

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: 28 July 2023

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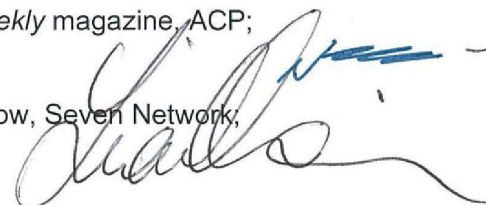
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I, Lisa Wilkinson AM, c/- Gillis Delaney Lawyers, Level 40, 161 Castlereagh Street, Sydney in the State of New South Wales, journalist, affirm:

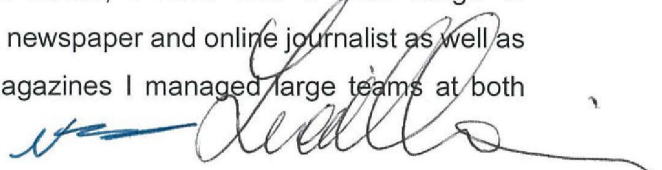
Filed on behalf of	Lisa Wilkinson, Second Respondent
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Background and Professional History

1. I am the second respondent.
2. At the time of affirming this affidavit I have been shown a bundle of documents – which are the documents listed in Part 1 of the List of Documents to be filed on the date of this affidavit. I have reviewed these documents for the purposes of preparing this affidavit and in order to refresh my memory of events in January and February 2021.
3. I am a journalist in the employment of the first respondent Network Ten Pty Limited (**Network Ten**).
4. 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 applies to the content of their communications.
5. Until 20 November 2022 my role with Network Ten was as Co-host of *The Project* television program and narrator of *Ambulance Australia* television program. I was also previously executive editor of the *10Daily* website until it stopped operating. I have not appeared on-air since 20 November 2022.
6. My professional experience includes:
 - a. 1978: Editorial assistant, cadet journalist *Dolly* magazine, Fairfax;
 - b. 1979: Deputy Editor, *Dolly* magazine;
 - c. 1980–1985: Editor, *Dolly* magazine;
 - d. 1985–1988: Editor, *Cleo* magazine, Australian Consolidated Press (**ACP**);
 - e. 1988–1995: Editor-In-Chief, *Cleo* & *Dolly* magazines, ACP;
 - f. 1996–2000: panellist, TV talk show, *Beauty & The Beast*, Foxtel & Network Ten;
 - g. 1999–2007: Editor-At-Large, *Australian Women's Weekly* magazine, ACP;
 - h. 2000: Co-Host, *The Morning Shift* morning TV talk show, Seven Network;



- i. 2001–2003: panellist, TV talk show, *Beauty & The Beast*, Foxtel & Network Ten;
 - j. 2004: News Contributor and regular fill-in co-host, *Sunrise* breakfast TV program, Seven Network;
 - k. 2005–2007: Co-Host, *Weekend Sunrise*, regular fill-in co-host *Sunrise*, Seven Network;
 - l. 2004–2007: Helped devise and launch *Madison* magazine and remained Editor-At-Large, ACP;
 - m. 2000–2007: magazine consultancy business in Australia and overseas – training and teaching editors and journalists and other skills relevant to the conduct of a magazine business;
 - n. 2006-2007: part-time fill-in host on the *Mike and Fitz Breakfast Show*, Radio 2UE;
 - o. 2007–2017: Co-Host, *Today* breakfast show, Nine Network;
 - p. 2013, delivering the Andrew Olle Media Lecture, only the second female journalist in 17 years invited to do so;
 - q. 2017–2022: Co-Host, *The Project* and *The Sunday Project* primetime television news and current affairs programmes, Network Ten;
 - r. Appointed Member of the Order of Australia (AM), in 2016, for services to broadcast and print journalism, and services to women and children's charities;
 - s. Awarded inaugural *Light Unto the Nation* award, Anti-Defamation Commission, 2018, for championing of equality and for speaking out against bullying;
 - t. Awarded Honorary Doctorate, University of Wollongong, in 2019, for services to journalism on a national and international level and advocacy for issues affecting young women.
7. Over the course of my more than 40-year-career, I have had a wide range of responsibilities at a senior level as a TV, radio, newspaper and online journalist as well as a magazine editor and Editor-In-Chief. In magazines I managed large teams at both



