	18/10/2023	Sue Chrysanthou SC	Confer with Mr Jefferies, confer with client, confer with Mr Collins	10	\$80.00	\$800.00	\$80.00	\$880.00											
	19/10/2023	Sue Chrysanthou SC	Confer with Mr Jefferies, confer with client	10	\$80.00	\$800.00	\$80.00	\$880.00											
	20/10/2023	Sue Chrysanthou SC	Confer with Mr Dean, confer with instructing solicitors	10	\$80.00	\$800.00	\$80.00	\$880.00											
	21/10/2023	Sue Chrysanthou SC	Confer with Mr Whybrow, confer with Mr Jefferies	3	\$80.00	\$240.00	\$24.00	\$264.00											
	23/10/2023	Sue Chrysanthou SC	Review correspondence, confer with Mr Dean, review identification affidavits, confer with Mr Collins, correspondence with instructing solicitors, prepare for case management, confer further with Mr Dean about witness order, identification issues and cross-examination of witnesses, confer with client about admission of publication having regard to discovered documents	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00											
	24/10/2023	Sue Chrysanthou SC	Attend case management hearing	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											
	24/10/2023	Sue Chrysanthou SC	Confer with client	5	\$80.00	\$400.00	\$40.00	\$440.00											
	26/10/2023	Sue Chrysanthou SC	Confer with client	2.5	\$80.00	\$200.00	\$20.00	\$220.00											
	27/10/2023	Sue Chrysanthou SC	Review draft facts and issues document, confer with Mr Dean, settle document	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00											
	30/10/2023	Sue Chrysanthou SC	Confer with Mr Jefferies regarding court book	2	\$80.00	\$160.00	\$16.00	\$176.00											
	31/10/2023	Sue Chrysanthou SC	Consider correspondence from other side, confer with Mr Dean	5	\$80.00	\$400.00	\$40.00	\$440.00											
	1/11/2023	Sue Chrysanthou SC	Prepare for trial, settle objections, confer with Mr Dean, draft letter to other side	30	\$80.00	\$2,400.00	\$240.00	\$2,640.00											
	2/11/2023	Sue Chrysanthou SC	Prepare for trial, prepare opening submissions in consultation with Mr Dean, confer with Dr Collins	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00											
	8/11/2023	Sue Chrysanthou SC	Confer with client and instructing solicitors, prepare for trial	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00											
	8/11/2023	Sue Chrysanthou SC	Settle first draft of opening submissions	25	\$80.00	\$2,000.00	\$200.00	\$2,200.00											
	9/11/2023	Sue Chrysanthou SC	Confer with Mr Dean, review further draft opening and finalise	5	\$80.00	\$400.00	\$40.00	\$440.00											
	10/11/2023	Sue Chrysanthou SC	Consider other parties submissions on livestream	2.5	\$80.00	\$200.00	\$20.00	\$220.00											
	14/11/2023	Sue Chrysanthou SC	Consider opening submissions served by other parties, correspondence with team	10	\$80.00	\$800.00	\$80.00	\$880.00											
	15/11/2023	Sue Chrysanthou SC	Prepare for trial, confer with Mr Dean, confer with client and team, telephone conference with Mr Collins	40	\$80.00	\$3,200.00	\$320.00	\$3,520.00											
	17/11/2023	Sue Chrysanthou SC	Review court book and prepare short opening, confer with client, confer with Mr Jefferies	45	\$80.00	\$3,600.00	\$360.00	\$3,960.00											
	18/11/2023	Sue Chrysanthou SC	Review court book and prepare further list of documents for tender, review lip reading material, confer with Mr Collins	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00											
	20/11/2023	Sue Chrysanthou SC	Review and mark up court book and prepare for trial	40	\$80.00	\$3,200.00	\$320.00	\$3,520.00											
	21/11/2023	Sue Chrysanthou SC	Prepare for trial, prepare cross-examination of identification witnesses and extra topics for cross examination of applicant, confer with Mr Dean, confer with Mr Collins	60	\$80.00	\$4,800.00	\$480.00	\$5,280.00											
	22/11/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											
	23/11/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											
	24/11/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											
	25/11/2023	Sue Chrysanthou SC	Prepare note on cross-examination, confer with Mr Collins, prepare cross-examination in consultation with Mr Dean	65	\$80.00	\$5,200.00	\$520.00	\$5,720.00											
	26/11/2023	Sue Chrysanthou SC	Prepare cross-examination in consultation with Mr Dean and documents for use in xx, confer with Mr Collins, prepare opening	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											
	27/11/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											
	28/11/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											
	29/11/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00											

30/11/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
1/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
2/12/2023	Sue Chrysanthou SC	Amend and settle submissions about cross-examination of witness, confer with Mr Senior, review ABC and News submission on suppression order, prepare submissions in response on suppression order, confer with Mr Dean, prepare final submissions, review trial transcript	65	\$80.00	\$5,200.00	\$520.00	\$5,720.00												
3/12/2023	Sue Chrysanthou SC	Prepare suppression order submissions, confer with Mr Dean	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00												
4/12/2023	Sue Chrysanthou SC	Prepare final submissions	45	\$80.00	\$3,600.00	\$360.00	\$3,960.00												
5/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
6/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
7/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
8/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
9/12/2023	Sue Chrysanthou SC	Prepare Brown XX, prepare mock XX for client, prepare submissions	45	\$80.00	\$3,600.00	\$360.00	\$3,960.00												
10/12/2023	Sue Chrysanthou SC	Prepare client for cross-examination, confer with client	60	\$80.00	\$4,800.00	\$480.00	\$5,280.00												
11/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
12/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
13/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
14/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
15/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
16/12/2023	Sue Chrysanthou SC	Draft submissions, confer with Mr Dean, prepare Brown cross-examination	75	\$80.00	\$6,000.00	\$600.00	\$6,600.00												
17/12/2023	Sue Chrysanthou SC	Prepare Brown cross-examination, draft submissions, confer with Mr dean prepare oral final address	90	\$80.00	\$7,200.00	\$720.00	\$7,920.00												
18/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
19/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
20/12/2023	Sue Chrysanthou SC	Prepare submissions, prepare for oral address, confer with Mr Dean	140	\$80.00	\$11,200.00	\$1,120.00	\$12,320.00												
21/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
22/12/2023	Sue Chrysanthou SC	Brief on hearing (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
29/12/2023	Sue Chrysanthou SC	Review other parties' submissions	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00												
10/01/2024	Sue Chrysanthou SC	Further Review applicant's submissions, confer with Mr Dean	30	\$80.00	\$2,400.00	\$240.00	\$2,640.00												
12/01/2024	Sue Chrysanthou SC	Confer with Mr Dean regarding structure of submissions in reply	10	\$80.00	\$800.00	\$80.00	\$880.00												
13/01/2024	Sue Chrysanthou SC	Draft submissions in reply in consultation with Mr Dean	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00												
21/01/2024	Sue Chrysanthou SC	Review draft submissions in reply and amend	50	\$80.00	\$4,000.00	\$400.00	\$4,400.00												
22/01/2024	Sue Chrysanthou SC	Finalise submissions in reply in consultation with Mr Dean	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
22/01/2024	Sue Chrysanthou SC	Review Network 10 submissions, review applicant's submissions in Reply	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
6/02/2024	Sue Chrysanthou SC	Consider correspondence from Court, confer with Mr Jefferies, confer with client	7.5	\$80.00	\$600.00	\$60.00	\$660.00												
9/02/2024	Sue Chrysanthou SC	Review other side's submissions, confer with Mr Jefferies about impact on main proceedings	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
21/02/2024	Sue Chrysanthou SC	Consider correspondence from Court, confer with Mr Dean regarding research tasks to respond to queries, confer with Mr Jefferies, confer with client, correspondence with Dr Collins	30	\$80.00	\$2,400.00	\$240.00	\$2,640.00												
22/02/2024	Sue Chrysanthou SC	Review high court cases on damages and purposes of damages awards, confer with Mr Dean	35	\$80.00	\$2,800.00	\$280.00	\$3,080.00												
22/02/2024	Sue Chrysanthou SC	Review further cases, confer with Mr dean, conference with Dr Collins, Mr Dean and Mr Senior, further conference with Mr Dean	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00												
25/02/2024	Sue Chrysanthou SC	Review draft submissions, confer with Mr Jefferies	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
27/02/2024	Sue Chrysanthou SC	Amend and finalise further submissions, confer with Mr Dean	30	\$80.00	\$2,400.00	\$240.00	\$2,640.00												
28/02/2024	Sue Chrysanthou SC	Confer with Mr Dean (multiple times) and finalise submissions	25	\$80.00	\$2,000.00	\$200.00	\$2,200.00												
1/03/2024	Sue Chrysanthou SC	Review other parties' further submissions, confer with Mr Dean	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
9/03/2024	Sue Chrysanthou SC	Settle further responsive submissions	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00												
10/03/2024	Sue Chrysanthou SC	Telephone conference with Mr Dean	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
11/03/2024	Sue Chrysanthou SC	Review other parties' further submissions	5	\$80.00	\$400.00	\$40.00	\$440.00												
12/03/2024	Sue Chrysanthou SC	Consider correspondence from court, confer with Mr Dean, consider further submissions from	7.5	\$80.00	\$600.00	\$60.00	\$660.00												
21/03/2024	Sue Chrysanthou SC	Confer with Mr Jefferies	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
22/03/2024	Sue Chrysanthou SC	Confer with Mr Dean, confer with Mr Jefferies	5	\$80.00	\$400.00	\$40.00	\$440.00												
28/03/2024	Sue Chrysanthou SC	Confer with Mr Collins, confer with client	5	\$80.00	\$400.00	\$40.00	\$440.00												
29/03/2024	Sue Chrysanthou SC	Confer with Mr Collins, confer with client with Mr Jefferies	7.5	\$80.00	\$600.00	\$60.00	\$660.00												
30/03/2024	Sue Chrysanthou SC	Confer with Mr Collins, confer with Mr Dean	10	\$80.00	\$800.00	\$80.00	\$880.00												
31/03/2024	Sue Chrysanthou SC	Confer with Mr Collins, review application and supporting affidavit, review fresh evidence, confer with Mr Dean	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00												
1/04/2024	Sue Chrysanthou SC	Confer with Mr Jefferies, confer with Mr Dean, confer with client, review further affidavits, confer with Mr Collins	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
2/04/2024	Sue Chrysanthou SC	Brief on application including related preparation, confer with client, conference with Mr Dean	40	\$80.00	\$3,200.00	\$320.00	\$3,520.00												
3/04/2024	Sue Chrysanthou SC	Confer with Mr Dean regarding Ch 7 privilege claim (126k), confer with witness regarding cross-examination preparation, confer with Dr Collins	25	\$80.00	\$2,000.00	\$200.00	\$2,200.00												
4/04/2024	Sue Chrysanthou SC	Confer with Mr Dean and client, review transcript, review documents produced, confer with Dr Dollins, confer with Mr Dean regarding submissions, review further texts, confer with client	45	\$80.00	\$3,600.00	\$360.00	\$3,960.00												
5/04/2024	Sue Chrysanthou SC	Confer with Mr Dean regarding new material and submissions, review transcript, confer with client and Mr Dean	37.5	\$80.00	\$3,000.00	\$300.00	\$3,300.00												
7/04/2024	Sue Chrysanthou SC	Review note from Ten	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
9/04/2024	Sue Chrysanthou SC	Consider submissions filed by witnesses, consider correspondence from court, confer with client, confer with Mr Dean	12.5	\$80.00	\$1,000.00	\$100.00	\$1,100.00												
10/04/2024	Sue Chrysanthou SC	Confer with client about submissions filed by other parties and upcoming judgment	3	\$80.00	\$240.00	\$24.00	\$264.00												
11/04/2024	Sue Chrysanthou SC	Confer with Mr Dean, confer with Mr Jefferies	3	\$80.00	\$240.00	\$24.00	\$264.00												
12/04/2024	Sue Chrysanthou SC	Consider draft Ten statement, confer with client, confer with client and Mr Jefferies, confer with Mr Dean, draft statement	7.5	\$80.00	\$600.00	\$60.00	\$660.00												
15/04/2024	Sue Chrysanthou SC	Brief on judgment, review reasons for judgment, confer with client about Mr Dean (1 day)	100	\$80.00	\$8,000.00	\$800.00	\$8,800.00												
16/04/2024	Sue Chrysanthou SC	Consider correspondence from Court, confer with Mr Dean, confer with Mr Jefferies	7.5	\$80.00	\$600.00	\$60.00	\$660.00												
17/04/2024	Sue Chrysanthou SC	Review costs proposal from first respondent, confer with Mr Dean and Mr Jefferies, review costs proposal and submissions in cross-claim, further confer with Mr Dean, consider further correspondence from Court, confer with Mr Jefferies	10	\$80.00	\$800.00	\$80.00	\$880.00												
19/04/2024	Sue Chrysanthou SC	Confer with Mr Jefferies	2.5	\$80.00	\$200.00	\$20.00	\$220.00												
19/04/2024	Sue Chrysanthou SC	Confer with instructing solicitors regarding costs position, confer with Mr Dean regarding draft costs submissions, review judgment in relation to credit findings against applicant relevant to costs	20	\$80.00	\$1,600.00	\$160.00	\$1,760.00												
22/04/2024	Sue Chrysanthou SC	Consider correspondence from other side, confer with Mr Dean, amend costs submissions, further confer with Mr Dean to finalise costs submissions, consider costs submissions served by other parties	32.5	\$80.00	\$2,600.00	\$260.00	\$2,860.00												

23/04/2024	Sue Chrysanthou SC	Consider correspondence from Court, confer with Mr Dean, confer with counsel for applicant, confer with client	15	\$80.00	\$1,200.00	\$120.00	\$1,320.00							
24/04/2024	Sue Chrysanthou SC	Correspondence with team regarding Ten's position, confer with Mr Jefferies regarding Ten's costs position	5	\$80.00	\$400.00	\$40.00	\$440.00							
26/04/2024	Sue Chrysanthou SC	Review material served by Ten, telephone conference with Mr Jefferies	7.5	\$80.00	\$600.00	\$60.00	\$660.00							
1/05/2024	Sue Chrysanthou SC	Brief on hearing (costs) including related preparation, confer with instructing solicitor (1 Day)	1											
8/05/2024	Sue Chrysanthou SC	Confer with client to explain costs arguments and implications (part of brief on hearing on costs argument)	0	\$80.00	\$0.00	\$0.00	\$0.00							

Invoice Date: 30/05/2023
Page Bundle: 1

Payment of Invoice VIQSA17254 - Full Transcr \$307.99 \$30.80 \$338.79
SMH for copy of article in relation to case \$3.64 \$0.36 \$4.00
VIQ Full Transcript \$2,476.17 \$247.62 \$2,723.79
VIQ Full Transcript \$2,613.68 \$261.37 \$2,875.05

Invoice Date: 25/09/2023
Page Bundle: 67

ZTB Toshiba Hard Drive \$77.27 \$7.73 \$85.00
Hardrive for evidence & discovery \$61.82 \$6.18 \$68.00

Invoice Date: 29/02/2024
Page Bundle: 134

Printing costs per inv of Law In Order \$3,770.88 \$377.09 \$4,147.97
SMH Paper \$4.55 \$0.45 \$5.00
SMH 14.12 & 15.12 \$8.55 \$0.85 \$9.40
Subscription to The Australian \$14.55 \$1.45 \$16.00
Officeworks 516GB USB \$13.18 \$1.32 \$14.50
Wilkinson lunch 2nd wk of hearing \$80.91 \$8.09 \$89.00
Lunch - first day of court hearing \$92.73 \$9.27 \$102.00
Transcript fee per inv of VIQ dated 31.10.23 \$285.32 \$28.53 \$313.85

Invoice Date: 9/05/2024
Page Bundle: 232

Newspaper - SMH for MN220244 \$4.00 \$0.40 \$4.40
4x Newspaper \$14.91 \$1.49 \$16.40

Roland Matters

From: Roland Matters <roland@rolandmatters.com.au>
Sent: Wednesday, 13 November 2024 8:13 PM
To: 'David Collinge'; 'CausleyTodd, Amelia'
Cc: 'Anthony Jefferies'; 'Nicola Sanchez'; 'Saunders, Marlia'; 'Meixner, Sophie'
Subject: Lehrmann v Network Ten Pty Limited & Anor (Federal Court of Australia Proceeding No NSD103/2023) (proceeding)
Attachments: Lehrmann-Network Ten and Wilkinson Federal Court NSD103 of 2023 - Wilkinson Reference Draft Report 13 November 2024 and Attachments A - D-2.pdf

Dear Practitioners.

