

# **Deed of Settlement & Release**

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**Bruce Lehrmann**

**News Life Media Pty Ltd**  
(ACN 008 923 906)

**Samantha Maiden**

# Deed of Settlement & Release

DATE May 2022

## PARTIES

**Bruce Lehrmann** c/o Mark O'Brien Legal, Level 19, 68 Pitt Street, Sydney NSW 2000 (**Mr Lehrmann**);

**News Life Media Pty Ltd (ACN 088 923 906)** c/o News Corp Australia, 2 Holt Street, Surry Hills NSW 2010 (**NLM**);

**Samantha Maiden** c/o News Corp Australia, 2 Holt Street, Surry Hills NSW 2010 (**Ms Maiden**);

(together, the **Parties**).

## RECITALS

- A. NLM is the publisher of the news.com.au website.
- B. The articles set out in Annexure A are the matters complained of referred to in Mr Lehrmann's Statement of Claim dated 7 February 2023 and were published by news.com.au on 15 February 2021 at the following online locations:
- a. <https://www.news.com.au/national/politics/parliament-house-rocked-by-brittany-higgins-alleged-rape/news-story/fb02a5e95767ac306c51894fe2d63635>; and
  - b. <https://www.news.com.au/national/politics/parliament-house-alleged-rape-how-brittany-higgins-horror-night-unfolded/news-story/c51454dbf5cb7da229957b0268e93d85>.
- (the **Articles**)
- C. The Articles were authored by Ms Maiden.
- D. Mr Lehrmann instituted legal proceedings against NLM and Ms Maiden by way of Federal Court of Australia Action No. NSD104/2023 in which he has alleged that the Articles are defamatory of him and that he has suffered damage to his reputation as a result of the publication of the Articles (the **Claim**).
- E. On 28 April 2023, the Federal Court of Australia granted Mr Lehrmann's application for an extension of time in which to bring the Claim. NLM and Ms Maiden, as well as the respondents in action NSD103/2023, unsuccessfully opposed that application. The Court reserved making an order in relation to costs.
- F. Without admission of liability, the parties have reached a commercial resolution of the Claim and have agreed to settle the Claim on the terms of this Deed.

## OPERATIVE PROVISIONS

1. In this Deed, including in the Recitals:
  - (a) terms defined in the Recitals have the same meanings in the Operative Provisions;

- (b) the following definitions apply in this Deed:
- (i) **Associated Entities** has the same meaning as section 9 and sections 46 to 50AA of the *Corporations Act 2001* (Cth) and includes each of the Releasee's Related Bodies Corporate as defined by sections 9 and 50 of that Act;
  - (ii) **Releasee Parties** means each of the Releasees, each of the Releasee's Associated Entities and authorised licensees, and each such entity's directors, employees, servants and agents; and
  - (iii) **Releasees** means each of NLM and Ms Maiden.

2. Without any admission of liability:

- (a) NLM will place an Editor's Note with the Articles in the terms set out in Annexure B immediately upon the service of a stamped notice of discontinuance in accordance with clause 7; and
- (b) NLM will pay to Mr Lehrmann an amount of \$295,000 (including GST) as a contribution towards his legal costs in connection with the Claim (the **Settlement Sum**) in accordance with this clause and clause 3 within 7 days of receipt of an original version of this Deed duly executed by Mr Lehrmann or receipt of the bank account details nominated by Mr Lehrmann (whichever occurs last).

3. Mr Lehrmann authorises NLM to pay the Settlement Sum by electronic funds transfer into his solicitors' trust account, details of which must be provided to the Releasees' solicitor promptly after the execution by Mr Lehrmann of this Deed.

4. Upon receipt of the Settlement Sum, Mr Lehrmann must take all necessary steps to discontinue legal proceedings relating to the Claim within 7 days thereof with all prior costs orders vacated and otherwise no order as to costs. NLM and Ms Maiden consent to the discontinuance and must take all reasonable steps to effect the discontinuance.

5. Mr Lehrmann releases each of the Releasee Parties from and against all sums of money, actions, suits, causes of action, proceedings, claims, accounts, demands, costs and expenses whatsoever which Mr Lehrmann:

- (a) now has or at any time hereafter may have, or
- (b) but for the execution of this Deed would have had:

against any of the Releasee Parties, arising out of or in any way connected with any of the following (collectively referred to as the **Released Publications**):

- (i) any publication of the Articles by any one or more of the Releasee Parties;
- (ii) any publication of any material concerning Mr Lehrmann (the **Additional Material**) by any one or more of the Releasee Parties (other than authorised licensees) prior to the date of this Deed;
- (iii) any publication of the Additional Material by authorised licensees prior to the date of this Deed where that material has been supplied to the authorised licensees by NLM and/or one of its Associated Entities; and
- (iv) any republication by any person other than the Releasee Parties of the Articles or the Additional Material.