Fairfax and ACP (up to a maximum of 50 people at a time). These teams were made up mostly of journalists, as well as creatives and sales, advertising and marketing people on some of Australia's highest profile magazine titles with an audience of more than a million people reading each title each month during my editorship.


8. During this time I was responsible for:
 - a. hiring and managing all staff for each title;
 - b. running all budgets and the annual financial outcomes of each title;
 - c. implementing and driving the editorial policy and direction of each title;
 - d. overseeing all creative elements of each title;
 - e. editing and writing many hundreds of articles and monthly editorials for each title;
and
 - f. training and mentoring dozens of young journalists who have gone on to become successful magazine editors, senior media executives, media bosses and owners, and authors themselves.

9. Once I moved to radio and TV, my responsibilities shifted to an on-air broadcasting role as a journalist - which has included hosting roles at the Seven Network, Nine Network, Ten Network and Foxtel. My responsibilities in these roles were now specifically geared to monitoring and covering daily breaking news and current affairs which included up to seventeen and a half hours of hosting live TV per week, doing background research, working with a large production team, writing scripts and editorials, filming stories, as well as interviewing thousands of guests on both live TV and in pre-recorded settings. Those interviews have been conducted with a broad cross-section of the community, including: nine current and former Australian Prime Ministers, various opposition leaders, other senior federal and state ministers and politicians, various world leaders, significant newsmakers, changemakers, actors, singers, sportspeople and other celebrities, as well as everyday people who were often experiencing extraordinary circumstances which led them into the public domain.


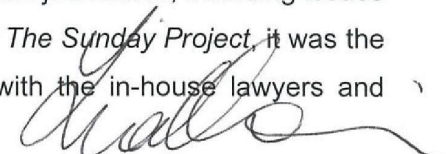


Role with Network Ten – January 2018 to November 2022

10. My role at *The Project* and *The Sunday Project* covered a wide range of responsibilities, and included co-hosting the show three days a week - two days from the studio in Melbourne, one day from the studio in Sydney - monitoring, covering and reading the news; pitching stories; writing scripts; working with producers on the daily news rundown; and filming stories on the road, which regularly entailed travelling locally, interstate and internationally.
11. A typical day for me throughout my time with *The Project* and *The Sunday Project*:
- a. would begin at 8am by reading a wide range of newspapers and online news sites, and receiving the morning news briefing via email from the production team indicating the stories we were watching and may cover in that night's show;
 - b. over the course of the morning that list would be continually refined until our list of major stories for the show was broadly finalised at around 11am;
 - c. depending on breaking news, this list could - and often did - change over the course of the day leading up to broadcast, and the entire production and on-air team were at all times on alert for that outcome, ready to change gear and focus on the detail of late-breaking stories as required;
 - d. from 9am, I would be on the phone to one or more producers and production assistants regarding upcoming stories, organising shoots, travel schedules, doing background research, attending screenings, filming interviews as required, or doing voiceovers for *Ambulance Australia* prior to my arrival at the office at 12noon;
 - e. I would then be updated on any movement in the show's story list by the Chief-Of-Staff, meet with producers to workshop detail on those stories and record any voiceover promos as required;
 - f. at 1pm, I would head to hair and makeup and meet further with producers as required, stay across live breaking news via online sites, watch both local and international news channels, and attend to work emails;