I **attach** a draft of the report to be submitted pursuant to order 2 of the Order made on 28 June 2024 and order 1 made on 16 October 2024 in the proceeding and proposed attachments "A" to "D-2" to the draft report. Answers to the Wilkinson Relevant Questions expressed in the draft that are dependent on the provision of further information and further findings are highlighted in grey.

I have proceeded on the assumption that the term "review" as expressed in attachment D-1 is, unless otherwise indicated, synonymous with the phrase 'reading and considering' and the more arcane costs quantification term 'peruse'.

I invite the provision of submissions and/or further material in relation to the content of the attached draft that the inquiry parties elect to provide by close on 27 November 2024.

I ask that I be apprised of/provided with:

1. the number of pages (both deposed content and annexures/exhibits) of affidavits in chief served on behalf of Ms Wilkinson and the approximate relating costs quantified in attachments D-1 and D-2 to the attached draft;
2. a copy of the court book index and the approximate relating costs quantified in attachments D-1 and D-2 to the attached draft in respect of the services of Ms Wilkinson's legal representatives; and
3. the number and approximate pages of documents analysed in respect of Ms Wilkinson's discovery (to the extent that this does not impact on any entitlement Ms Wilkinson has to maintain confidentiality of documents and/or information) and the approximate relating costs quantified in attachments D-1 and D-2 to the attached draft.

Regards,



0414 184 850
9954 5960
rolandmatters.com.au
4/1 Tunks St, Waverton NSW 2060

This email and any attachments may be confidential

Roland Matters

From: CausleyTodd, Amelia <acausleytodd@tglaw.com.au>
Sent: Thursday, 21 November 2024 3:08 PM
To: Roland Matters
Cc: 'Anthony Jefferies'; 'David Collinge'; Saunders, Marlia; Meixner, Sophie; 'Nicola Sanchez'
Subject: RE: Lehrmann v Network Ten Pty Limited & Anor (Federal Court of Australia Proceeding No NSD103/2023) (proceeding) [GDL-1.230085.WILKIL] [TGLAW-Legal.FID3782978]

[Confidential]

Dear Mr Matters

We refer to the draft report provided on 13 November 2024.

To enable the first respondent to prepare written submissions in relation to the report, we would be grateful if you could please:

1. in respect of paragraph 17.8:
 - a. provide an explanation and specific working out for how these percentages were calculated; and
 - b. confirm whether these percentage discounts apply on top of the disallowance for various lawyers' attendances as set out in paragraph 17.6 or if they are a percentage representation of the disallowances identified in paragraph 17.6; and
2. in respect of paragraphs 17.10-11(a), provide an explanation and specific working out for how this percentage was calculated.

Thank you for your assistance.

Kind regards

Amelia CausleyTodd | Associate
Thomson Geer

T +61 2 8248 3455 | M +61 438 530 559
Level 14, 60 Martin Place, Sydney NSW 2000 Australia
acausleytodd@tglaw.com.au | tglaw.com.au

Advice | Transactions | Disputes

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Roland Matters

From: Roland Matters <roland@rolandmatters.com.au>
Sent: Friday, 22 November 2024 4:12 PM
To: 'CausleyTodd, Amelia'
Cc: 'Anthony Jefferies'; 'David Collinge'; 'Nicola Sanchez'; 'Saunders, Marlia'; 'Meixner, Sophie'
Subject: Lehrmann v Network Ten Pty Limited & Anor (Federal Court of Australia Proceeding No NSD103/2023) (proceeding) [GDL-1.230085.WILKIL] [TGLAW-Legal.FID3782978]

Dear Ms CausleyTodd,

Thank you for your below email

My responsive thoughts are interposed in red below

Regards,



This email and any attachments may be confidential

From: CausleyTodd, Amelia [mailto:acausleytodd@tglaw.com.au]
Sent: Thursday, 21 November 2024 3:08 PM
To: Roland Matters
Cc: 'Anthony Jefferies'; 'David Collinge'; Saunders, Marlia; Meixner, Sophie; 'Nicola Sanchez'
Subject: RE: Lehrmann v Network Ten Pty Limited & Anor (Federal Court of Australia Proceeding No NSD103/2023) (proceeding) [GDL-1.230085.WILKIL] [TGLAW-Legal.FID3782978]

[Confidential]

Dear Mr Matters

We refer to the draft report provided on 13 November 2024.

To enable the first respondent to prepare written submissions in relation to the report, we would be grateful if you could please:

1. in respect of paragraph 17.8:
 - a. provide an explanation and specific working out for how these percentages were calculated I can do this in the course of the coming weekend; and
 - b. confirm whether these percentage discounts apply on top of the disallowance for various lawyers' attendances as set out in paragraph 17.6 or if they are a percentage representation of the disallowances identified in paragraph 17.6 the percentages reported in answer to questions 8.a. to 8.f incorporate, but are not limited to, the findings reported in answer to questions 6.a. to 6.f. This follows from my current understanding that questions 6.a. to 6.f. referred to particular tasks on dates specified whereas questions 8.a. to 8.f., whilst requiring that the answers to questions 6.a. to 6.f. be taken "into account", referred to "hours charged by GDL" on "days" specified; and
2. in respect of paragraphs 17.10-11(a), provide an explanation and specific working out for how this percentage was calculated. I can do this in the course of the coming weekend

Thank you for your assistance.

Kind regards

Amelia CausleyTodd | Associate
Thomson Geer

Roland Matters

To: 'CausleyTodd, Amelia'
Cc: 'Anthony Jefferies'; 'David Collinge'; 'Nicola Sanchez'; 'Saunders, Marlia'; 'Meixner, Sophie'
Subject: Lehrmann v Network Ten Pty Limited & Anor (Federal Court of Australia Proceeding No NSD103/2023) (proceeding) [GDL-1.230085.WILKIL] [TGLAW-Legal.FID3782978]

Dear Ms CausleyTodd,

I **attach** an updated draft of the report and attachments marked “A” to “I” referred to in the attached draft.

The content of the attached draft is that to be addressed by submissions and/or material that the inquiry parties elect to make/provide.

Point 1.a. of your email of 21 November 2024

The content requested is addressed at endnote 14 and by relating orange shaded rows in the updated attachment D-1.

You will see that I have removed orange highlighting from rows in respect of which I had previously included it for reason only that the row was subject to the positions expressed on behalf of NT in column K as “time objection as to 50%” and on behalf of LW in column O as “Does not press part of entry”. I understand that questions 8.a. to 8.f. of the Wilkinson Relevant Questions would not be correctly answered in the inquiry by the adoption of an agreed position of the inquiry parties (if this is what such content indicates). Any agreed position may be a matter to be addressed by the inquiry parties other than in the inquiry.

Point 2. of your email of 21 November 2024

The content requested is addressed at endnote 25.

Regards,



0414 184 850
9954 5960
rolandmatters.com.au
4/1 Tunks St, Waverton NSW 2060

This email and any attachments may be confidential

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ms Wilkinson's Submissions on draft Referee Report**Overall comments**

1. Ms Wilkinson's entitlement to indemnity from Network Ten Pty Ltd (**NT**) in respect of her costs reasonably incurred in defending the Applicant's claim against her was established by the judgment of the Court in *Lehrmann v Network Ten Pty Limited (Cross-claims)* [2024] FCA 102. Ms Wilkinson relies on the submissions provided to you in tab 25 of the Reference brief and the letter from Gillis Delaney (**GD**) to Thomson Geer (**TG**) dated 19 June 2024 at tab 11 of the Reference brief.
2. This was a significant case for Ms Wilkinson with real life consequences to her personally and professionally. Consistent with her entitlement to separate representation (as found by the Court), her lawyers conducted each aspect of the proceedings according to their skill and in Ms Wilkinson's best interests. The proceeding was commenced by the Applicant in early 2023 and the hearing was finalised on the last day of the Court year in December 2023.
3. A critical point, always to be borne in mind, is that the Court has found that Ms Wilkinson was entitled to be separately represented in the proceedings. That is – it has been found that she was entitled to her own representation – or put another way, *not* to be represented by NT and its legal team. That being so, it would be a significant error to proceed on the basis that Ms Wilkinson could just leave it to NT and its legal team to handle matters. Ms Wilkinson was entitled to take and receive advice from her lawyers on all issues, and to allow her lawyers to act in what they regarded as her best interests. Her lawyers were similarly obliged and entitled to so act. If the Reference is not undertaken through this prism, error will result.
4. In these circumstances, it is submitted that, save in the most extreme situation (which does not arise here), it is not reasonably open to find that the work done by Ms Wilkinson's lawyers was not reasonably necessary because work of the same or similar kind was also being undertaken by NT's lawyers. Ms Wilkinson was entitled to be separately represented, and *not* to take and act on the direction of NT or its lawyers. There is no reason for giving NT and NT's lawyers any more primacy than Ms Wilkinson and her lawyers. If it were otherwise, it would equally be said that NT and its lawyers should have sat back and waited to see what Ms Wilkinson was going to say or do on every issue. She was not more or less a defendant or respondent, and no more or less entitled to separate representation, than NT.

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5. Ms Wilkinson was the only person outside the various legal teams involved in these proceedings who was present in court every single day - for the defamation trial, for the cross claim, for the re-opening of the defamation trial to hear evidence from Taylor Auerbach, and for the judgement. And as such, having both solicitors and counsel present in court on those days was crucial for her properly liaising with them over matters as they arose, live, in court, and to receive advice and provide instructions.
6. Ms Wilkinson has incurred significant costs exceeding \$1,800,000 for defending herself in this proceeding. She has paid these costs from her own and borrowed funds at considerable personal expense. NT has incurred well over \$3,000,000 for its costs.
7. It is also imperative to note that the total incurred costs that were presented in the Excel spreadsheet in the Reference brief had been reduced from the costs incurred after much negotiation and discussion between the parties. You will note from the letter at tab 14 of your Reference brief dated 9 July 2024 that costs totalling \$243,401.13 were excised from the spreadsheet before it was given to you.
8. Ms Wilkinson notes your determination in endnote 4 of your draft report when considering the word "necessary" and the phrase "reasonably necessary" that the finding of fact as to the costs of legal services must be made in the absence of hindsight and in the absence of the indemnity. Put simply, Ms Wilkinson understands this to mean that it is your opinion that you are required to look at the work undertaken by her lawyers and the costs incurred for the same, without consideration of the indemnity due to her from NT and absent the use of hindsight. As such the appropriate lens within which to approach these costs and the questions put to you is to consider what work was reasonably necessary for Ms Wilkinson's legal team to undertake to protect her interests and defend the claim.
9. Whilst this is stated to be the approach taken, the draft report appears to proceed on the basis that Ms Wilkinson's lawyers are somehow subservient to NT's lawyers or had only a retainer akin to a watching brief which is not correct. Once it has been decided that there was a conflict (or at the very least a non-alignment of interest) requiring separate lawyers, those lawyers were required to run Ms Wilkinson's case competently and according to their own skill and judgment. They were not obliged to agree with NT on everything and in this case, they clearly did not.
10. Ms Wilkinson's contention is that an indemnity is an indemnity. That is, that unless costs were incurred in respect of work completely unconnected with the proceeding, or unless

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work was performed in respect of an unreasonable frolic, then the costs incurred should be reimbursed.

11. The final proposed reductions applied in the draft report to account for the costs of any residual matters appear to have been made on a party/party basis rather than as an indemnification as required.
12. You also state in endnote 34 when considering the costs overall and the proportionality of the costs actually incurred, quoting from *Blairgowrie Trading Ltd v Allco Finance Group Ltd (Receivers & Managers Appointed) (in liq) (No. 3)* [2017] FCA 330 that "...one should be careful not to use hindsight bias. The question is the benefit reasonably expected to be achieved, not the benefit actually achieved".
13. It appears that hindsight has been applied in your reasoning where findings of fact have been made in the report as to the "reasonably necessary" costs of certain tasks and events based on the number of words in a document and the transcript rather than by a consideration of what work was reasonably necessary to defend Ms Wilkinson's position.
14. That being said, it is clear from the material contained in the Reference brief that there was some common interest between the Respondents on discrete issues in the proceedings and that Ms Wilkinson's lawyers indeed took steps to minimise the incurrence of legal costs in relation to those, however in relation to some aspects of the proceeding they could not simply rely on or wait for NT to do certain things before they did, including filing of her Defence and preparation of the closing submissions. That is due to timing issues, such as the need to comply with court orders for the filing and service of documents such as Defences and submissions in circumstances where Ms Wilkinson did not even have NT's proposed or actual documents to consider prior to having to file and serve hers. These practical realities, which sit in addition to Ms Wilkinson's entitlement to be separately represented, appear not to have been fully considered. More details in this regard are provided below.
15. As summarised above, and developed further below, the referee is requested to review the position further, and to take proper account of the (1) judicial finding that Ms Wilkinson was entitled to be separately represented and holds an indemnity from NT in respect of all reasonable costs of that separate representation; and (2) practical realities associated with many of the tasks and the fact that, contrary to the approach which

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appears to have been taken in the draft report, Ms Wilkinson did not even have NT's Defence, submissions and the like in such a way as to enable her to decide whether to simply adopt them, and was bound by Court orders to file and serve her materials on time.

16. In addition to these central points, there are other topics which it is submitted require further consideration. They are detailed in the course of this document. One important topic in this regard is the hourly rates to be allowed for the period from 9 May 2023, being rates which do not align with market rates for the provision of appropriately specialised defamation litigation advice and representation for a case of this size and profile (a fact apparent from a comparison with the rates of NT's lawyers through the period, which are likely to be discounted rates, and being rates which neither NT nor its lawyers have suggested were in excess of market). In a quantum meruit exercise, which is what Lee J has described it, the relevant test is what represents a fair market price for services of this kind: *Mann v Patterson Constructions* [2019] HCA 32.
17. Ms Wilkinson notes that you have not provided any actual amounts for costs allowed and/or disallowed in your draft report, other than detailing hourly rates in paragraph 14, percentages of hours reduced in 17.8 on page 6, costs of counsel in 17.9 on page 7 and percentage reductions in 27.17 on page 9 and 10.
18. Additionally, there are still parts of the draft report where you have called for additional documents and/or have not yet made a determination. Ms Wilkinson queries if the parties will have an opportunity to say something about these matters given that the report is unfinished at this point and the overall amount of costs is not yet clear.
19. Ms Wilkinson's specific submissions and comments on some of the key matters raised in the draft report are set out below.

Hourly rates – paragraph 14 (page 3)

20. Ms Wilkinson notes the explanation about the rates for work done by lawyers from Gillis Delaney Lawyers (**GDL**) that are to apply from 9 May 2023 is outlined in endnote 8 of the draft report on the basis that you understand these rates to accord with common practice in the provision of legal services from 9 May 2023 onwards to a defendant to a proceeding in the Court against whom the tort of defamation has been pleaded.

