

Form 59
Rule 29.02(1)

Affidavit

No. NSD 103 of 2023

Federal Court of Australia
District Registry: New South Wales
Division: General

Bruce Lehrmann

Applicant

Network Ten Pty Limited

First Respondent

Lisa Wilkinson

Second Respondent

Affidavit of: **Lisa Wilkinson AM**

Address: c/- Gillis Delaney Lawyers, Level 40, 161 Castlereagh Street, Sydney in the
State of New South Wales

Occupation: Journalist

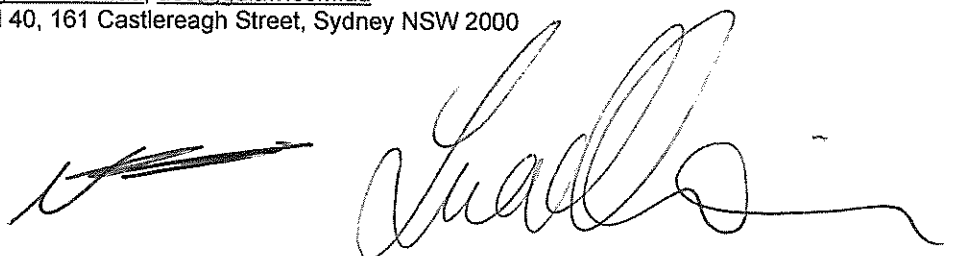
Date: 05 December 2023

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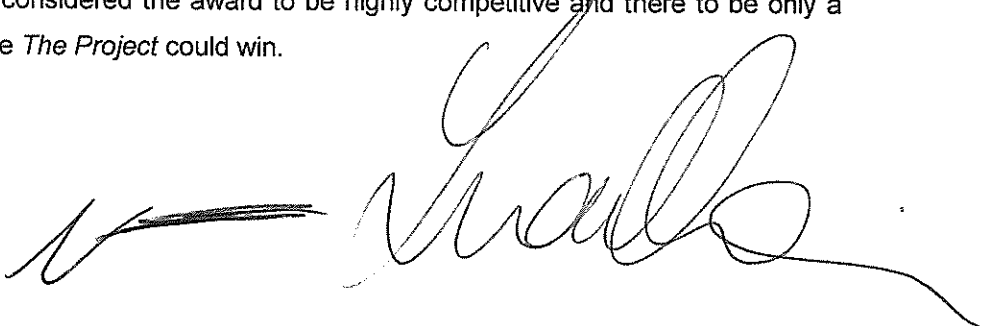
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I, Lisa Wilkinson AM, c/- Gillis Delaney Lawyers, Level 40, 161 Castlereagh Street, Sydney in the State of New South Wales, journalist, affirm:


Filed on behalf of	Lisa Wilkinson, Second Respondent
Prepared by	Anthony James Jefferies
Law firm	Gillis Delaney Lawyers
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1. I am the second respondent.
2. I have previously affirmed an affidavit in these proceedings on 28 July 2023.
3. I have prepared this affidavit in response to the further particulars of aggravated damages the applicant served by way of letter on my solicitors on 30 October 2023.
4. On 19 June 2022, at the 62nd Annual TV Week Logie Awards, *The Project*, Network Ten was awarded the Most Outstanding News Coverage or Public Affairs Report Award (the **Award**) for the television production named the "*Brittany Higgins Interview*". An audio-visual copy of the "*Brittany Higgins Interview*" is Exhibit 1 in these proceedings.
5. I gave a speech accepting the Award with Angus Llewelyn and Chris Bendall on behalf of *The Project*, Network Ten. An audio-visual recording of the speech I gave is Exhibit 12 in these proceedings.
6. When referring to Network Ten's inhouse lawyers in this affidavit I do not have authority to waive and do not waive any legal professional privilege that my employer may hold in the content of their communications.
7. On 29 April 2020, the 2020 Logie Awards Ceremony for productions dating from 2019 scheduled for 28 June 2020 was cancelled due to the COVID-19 pandemic.
8. The "*Brittany Higgins Interview*" was broadcast on 15 February 2021.
9. On 4 September 2021, the 2021 Logie Awards Ceremony scheduled for 28 November 2021 was cancelled due to the COVID-19 pandemic before nominations were announced.
10. In March 2022, the 2022 Logies Awards were scheduled for 19 June 2022.
11. In about May 2022, I was informed that *The Project*, Network Ten had been nominated for a Logie Award in the '*Most Outstanding News Coverage or Public Affairs Report*' category for the "*Brittany Higgins Interview*". I understood this to be in the competitive peer-judged category, and it did not involve a popular vote like the Gold Logie or other Most Popular categories. I was aware that four other television productions were nominated for the same award and considered the award to be highly competitive and there to be only a very vague chance *The Project* could win.