- g. at 2pm, I would head back to the production team to film any drop-in segments for that night's show, meet with my co-hosts to discuss the issues of the day, record scripted voiceovers as well as new or updated promos for the show;
 - h. from 3pm until 4:30pm, I would attend - with the other three *The Project* or *The Sunday Project* hosts - the major afternoon production meeting led by the executive producer and other senior producers to discuss the day's news, the finer details of that night's show, and finalise scripting on stories;
 - i. at 4:30pm, I would get dressed for the show, have final hair and makeup checks done and head to the studio by 4.50pm to record studio-based Network promos to air across the country, and conduct any pre-recorded interviews until approximately 5.45pm;
 - j. at 5:45pm, I would participate in a full rehearsal of the entire show, including reading all news headlines, while the production team made last minute changes to scripts, addressed any production issues, and, as needed, filmed content for social media;
 - k. at 6:25pm, we would welcome and settle in our studio audience and receive any last minute instructions or late breaking news before going to air;
 - l. at 6:30pm, *The Project* and *The Sunday Project* would go to air until 7.30pm;
 - m. further to the daily and weekly commitments outlined above, I was also the fill-in host for Carrie Bickmore on *The Project* when she was on leave - increasing my weekly hosting commitments from three days to five days, sometimes six;
 - n. on the days I was not hosting, I would be variously on the road filming stories – locally, as well as interstate and internationally - doing background research and working with producers on other upcoming stories, recording episodes and working with the team from *Ambulance Australia*, as well as fulfilling Network Ten publicity commitments as required.
12. In my experience, all content that goes to air on *The Project* and *The Sunday Project* is the subject of legalling by the Network Ten in-house lawyers who I understood were experienced in daily news and current affairs and broadcast journalism, including issues regarding defamation. During my time at *The Project* and *The Sunday Project*, it was the Executive Producers who generally interacted directly with the in-house lawyers and

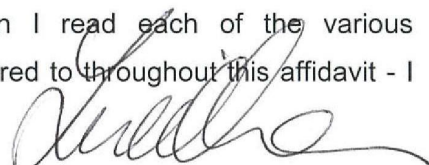
would pass on queries and directions to me, and others, from the lawyers. It was my experience and belief that the in-house lawyers at Network Ten were very conservative – more so than any other in-house lawyers I had encountered in my career in media.

First approach from David Sharaz

13. On 18 January 2021, I received and read an email from David Sharaz that he had sent at 10:13am, in which he wrote, *“I’ve got a sensitive story surrounding a sexual assault at Parliament House; a woman who was pressured by the Liberal Party and female cabinet minister not to pursue it. She’s asked me to be the one to get the story told this year.”*
14. I had met Mr Sharaz a number of years before when he was a student and did a few days’ work experience at the *Today* show. He was keen to become a journalist, and had approached me for advice about that. I have always enjoyed mentoring young people who want to break into journalism. I recall he reached out to me on a handful of occasions over the following years, to let me know how his career was going.
15. When I saw Mr Sharaz’s email, I knew who he was. This was the first communication I received in relation to Ms Brittany Higgins, although she was not named in this email.
16. I recall seeing the email at lunch time and responding shortly after I saw it. It was not unusual for me to receive story ideas from members of the public or people with whom I was acquainted.
17. This email stood out to me because of the serious allegations being made – about an alleged crime in Parliament House and that the complainant was allegedly being forced not to pursue it. I recall being very busy with other duties so I did not speak to Mr Sharaz that day but we exchanged the following emails:

Date/Time	Sender	Recipient
18 January 2021, 12:11pm	Me	Sharaz
18 January 2021, 12:12pm	Sharaz	Me
18 January 2021, 12:16pm	Me	Sharaz
18 January 2021, 12:18pm	Sharaz	Me

18. I cannot recall unless I immediately replied when I read each of the various communications (such as emails and messages) referred to throughout this affidavit - I

look at electronic communications as and when my schedule allows. When days I was working for *The Project* and *The Sunday Project*, I was often on flights without wi-fi. During my frequent recording sessions I generally do not access my emails or messages. When preparing for a broadcast, I generally did not have time to check my emails or messages.