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21. The rates proposed as allowed by you for work done by GDL from 9 May 2023 are set out in paragraph 14 of the draft report on a GST inclusive and exclusive basis as follows:

Lawyer	Rate per 6 minute unit incl GST	Rate per hour incl GST	Rate per hour excl GST
Partner	\$71.50	\$715.00	\$650.00
Senior Associate	\$55.00	\$550.00	\$500.00
Associate	\$44.00	\$440.00	\$400.00
Graduate	\$27.50	\$275.00	\$250.00
Paralegal	\$22.00	\$220.00	\$200.00

22. Much of the work in this matter was done by very experienced special counsel at GDL, Mr Collinge, and there is no mention of a rate for special counsel in this list.
23. It is not at all clear how these rates have been determined – they are not the reduced rates charged by GDL to Ms Wilkinson prior to 9 May 2023, they are not the rates set out in the first costs GDL costs agreement nor in the subsequent GDL costs agreements with Ms Wilkinson and nor are they the rates contained in the Excel spreadsheet provided to you.
24. Ms Wilkinson submits that the rates determined as set out in your draft report for work done after 9 May 2023 are not fair and reasonable for this work. In support of this submission, Ms Wilkinson notes that:
- (a) The usual market rates for specialist defamation lawyers in Sydney equipped to take on a matter of this significance are as follows, all exclusive of GST:
- (i) between \$650 and \$1,000 for partners and principals;
 - (ii) between \$500 and \$780 for senior lawyers and special counsel;
 - (iii) between \$250 and \$480 for more junior solicitors;
 - (iv) between \$150 and \$350 for a paralegal or clerk;
 - (v) between \$250 and \$650 per hour for junior counsel; and
 - (vi) between \$700 and \$2,400 per hour for senior counsel.
- (b) The rate in item 1.1 of the Federal Court scale which is used to calculate party/party costs in force from January 2023 is up to \$720 per hour – this rate increased in June 2024 to \$750 per hour.

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- (c) The ranges of rates set out in the NSW Costs Assessment Rules Committee Guideline that provides costs assessors in NSW with guidance as to the reasonableness of hourly rates in party/party or ordered costs assessments in NSW matters (exclusive of GST):

Service provider	From March 2016	From May 2023
Senior partner/partner/specialist (10+ years) (hourly)	450 – 750	540 – 900
Senior associate (5 years plus) (hourly)	300 – 500	360 – 600
Employed solicitor / junior associate (1-4 years) (hourly)	200 – 400	240 – 480
Senior counsel, where the assessor considers that it is fair and reasonable to have briefed senior counsel (daily)	5,000 – 8,000	6,000 – 10,000
Senior counsel (hourly)	500 – 950	600 – 1,000
Junior counsel (daily)	2,000 – 5,000	2,400 – 5,600
Junior counsel (hourly)	200 – 500	240 – 560
Paralegals (hourly)	120 – 250	135 – 300
Clerks/secretaries (hourly)	75 – 150	90 – 180

- (d) The rates charged by TG to NT for representation of the First Respondent as detailed in the affidavit of Marlia Saunders affirmed on 20 June 2024, a copy of which was provided to you at tab 6 in the Reference brief, which sets out a table of rates in paragraph 23 (noting the rates as charged on a GST exclusive basis) as follows:

Lawyer	Rate per 6 minute unit incl GST	Rate per hour incl GST	Rate per hour excl GST
Partner, Ms Saunders Admitted 2005 19 years + PAE	\$80.30	\$803.00	\$730.00
Senior Associate, Conor O’Beirne Admitted 2018 6 + years PAE	\$58.30	\$583.00	\$530.00
Associate, Amelia Causey Todd	\$47.85	\$478.50	\$435.00

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Admitted 2020 4 years PAE			
Lawyer, Sophie Meixner Admitted 2019 5 years PAE	\$43.45	\$434.50	\$395.00
Graduate, Natasya Currie Admitted 2024	\$30.25	\$302.50	\$275.00
Senior Paralegal, Rachel Stellas	\$34.10	\$341.00	\$310.00

25. It is likely that the rates charged by TG to NT are lower than the rates charged to private clients due to NT being a large commercial client of the law practice. Ms Wilkinson was engaging her legal team as a private individual and paying the legal fees in her personal capacity and as such had no access to reduced rates from her lawyers.
26. Ms Wilkinson also notes from the email of 2 August 2024 to you from Ms Causley-Todd in response to question 2 in your email to the parties of 30 July 2024, that TG stated that at the case management hearing, that NT would submit that the referee ought to determine GDL hourly rates by reference to the scale rates in the Federal Court scale applicable in 2023. These rates are detailed above and Ms Wilkinson notes that the amounts allowed by you for the most senior lawyers are well below the upper end of the rate in item 1.1 of the scale, excluding GST.
27. The experience of the lawyers from GDL undertaking this work is as follows:

Name	Admission Date	Experience
Anthony Jefferies, Partner	December 1996	28 years + Anthony is a very experienced commercial litigator. Commencing at Allen Allen & Hemsley he has worked at Minter Ellison and Norton Rose Fulbright before joining GDL in March 2012. Anthony has acted for and advised the following in relation to defamation matters: <ul style="list-style-type: none"> • John Laws • Alan Jones • John Ibrahim • Pauline Hanson • Garry Jubelin

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		<ul style="list-style-type: none"> • Jordan Belfort • Matt Wright • Mark Latham • Peter Bol • Braith Anasta • Jake Thrupp • Professor Ross Fitzgerald • John Maitland • Fadi Ibrahim • John Fordham
David Collinge, Special Counsel	December 1988	<p>35 years +</p> <p>David is a litigation specialist with a focus on complex commercial litigation, reputational protection, termination of senior executives and shareholder disputes.</p> <p>He has acted for a broad range of clients advising on all aspects of commercial litigation and dispute resolution and he has particular expertise in managing large volume litigation and in claims arising from executive workplace arrangements and acting in defamation claims.</p>
Nicola Sanchez, Associate & Senior Associate (from 23/12/2023)	March 2014	<p>9 years +</p> <p>Nicola is now special counsel at GDL having been an associate and senior associate with a focus on complex commercial litigation.</p>

28. It is clear that the team of lawyers from GDL is relatively small and very experienced. By contrast with the lawyers at TG and the rates charged by TG for NT, both Mr Jefferies and Mr Collinge have many more years’ experience than Ms Saunders. Ms Sanchez, the associate and then senior associate from GDL, has significantly more experience than the associate and senior associate doing work on the matter for TG. As such and noting the matters outlined above, there is no basis for reducing the rates charged by GDL to Ms Wilkinson from 9 May 2023 to rates proposed in the draft report.

29. The hourly rates charged by GDL to Ms Wilkinson after 9 May 2023 are fair and reasonable in the circumstances of this proceeding and noting the experience and the relatively small legal team of just three lawyers from GDL acting with limited paralegal support. These rates are not dissimilar to the rates charged by TG and are well within

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the range of party/party rates in the NSW Costs Assessment Guidelines and Mr Jefferies' rate only slightly exceeds the upper end of the item 1.1 rate in the Federal Court scale in force until mid-2023 that sets party/party costs, excluding GST.

30. Ms Wilkinson maintains that the rates that should be applied to calculate costs incurred after 9 May 2023 are as follows:

Lawyer	Rate per 6 minute unit incl GST	Rate per hour incl GST	Rate per hour excl GST
Partner	\$82.50	\$825.00	\$750.00
Special counsel	\$71.50	\$715.00	\$650.00
Senior Associate	\$58.30	\$583.00	\$530.00
Associate	\$49.50	\$495.00	\$450.00
Paralegal	\$27.50	\$275.00	\$250.00

31. These rates are the rates charged by GDL to Ms Wilkinson for the most experienced lawyers, Mr Jefferies and Mr Collinge and rates for the associate and senior associate from 23 December 2023, Ms Sanchez, are akin to the rates charged by fee earners of a similar level from TG. The paralegal rate is the rate charged.

Costs of the Preparation of the Second Respondent's Defence – paragraph 15 (page 3)

32. Ms Wilkinson maintains that **all** costs related to the preparation of her Defence were reasonably necessary. Ms Wilkinson filed a wholly separate Defence to that filed by NT. One example of this was Ms Wilkinsons' truth defence which was not put in the same way as that filed by NT. It is also notable that the basis of the truth defence put by NT was ultimately rejected by the Court.
33. The context surrounding the question of the defence goes to NT's dogged insistence that the parties file their defences at the same time. Ms Wilkinson was advised against this and gave clear instructions that her defence was to be filed as soon as reasonably practicable.
34. Indeed, the parties and their respective Senior Counsel were in constant communication about Ms Wilkinson's draft defence. It is clear from those communications that NT never raised any issues with Ms Wilkinson's defence save for and except concerns about privilege and their insistence that defences be filed at the same time for tactical reasons.

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35. This is also clear from the short chronology of the events surrounding the filing of the Defences as set out below:

Date	Description
07/02/23	Statement of Claim filed Pursuant to r 16.32 of <i>Federal Court Rules</i> , defence due to be filed within 28 days of service of statement of claim (i.e. by about 07/03/23).
14/02/23	Notice of acting – change of solicitors filed for Lisa Wilkinson
17/02/23	Email from GDL to TG (Friday 8.36am) requesting copies of documents relevant to preparation of Defence (any documents in the criminal proceedings, documents related to preparation and publication of the broadcast, camera tapes, scripts, final programme, concerns notice/s and all correspondence from the Applicant/Lehrmann.
20/02/23	Email from GDL to TG (@ 8.35am) following up on previous email request for documents noting the urgency.
	TG's response (@ 9.53am) provided that material by ShareFile (interviews, transcript, statutory declaration, concerns notices etc).
22/02/23	Email from GDL to TG (@ 2.42pm) providing draft Defence 'as discussed with Sue'. GDL indicate that the intention was to file LW's defence ASAP. GDL request all communications with the Applicant prior to the broadcast.
	Reply email from TG (@ 4.19pm) concerning preparation of the Defences: <i>We are of the view that the best approach is for the respondents to file their defences at the same time and should not be rushed.</i> <i>We understand that our senior counsel is going to set up a time for a conference with your senior counsel tomorrow to talk through the issues in detail, including the proposed contextual truth defence.</i> <i>We will review the draft defence carefully and let you know our comments, however as a preliminary matter please note that:</i> <i>Our client does not consent to the waiver of common interest privilege in relation to prepublication legal advice given in relation to The Project and is concerned that paragraphs 17.51 to 17.54 amount to a unilateral waiver of that privilege.</i> <i>As per our email to you yesterday, paragraph 17.55 is factually false.</i> <i>The defence should not be filed until these issues are resolved.</i>
	There was no issue between NT and Ms Wilkinson re s30 Defamation Act 2005 – Statutory Qualified Privilege (paragraph 13 of the Defence as filed). In fact, Ms Wilkinson's Defence (paragraph 12 as filed) as it

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	dealt with s25 Defamation Act 2005 (substantial truth) was preferred by the Court over NT's.
	Email from GDL to TG (@ 5.02pm) concerning content of Ms Wilkinson's draft Defence – requesting copy email re paragraph 17.55 and advising 17.51-17.54 do not waive privilege
	Email from TG to GDL (@ 5.11pm) regarding communications copied to Ms Wilkinson and seeking assurance that she will not do anything inconsistent with the privilege without NT's consent. NT indicate their disagreement re the waiver of privilege in the draft Defence and note this concern to be discussed between the parties the next day
27/02/24	Email from GDL to TG attaching <i>"final version of our client's draft Defence, after our respective Senior Counsels conferred"</i>
28/02/24	Email from TG to GDL (@ 9.03am) commenting re the draft Defence and concerns re privilege and requiring amendments as outlined to parts of paragraph 14 of the draft (paragraph 15 of the Defence, as filed)
	Email GDL to TG (@ 10.22am) – advising Ms Wilkinson would consider the matters raised but noting NT is not entitled to require changes to Ms Wilkinson's Defence and any changes will be to ensure accuracy. They to raise any other matters of concern by 1pm
	Email TG to GDL (@ 10.59am) re waiver of privilege and continued request to amend paragraph 14
	Ms Chrysanthou emails Mr Collins (@ 8.04pm) advising Ms Wilkinson is filing tomorrow and any further matters by NT need to be raised ASAP.
01/03/24	Email from TG to GDL and SC (@ 8.39am) – no further comments on the draft Defence, NT noted their disagreement that Ms Wilkinson should file her Defence in advance of the timeline and they suggest that she would benefit from NT's Defence <i>"which will contain a lot more detail and which we can obtain instructions to share with you once the draft is further advanced"</i>
	Ms Wilkinson's Defence is filed and served
07/03/24	<p>At 12:04pm, TG provided a draft of NT's Defence subject to common interest privilege. NT's draft Defence was 39 pages including 30 pages comprised of Annexures A and B – Annexure A being the particulars of truth defence of 79 paragraphs and Annexure B being particulars of qualified privilege).</p> <p>At 1:42pm, GDL responded that we were unable to obtain instructions as Ms Wilkinson was in transit</p> <p>At 3:35pm, TG lodged NT's Defence with the Court for filing.</p> <p>At 3:50pm, TG served NT's Defence.</p>

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36. It is also noteworthy that Ms Wilkinson's s30 arguments were framed quite differently to those of NT and notwithstanding that Ms Wilkinson was unsuccessful on those points that does not mean that she is not entitled to be indemnified for those costs in full (the test being foresight not hindsight, as noted in endnote 4 of the draft report).
37. Additionally, Ms Wilkinson's substantial truth defence (paragraph 12 of her Defence, as filed) was again framed very differently to that of NT (paragraph 13 of their Defence together with particulars set out in 79 paragraphs in Annexure A to NT's Defence) whose version his Honour rejected. This difference was addressed in court at T2000:14 to T2001:31.
38. Ms Wilkinson's senior counsel, Ms Chrysanthou, made submissions specifically on Ms Wilkinson's defence of substantial truth. As such the position is that it was entirely reasonable and necessary for Ms Wilkinson to be advised on, draft and file her own distinct Defence including in relation to common interest issues (**CII**) for all the reasons set out above.
39. In any event, as the chronology above reveals Ms Wilkinson's draft Defence was provided to NT on 22 February 2023. NT provided some commentary on the draft, relevantly none of NT's comments touched on how that Defence dealt with supposed CII at all. Some limited amendments were made to Ms Wilkinson's draft Defence, which was then filed and served on 1 March 2023, as she was entitled to do.
40. Importantly, it was never a certainty that NT would provide their draft Defence to Ms Wilkinson, let alone in a timely manner, indeed NT had only indicated that they *could* (not would) obtain instructions to share a draft with Ms Wilkinson (NT email of 1 March 2023) and as it transpired that draft was provided on the day it was due to be filed and just 3 hours before it was in fact filed by NT. Given that Ms Wilkinson was given virtually no opportunity to review and take advice about the terms of NT's defence before defences had to be filed, and where NT itself wanted to see and comment on Ms Wilkinson's draft defence, it cannot sensibly be said that Ms Wilkinson did not act reasonably in having her lawyers undertake the tasks associated with the drafting of the Defence as they did.
41. In terms of counsels' fees associated with the drafting of the Defence these are extremely moderate in the circumstances. Many of the Excel row references contained in footnote 1 to the Questions are outside the scope of the Defence drafting work performed (including but not limited to work done on 2 March 2023 which relates to the

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EOT application and not the Defence, which had already been filed). Specifically, Mr Dean has charged total fees of \$1,347.50 incl GST in respect of just 3.5 hours and Ms Chrysanthou has charged only 14 hours for work from 17 February 2023 to 1 March 2023 (*including* attendances with NT's Senior Counsel), being of \$12,320 incl GST.

42. On 14 February 2023 his Honour set a timetable for the EOT Application which was listed for hearing on 16 March 2023. That timetable provided, inter alia, for the Respondents (NT and Ms Wilkinson) to file any affidavit material and submissions by 10 March 2023. Indeed, the steps being taken on Ms Wilkinson's behalf to prepare for the EOT Application substantially commenced on 1 March 2023 following receipt of the Applicant's material (Excel from row 313).
43. Ms Wilkinson notes that many of the early Excel references in the footnotes to the Reference questions appear to be wrong.