6. This Deed may be pleaded either to enforce the provisions of this Deed or as a bar to any proceedings, claim or action brought by or on behalf of Mr Lehrmann against any of the

Releasee Parties in respect of any of the matters arising out of or in any way connected with any Released Publications.

7. Subject to clause 6, each of the parties agree (and NLM will procure that the Releasee Parties agree) not to:
  - (a) at any point prior to service by Lehrmann's solicitors of a stamped copy of his notice of discontinuance on the solicitors for NLM and Ms Maiden (where that notice is to be filed and served on a weekday during the hours of 9am – 5pm AEST):
    - (i) disclose or make representations as to:
      - (A) the fact that the Parties have engaged in negotiations to resolve the Claim (**Negotiations**);
      - (B) the existence of this Deed;
      - (C) any of the terms of this Deed
    - (ii) permit any other person to disclose or make representations as to the matters set out in clause 7(a)(i);
  - (b) following the service of a notice of discontinuance in accordance with clause 7(a):
    - (i) disclose the quantum or make representations as to the scale of the quantum of the costs payment referred to in clause 3(b) of this Deed;
    - (ii) permit any other person to disclose the quantum or make representations as to the scale of the quantum of the costs payment referred to in clause 2(b) of this Deed,

either directly or indirectly, except insofar as each of the parties may disclose the full terms of this Deed:

- I. to their legal advisers and accountants on a confidential basis; or
- II. if compelled by law, but then only to the extent required by law.

Without limitation to this clause, the Parties agree that nothing in this Deed prevents the parties, after the service of a notice of discontinuance in accordance with clause 7(a), from referencing the Editor's Note as referred to in clause 2(a) above and/or saying that NLM made a contribution towards Mr Lehrmann's legal costs.

8. Mr Lehrmann indemnifies, and will keep indemnified, the Releasee Parties from and against any and all actions, proceedings, claims or demands brought by any person (**Third Party**) against any of the Releasee Parties (**Third Party Claim**), if that Third Party Claim arises out of or is in any way connected with any claim by Mr Lehrmann against that Third Party in connection with any of the Released Publications.
9. Clauses 5, 6 and 8 are for the benefit of each of the Releasee Parties and each of the Releasees holds the benefit of these clauses on trust for each of the Releasee Parties.
10. The parties agree to do anything not contemplated by this Deed that may be required in order to perfect the terms of this agreement including, but not limited to, anything that may be required by the court in relation to the notice of discontinuance.
11. This Deed may be executed in counterparts. All counterparts, taken together, constitute one deed.
12. A copy of a counterpart sent by email:

- (a) must be treated as an original counterpart;
  - (b) may be produced in evidence for all purposes in place of the original; and
  - (c) is sufficient evidence of the execution of the original.
13. This Deed and any proceedings, claim or action relating to this Deed or its formation, whether of a contractual or non-contractual nature, shall be governed by and construed in accordance with the laws of New South Wales.
14. Each of the Parties irrevocably and unconditionally submits to the exclusive jurisdiction of the Federal Court of Australia in relation to any proceedings, claim or action relating to this Deed or its formation, whether of a contractual or non-contractual nature.

**EXECUTED** as a deed.

**SIGNED, SEALED and DELIVERED** by  
**BRUCE LEHRMANN** in the presence of:

\_\_\_\_\_  
Signature of party

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


\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**SIGNED, SEALED and DELIVERED** for  
**NEWS LIFE MEDIA PTY LTD**, by its duly  
authorised officer, in the presence of:

  
\_\_\_\_\_  
Signature of officer

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

Ian Philyp  
\_\_\_\_\_  
Name

LOUISE DE DOMENICO  
\_\_\_\_\_  
Name

25 / 5 / 23  
\_\_\_\_\_  
Date

**SIGNED, SEALED and DELIVERED** by  
**SAMANTHA MAIDEN** in the presence of:

\_\_\_\_\_  
Signature of party

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

# ANNEXURE A

## ARTICLES



Twitter



25 tweets

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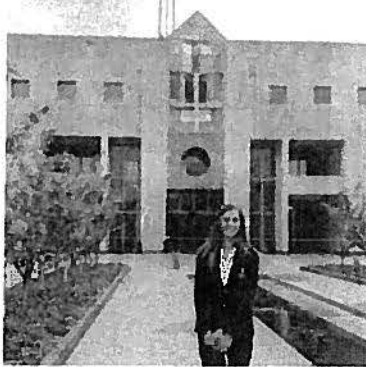
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National Politics