19. Mr Sharaz emailed me the following day on 19 January 2021 at 10:40am. He referred to the name "Brittany" for the first time. Samantha Maiden was referred to in that email; I knew her to be an experienced News Limited print journalist specialising in politics. I had previously met Ms Maiden in person once or twice at industry functions. I – and others at *The Project* or *The Sunday Project* desk – had also interviewed her remotely on a handful of occasions regarding breaking political stories.
20. I responded to Mr Sharaz's email at 12:03pm that day and organised to speak to him at 12:30pm.
21. On 19 January 2021, Mr Sharaz and I had a telephone call, my recollection now is that it lasted about 20-30 minutes. I now have no specific recollection of the words that were spoken but I recall the following matters were discussed:
 - a. Mr Sharaz said to me that:
 - i. a young woman he knew was alleging that she had been sexually assaulted on a government minister's couch;
 - ii. after being in contact with police on two occasions and reporting the alleged rape shortly after it happened, the young woman had felt significant enough pressure in the political environment she was in not to take her allegation further;
 - iii. he believed that there was an active coverup as the alleged rape was in the leadup to the 2019 Federal Election;
 - b. I told Mr Sharaz that I would need to speak to my Executive Producer (Roving Enterprises) at *The Project* and *The Sunday Project*, Craig Campbell, to see if he was interested in the story, and whether he was happy for me to further investigate the allegations the young woman was making.



Initial communications with production team and investigations

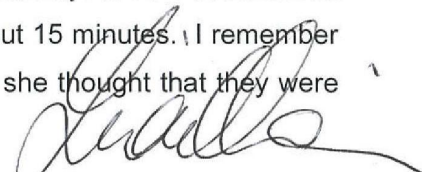
22. I formed the view while speaking to Mr Sharaz that I should raise the allegations with Mr Campbell. If the allegations were credible, to my mind, this was an issue of great public interest and should be pursued.
23. Mr Campbell had been the highly respected Executive Producer of *The Project* for 12 years by this stage, with a strong news and current affairs track record during that time. I held him in high regard, and valued his strong “*news sense*” and was interested to hear his perspective on what I had been told.
24. I telephoned him shortly after I finished my call with Mr Sharaz, and outlined the allegations which had been made to me. Mr Campbell told me that he was definitely interested in the story, but that we needed to know a lot more detail. Mr Campbell and I discussed informing the Network Ten Executive Producer of *The Project* and *The Sunday Project*, Sarah Thornton, of the potential story. He told me that he was happy for me to proceed with investigating the allegations but that we should keep all details confidential and tightly limited to only those persons who needed to be involved for a proper investigation to proceed. I do not recall any further specifics of what we said, but I believe we spoke for about 15 minutes.
25. From my perspective from that moment the investigation was at all times treated with the highest level of confidentiality. To my knowledge all meetings and conversations were conducted behind closed doors or otherwise in private, on the telephone or by online audio-visual conference.
26. I had known Ms Thornton since I joined *The Project* and *The Sunday Project*. She was a long-time Executive Producer, working in television production in both Australia and the United Kingdom. I respected her professionalism, experience and carefully considered opinions and responded to her input on the investigation.
27. I am not sure if I spoke to Mr Sharaz again that day or not. I do recall asking him to send me more information, but I am not sure if that was during the 12:30 pm conversation or a subsequent conversation that day. I now have no specific recollection of the words that were spoken but I recall the following matters were also discussed in conversations about this time. I had asked him questions about the young woman’s involvement with the police

around the time of the alleged rape, and why she wanted to talk to the media rather than continuing with a police investigation. He said that:

- a. she had been in contact with the police on two occasions shortly after the alleged rape;
- b. he had evidence of a sexual assault complaint being recorded at the named location by police in Canberra shortly after the alleged assault;
- c. the young woman had decided not to proceed with police charges;
- d. she felt a lack of support from her superiors in the Minister's office;
- e. the Minister in question was Linda Reynolds;
- f. the young woman believed that in the leadup to a federal election her complaint would cause a scandal if she pursued her complaint;
- g. she felt pressured to not pursue the complaint in those circumstances;
- h. she felt that going public with a media interview was now the only way she would be able to gain access to critical information she said that she needed to be able to proceed with the police investigation into the alleged assault;
- i. she felt that Parliament House in Canberra was an unsafe work environment for women, and that a media interview outlining her experiences would help expose that culture.