Costs of the Applicant's EOT Application – paragraph 16 (page 3)

44. It is not clear what costs have been allowed or disallowed in the draft report under this category of costs.
45. The extension of time application, as it concerned Ms Wilkinson, raised distinct issues to the extension of time application concerning NT, including:
 - a. The Applicant issued a concerns notice to NT, but did not issue a concerns notice to Ms Wilkinson, with the effect that:
 - i. Ms Wilkinson was not put on notice of the threat of the proceedings;
 - ii. Ms Wilkinson was not provided an opportunity to attempt to resolve the dispute; and
 - iii. NT did not seek Ms Wilkinson's input into its response to the concerns notice.
 - b. Ms Wilkinson is a natural person and not a corporation, and therefore is at a presumed greater prejudice in respect of the Applicant's delay; and
 - c. Ms Wilkinson is an employee and is entitled to an indemnification from NT and therefore the Applicant was entitled to pursue a damages claim against NT even if he was not allowed an extension of time with respect to Ms Wilkinson.
46. Given that Ms Wilkinson's legal representatives appeared, they were obliged to put all arguments reasonably necessary to advance Ms Wilkinson's position, irrespective of whether there was overlap with NT.

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47. Ms Wilkinson maintains that **all** of the work undertaken and the costs incurred in relation to the Applicant's application for extension of time were reasonably necessary.

Costs of the Notice to Produce – paragraph 15(5) (page 4)

48. It is not clear what costs have been allowed or disallowed in your draft report under this category of costs.
49. The Applicant produced documents in respect of paragraphs 1 and 2 of the Notice to Produce of 10 March 2023. The documents sought were of real evidence to the issues in dispute, as was an absence of documents responsive to each of those categories.
50. In relation to paragraph 3 of the Notice to Produce, the outcome that His Honour set aside the paragraph does not mean that it was not reasonable for Ms Wilkinson's representatives to issue the Notice to Produce or argue the point. Ms Wilkinson also notes that the document sought in paragraph 3 of the Notice to Produce was ultimately produced by the Applicant during the course of the proceeding.
51. Ms Wilkinson maintains that **all** of the work undertaken and the costs incurred in relation to paragraphs 1,2 and 3 of the Notice to Produce were reasonably necessary.

Costs Associated with the Hearing (between 22 November and 22 December 2023) – paragraph 17 (page 5)

52. Ms Wilkinson cannot see where or how you have arrived at the percentages detailed in 17.8 on page 6 of the draft report originally provided to the parties. It appears from your email to TG of 24 November 2024 that this information is now set out in endnote 14 and as reflected in the orange highlighted entries in the spreadsheet in attachment D1 to your draft report (referred to in endnote 14).
53. It appears from endnote 14 of your amended draft report circulated on 24 November 2024 that these percentages reflect the proportion of hours charged on certain dates (as set out in paragraph 8) by GDL that you consider were not reasonably necessary.
54. Set out below is a summary prepared from the Excel spreadsheet detailing the attendance of the solicitors from GDL at Court for each of the hearing dates along with a comparison of the solicitors in attendance on some of the hearing dates from TG (where available and excluding solicitors who may have been in the back of the Court)

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These dates are taken from Mr Jefferies contemporaneous notes taken at the hearing where this information was recorded:

Date	Solicitors at Court	Allowed in the draft report	TG Solicitors in Court (where recorded)
22 November 2023	DEC	No	
	NRS	Yes	
	AJJ	yes	
23 November 2023	AJJ	Yes	
24 November 2023	NRS	Yes	
	AJJ	Yes	
27 November 2023	NRS	Yes	
	AJJ	Yes	
28 November 2023	NRS	Yes	
	AJJ	Yes	
29 November 2023	AJJ	Yes	1 partner and 2 lawyers
30 November 2023	AJJ	Yes	1 partner and 2 lawyers
1 December 2023	AJJ	Yes	1 partner and 2 lawyers
5 December 2023	NRS	Yes	
	AJJ	Yes	
6 December 2023	AJJ	Yes	1 partner and 2 lawyers
7 December 2023	AJJ	Yes	1 partner and 2 lawyers
8 December 2023	AJJ	Yes	
11 December 2023	AJJ	Yes	
12 December 2023	AJJ	Yes	1 partner and 2 lawyers
13 December 2023	AJJ	Yes	
14 December 2023	AJJ	Yes	
	NRS online (4.3 hours)	No	
	DEC online 1.5 hours		
15 December 2023	AJJ	Yes	
18 December 2023	AJJ	Yes	
19 December 2023	AJJ	Yes	
21 December 2023	NRS online (5.8 hours)	No	

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	DEC online (1.6 hours)		
	AJJ	Yes	
22 December2023	NRS online	No	
	AJJ	Yes	

55. Reference question 6 asked you to consider whether it was reasonably necessary for Ms Wilkinson to retain senior counsel, junior counsel, two partners and another solicitor to attend Court on the hearing dates listed (including time for conferences with the client and counsel before and after Court). From the table above, it is clear that there are only a few hearing dates where more than the nominated number of personnel from GDL actually attended the hearing in person and online.
56. It should be noted that once it was determined that Ms Wilkinson was entitled to separate representation, which it was, it was reasonably necessary for her to have appropriate representation for the entirety of the hearing. As can be seen from the table above, steps were taken to minimise the time spent in Court and on many days, Ms Wilkinson was in fact represented by just one partner and senior counsel.
57. The subsequent reference questions appear to cover the costs incurred by Ms Wilkinson for the hearing days, inclusive of work undertaken by solicitors and paralegals from GDL, in the office who did not attend the hearing. Ms Wilkinson maintains that it is not reasonable to determine that the only costs incurred during the hearing period as reasonably necessary were the costs of attendance at Court, noting that Ms Wilkinson was personally present in Court on every hearing day.
58. Ms Wilkinson makes the comments and submissions in the paragraphs below in relation to the line entries highlighted in orange in the annexures to the draft report.
59. Ms Wilkinson maintains that it was reasonably necessary for lawyers from GDL to undertake the following tasks that you have noted in orange in the spreadsheet annexed to the draft report:
- (a) For Mr Collinge to attend day 1 of the hearing on 22 November 2023, noting that the total time claimed was just 2.4 hours;
 - (b) To view her cross-examination (from the office) and that of other crucial witnesses in order that they could undertake the other work required while not in Court – see attendances by Ms Sanchez and Mr Collinge on 13 and 14 December 2024; and

Ms Wilkinson's Submissions on draft Referee Report

- (c) To attend the last days of the hearing and monitor the submissions (again from the office).
60. Ms Wilkinson also submits that the work undertaken in the lead up to and during the hearing period by the lawyers and paralegals who were in the office rather than in Court was reasonably necessary including:
- (a) Conferences and telephone calls with counsel;
 - (b) Preparation of material for cross-examination, including liaising with counsel, research to identify relevant material (such as relevant news media articles and videos), compiling relevant material, preparation of verbatim transcripts of video material, print and copying;
 - (c) Preparation of material for documentary tender, including liaising with counsel, identifying relevant material, preparing tender lists, printing and copying documents not in court book;
 - (d) Preparation (with TG) of Part E of the Court Book, including liaising with TG and compiling additional documents for tender by Ms Wilkinson and preparation of index of same;
 - (e) Review of affidavits and documentary tender to identify private/confidential information and attending to redact all documents read/tendered by Ms Wilkinson, and liaise with TG regarding the same;
 - (f) Reviewing the transcript;
 - (g) Reviewing and considering interlocutory applications and further evidence served by other parties mid-hearing; and
 - (h) Finalisation of a supplementary affidavit and preparation of a supplementary discovery list of documents for Ms Wilkinson, including liaising with counsel, reviewing further documents from client to consider documents of potential relevance, compiling documents, considering issues of legal professional privilege, liaising with TG on the issue of legal professional privilege in respect of the draft affidavit and proposed discovery documents, filing and serving the supplementary affidavit and list of documents.
61. Ms Wilkinson requests that you re-consider the proposed reductions made in your draft report in light of this information and also noting that some of this work might also be dealt with in Residual Matters detailed below.

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Costs incurred with Senior Counsel and Counsel for the hearing – paragraph 9

62. Counsels' fees for the hearing are dealt with in the draft report in paragraph 9 on page 7 and these are the only dollar amounts in the report. It appears that counsel rates have been allowed as charged being \$8,800 per day and \$880 per hour inclusive of GST for senior counsel and \$3,850 per day and \$385 per hour inclusive of GST for Mr Dean.
63. It is wrong to suggest that Ms Wilkinson not be represented by her counsel, both junior and senior, at every appearance including the re-opening. Again, she was entitled to separate representation, and the fact that the questions are broken down into work segments or cost types does not alter this reality. Ms Wilkinson was not less entitled to separate representation than NT, and NT had a veritable cast of thousands in Court each day, whereas Ms Wilkinson had a much leaner team, but one that was suitably manned given the fact she was entitled to be separately represented and take and receive advice and be represented as the case moved forward (with senior and junior counsel and solicitor present). The evidence and submissions affected her case.
64. Ms Wilkinson notes that the combined rates of her counsel of \$8,000 and \$3,500 per day plus GST is almost the same of the rate of NT's senior counsel of \$11,000 per day plus GST (as set out in Ms Saunders' affidavit in tab 6 of the Reference brief) who appeared with two junior counsel briefed at \$4,000 per day and \$2,200 per day, plus GST, respectively.
65. Ms Wilkinson queries the basis for your decision as to why it was not reasonably necessary for her to have junior counsel present on certain days for example during NT's truth defence and closing addresses, it having already been found that she was entitled to separate representation, the scale of this case, the significance of the issues of a legal, factual and personal nature, and the fact that it is customary for matters of a kind that are much less complex and public than the present to be manned by senior and junior counsel.
66. Ms Wilkinson also queries why it was not reasonably necessary to have junior counsel carrying out trial preparation for cross-examination of the Applicant and submissions on whether they should be able to cross-examine the Applicant, rather than leaving it all to senior counsel (at senior counsel rates) – if that is the case, then senior counsel's time and costs would be substantially greater than they actually were, and the reasonable cost efficiency strategy that was employed would not be recognised as reasonable. It is ordinary practice for senior counsel to have the assistance of junior counsel at hearing,

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especially in a case of this complexity, and no explanation has been provided why Ms Chrysanthou should not have had that assistance given that all other parties in the proceedings were represented at the hearing by both senior and junior counsel.

67. That being said, Ms Wilkinson did take steps to minimise her costs in this regard, by engaging counsel charging moderate rates and times for their work undertaken and having senior counsel only appearing in Court on some hearing dates.

Opening and closing submissions – Paragraphs 17.10 and 17.11 on page 7

68. It appears from the draft report that you consider that only a few select paragraphs relating to damages to be reasonable and that it was not reasonably necessary for Ms Wilkinson to incur the costs of the preparation of her own opening and closing submissions as related to the CII. Ms Wilkinson refers to her submissions above to Reference question 2 in respect of her very specifically drafted Defence in the protection of her own interests.
69. It also appears that you have applied a global reduction of 18.75% to entries referable to submissions to account for costs unreasonably incurred. In endnote 25, you explain that this reduction is based on the length and content of Ms Wilkinson's submissions. This appears to be the application of a hindsight test and does not account for the fact that they were long and had the content they did was the product of the complex legal and factual nature of the case, and its propensity to adversely impact on Ms Wilkinson (who was only in the case because of work she had performed for her employer). The judgment of counsel intimately involved in the conduct of the matter for Ms Wilkinson ought not lightly be discounted. You are most welcome to consult with the authors of those submissions if you require any clarification as to the reason or purpose of any paragraph in that document.
70. Ms Wilkinson maintains that all of the work undertaken and the costs incurred in relation to the submissions were reasonably necessary.
71. With respect to Ms Wilkinson's opening submissions, as outlined above, Ms Wilkinson's Defence was framed on a different basis to NT's Defence. As such it was reasonably necessary for her to incur costs for preparation of her own submissions.

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72. In support of this position in relation to the closing submissions, Ms Wilkinson sets out the following short chronology of the events surrounding and the timetabling for the closing submissions (which is set out in the transcript from T2197:25 to T2198:1:

Date	Event
Tuesday 19 December 2023	Evidence closed. His Honour initially asked for written submissions by the commencement of closing submissions by the Wednesday evening but ceded to a request from counsel that they be provided by the Friday evening instead.
Wednesday 20 December 2023	Court adjourned to allow counsel to work on closing submissions.
Thursday 21 December 2023	Oral closing submissions.
Friday 22 December 2023	Oral closing submissions. Judgment reserved at 5:00pm. NT's closing submissions served at 5:41pm. Ms Wilkinson's closing submissions served at 6:26pm.
Saturday 23 December 2023	Ms Wilkinson's amended closing submissions served at 7:41am.
Monday 25 December 2023	Applicant's closing submissions served at 3:56pm.

73. It is clear from the time of year and the very short timetable, that it was necessary for Ms Wilkinson to prepare her own closing submissions in circumstances where the parties submissions were required to be drafted and settled and served after close of business on the last day of the Court's term. It is simply incorrect for NT to argue and for it to be found that Ms Wilkinson should have had to consider its submissions, which were 100's of pages long, with enough time to assess them either disagree with them or completely adopt them. In any event Ms Wilkinson's s30 arguments were completely different to those of NT as was her substantial truth defence.

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Costs Associated with the Reopening Application and Hearing – paragraph 18

74. It appears that you have reduced or disallowed certain costs incurred by Ms Wilkinson in relation to the re-opening application and hearing in paragraphs 18.12 to 18.15 of your draft report. From the corresponding endnotes, these proposed reductions appear to be based on transcript references.
75. It is not clear to Ms Wilkinson the basis for your apparent finding that it was simultaneously unnecessary to have junior counsel and a partner attend the re-opening application *and* unnecessary for senior counsel to do any work associated with the application including reviewing documents and transcripts.
76. The re-opening application concerned both Respondents. As such, it was reasonably necessary for Ms Wilkinson's legal representatives – both counsel and solicitors – to act cooperatively with NT's legal representatives in the preparation for the re-opening of the proceedings. It was equally appropriate for Ms Wilkinson to have representation on the re-opening as it was for her to have representation at the balance of the hearing again noting that she was personally in Court on every day.
77. Ms Wilkinson maintains that all of the work undertaken and the costs incurred in relation to the re-opening application and hearing were reasonably necessary.

Further Discount to Solicitor Client Costs – paragraph 19

78. Reference question 16 enquires if any further discount should be applied to the costs that were reasonably necessary for Ms Wilkinson to incur on the basis of an ordinary solicitor/client assessment.
79. It appears that you have determined in paragraph 19.16 that no further discount should be applied. Ms Wilkinson agrees with this determination but notes that this determination appears to be completely at odds with your determination in the following paragraphs in response to Reference question 17.

Costs for Residual Matters – paragraph 27

80. Reference question 17 is concerned with the reasonableness of the balance of the work undertaken by the lawyers for Ms Wilkinson and whether a percentage discount should be applied to the incurred costs to reflect the reasonably necessary costs.