EXCLUSIVE

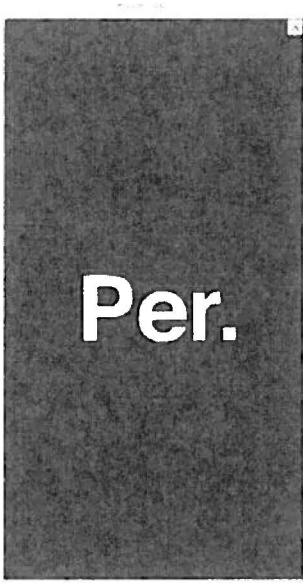
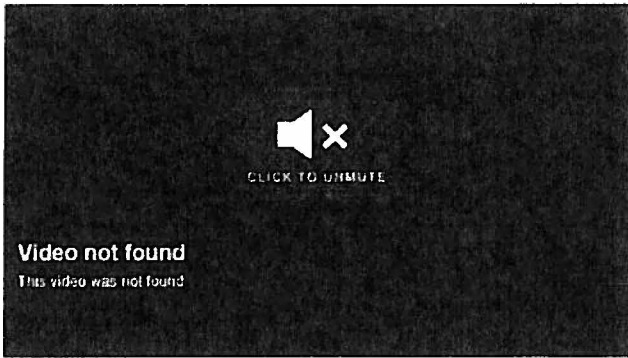
# Parliament House alleged rape: How Brittany Higgins' horror night unfolded

Parliament House alleged rape: How Brittany Higgins' horror night unfolded



Samantha Maiden

10:00 AM AEST 22 May 2022



Trigger warning: This article contains information which may be triggering to some readers

A security guard patrolling Parliament House in the early hours of Saturday morning found her

Half dressed [Brittany Higgins' rape: How her horror night unfolded](#)

Leigh of the Defence Minister Linda Reynolds  
ministerial suite by a man she barely knew, and only as  
a colleague



It had been his suggestion to come past Parliament House to pick up something after a long night of drinking with colleagues

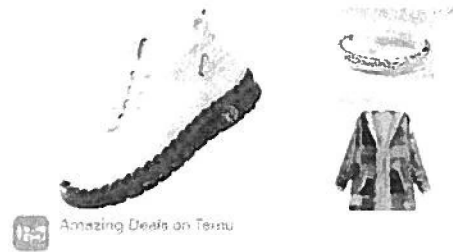
They had started at a pub on the Kingston foreshore called The Dock. A smaller group had ended up at a bar called 88mph. He had kept buying rounds and she realised she was very drunk. So drunk, she had fallen over and been helped up by the Liberal staffer

"At that point I was very intoxicated. I thought, 'Well, I am well and truly done. I need to go,'" she said. "And so there were only four of us left. We were going the same way."

With hindsight, Ms Higgins thought his suggestion they go past Parliament House on the way home was odd.

"He wanted to stop by Parliament for some reason. I was really drunk and I thought it was weird, I guess," she said.

Even after midnight, the ministerial entrance is a blaze of bright lights and security guards.



"It sounds so stupid. But you just think, this is Parliament. This is work. There are security guards everywhere. And you just naturally assume it's OK."

"I remember getting into the cab and I remember him shushing me at the security guards because I was super drunk. He had to get me through security so he was just like 'Shh, you need to be quiet.'"

She had no parliamentary security pass. Why would she? She had never planned to end up back at work on a Friday night.

She could barely give her own name. He closed her in

She could barely sign her own name. He signed her in. Shortly afterwards they were walking through the deserted ministerial wing where every move is tracked by CCTV and monitored 24 hours a day by security guards and the Australian Federal Police.



Ms Higgins in 2013, before the alleged incident. She is wearing a dark top and light pants.



Ms Higgins in 2013, before the alleged incident. She is wearing a light-colored, patterned dress.

**RELATED: [Shock decision after alleged rape in Parliament House](#)**

Then she remembers being in her own office — Senator Reynolds' ministerial suite — where she had worked for just a few weeks.

"I remember sitting on the ledge for a little while. These little window ledges that face into the Prime Minister's courtyard. And then I remember feeling very tired."

She decided to lie down on the couch. When she woke up, he was on top of her.

All of a sudden he was on top of me and I physically couldn't get him off of me," she told news.com.au.

"And I was crying. And then it was just happening. I couldn't get him off and I couldn't stop it. I remember just being stuck inside my body. As it was happening."

And then the next day it was morning and I remember a security guard yelling into the office. And that is sort of all I have.

The security guard had been coming in intermittently to try and yell out and wake her up.

The Department of Finance would later inform Senator Reynolds' chief of staff that Ms Higgins was found undressed and was offered medical assistance or an ambulance which she declined. Ms Higgins does not recall this.

"I had half my dress on. It was a lady who called in. They just sort of yelled into the front office. I was in the ministerial suite, on the couch.

"I think I just yelled out, 'I'm fine!' It was just that instant panic thing. It was protectionist mode."