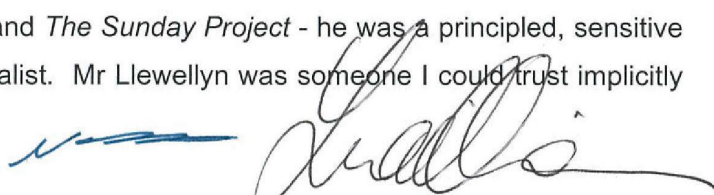
I asked Mr Sharaz to please send me a copy of the evidence he said he had, and any other information that would support the young woman's claims. I understood that he would be sending me more information.

28. I then telephoned Ms Thornton that day and left her a message, then followed up with a text at 1:31pm.
29. I spoke to Ms Thornton later that afternoon or evening on 19 January 2021. I do not recall the precise words spoken but I believe that we spoke for about 15 minutes. I remember that I outlined the allegations to her and she said to me that she thought that they were



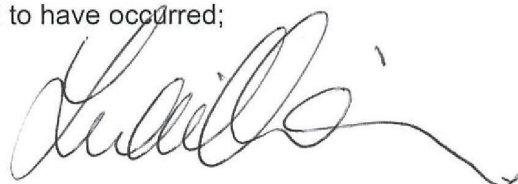

worthy of further investigation, and that we needed a lot more detail before proceeding further.

30. I also recall phoning the Executive Director of News and Current Affairs at the Network, Peter Meakin who I understood to be the most senior, experienced and highly respected News Chief in the country, having run the newsrooms at all three free-to-air Networks over the previous 40 years. I first met Mr Meakin when I was working for Kerry Packer during my time in magazines, in about the mid-1980s - he was the Director of News and then Head of News and Current Affairs for the Packer-owned Nine Network. I then worked directly with him for more than 4 years when I was working at *Sunrise* and *Weekend Sunrise* at Network Seven – he was the Director of News and Current Affairs during that period.
31. I thought it was important that Mr Meakin be involved from the outset and that I brief him on everything that I knew. I wanted his views and feedback because I considered his perspective invaluable given his knowledge and unequalled television news experience, as well as the serious and sensitive nature of the investigation. It was my practice while working at *The Project* and *The Sunday Project* to consult Mr Meakin on any news or current affairs story of significant public interest that involved serious investigation and credible fact checking.
32. I told Mr Meakin of the allegations, and sought his advice on the best way forward on such politically sensitive material. We also discussed the important public interest elements of any potential investigation of this matter going to air.
33. I requested of Mr Campbell and Ms Thornton that, should the investigation go ahead, that Angus Llewellyn be producer. I knew Mr Llewellyn to be a distinguished, long-time news and current affairs producer at *The Project* and *The Sunday Project* with extensive experience in both radio and TV journalism, including as Producer of the *Mike Carlton Breakfast Show* (Radio 2UE), Executive Producer of *Insight* (SBS TV), and as a Producer on *Sunday Night* (Seven Network). I had previously worked with Mr Llewellyn in radio on 2UE's *Mike & Fitz Breakfast Show* (live news and current affairs broadcasting) before *The Project* and *The Sunday Project*. I also knew of his respected reputation from other journalists who had worked with him at SBS and the Seven Network. I wanted to work with Mr Llewellyn on this investigation, because in my experience - particularly while working with him at *The Project* and *The Sunday Project* - he was a principled, sensitive and tenacious investigative journalist. Mr Llewellyn was someone I could trust implicitly



to carefully and thoroughly check these allegations and do justice to what I expected to be a complicated investigation.