Ms Wilkinson's Submissions on draft Referee Report

81. It appears from your draft report that you consider that no further reductions should be made to account for the matters outlined in paragraphs 27.17.a to 27.17.c of your report. However, you consider that it is appropriate to make the following overall proposed reductions:
- (a) In 27.17.d of your draft report, you make an overall reduction of 16.5% to the balance of the work recorded by GDL as noted in the line items highlighted in yellow in attachment D1 to your draft report; and
 - (b) In 27.17.e of your draft report, you make an overall reduction to the disbursements, including counsel, of 1.1% of the balance of the costs highlighted in yellow in attachment D-2 to your draft report.
82. It is not at all clear to Ms Wilkinson how you arrived at the proposed reductions of 16.5% for work done by GDL and 1.1% for disbursements particularly noting that no endnote explanation has been provided for these percentage reductions. It is noted that subsequent to the preparation of these submissions, a further draft report was provided. Further submissions in this regard will be provided.
83. The proposed reduction applied to the professional fees appears to be a most significant reduction to be made on this basis without any express reasons for the same. Looking at line items highlighted in yellow, it appears to Ms Wilkinson that the approach applied is somewhat akin to a party/party assessment, rather than the approach that is detailed earlier in the draft report that the manner in which these costs are to be looked at is that set out by you in endnote 4 – to view the costs of Ms Wilkinson as the second respondent in a proceeding, absent indemnity and absent hindsight.
84. It appears from a consideration of the narrations in the yellow highlighted items in the annexures to the draft report that you propose reductions to the GDL professional costs on the following bases:
- (a) Work undertaken by Mr Collinge for attending conferences with counsel and reviewing documents (see for example items in February 2023) – in a small team of just three lawyers, it is reasonably necessary for Ms Wilkinson's team to attend at such conferences and to review all important documents;
 - (b) Line items have been highlighted also in February 2023 for work in filing and serving the Notice of Address for Service – this is essential work on behalf of a party in a proceeding and there is no basis for the reduction to the costs of this work;

Ms Wilkinson's Submissions on draft Referee Report

- (c) Work in relation to the Defence from late February 2023 – Ms Wilkinson relies on the detailed submissions above in relation to the costs of the Defence;
- (d) Work is disallowed on 3 March 2023 for considering and responding to a Notice to Produce issued by NT – Ms Wilkinson queries how this work could be considered not to be reasonably necessary;
- (e) Items of work appear to have been disallowed for lawyers at GDL reviewing and considering correspondence received from TG, the Associate and the Court, counsel and Ms Wilkinson and telephone calls with counsel and Ms Wilkinson – Ms Wilkinson can see no reason why this work would be considered not to be reasonably necessary;
- (f) Work related to consideration of NT's Defence around 7 March 2023 appears to have been disallowed – the basis of this is not at all clear particularly noting the comments made earlier in the draft report in relation to the same;
- (g) It also appears that a significant amount of work undertaken in mid-2023 in relation to preparation of evidence and discovery, including compiling and indexing Ms Wilkinson's messages which were a most important part of her evidence, appear to have been disallowed, again without any reasoning provided;
- (h) Emails and correspondence with counsel and other parties appear to have been disallowed, again without any reasoning provided;
- (i) Time spent by Mr Jefferies to attend case management hearings (see for example on 17 July 2023 and 24 October 2023) appears to have been disallowed, again without any reason provided – in the circumstances of this matter, it was necessary for more than one solicitor to attend some of these hearings;
- (j) Significant items of work in relation to preparation of Ms Wilkinson's statement and evidence, discovery and redaction of material and amending Ms Wilkinson's evidence to incorporate comments from NT (on 25 July 2023) appears to have been disallowed. Ms Wilkinson queries how this work could be considered not to be reasonably necessary;
- (k) There are a number of line items highlighted in yellow in mid-2023 including attendances on TG in relation to settlement – it is not clear how these costs could be considered not to be reasonably necessary;
- (l) Attendances related to preparation of the Court Book appear to have been disallowed, again without any reason provided. In circumstances where the parties overtly agreed on a division of work with respect to the Court Book preparation, any reductions are illogical; and
- (m) Time spent by the partner Mr Jefferies reviewing and settling correspondence appears to have been disallowed – Ms Wilkinson considers that it was cost

Ms Wilkinson's Submissions on draft Referee Report

effective and appropriate for correspondence to prepared by the lower charging members of the team and settled by Mr Jefferies charging just one or two units and that these costs were reasonably necessary.

85. It appears from a consideration of the narrations in the yellow highlighted items in the annexures to the draft report that you propose reductions to disbursements on the following bases:
- (a) Mr Dean attending judgment and the case management hearing on 28 April 2023 without reasoning provided;
 - (b) Some work of counsel in relation to the Notices to Produce; and
 - (c) Some miscellaneous disbursements including the purchase of a hard drive and lunch at Court.
86. Again, no reasons for these proposed reductions have been provided. The lists above are not exhaustive and it is not at all clear how you have applied your reasoning to make the reductions you propose that are highlighted in yellow.
87. Some of the items highlighted in yellow appear to relate to specific work dealt with in the other Reference questions. Ms Wilkinson requests that you clarify if this is where some of the proposed reductions made in the body of the draft report, including in relation to Ms Wilkinson's Defence, the Notice to Produce and attendance in Court on certain dates, are made and re-consider the reductions proposed in your draft report in light of this information.

27 November 2024

IN THE FEDERAL COURT OF AUSTRALIA
REGISTRY: NEW SOUTH WALES
DIVISION: GENERAL

No. NSD 103 of 2023

BRUCE LEHRMANN
Applicant

NETWORK TEN PTY LTD and another
Respondents

Network Ten's submissions to the Referee

A. INTRODUCTION

1. The parties have been provided with a draft report of Mr Roland Matters (**Referee**) dated 26 November 2024 (**Draft Report**) together with a draft excel spreadsheet of the same date (**Draft Spreadsheet**). Network Ten understands that the Draft Report has been provided to the parties for the purposes of the parties providing:
 - (a) responses to questions raised by the Referee in the body of the draft report; and
 - (b) submissions generally as to the findings set out in the draft report.
2. In Part B of these submissions, Network Ten addresses the matters raised for comment by the Referee in the Draft Report.
3. In Part C of these submissions, Network Ten identifies some key conclusions expressed in the Draft Report which it seeks to have re-considered by the Referee, in the light of these submissions.
4. In Part D of these submissions, Network Ten identifies certain mathematical or other analyses reflected in the Draft Report and Draft Spreadsheet, which it considers does not accurately reflect the findings expressly made in the Draft Report. Network Ten seeks to bring these matters to the attention of the Referee, for the purpose of ensuring that the conclusions expressed in the Draft Report are accurately reflected in the final percentages and amounts of costs identified as recoverable.

B. MATTERS RAISED BY THE REFEREE

Paragraph 15 – the date by which Network Ten provided its draft defence to Ms Wilkinson

5. Network Ten provided its draft defence to Ms Wilkinson on 7 March 2023. However, for the reasons set out below, Network Ten does not consider that the provision of the defence on that date is an answer to the question of the reasonableness of Ms Wilkinson’s costs incurred in the preparation of her defence on the common interest issues.
6. In order to properly answer this question, Network Ten considers it necessary to provide the Referee with certain contextual background which explains the manner in which the respondents prepared their respective defences. For the reasons which follow, Network Ten does not agree that the reasonableness of Ms Wilkinson’s costs depends on the date by which Network Ten provided its draft defence to Ms Wilkinson. This is because by framing the issue in this way, the analysis is apt to ignore the context in which Network Ten’s defence was provided to Ms Wilkinson – being that well in advance of the date by which the defences were due to be filed, Ms Wilkinson had already determined that she would prepare her own defence (including insofar as it related to the CII) without reference to Network Ten’s defence, or the work being carried out by Network Ten’s legal team.
7. A brief outline of the timeline is as follows:
 - (a) on 16 February 2023 (9 days after the proceedings were commenced), the Associate to Lee J confirmed that the respondents were required to file defences prior to the determination of the extension of time application and by no later than 9 March 2023;
 - (b) on 17 February 2023, Ms Wilkinson’s solicitors, Gillis Delaney Lawyers (**GDL**), emailed Network Ten’s solicitors, Thomson Geer (**TG**), requesting the provision of documents within its possession for the purpose of preparing Ms Wilkinson’s defence;
 - (c) on 18 February 2023, before TG had an opportunity to respond, and without prior notice to Network Ten’s legal team, Ms Wilkinson’s senior counsel advised that she had already prepared a first draft of Ms Wilkinson’s defence;
 - (d) on 21 February 2023, TG provided to GDL the documents that had been requested a few days earlier;

- (e) on 22 February 2023, GDL sent TG a draft of Ms Wilkinson’s defence;¹
 - (f) Ms Wilkinson’s defence was filed on 1 March 2023 – 6 days before the deadline for filing, and prior to Network Ten making its draft defence available to Ms Wilkinson’s legal representatives.
8. In these circumstances, Network Ten does not accept that the reasonableness of the costs associated with the preparation of Ms Wilkinson’s defence depends on the date by which content and/or a copy draft, of its defence was made available to Ms Wilkinson.
9. It follows from the obligations set out at [9] of the Draft Report, that in preparing her defence, and with a view to minimising legal costs, Ms Wilkinson had an obligation to seek to minimise the work required in the preparation of her own defence insofar as it related to CII by reference to the work done by Network Ten. It was not reasonable or reasonably necessary for Ms Wilkinson to instead prepare and file her defence without reference to the draft defence prepared by Network Ten. It is also notable that Ms Wilkinson determined to file her defence 6 days earlier than was required by the Court deadline. Network Ten had indicated that it would provide a copy of its draft defence to Ms Wilkinson prior to the filing deadline. Network Ten’s draft defence included content relating to CII (including, but not limited to, the truth defence). Network Ten provided Ms Wilkinson’s legal representatives with the draft defence on 7 March 2023 and would have done so earlier, but for the fact that Ms Wilkinson had already filed her defence on 1 March 2023. Network Ten’s draft defence was prepared by solicitors and counsel experienced in defamation law and with the benefit of materials relating to the CII (such as transcripts and exhibits from the ACT criminal proceedings) that were not in Ms Wilkinson’s possession. There was no reason consistent with the objectives set out at [9.2] of the Draft Report for Ms Wilkinson to draft and file her defence insofar as it related to the CII without reference to the draft defence prepared by Network Ten. A reasonable approach, and one consistent with the objective of minimising the amount of legal costs to achieve the objectives set out at [9.2.1] and [9.2.2] of the Draft Report, would have been for Ms Wilkinson to have incorporated content and/or a draft of Network Ten’s defence insofar as it related to the CII into her draft defence (the point is underscored by the fact that Network Ten ran the truth defence with no or no substantial involvement from Ms Wilkinson or her legal team). For whatever reason, she determined to file her defence 6 days early without regard to that CII material. Network Ten ought not now

¹ Copies of these emails can be provided to the Referee for his consideration if required.

be penalised for not providing a draft defence to Ms Wilkinson any earlier than it did, in circumstances where it was not provided an opportunity to do so.

Paragraph 16.5 – costs associated with the notice to produce served 10 March 2023

10. Network Ten considers this is a matter for Ms Wilkinson to address and does not take a position. Unless Ms Wilkinson is able to establish that it was reasonably necessary to incur the relevant costs, they should be disallowed.

Paragraph 17.7(b) – costs associated with suppression order

11. Network Ten considers this is a matter for Ms Wilkinson to address and does not take a position. Unless Ms Wilkinson is able to establish that it was reasonably necessary to incur the relevant costs, they should be disallowed.

Endnotes 13 and 15 – incorrect cross-references

12. Network Ten confirms that the Referee’s understanding as expressed at endnotes 13 and 15 of the Draft Report are correct.

C. SUBSTANTIVE CONCLUSIONS IN THE DRAFT REPORT WHICH NETWORK TEN SEEKS TO HAVE RECONSIDERED

Attendances of solicitors and counsel on hearing days for truth defence (paragraph 17.6(b))

13. The Referee has found that it was reasonably necessary for Ms Wilkinson to retain:
 - (a) one senior counsel, one partner and another solicitor to attend Court during the running of Network Ten’s truth defence on 28 November 2023 (Lehrmann cross-examination by Ms Wilkinson’s senior counsel) and 5 December 2023 (end of Higgins cross-examination); and
 - (b) one senior counsel and one partner to attend Court during the running of Network Ten’s truth defence (29 November – 1 December 2023, 6 - 8 December and 11 December 2023).
14. Although Network Ten accepts that Ms Wilkinson was entitled to a watching brief on those days, it disagrees that the watching brief rendered it reasonably necessary for Ms Wilkinson to retain (and thereby incur the costs of) senior counsel, a partner and sometimes another solicitor to attend Court every day during that period. Rather, Network Ten contends all that

was reasonably necessary, was for a solicitor and possibly junior counsel, to conduct a review of the transcript at the end of each day. In circumstances where Network Ten carried out all substantive work on the truth defence (including the preparation of the witness statements of every witness relevant to the truth defence),² it would have been reasonable and responsible for Ms Wilkinson to rely on Network Ten's counsel (which included senior and junior counsel experienced in defamation law) to conduct this part of the hearing, including by taking any necessary objections to the cross-examination of those witnesses. This must be so in circumstances where it is clear that no separate interest arose for Ms Wilkinson in respect of the truth defence. There was therefore no need for Ms Wilkinson to incur the costs of legal representatives attending Court during those days (or attending conferences with the client and after court on those days).

15. In those circumstances, Ms Wilkinson ought only be entitled to recover the costs of a junior lawyer and junior counsel, for the review of a transcript at the end of each day in Court and the drafting of a short note to circulate to the senior counsel and partner identifying any issues of concern for Ms Wilkinson. Network Ten contends that such review may amount to 1.5 hours per day for each of the junior counsel and junior solicitor, and then 1 hour for the junior solicitor to draft a report of the day in Court to Ms Wilkinson. In Network Ten's submission, this is ample allowance, in particular because Ms Wilkinson herself attended Court every day during the hearing, and was therefore already herself aware of the goings on each day in Court (no lawyer from GDL sat with Ms Wilkinson during her attendance but she was accompanied by a junior lawyer from TG for the majority of the hearing).
16. Separately, as to Ms Chrysanthou SC's cross-examination of Mr Lehrmann, Network Ten accepts that in circumstances where senior counsel was given leave to cross-examine Mr Lehrmann, it was of course reasonably necessary for Ms Wilkinson to incur the costs of Ms Chrysanthou SC's attendance to conduct that cross-examination. However, it should be noted that the cross-examination was extremely limited, amounting to just 24 pages of transcript in total: T504 – 528. The cross-examination, by necessity of the leave granted, was confined to matters in respect of which it was contended that Ms Wilkinson had a separate interest to Network Ten and did not traverse matters already covered by Dr Collins KC: [2023] FCA 1477. Network Ten submits that for the purpose of carrying out that cross-examination, there was no need for senior counsel to attend the balance of Mr Lehrmann's cross-examination, since (a) the isolation of the separate interest topics for Ms Wilkinson must have already

² See Network Ten's costs submissions in this respect.

been known; and (b) any risk of cross-examining on any similar topics to Dr Collins KC could have been adequately addressed by her own review, or her junior counsel's review of the earlier days' transcripts. Alternatively, if the Referee determines that it was appropriate for Ms Wilkinson to retain a legal representative to attend the balance of Mr Lehrmann's cross-examination, in Network Ten's submission it was not reasonably necessary for her to retain senior counsel for that purpose.

Question 8 – percentage discount to fees charged per hearing day, taking into account findings at Question 6

17. Network Ten is concerned that the answers to Question 8 of the Wilkinson Relevant Questions do not properly reflect the reasoning process otherwise set out throughout the Draft Report, and that the Referee may have inadvertently failed to consider discounts appropriate to the time recorded by GDL on each day of the hearing, outside of the time entries directly referable to attendances at Court or in conferences.
18. Question 8 requires the Referee to identify the portion of *all of the costs charged* by GDL, on each day of the hearing, that were not reasonably necessary to have been incurred by Ms Wilkinson. The question requires the Referee to undertake this analysis, by “*taking into account*” the answer to Question 6 (being the necessity of *attendances at court* and *in conferences* by counsel and solicitors). While the Referee is required to take into account the findings in relation to attendances at Court and in conferences, Question 8 also requires the Referee, *in addition*, to consider the proportion of hours charged by GDL on each of the relevant hearing dates (other than in relation to attendance at Court and in conferences) that were not reasonably necessary for Ms Wilkinson to have incurred. These costs include for example, drafting and reviewing correspondence generally; preparing lists of documents for tender; preparing emails to counsel; reviewing records of hearing; reviewing previous day transcripts for error reviewing documents). Network Ten is concerned, that as presently expressed, the analysis applied in Question 8 proceeds on an implicit assumption (presumably inadvertently) that all “non-court attendance” time recorded by GDL on the relevant hearing dates, are costs that were reasonably necessary to have been incurred.³

³ This understanding arises from the fact that the percentage discounts have been calculated by considering the ‘disallowed’ time, as a percentage over a denominator made up of *all time recorded for that day*. If the intention was to calculate the % of disallowed time over the denominator of all time recorded *for attendances* that day, then the % discount would be different.

Network Ten submits that any such assumption would be directly inconsistent with the findings set out by the Referee in answer to Question 6.