A large, stylized handwritten signature in black ink, appearing to read 'L. Hall', is written across the bottom right of the page. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

12. I have no recollection of being involved in preparing or submitting the nomination for the Award and I do not recall when and how I became aware that Network Ten or the production team at *The Project* had put forward the "*Brittany Higgins Interview*" for consideration for a Logie award.
13. I am aware that it was decided that myself, Chris Bendall and Angus Lewellyn would accept the Award if *The Project*, Network Ten won, but I cannot recall now when, how and by whom I was informed of that decision.
14. I cannot recall when and how but it was also decided that if *The Project*, Network Ten won the Award that I would give the speech on behalf of *The Project* team. I did not request to give the speech.
15. On or about 20 May 2022, I was informed by Network Ten's legal department that I was to be subpoenaed as a potential witness in the trial of *R v Lehmann* by Ms Erin Priestly, Senior Prosecutor, Office of the DPP (ACT).
16. In June 2022, I commenced writing a prepared speech for what I considered to be a very vague chance that *The Project*, Network Ten would win the Award.
17. On 15 June 2022 I participated in a Teams conference at the Network Ten offices in Pyrmont with the Office of the DPP (ACT). I was informed of the arrangements for that conference by Network Ten's legal department.
18. In attendance at that meeting on behalf of the Office of the DPP were Mr Shane Drumgold SC (Mr Drumgold), Ms Skye Jerome and Mr Mitchell Greig on behalf of the Office of the DPP.
19. I attended that meeting with Ms Tasha Smithies, Network Ten's Senior Litigation Counsel. She was present for the entire meeting.
20. The meeting took more than an hour.
21. The majority of the meeting concerned the evidence I was to give as a potential witness in *R v Lehmann*, including whether I would be cross-examined.



22. When I conferenced with Mr Drumgold on 15 June 2022, I had with me a draft of the speech I had prepared, as I wished to avoid risk that the speech could impact in any way on the scheduled criminal trial in *R v Lehrmann*.
23. At the end of the meeting, I specifically raised with Mr Drumgold my concerns over me possibly having to give a speech at the Logies in the coming days. He told me not to mention the criminal trial in the speech. I told him I had no intention of doing that and then I read out the portion of the speech relating to Ms Higgins up to the words "*It belongs to a woman who said, 'Enough'.*" He then cut me off and told me that he was not a speechwriter. I said to him words to the effect that I did not want a speechwriter, I wanted to ensure that my speech did not cause any problem to the upcoming trial.
24. Mr Drumgold did not:
- a. warn me that I should not give a speech if The Project won a Logie;
 - b. tell me that it was a bad idea for me to give the speech;
 - c. tell me that "publicity" posed a risk to the trial in *R v Lehrmann*; or
 - d. say to me that the "that defence can reinstitute a stay application in the event of publicity".
25. In relation to this:
- a. If Mr Drumgold had told me not to give the speech, I would have followed that advice;
 - b. If Mr Drumgold had given advice about what I should or should not say if I was to give a speech, I would have followed that advice exactly;
 - c. If any such advice had been given, I believe that Ms Smithies, who was also in attendance at that meeting, would also have advised me to follow such advice;
 - d. If Mr Drumgold had told me that "publicity" posed a risk to the trial, I would have further questioned that issue, especially given the publicity that had already

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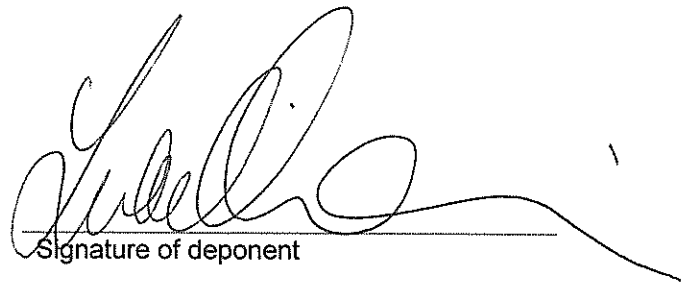
occurred regarding the Logies, and the inherent publicity that could follow from the Logie award nomination irrespective of any speech given by me; and

- e. I specifically raised the issue of the speech with Mr Drumgold because I was concerned to ensure that it did not in any way impact on the trial, and trusted that he would appropriately advise or warn me of any risk that he perceived. The only clear warning I was given was not to mention the trial, and I did not.
26. On the afternoon of 19 June 2022, Sarah Thornton asked me for a copy of my prepared speech for the purposes of her showing to Beverly McGarvey, Network Ten CEO, and Cat Donovan, Network Ten Head of PR as she told me Ms McGarvey wanted to see the speech in case there were "*any red flags*". At 2:34pm, I emailed Sarah Thornton the text of the prepared speech.
27. Later that afternoon, Ms Thornton told me that Ms McGarvey and Ms Donovan had seen the speech and had no issue with its contents. Ms Thornton also informed me that afternoon that Ms Smithies had reviewed the speech. I understood from my communications with Ms Thornton that Network Ten had given full approval for me to give the prepared speech.
28. On the night of 19 June 2022, The Project, Network Ten won the Award for the "*The Brittany Higgins Interview*". I gave my prepared speech, recorded in Exhibit 12, in the form provided to Ms Thornton reading from a print-out of the prepared text and only adding the names of Mr Llewelyn and Mr Bendall in the introduction and other minor adjustments to the approved text when I spoke. That speech was in substantially the same form that I read from during my meeting with Mr Drumgold.
29. Shortly after I gave the speech on 19 June 2022 at 11:07pm, I received a message from Ms McGarvey that stated "*Beautiful speech*".
30. On 21 June 2022, McCallum CJ delivered a judgment, *R v Lehrmann (No 3)* [2022] ACTSC 145.
31. On 23 June 2022, Ms McGarvey wrote to McCallum CJ. To the best of my knowledge the contents of that letter are true and correct.



Affirmed by the deponent
at Sydney
in New South Wales
on 5 December 2023
Before me:

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Signature of deponent




Signature of witness

Nicola Rebecca Sanchez, solicitor
Name and qualification of witness