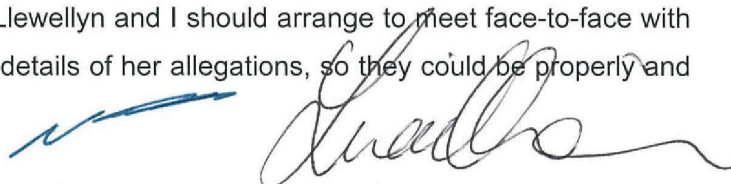
34. On 19 January 2021, I received an email Mr Sharaz sent me at 6:36pm, attaching a file named "Brittany Higgins – Timeline" and a screenshot from the ACT Policing statistics.
35. On 19 January 2021 at 7:19pm, I sent text messages to Mr Llewellyn and asked him to call me.
36. I carefully read the information that Mr Sharaz sent me that night and I recall noticing it was alleged that:
 - a. Ms Higgins informed Minister Reynolds' acting chief of staff Fiona Brown of the alleged assault just days after it happened;
 - b. a police report had been made of an allegation of sexual assault at Parliament House in 2019;
 - c. a number of Ministers, staff from the Prime Minister's office and various media advisers in Parliament House were said to have been aware of the rape allegation;
 - d. the alleged offender had been fired by Ms Brown just days after the incident;
 - e. shortly thereafter Ms Higgins met with members from the Parliament House police unit to recount the incident;
 - f. Ms Higgins then met with members from the AFP police unit in Belconnen;
 - g. the police were said to have had difficulty access to the CCTV footage of the night from Parliament House;
 - h. Ms Brown had apparently seen the CCTV footage of the night and described part of it to Ms Higgins;
 - i. Minister Reynolds questioned Ms Higgins about the incident while Ms Higgins was sitting on the couch where the incident was said to have occurred;



- j. Minister Reynolds had said that reports of what had happened made her feel “physically ill”;
- k. Ms Higgins was made to re-sign a document called “The Ministerial Code of Conduct”
- l. there was an unusual presence and involvement of senior staff from the Prime Minister’s Office in the days following Ms Higgins’ complaint to Ms Brown;
- m. shortly thereafter, Ms Higgins decided not to proceed with the police case due to “workplace demands”; and
- n. after the 2019 election the counsellor from the Canberra Rape Crisis Centre voluntarily followed up by email with Ms Higgins asking if any issues were now arising for her.

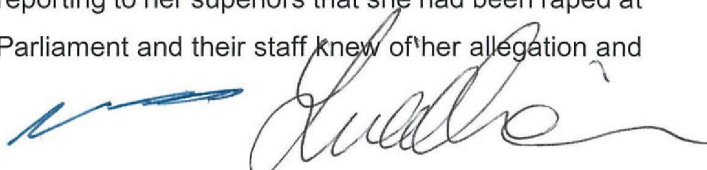
I formed the view, based on the information provided, that Ms Higgins had felt under significant pressure in the leadup to the 2019 election and that there appeared to be some sort of coverup. It was highly relevant to me that the young woman had made contemporaneous reports of her allegations to the police, her superiors and the Canberra Rape Crisis Centre. I could see no reason for Ms Higgins to engage with the Canberra Rape Crisis Centre for any reason other than because she had been raped. It was very significant to me that a counsellor from the Canberra Rape Crisis Centre having dealt with Ms Higgins had attempted to re-engage with Ms Higgins after the election. I considered there was no reason for a trained counsellor to re-engage with Ms Higgins asking about her welfare unless she believed Ms Higgins was a survivor of rape. It was also significant to me that it appeared that many people who worked in Parliament House knew about the rape allegation but apparently no action or appropriate investigation had been undertaken.