19. In Network Ten's submission, the effect of the findings at [17.6], are that it was reasonably necessary for Ms Wilkinson to only engage those persons identified to attend Court on the relevant hearing dates in order to protect her individual interests in the proceeding. Having found it was reasonable for the purpose of a watching brief, to have a solicitor attend court, it follows that there must be an expectation that that solicitor present in court, is also carrying out work related to the matter while in the court room, and it cannot be considered a reasonable practice for charging, to instead only carry out work after attending Court, or have that work carried out by persons not considered necessary to attend, and therefore charge separately for that work.
20. It must follow, that any additional amounts of time recorded by solicitors at GDL in relation to the proceedings, whom the Referee has determined *did not need to attend the hearing*, must be approached with extreme caution, and identified as not reasonably necessary, absent some convincing reason as to why:
 - (a) the work could not have been conducted by the solicitors whose attendance at the hearing has been identified as reasonably necessary; and
 - (b) the work could not have been done during the hours referable to the solicitors' attendance at the hearing.
21. For example, on days 12 – 13 December 2023, being the days on which Network Ten's qualified privilege witnesses gave evidence, the Referee has found it was only reasonably necessary to have one partner (and senior counsel) attend Court, including conferences with Ms Wilkinson prior to and after Court. However, the percentage discount of 9.13% recorded at [18.8(c)], carries with it an implicit finding that it was reasonably necessary for Ms Wilkinson to incur costs in relation to:
 - (a) the same partner reviewing and circulating correspondence related to the matter and received throughout that day, which presumably could have occurred within the time already charged by that partner for attending Court on a watching brief – noting that approximately 7.6 hours were charged on 12 December and 10 hours on 13 December as attendances (Excel Rows 3296 – 3313), (3331 – 3332); and

- (b) two solicitors not considered necessary to be in attendance at Court as per Question 6, incurring costs by reviewing and circulating emails, which presumably could have been undertaken by the partner present in Court on a watching brief (Excel Rows 3281 – 3292; 3317 - 3328).
22. Alternatively, it appears to Network Ten that, in respect of the calculations of the proportions expressed in Question 8, rather than dividing the disallowed time for Court attendance and conferences by the total time for Court attendance and conferences, the Referee may have divided the disallowed time for Court attendance and conferences by the total time for *all work on the relevant hearing day* (expressed in endnote 14 as “the total of the amounts recorded in column E of attachment D-1 referenced by each sub-question and the constituents of which are identified by orange shading in attachment D-1”). As a result, the percentages calculated in answer to Question 8 are disproportionately low because the wrong denominator has been used.
23. In Network Ten’s submissions, in the event that the Referee determines that some allowance should be made for non-court attendance time on the relevant hearing days (contrary to the primary submission above, that no amount should be allowed), the appropriate course would be to calculate a percentage of disallowed time by dividing the disallowed time for Court attendance and conferences by the total time for Court attendance and conferences and then applying that percentage discount to all other (non-court attendance) time for each of the relevant hearing days.
24. Network Ten requests that the Referee reconsider the answers presently expressed in response to Question 8, in light of the above submissions, and in particular by considering the discounts to be applied to account for non-court attendance work which was not reasonably necessary for Ms Wilkinson to have incurred.

Percentage discount to be applied generally to costs incurred by Ms Wilkinson in relation to all residual work in the proceeding

25. Network Ten notes that the Referee has formed a view that only 12.78% of the balance of all trial preparation undertaken by solicitors at GDL ought be discounted on the basis that it was not reasonably necessary to have been incurred.
26. In endnote 38, the percentage is arrived at by dividing the sum of the items highlighted yellow in attachment D-1 (being \$185,017.25) and \$1,447,908.00 (which appears to be the sum of

all items recorded in Column I of attachment D-1. It appears to Network Ten the sum of Column I of attachment D-1 is \$1,003,420.00. If Network Ten's analysis is correct, the figure expressed at paragraph 27.17(d) is 18.47%.

27. In any event, Network Ten understands from the explanation at endnote 38 that this percentage has been arrived by the Referee determining to assess every line entry of attachment D-1 not otherwise addressed by the reference questions, and proceeding to highlight in yellow the work which was not reasonably necessary to be incurred by GDL. If Network Ten has misunderstood this process, it would be grateful for the opportunity to comment on any alternative approach that was taken.
28. Network Ten does not consider that the extent of the line items highlighted in yellow is appropriately consistent with the other findings expressed throughout the Draft Report, nor that in light of the percentage of the submissions taken up by CII, and the percentage of the hearing taken up by the truth defence, it can be said that only 12.78% of the costs incurred generally in preparation for the hearing were not reasonably necessary to have been incurred. The percentage to be applied must necessarily be assessed at a high level, given that Network Ten does not consider it is not possible now to assess the relevance of each individual line item to a common interest or separate interest issue. Rather, the Referee should take into account that Ms Wilkinson had an obligation to leverage the work Network Ten was engaging in throughout the proceeding, and an obligation to ensure her costs were kept as low as practicable. The Referee should also draw an inference, as to the appropriate discount applicable to pre-trial work, by having regard to the approach Ms Wilkinson took to the hearing and her submissions generally. For example, Ms Wilkinson did not prepare her written or oral submissions in accordance with her obligation to minimise her costs (by addressing the CII in addition to SII) nor approach the hearing more generally in this manner (eg, having regard to the number of attendees at Court and other solicitors involved in the matter every hearing day).
29. Network Ten submits that having regard to these matters, it is appropriate for the Referee to apply a global discount to Ms Wilkinson's pre-trial 'residual' work, at a rate of 30.6% being the same percentage that ought be applied to the preparation of written submissions, as explained at paragraph [33] below. In Network Ten's submission, it is reasonable for the Referee to infer that the pre-trial work carried out by Ms Wilkinson's legal representatives was conducted in a similar manner, to the work undertaken in relation to submissions and the running of the hearing. That is to say, it can be inferred that costs were incurred with a

view to defending the entirety of the proceeding and without regard to the ways in which costs could be minimised, in accordance with Ms Wilkinson's obligation to Network Ten under the costs indemnity. Specifically, without first taking steps to communicate with Network Ten's legal representatives to identify the possible duplication of work already being carried out, and then only carrying out the work required to supplement those tasks and protect Ms Wilkinson's SII.

30. On 26 June 2024, Ms Wilkinson agreed not to press part of the time charged in respect of all entries over which Network Ten made a "time objection as to 50%" (as reflected in the Draft Spreadsheet) (**Time Objection Entries**). While a number of Time Objection Entries are subject to findings made elsewhere in the Draft Report (including by being highlighted yellow), a number of line items caught by this agreement have not been shaded in yellow in the Draft Spreadsheet. Pursuant to the agreement between Network Ten and Ms Wilkinson, the amounts in column I of attachment D-1 for each of the following lines should be reduced by a proportion to be determined by the Referee: 367, 368, 461, 588, 589, 634, 711, 870, 933, 2959, 2968, 2969, 2970, 2977, 2978, 2984, 2985, 2986, 2987, 2995, 2996, 2999, 3026, 3027, 3028, 3079 and 3080. Network Ten submits the percentage reduction should be 50%. It was at all times contemplated by the inquiry parties that the amount by which the Time Objection Entries would be reduced would be a matter for determination by the Referee during the inquiry. This is clear from our email to the Referee on 28 August 2024 which explains the controversy between the parties in point 1.

D. MATHEMATICAL ANALYSES OR APPLICATIONS WHICH NETWORK TEN SEEKS TO DRAW TO ATTENTION OF REFEREE

Inclusion of time entries in [17.9] which have been addressed elsewhere

31. At present, the time entries the subject of the responses to Question 6 appear to inadvertently include time entries that have been dealt with elsewhere in the report. For example, at [17.9(b)], the Referee answers the question as to the time allowed in respect of all dates between and inclusive of 28 November 2023 – 11 December 2023. However, in doing so, the Referee appears to have inadvertently also included non-hearing dates (2 and 3 December 2023) which are separately addressed by the answers at [17.7(a) - (b)], as being costs incurred in relation to submissions on separate cross-examination and suppression. For example, in 17.9(b), the Referee has found Ms Wilkinson reasonably incurred \$99,400 worth of costs. This sum is the product of rows J197-J201 in attachment D-2. No deductions have been applied. This sum pre-empts a finding in respect of 17.7(b) (referable to rows 201 and 202

in attachment D-2) and does not amend the figure at row 203 in attachment D-2 to correlate with the finding at 17.11(a). In the time available, Network Ten has not comprehensively reviewed every total expressed in [17.9], but wishes to draw this example to the Referee's attention to ensure that there is no inadvertent double counting of costs incurred.

Proposed percentage discount to written submissions in [17.11]

32. Network Ten is concerned that the percentage discount proposed to be applied to the costs associated with the preparation of Ms Wilkinson's written submissions, being 18.75%, does not accurately reflect the reasoning and other findings set out in the Draft Report. On Network Ten's analysis of Ms Wilkinson's written submissions, it has found that a discount of 30.6% should be applied.
33. In order to conduct its analysis, Network Ten has divided each page of the written submissions into increments of 25% according to whether each portion comprised a CII or a SII. Network Ten provides together with these submissions, a spreadsheet for the Referee's consideration, which seeks to identify the portions attributable to SII and CII, and explains how Network Ten arrived at a percentage of 30.6%. We note that for the purpose of carrying out the analysis, any submission related to aggravated damages was recorded as a SII.
34. Network Ten invites the Referee to reconsider the relevant percentage expressed in the Draft Report, in light of the analysis recorded in the spreadsheet.

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Page	Percent (CII)	Percent (SII)	Reason
1	0	1	Credit of witness, questions put to both parties
2	0	1	1A - outline of the QP defence (QP) (0.75)
3	1	0	1A - outline of the QP defence (QP)
4	0	1	1-5 - general credit of LW (QP)
5	0	1	6-9 - general credit of LW (QP)
6	0	1	7-14 - general credit of LW (QP)
7	0	1	15 -18 - general credit of LW (QP)
8	0	1	19 - 21 -general credit of LW (QP)
9	0	1	21 -24A - general credit of LW (QP)
10	0	1	24A - 24B(a) - general credit of LW (QP) 24(B)(b) - LW conduct in logies speech and impact on reliability of LW (QP) 24C - general credit of LW (QP)
11	0	1	24D - general credit of LW (QP) 24E - general credit of LW (QP)
12	0	1	24E - general credit of LW (QP) 24F - general credit of LW (QP)
13	0	1	24F - general credit of LW (QP) 24G - rebutting ACS submissions (QP) 24H - scope of LW influence at N10 (QP) 24I - scope of LW role at N10 (QP)
14	0	1	24I - LW reliance and belief in the reasonableness of the work of others (QP) (0.25) 24J - general credibility of LW (QP) (0.25) 24K - truthfulness of LW in receiving approval to give Logies' speech (QP) 24L - LW state of mind and conduct for giving Logies' speech (QP)
15	0	1	24L - aggravation regarding conduct in making Logies speech (QP) 24M - credit of LW (QP) 24N - steps LW took to have Logies speech approved (QP)
16	0	1	24N - steps LW took to have Logies speech approved (QP) 24O - credit of LW (QP) 25-28 - credibility of BL (QP)
17	1	0	28-29 - credibilty of BL (TD)
18	1	0	29-33 - credibility of BL (TD)
19	1	0	33-35 - credibility of BL (TD)
20	1	0	36 - credibilty of BL (TD) 36A - key inconsistencies in BL statements (TD) 36B - challenging ACS (TD) 36C - challenging ACS (TD)
21	1	0	36C - challenging ACS (TD) 36D -36F - challenging ACS and the character of BL (TD) 37 - general character of BH (TD)

Key:
OCD – ordinary compensatory damages
AOPA – abuse of process arguments
AD – aggravated damages
QP – qualified privilege
LPP – legal professional privilege

22	0.75	0.25	38-40 - credibility of BH (TD) (0.25) 41-43 - credibility of FB (TD) (0.5) 44 - credit of FB (QP) (0.25)
23	1	0	45- 48 - credibility of FB (TD) 48A - credibility of BL (TD)
24	0.75	0.25	49-50 -Unchallenged QP witnesses (QP) (0.25) 51-51A - general credit of other witnesses (TD) (0.25) 52-53 - BL identification and onus for damages (TD) (0.25) 54 - Factfinding (TD) (0.25)
25	0.5	0.5	55-56 - factfinding (TD) (0.25) 57-59 - Outline of QP defence (QP) (0.5) 60-62 - damages (0.25) (OCD)
26	1	0	63-67 - overview of the principles of factfinding (TD)
27	0.75	0.25	67A - 67C - factfinding (TD) (0.75) 68 - Overview of legal professional privilege (LPP) (0.25)
28	0	1	69-72 - Issues regarding the operation of LPP (LPP) 73-74 - outlines that LW sought legal advice for Logies speech (AD)
29	0	1	75 - LW sought legal advice for Logies speech (LPP) (0.25) 76-80 - truth or falsity of allegations against Fiona Brown, Linda Reynolds and Michaelia Cash (QP) (0.25) 81-82 - role of David Sharaz (QP) (0.25) 83 - role of David Sharaz re QP (QP) (0.25)
30	0.5	0.5	84 - 85 - role of David Sharaz (QP) 0.25 85A - role of David Sharaz re QP (0.25) 86 - 89 - credibility of BL (TD) (.05)
31	1	0	90-93A - credibility of BL (TD) (0.5) 94 - 96 - credibility of BL (TD) (0.5)
32	1	0	96- 100 - credibility of BL (TD) 101 - credibility of BL (TD) 102 - intention of BH when heading back to APH (TD)
33	1	0	103-106 - credibility of BL (TD) 107 - unchallenged evidence (TD)
34	1	0	108 - credibility of BL (TD) 109 - evidence of BH (TD) 110 - unchallenged evidence (TD) 111-112 - issue of consent (TD) 113 - BL state of mind re BH intoxication (TD)
35	1	0	115 - recklessness of BL (TD) 116 - reference to first respondent submissions (TD) 116A - credibility of BL (TD) 116B - inference to be drawn from LW conduct (TD) 116C - credibility of BL (TD)

36	1	0	116C - credibility of BL (TD) 116D - criminal or civil standard (TD) 117 - factfinding (TD) 118 -120 - actions of Fiona Brown (TD)
37	1	0	121 - credibility of Fiona Brown (TD) 122 - actions of Fiona Brown (TD) 123 - credibility of Fiona Brown (TD) 124 -126- actions of Fiona Brown (TD) 127 - credibility of Fiona Brown (TD) 128 - actions of BH (TD)
38	1	0	129 - credibility of Fiona Brown (TD) 130-138 - factfinding (TD)
39	1	0	139 - 143 - factfinding (TD) 144 - credibility of BH (TD) 145 - 148 - factfinding (TD)
40	1	0	149 - 150 - factfinding (TD) 151 - credibility of BL (TD) 152 - 153 - factfinding (TD) 154 - credibility of BH (TD) 155 - 157- factfinding (TD)
41	1	0	158 - 170 - factfinding (TD)
42	0.5	0.5	171 - 175 - factfinding (TD) (0.5) 176 - email from David Sharaz to LW (QP) (0.25) 177 - relationship between David Sharaz and LW (QP) (0.25)
43	0	1	177 - relationship between David Sharaz and LW (QP) 178 - reason LW interviewed BH (QP) 179 - factfinding (QP) 180 - phonecall between LW and David Sharaz (QP) 181 - LW speaks to producer about BH (QP)
44	0	1	182-184 - Mr Campbell evidence (QP) 185 - LW and Mr Llewellyn relationship (QP)
45	0	1	185 - LW and Mr Llewellyn relationship (QP) 186 - unchallenged evidence (QP) 187 - factfinding (QP)
46	0	1	188 - LW actions and relationship with Peter Meakin (QP) 189 - LW relationship with Laura Binnie (QP) 190 - 191 - LW and David Sharaz email (QP)
47	0	1	191 - LW and David Sharaz email (QP)
48	0	1	192 - 196 - LW response to David Sharaz email (QP)
49	0	1	197 - 198 - LW and BH relationship (QP)
50	0	1	198 - LW and BH relationship (QP)