She was still wearing the cocktail dress she had been wearing the night before.

Senator Reynolds had left a bag of old Carla Zampatti jackets and coats on the desk she planned to give to charity.

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Ms Higgins tried to find something that would cover up what she was wearing and let her slip out of the building relatively unnoticed and into an Uber. She still has the receipt.

"So I left. I pulled myself together," she said.

But the security guards and the Australian Federal Police stationed at Parliament House had definitely noticed her.



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It had already been escalated up the command chain of those watching the building.

"Fundamentally, things had already moved beyond the point that they could not involve the police. There was a trigger mechanism because there was a security breach," she said.



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"And then when that security breach was reported it went to the AFP. There's an AFP unit in Parliament House."





Senator Reynolds was just 24 years old when she was allegedly raped.

Much later, a Defence Department staffer seconded into Senator Reynolds' office disclosed to her that she had been discovered in a routine check of the office.

"He said that someone had 'found me' at one point during the night," she said.

"Because they do these checks to find out if confidential material has been left out. They do these 'breaches'. At one point during the night I was found and they didn't know what to do."

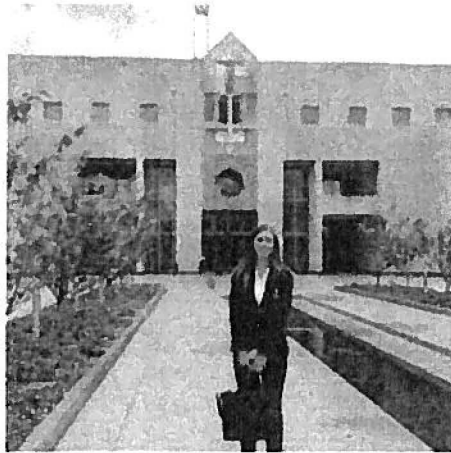
The next day was Monday. On autopilot, she returned to Parliament House. It wasn't long before she ran into her alleged attacker.

"Yes. We didn't talk. We didn't look at each other," she said.

"It was obviously very tense. But I still was in that shocked space. The first thing I was immediately stressed about was if I was pregnant."

"I didn't process. 'You had sex, you didn't consent. You were crying.' So I was just really concerned: 'Am I pregnant? Am I going to lose my job?'"

"It's kind of like the impact of a car crash and the whole world goes fuzzy. I felt like that whole day I just wasn't connected to what I was doing."





Ms Higgins did speak to the Australian Federal Police and her chief of staff in the days that followed

But she ultimately asked the police to halt the investigation on Saturday, April 13, just two days after the Prime Minister called the election

"It's just not the right decision for me personally especially in light of my workplace demands," she wrote

ACT Policing confirm they received a report in April 2019 in relation to an alleged assault at Parliament House.

The ACT Policing's investigation remains open but did not progress at that time as a result.

"Victims always have a say in how far a police investigation goes, can determine that a matter not proceed to prosecution, and can withdraw from the process at any time," a spokeswoman said.

It is not uncommon for an investigation to halt, not proceed to prosecution, or to be recommenced at a later time, at the request of a victim.

#### Where to find help

If you or someone you know is experiencing sexual abuse or family violence contact

- National Sexual Assault, Domestic Violence Counselling Service 24-hour helpline **1800 RESPECT** on 1800 737 732
- 24-hour Emergency Accommodation helpline on 1800 800 588
- Safe At Home helpline on 1800 633 937
- National Violence and Abuse Trauma Counselling and Recovery Service on 1800 FULLSTOP (1800 385 578). They also have a specific line for the LGBTQIA+ community called the Rainbow Sexual, Domestic and Family Violence Helpline on 1800 497 212
- SHE (free and confidential counselling and support) on 6278 9090
- Sexual Assault Support Services on 6231 1811, or after hours 6231 1817
- Family Violence Crisis and Support Service on 1800 608 122
- Bravehearts – Sexual Assault Support for Children on 1800 BRAVE 1
- Kids Helpline is for young people aged 5 to 25 on 1800 551 800

Don't go it alone. Please reach out for help by contacting [Lifeline](#) on 13 11 14

- Men who have anger, relationship or parenting issues, should contact the [Men's Referral Service](#) on 1300 765 491 or the [Don't Be a Man](#) helpline on 1300 243 413



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**ANNEXURE B**  
**EDITOR'S NOTE**

Editor's Note: Mr Lehrmann commenced defamation proceedings claiming that this article accused him of sexually assaulting Brittany Higgins. These proceedings were discontinued and settled on terms satisfactory to Mr Lehrmann and the publisher of this website. News.com.au notes that a criminal charge of sexual assault was brought against Mr Lehrmann and later dropped. News.com.au does not suggest that Mr Lehrmann was guilty of that charge.