- 37. On Wednesday 20 January 2021, I exchanged a number of text messages with Mr Llewellyn.
- 38. I then called Mr Campbell and discussed with him what was in the documents Mr Sharaz had sent me. Mr Campbell told me that he believed the allegations were worthy of further investigation, and that he agreed to assign Mr Llewellyn to work on the investigation with me. It was also agreed that Mr Llewellyn and I should arrange to meet face-to-face with Ms Higgins to go through all the details of her allegations, so they could be properly and



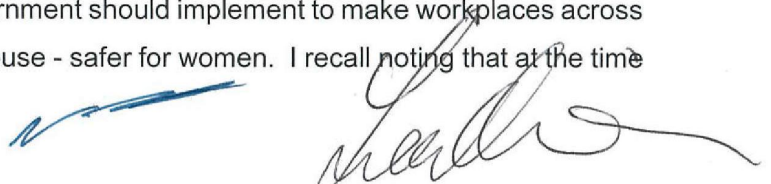
thoroughly investigated before any decision was made to put the allegations - and any possible interview with the young woman - to air. He told me to include Laura Binnie in the circle of those working on the matter.

39. Ms Binnie was the head of long-form feature stories for *The Project* and *The Sunday Project*. She had been an on-air news reporter for some time and then moved into a senior producing role. I had worked with her previously on stories and knew her to be a competent and thorough producer.
40. On 20 January 2021, Mr Sharaz and I had a further telephone call in which he answered questions I had around the allegations having read the documents he had sent me. I recall that Mr Sharaz informed me that the young woman was beginning to feel nervous about going public. I told him that I understood. I also told him that Mr Llewellyn had been assigned as the producer and in order to progress the story we would need to have a face-to-face meeting with Ms Higgins. I recall I also suggested that if she was feeling uncomfortable, I should have a phone conversation with her before agreeing to meet in person. I do not recall any further specifics of what we discussed.
41. On 20 January 2021, at 11:50am after getting off the telephone call with Mr Sharaz I sent an email to Mr Campbell, Ms Thornton, Ms Binnie, Mr Meakin and Mr Llewellyn (**Production Team**) about arranging a meeting with Ms Higgins and Mr Sharaz and forwarded the email and attachments Mr Sharaz had sent me at 6:36pm on 19 January 2021.
42. The fact that a first meeting was being arranged did not mean that the story would go ahead. A significant amount of fact checking and corroboration still needed to take place, and this was the first step in that process. Similarly, the producers and executive producers of the programme and senior executives at Network Ten had to be satisfied that the subject matter was of public interest such as to justify broadcasting the allegations.
43. To this end, I also recall speaking to both Mr Campbell and Mr Meakin separately on 19 and 20 January 2021. I do not recall everything that was discussed during those phone calls or the precise words spoken. I recall, however, that I was asked to explain what I thought the story was. I told each of them that it raised serious questions of workplace safety, workplace culture, and procedures at Parliament House. Further, I thought that the story was about a young woman reporting to her superiors that she had been raped at Parliament House, that members of Parliament and their staff knew of her allegation and



that she felt pressured not to proceed with the police investigation. I told each of them that, to my mind this was a story of significant public interest because of each of these factors. I was of the view that the alleged response to the rape allegation in March and April 2019 by the relevant persons was an issue of significant public interest.