51	0	1	198 - LW and BH relationship (QP) 199 - steps LW took to verify BH allegations (QP) 200 - LW daily role at N10 (QP) 201 - LW updated google doc with questions for BH (QP) 202 - 203 - LW met with BH and David Sharaz (QP)
52	0	1	203 - LW met with BH and DS (QP) 204 - reason for LW meeting with BH and DS (QP) 205 - LW conduct at meeting (QP) 206 - 207 - matters discussed during meeting (QP) 208 - DS left room and outline of what LS and BH discussed (QP) 209 - LW thought process from meeting (QP)
53	0	1	209 - LW thought process from meeting (QP)
54	0	1	209 - LW thought process from meeting (QP) 210 - LW attends AV meeting and decided to have formal interview with BH (QP)
55	0	1	210 - LW attends AV meeting and decided to have formal interview with BH (QP) 211 - Mr Campbell commissions story (QP) 211A - contesting ACS (QP)
56	0	1	211A - 211B - contesting ACS (QP) 212 - 214 - LW preparation and research for interview (QP)
57	0	1	214 - 215 - LW preparation and research for interview (QP) 216 - LW perception of Linda Reynolds (QP)
58	0	1	217 - LW preparation and research for interview (QP) 218 - LW experience with interviewing (QP) 219 - LW perception of BH allegations (QP) 220 - relationship between LW and David Sharaz (QP)
59	0	1	221 - LW perception of BH allegations (QP) 222 - LW duties in regard to story (QP) 223 - LW perception of N10 legal insight over story (QP/LPP)
60	0	1	224 - 225 - LW perception of N10 legal insight over story (QP/LLP) 226 - LW reliance on Mr Llewellyn to fact check (QP)
61	0	1	226 - 227 - LW reliance on Mr Llewellyn to fact check (QP) 228 - LW reliance on senior journalists to fact check (QP) 229 - LW and Mr Llewellyn relationship (QP)
62	0	1	229 - 230 - LW and Llewellyn relationship (QP) 231 - 232 - LW perception of MC (QP)
63	0	1	233 - 237 - LW understanding of Aus Parl operations (QP)
64	0	1	237 - LW understanding of Aus Parl operations (QP) 238 - LW perception of truthfulness of BH and David Sharaz (QP) 239 - N10 perception of story (QP)
65	0	1	240-241 - LW updating questions to ask BH (QP) 242 - 243 - LW questioning BH accuracy (QP)

66	0	1	244 - 246 - scope of LW involvement in questions to ask BH (QP) 247 - LW understanding of N10 legal involvement over questions (QP/LPP)
67	0	1	248 - LW understanding of Aus Parl culture (QP) 249 - LW understanding of security at Aus Parl (QP) 250 - 251 - LW professional experience in lead up to interview (QP)
68	0	1	251 - LW professional experience in lead up to interview (QP) 252 - 253 - LW conducts interview (QP) 254 - LW conversation with N10 legal about interview (QP/LPP) 255 - 256 - LW conversation about BH credibility (QP)
69	0	1	255-258 - LW conversation about BH credibility (QP)
70	0	1	259 - 261 -LW conversation and perception of BH credibility (QP) 261A- 261B - response to ACS regarding LW conduct (QP)
71	0	1	261B - 261C- response to ACS regarding LW conduct and perception of BH(QP) 261D - rebuttal of ACS (QP)
72	0	1	261D - rebuttal of ACS (QP) 261E - rebuttal of ACS (QP)
73	0	1	261E - rebuttal of ACS regarding LW conduct (QP) 261F - rebuttal of ACS regarding LW conduct and conversation with N10 legal (QP/LPP) 261G - perceived reliability of BH (QP) 261H - rebuttal to ACS (QP) 261I - justification of LW conduct (QP)
74	0	1	261I - justification of LW conduct (QP) 261J - 261L - professional conduct of LW (QP)
75	0	1	261L - professional conduct of LW (QP) 261M - LW understanding of metadata (QP) 261N - professional conduct of LW (QP)
76	0	1	261N - professional conduct of LW (QP) 261O - clarifying ACS regarding content of interview and broadcast (QP)
77	0	1	261O - clarifying ACS regarding content of interview and broadcast (QP)
78	0	1	261O - clarifying ACS regarding content of interview and broadcast (QP) 261P - clarifying ACS regarding LW knowledge (QP) 261Q - 261R - clarifying ACS regarding content of interview and broadcast (QP)
79	0	1	261R - clarifying ACS regarding content of interview and broadcast (QP)
80	0	1	261R - clarifying ACS regarding content of interview and broadcast (QP) 261S -261U rebutting ACS (QP)
81		1	261U - rebutting ACS (QP) 261V - rebutting ACS and establishing LW knowledge of matter (QP)
82	0	1	261W - rebutting ACS to establish limited role of LW as publisher (QP)
83	0	1	261W - 262 - rebutting ACS to establish limited role of LW as publisher (QP)
84	0	1	263 - extent of LW involvement as publisher (QP) 264-265 – reasonableness of LW belief and opinions (QP) 266 - exclusion of LW from Mr Llewellyn email (QP)

85	0	1	267 - 269 - exclusion of LW from communications 270 - LW understanding of BH wellbeing (TD?) 271 - 272 - extent of LW involvement in production (QP)
86	0	1	272 - 278 - extent of LW involvement in production/script for broadcast (QP)
87	0	1	279 - 283 extent of LW involvement in production/ script for broadcast (QP)
88	0	1	284 - 287 - extent of LW involvement in the broadcast (QP)
89	0	1	288 - 291 - extent of LW involvement in the broadcast (QP) 292 - Llewellyn informs LW comment being sought from Parliament (QP) 293 - 294 - extent of LW involvement in the broadcast (QP)
90	0	1	295 - LW first look at draft script and video (QP) 296 - extent of LW involvement in the broadcast (QP) 297 - 298 - LW understanding that comments were sought and received from accused individuals (QP)
91	0	1	298 - 300 - LW understanding of the comments that were sought and received from accused individuals (QP) 301 - LW understanding that BL would not be named as alleged perpetrator (QP)
92	0	1	302 - extent of LW involvement in email request for comments from accused persons (QP) 303 - extent of LW involvement in the broadcast (QP) 304 - LW receives first work in progress link (QP) 305 - communication between Llewellyn and LW regarding edits (QP) 306 - LW recommends edits to reduce defamatory sting (QP)
93	0	1	306 - LW recommends edits to reduce defamatory sting (QP) 307 - Llewellyn seeks comments from accused persons and receives legal advice regarding requests (QP/LPP) 308 - LW sent links to edits of Broadcast (QP) 309-310 - LW recommends edits to broadcast (QP) 311 - extent of LW involvement in the broadcast (QP)
94	0	1	311 - 312 - extent of LW involvement in the broadcast (QP) 313 - comment response received from ACT Policing; LW not made aware of response until next day (QP) 314 - comment response received from Andrew Carswell; LW not made aware of response until next day (QP)
95	0	1	314 - comment response received from Andrew Carswell; LW not made aware of response until next day (QP) 315 -Mr Llewellyn speaks with Andrew Carswell (QP) 316 - 317- LW is made aware of amended statements from Andrew Carswell (QP) 318 - LW is not made aware of proposed additions to broadcast following government responses (QP) 319 - LW is sent a link to a news article (QP) 320 - LW is sent a response from Minister Cash's office (QP) 321 - LW records voiceovers for segments on The Project (QP)

96	0	1	322 - 323 - LW amends voiceovers as responses come in from accused persons (QP) 324 - extent of LW knowledge and involvement in the broadcast (QP) 325 - extent of LW knowledge about response from Australian Parliament presiding officers (QP) 326 - LW requests amendment to voiceover about Michaelia Cash (QP) 327 - extent of LW knowledge about response from ACT policing (QP) 328 - LW asks Llewellyn whether BL has responded (QP)
97	0	1	329 - LW understanding about BL involvement (QP) 330 - 331 - extent of LW knowledge and involvement in the broadcast (QP) 332 - extent of LW knowledge about communications with Australian Parliament presiding officers (QP) 333-334 - extent of LW involvement in the broadcast (QP) 335 - LW watches Scott Morrison make comments about BH allegations (QP)
98	0	1	335 - LW believes LR is lying about knowledge of BH-BL alleged sexual assault and informs Mr Llewellyn (QP) 336 - 339 - extent of LW involvement in the broadcast (QP) 340 - extent of LW knowledge about responses from accused persons (QP) 341 - LW awareness of comments from BL about broadcast (QP)
99	0	1	341 - LW awareness of comments from BL about broadcast (QP) 342 - 344 - extent of LW knowledge and involvement in the broadcast (QP) 345 - extent of LW knowledge about responses from Australian Parliament presiding officers (QP) 346 - extent of LW involvement in the broadcast (QP) 347 - edited version of the broadcast is published by N10 on The Project (QP)
100	0	1	347 - broadcast is published by N10 on The Project (QP) 348 - 349 - extent of LW involvement in final published broadcast (QP) 349A(a) - response to ACS regarding published statements from accused persons/institutions and LW ability to influence final published broadcast (QP)
101	0.25	0.75	349A(a)-(b) - response to ACS regarding ability of LW to influence final published broadcast (QP) (0.75) 350 - 353 - actions of BH, BL, AFP and Fiona Brown following broadcast (CII) (0.25)
102	1	0	3544 - 358 - actions of BH and AFP following broadcast, including arrest of BL and broadcast being removed (TD) 359 -BL terminated for serious misconduct (OCD) 360 - news.com.au publishes new article about allegations (OCD) 361 - BH names BL to Canberra media (OCD) 362 - promos for The Project about the broadcast start airing (OCD) 363 - Scott Morrison addresses BL allegations and names BL (OCD)

103	1	0	364 - The Australian names BL (OCD) 365 - 366 - Senate addresses and names BH (OCD) 367 - House of Repts addresses and names BH (OCD) 368 - BL informs friends about allegations and engages a lawyer (OCD) 369 - Broadcast is published (OCD) 370 - 375 - Media other than N10 publishes allegations about BL (OCD)
104	1	0	375 - Media other than N10 publishes allegations about BL (OCD) 376 - BL speaks to British American Tobacco denying allegations (OCD) 377 - BL is charged and named in mainstream media, BL makes public statement denying accusations, the broadcast is no longer available (OCD) 378 - Jenkins report is released (OCD) 379 - Scott Morrison is reported as apologising to BH (OCD) 380 - BH makes statements about alleged assault to National Press Club (OCD)
105	0.25	0.75	380 - BH makes statements about alleged assault to National Press Club (OCD) 381 - Sam Maiden wins Gold Logie for news article about alleged assault (OCD) (0.25) 381A - N10 is informed it is nominated for a Silver Logie about the broadcast (AD) 381B - LW sought and received legal advice about public statements re Silver Logie (AD/LPP) 381C - LW is asked by N10 to give speech if N10 wins Silver Logie (AD) 381D - LW drafts acceptance speech and emails it to lawyers for review (AD/LPP) 382 - LW, along with N10 lawyer Ms Smithies, meets with DPP and reads out proposed Logies speech (AD/LPP) 382A - N10 legal approves Logies speech (AD/LPP) 382B - LW sends proposed speech to N10 for final review (AD)
106	0.5	0.5	382C - LW Logies speech receives legal clearance (AD/LPP) 383 - LW gives Logies speech (AD) 383A - content of LW Logies speech (AD/LPP) 384 - Radio broadcast about BH (OCD) 385 - application to stay criminal trial is heard (OCD) 386 - criminal trial commences (OCD) 387 - criminal trial is discharged and BH gives speech (OCD) 388 - ACT DPP announces intention not to proceed with prosecution (OCD) 389 - BH tweets about criminal trial (OCD)
107	0.75	0.25	390 - BL gives concerns notices to media companies (OCD) 391 - BL commences proceedings (OCD) 392 - 393 - BL gives concerns notice to ABC and commences proceedings (OCD) 394 - BL signs media exclusivity agreement with 7 Network (OCD) 395 - Steve Whybrow SC gives interview to The Australian about Logies speech (AD) (0.25) 396 - BL settles News proceedings (OCD) 397 - BL gives interview on Seven Network (OCD)
108	1	0	397 - BL gives interview on Seven Network (OCD) 398 - BL gives interview on Seven Network (OCD)
109	1	0	398 - BL gives interview on Seven Network (OCD)

110	1	0	399 - BL gives interview on Seven Network (OCD) 400 - BL gives live interviews with Sunrise and Sky News (OCD) 401 - details of a live exchange between BL and Sunrise host (OCD)
111	1	0	401 - details of a live exchange between BL and Sunrise host (OCD) 402 - ABC settles with BL (OCD) 402A(a) - extent BL was identified (I) 402A(b) - outlines that there was broad media coverage by multiple outlets regarding allegation (OCD) 402A(c) - extent of BL own involvement in hurt feelings and reputation (OCD)
112	1	0	403-405A - general principles of identification (I)
113	1	0	406 - 408 - general principles of small group identification (I)
114	1	0	408 - 409 - general principles of small group identification (I) 410 - outline of BL case on identification (I)
115	1	0	411 - 416 - identification of BL (I)
116	1	0	417 - outline of BL case on identification (I) 418 - 419 - Outline of what BL must establish regarding identification (I) 420 - 421 - what was not pleaded by BL regarding identification (I)
117	1	0	422 - 424 - what was not pleaded by BL regarding identification (I) 425 - lack of evidence about identification of BL (I) 426 - 427 - evidence from Karly Abbott regarding BL identification (I)
118	1	0	428 - 423 - evidence from Karly Abbott about BL identification (I) 434-435 - evidence from David McDonald about BL identification (I)
119	1	0	435 - 437 - evidence from David McDonald about BL identification (I) 438 - 442 - evidence from Kathleen Quinn about BL identification (I)
120	1	0	443 - evidence from Kathleen Quinn about BL identification (I) 444 - 448 - evidence from other witnesses about BL identification (I) 449 - outline that BL has been compensated by relevant media company who published article that caused him to be identified (I)
121	1	0	450 - 451 - rebut of BL statement that messages from friends indicate the broadcast caused him to be identified (I) 452 - statement that True Crime Weekly article did not provide that the broadcast reasonable identified BL (I) 453 - statement that Kangaroo Court publication(s) identified BL, but not from the broadcast (I)
122	1	0	454 - 455 - statements that BL failed to prove tweets about the broadcast identified him (I) 456 - outline that BL suspended social media accounts to avoid being identified (I) 457 - 459 - outline of other persons who could have been identified as the accused by the broadcast (I)
123	1	0	459 - outline of other persons who could have been identified as the accused by the broadcast (I) 460 - 461 - failure of BL to provide evidence that his LinkedIn views increased (I) 461A - failure of BL to prove identification (I)

124	1	0	462 - 464 - general principles of justification/truth defence (TD) 465 - 469 - Statements that Court should find BL had sexual intercourse with BH (TD)
125	1	0	469 - 470 - Statements that Court should find BL had sexual intercourse with BH (TD) 471 - 472 - Court should find that BH did not give and was incapable of giving consent to BL regarding sexual intercourse (TD) 473 - 476 - Court should accept that BL knew BH was not consenting (TD) 477 - general principle of recklessness (TD)
126	1	0	478 - 479 - Court should accept that BL was reckless as to obtaining consent (TD) 480 - 482 - outline of which imputations LW needs to prove are substantially true (TD) 482A - clarification of imputations pleaded by BL (TD)
127	0.25	0.75	482A - clarification of imputations pleaded by BL (TD) (0.25) 482 - 485 - outline of general principles of s 30 defence (QP) 486 - outline of general principles of s 30 defence (QP)
128	0	1	486 - 489 - outline of general principles of s 30 defence (QP)
129	0	1	490 - outline of s 30 defence (QP)
130	0	1	491 - outline of s 30 defence (QP) 492 - statement that BL concedes majority of elements of s 30 defence have been made out (QP) 493 - statement regarding LW reasonableness in publishing defamatory matter (QP) 494 - outline of historic s 22 Defamation Act 1974 (NSW) (QP)
131	0	1	494 - 497 - outline of historic s 22 Defamation Act 1974 (NSW) and how it was interpreted by common law (QP)
132	0	1	498 - 499 - outline of historic s 22 Defamation Act 1974 (NSW) and how it was interpreted by common law (QP) 500 - enactment of s 30(1) and similarity to s 22 (QP)
133	0	1	500 - enactment of s 30(1) and similarity to s 22 (QP) 501 - relevance of <i>Griffiths</i> to s 30(1) of the <i>Defamation Act</i> (QP) 502 - distinguishing that the differences between s 22(2A) and s 30 are of form, not of substance (QP) 503 - second reading speech regarding s 22(2A) (QP)
134	0	1	503 - 504 - second reading speech regarding s 22(2A) (QP)
135	0	1	505 - application of s 22(2A) (QP) 506 - application of s 3 <i>Defamation Act 1974</i> (QP)
136	0	1	507 - statement that the historic s 3 applies in substantially the same way to the new DA (QP) 508 - 511 - application and interpretation of s 30 DA (QP)
137	0	1	512 - 515 - application and interpretation of s 30 (QP)
138	0	1	516 - 519 - application and interpretation of s 30 (QP)
139	0	1	520 - 521 - application and interpretation of s 30 (QP) 522 - statement that elements of interest or apparent interest are no longer in issue (QP) 523 - 526 - application of reasonableness to LW actions (QP)

140	0	1	526 - application of reasonableness to LW actions (QP) 527 - 528 - public interest in the subject matter of the broadcast (QP) 529 - 533 - role of LW in publication of the matter/s (QP)
141	0	1	533 - 535 - role of LW in publication of the matter/s (QP) 536 - 539 - LW reliance on expert team (QP) 539 - 540 - LW reliance on production team to fact-check BH allegations (QP)
142	0	1	540 - LW reliance on production team and Mr Llewellyn to fact-check BH allegations (QP) 541-542 - LW reliance on and understanding that Mr Llewellyn was egaging in extensive fact checking of BH allegations (QP) 543 - 547 - LW sought and received legal advice from N10 legal team regarding the Broadcast (QP)
143	0	1	548 - 551 - LW understanding of the N10 legal team involvement with the Broadcast (QP) 551A - LW pleadings about legal advice regarding defence (LPP/QP)
144	0	1	551B - LW statement that N10 directed her to delete certain facts from her s 30 defence in order to maintain privilege over legal advice (QP/LPP) 551C - 551E - waiving of certain legal advice received by LW (QP/LPP) and evidence established by that advice 551F - statement that legal advice received by LW meant she was duty bound to proceed with the Broadcast (QP/LLP) 551F - statement that legal advice received by LW meant she was duty bound to proceed with the Broadcast (QP/LLP)
145	0	1	551F - statement that legal advice received by LW meant she was duty bound to proceed with the Broadcast (QP/LLP) 551G - 551H - entitlement of LW to rely on legal advice (QP/LLP) 552-557 - sources of information relied upon by LW (QP)
146	0	1	558 - sources of information relied upon by LW (QP) 559 - 565 - fairness to BL (QP)
147	0	1	566 - fairness to BL (QP) 567 - allegations around 'obstruction' in the Broadcast (QP) 568 - LW belief that allegations were fact checked and approved by lawyers (QP) 569 - accused persons were given the opportunity to respond (QP) 570 - LW believed the programme was being edited to account for new information (QP) 571 - LW was not made aware of certain background information (QP)
148	0	1	572 - responses received from accused persons were fairly included in the Broadcast and included in full on The Project website (QP) 573 - LW does not accept that other allegations beyond what is alleged against the applicant are relevant factors (QP) 574 - outline of roadblocks to the investigation (QP)

149	0	1	574 - outline of roadblocks to the investigation (QP) 575 - reasons why BH felt betrayed by the Government (QP) 576 - BH was forced to choose between her career and justice (QP) 577 - APH is the easiest place in Australia to rape a woman and get away with it (QP) 578-579 - the personal views of LW were not published in the Broadcast (QP)
150	0	1	579 -580 - the personal views of LW were not published in the Broadcast (QP) 580A(a) - LW acted honestly and reliably regarding the bruise photograph (QP) 580A(b) - there were no material inconsistencies or implausibilities in BH's account (QP)
151	0	1	580A(b) - there were no material inconsistencies or implausibilities in BH's account (QP) 580A(c) - if BH had certain motivations, they did not affect the reasonableness of LW (QP) 580A(d) - LW did not have capacity or means to affect the Broadcast in relation to Michaelia Cash (QP)
152	0	1	580A(d) - LW did not have capacity or means to affect the Broadcast in relation to Michaelia Cash 580A(e) - rebutting submissions made in ACS (QP) 580A(f) - plausibility of BH timeline (QP)
153	0	1	580A(f)- plausibility of BH timeline (QP) 580A(g) - rebutting submissions made in ACS (QP) 580B - rebuts ACS in that LW acted unreasonably (QP) 580C - states that LW's motivation was to report on issues of public interest (QP)
154	0	1	580D - rebuts ACS to demonstrate LW's reasonableness (QP)
155	0	1	580E - demonstrates LW's reasonableness as an employee (QP) 580F - rebuts ACS in that LW acted unreasonably (QP) 580G - demonstrates the involvement of N10 legal in assessing BH credibility and script for interview (QP) 580H - rebuts ACS in that the Broadcast was LW's sole responsibility (QP)
156	0	1	580H - rebuts ACS in that the Broadcast was LW's sole responsibility (QP) 580I - states that LW support of N10s submissions does not affect the reasonableness of her conduct in publishing the Broadcast. (QP) 581-582 - LW does not plead defence of justification at common law (SII) (0.25)
157	0	1	583 - LW does not plead common law defence of QP as per <i>Lange</i> (SII) 584 - 585 - outline of common law QP defence (QP)
158	0	1	585 - 589 - outline of common law QP defence (QP)
159	0	1	589 - 591 - outline of common law QP defence (QP) 592 - 593 - explanation of why CL QP defence is being pleaded (QP)
160	0	1	594 - 599 - explanation of why CL QP defence is being pleaded (QP)
161	0	1	600-600A - explanation of why CL QP defence is being pleaded (QP) 601 - 602 - LW interest in publishing (QP)
162	0	1	603 - 604A - LW interest in publishing (QP) 605 -607A - class of persons interested in viewing the applications (QP)

163	0	1	607A(a)-(b) - class of persons interested in viewing the applications (QP) 608-609 - occasion of QP arises by the community interest already established (QP) 610 - outline of general damages (OCD) (0.25)
164	0	1	610 - outline of general damages (OCD) 610A-610D - outline of assessment of damages (OCD) 610E - outlines that if an abuse of process is established, the applicants claim should be struck out (AOF/OCD)
165	0.5	0.5	610E - outlines that if an abuse of process is established, the applicants claim should be struck out (AOF/OCD) 610F - rebuts the applicant's submissions in the ACS and sets out the LW submits that <i>Dank</i> is wrong (OCD) 611 - sets out the purposes of the award for general damages for defamation (OCD) 612 - outlines that the extent of the actionable publication is a relevant consideration when considering damages (OCD)
166	1	0	613 - sets out that that LW must persuade the Court that no damages should be awarded (OCD) 614 - BL must establish extent of harm caused by the Broadcast (OCD) 614A - other publications and events preceding or following the Broadcast may be taken into account in the reduction of damages awarded (OCD) 615 - evidence given by BL was unsatisfactory and dishonest (OCD) 616 - evidence given by BL about damages should be rejected unless it is contrary to his interests (OCD)
167	1	0	617 - BL was stood down from his job on 15 February 2021 (OCD) 618 - The Australian and ABC published articles about BL that make no reference to The Project (OCD) 619 - The ABC published a story about BH claims, presenting that the unnamed applicant raped BH (OCD) 620 - BL admitted to his employer in June 2021 that allegations had been made by <i>The Australian</i> and ABC and his ability to do his job was not affected in the precise class of person that identified him from The Project (OCD) 621 - after being named and charged, BL admitted he considered he suffered serious harm by further publications about him (not made by N10) (OCD)
168	1	0	621 - after being named and charged, BL admitted he considered he suffered serious harm by further publications about him (not made by N10) (OCD) 622 - BL cannot establish there was anyone who unidentified him who did not already know about the allegations (OCD) 623 - Court would not be satisfied that BH has suffered harm that would give rise to a significant award of damages (OCD) 624 - 625 - overview of mitigation (OCD)

169	1	0	626 - overview of mitigation (OCD) 627-628 - overview of reduction of damages (OCD) 629 - matters submitted by LW that the Court may take into account to further reduce damages that may be awarded (OCD)
170	1	0	629 - matters submitted by LW that the Court may take into account to further reduce damages that may be awarded (OCD) 630 - 632 - sets out common law in the UK that have considered circumstances in which an applicant may be disentitled to damages (OCD)
171	1	0	633 - 637 - sets out common law in the UK that have considered circumstances in which an applicant may be disentitled to damages (OCD)
172	1	0	637 - 640 - sets out common law in the UK that have considered circumstances in which an applicant may be disentitled to damages and applies that similar circumstances may have occurred in this matter (OCD) 640A - responds to ACS (OCD)
173	1	0	640A - responds to ACS (OCD) 640B - outlines that to award damages to BL if held that sexual activity occurred, then BL's conduct would amount to an abuse of process (AOPA) 640C - outlines that the applicant has been compensated in response to ACS (OCD)
174	0	1	641 - 642 - overview of aggravated damages (AD) 643 - sets out there is no basis to allege LW acted with reckless indifference (AD)
175	0	1	643A - sets out there is no basis to allege LW acted with reckless indifference (AD) 644 - notes that the second allegation does not relate to LW conduct (AD) 645 - sets out that this particular is not made out (AD) 646 - sets out that the fourth allegation is about the Logies speech (AD) 647 - provides that LW sent the Logies speech to N10 for review (AD) 648 - under s 91 of the <i>Evidence Act</i> , the Court cannot prove the speech was improper, unjustifiable or lacking bona fides (AD) 649 - outline of sub-judice contempt and its application to LW (AD)
176	0	1	649 - outline of sub-judice contempt and its application to LW (AD)
177	0	1	650 - provides that it was not improper, unjustifiable or lacking in bona fides for someone in LW position to give the speech (AD) 651 - 652 - unchallenged evidence from LW is that she did not request to give the speech (AD) 653 - 655 - LW would not have given the speech if she had been warned not to give the speech (AD) 655A - LW sought legal advice about the speech and took care to ensure she followed legal processes (AD)

178	0	1	655B - LW was asked by her employer to give the speech (AD) 655C - LW addressed her concerns about making the speech by ensuring the speech was involved in several stages of checks with experienced people (AD) 655D - LW relied on the expertise of N10 to guide her in regard to the speech (AD) 655E - LW believed that the N10 lawyers were conservative and Ms Smithies was experienced and competent (AD) 655F - LW was entitled to rely on Ms Smithies (AD)
179	0	1	655F - LW was entitled to rely on Ms Smithies (AD) 655F - particulars from BH show that nothing LW did as an individual was improper, unjustified or lacking in bona fides such as to warrant an award of aggravated damages (AD) 655H - rebuts ACS submissions (AD) 655I - outlines that the Court must assess LW conduct without benefit of hindsight or based on findings or subsequent events (AD)
180	0	1	655I - outlines that the Court must assess LW conduct without benefit of hindsight or based on findings or subsequent events (AD) 655J - rebuts ACS to establish the full circumstances in which LW gave the speech (AD) 655K - rebuts ACS regarding LW state of mind about the speech (AD) 656 - states that BL failed to prove any of LW conduct was improper, unjustified or lacking in bona fides (AD)
181	0.5	0.5	657 - states that the Court should not be satisfied BL suffered real hurt due to LW speech (AD) 658 - states that, consistent with <i>Russell</i> , the Court should not be satisfied of any aggravation to BL because of his credit issues and dishonesty (AD) 659 - claim for aggravated damages fails (AD) 659A - Court must assess all questions of harm, including factors of mitigation, reduction of damages and aggravation of damages (CII) 659B - LW submits that BL has not suffered any damage to reputation or relevant hurt, including by aggravating conduct by her, for which he should be compensated (CII) 659C - Sets out the assessment of harm to reputation and hurt to feelings (CII)
182	1	0	659C - 659F- Sets out the assessment of harm to reputation and hurt to feelings (CII) 659G - lists fundamental issues made with BL submissions in the ACS (CII)
183	0.5	0.5	659G - lists fundamental issues made with BL submissions in the ACS (CII) 660 - provides there is no factual basis to award an injunction (OCD)
184	0	1	661 - LW reserves the right to make submissions on costs after judgment is published (SII)
TOTAL	57.25	126.75	
TOTAL PAGES	184		

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BRUCE LEHRMANN v NETWORK TEN PTY LTD & ANOR (NSD103/2023)

Network Ten's submissions to the Referee regarding factual inaccuracies in Ms Wilkinson's submissions to the Referee dated 27 November 2024

1. Network Ten considers that Ms Wilkinson's submissions in respect of the draft report of Mr Roland Matters (**Referee**) contain the following factual inaccuracies:
 - (a) The assertions in [32] and [37] that Ms Wilkinson's truth defence was put on a different basis to Network Ten's and that the basis of the truth defence put by Network Ten was rejected by the Court are incorrect. Ms Wilkinson's truth defence was not framed "very differently" to that of Network Ten and T2000.14-2001.31 does not record any difference being addressed in court. The truth defences were identical in substance.
 - (b) The assertions in [34] and [39] are incorrect: the issues raised were not limited to concerns about privilege or the timing for filing defences. In fact, Network Ten identified extensive factual errors with Ms Wilkinson's draft defence that were communicated to her legal representatives.
 - (c) In respect of the assertion in [40], Network Ten had indicated that it would provide a copy of its draft defence to Ms Wilkinson prior to the filing deadline, but rather than waiting, she determined to file her defence 6 days early. The submission that the draft defence was provided on the day it was due to be filed overlooks the fact that Ms Wilkinson had already filed her defence by then.
 - (d) Contrary to [64], Network Ten did not have two junior counsel briefed for the trial.
 - (e) Contrary to [67], senior counsel for Ms Wilkinson appeared in Court on *every* hearing date apart from the re-opened hearing in April 2024.
2. In relation to [20] to [31] regarding rates: (a) the initial rates her solicitors agreed to charge in their February retainer letter were \$200 per hour lower. There is no evidence before the Referee to demonstrate they were discounted rates, and they were increased and sought to be back-dated only after Network Ten confirmed it would indemnify Ms Wilkinson; (b) as recorded in 3(b) of the 28 June 2024 orders, Ms Wilkinson agreed that, from at least 9 May 2023, there was *no valid costs agreement* with GDL; (c) [25] is merely speculation and should not be relied upon by the Referee. In respect of [27] to [29], Network Ten's solicitors are specialist defamation lawyers with significant expertise in representing respondents in defamation actions involving media publications.
3. Finally, in respect of [54], on the dates identified, Network Ten ran the truth defence for the respondents, which required managing and calling 10 witnesses. Ms Wilkinson has no knowledge of the extent to which solicitors' time was charged (the same point arises in respect of [63]).

BRUCE LEHRMANN v NETWORK TEN PTY LTD & ANOR (NSD103/2023)

Ms Wilkinson's response to Network Ten's further submissions of 2 December 2024

1. The matters raised by Network Ten in its submissions of 2 December 2024 do not, on the whole, identify factual inaccuracies and are largely matters of opinion or submission.
2. Further, they do not address the substance of Ms Wilkinson's position which is: an indemnity is an indemnity, and that unless costs were incurred in respect of work completely unconnected with the proceedings, then the costs incurred are liable to be reimbursed.
3. Given that Ms Wilkinson was found by the Court to be entitled to separate legal representation, it was reasonably necessary for her to take and receive advice from her lawyers on all issues, and to allow her lawyers to act in what they regarded as her best interests, and run the case competently and according to their own skill and judgment. An assertion that this may have resulted in "duplication" with work done for Network Ten, or for work done which Network Ten did not agree with, and thus are not recoverable is misapprehended. The parties were sued separately by Lehrmann and each was entitled to defend the case made against it or her.