44. On 20 January 2021, I received and read an email Mr Sharaz sent to me at 1:36pm with a hyperlink to Bruce Lehrmann's LinkedIn profile and attaching some photographs of Mr Lehrmann and his social media pages. From the previous documents sent to me by Mr Sharaz I understood Mr Lehrmann to be the alleged perpetrator. I forwarded this email and its attachments to Mr Campbell and Mr Llewellyn at 7:04pm on 20 January 2021. I was not on LinkedIn so did not click through the link.
45. On 20 January 2021, I received and read an email Mr Campbell sent to me copied to the Production Team at 2:12pm suggesting that only myself and Mr Llewellyn should meet with Mr Sharaz and Ms Higgins. I responded to this email at 7:01pm that night stating I was available to meet with Ms Higgins and Mr Sharaz on Monday. I responded to Mr Sharaz's email at 7:08pm that night.
46. On 20 and 21 January 2021, I exchanged a number of emails with Mr Sharaz about speaking to Ms Higgins over the phone.
47. On or about 20 January 2021, I began doing background research into media reports on the workplace culture that existed in Parliament House, including rewatching the recently aired November 2020 ABC *Four Corners* "Canberra Bubble" story examining a number of alleged affairs and sexual encounters among staffers and senior members of government in recent years. Due to the confidentiality of the investigation - for background - I relied upon my knowledge from decades of experience of Australian politics to conduct online research into the culture at Parliament House. It had become clear to me that as more women were taking on senior roles and positions of power within Parliament in recent years - both as elected politicians and as senior bureaucrats - bad behaviour, a toxic workplace culture, and systematic failures were now beginning to be exposed but were not yet being adequately addressed.
48. I also studied the March 2020 Sexual Harassment National Inquiry Report by Sex Discrimination Commissioner, Kate Jenkins. I recall that the report outlined 55 recommendations the Morrison government should implement to make workplaces across the country - including Parliament House - safer for women. I recall noting that at the time



of my investigation it was ten months after the report had been delivered, and the Morrison government had not yet implemented a single one of Ms Jenkins' recommendations in its own principal workplace.

49. I also looked into the background of Senator Reynolds:
- a. My only direct experience with Senator Reynolds was in February 2019 when I posted a tweet about the many significant women who had recently resigned from the Parliamentary Liberal Party. She responded to my tweet in a manner that I considered to be unnecessarily and unfairly adversarial.
 - b. I recall noting that in 2018, Senator Reynolds had very strongly spoken out in parliament against the LNP's "bullying culture", and appeared to me to agree - with the widely held belief - that the Liberal party had a "women problem".
 - c. I recall noting that shortly thereafter Senator Reynolds fell silent on both issues, at about the same time she was appointed as an Assistant Minister in cabinet by Scott Morrison.
 - d. Not long after this appointment I was aware of a common perception in media and social media that Senator Reynolds was not performing well in her new senior role during media interviews.
 - e. I began to form the view that Senator Reynolds herself had perhaps now fallen into line with that "bullying culture" she had previously spoken out against.
 - f. I began to form a view that Senator Reynolds had now perhaps fallen into line with the widely perceived "boys club" believed to be so prevalent in the Liberal Party, in order to save and possibly advance her political career.
50. I did other research over the next days and weeks before broadcast about a number of matters:
- a. sexual assault statistics and conviction rates;
 - b. incidents of workplace sexual assault and harassment;
 - c. statistics in relation to female representation in Parliament and the Liberal Party;

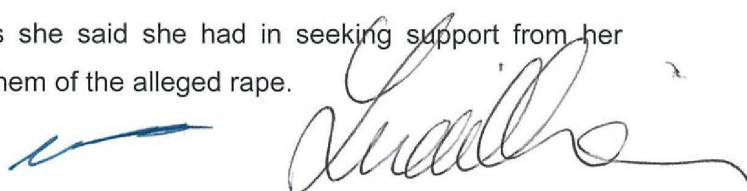
- d. articles in connection with Former Foreign Affairs Minister Julie Bishop's reasons for leaving Parliament;
- e. articles in connection with Julia Banks and her comments regarding the Liberal Party's "women problem".

I had interviewed Julia Banks two years earlier in March 2019 about her resignation from the Liberal Party, her decision to become an independent and what she described to me as the continuing sexist, bullying culture that existed in the Liberal Party, particularly now under the leadership of Scott Morrison. I have also had a longstanding interest in women's issues during my career, focussing on domestic violence, sexual harassment, workplace inequality, gender pay gaps and sexism.

51. The events described to me on behalf of Ms Higgins about the Liberal Party's reaction to her rape allegation appeared to be consistent with my knowledge of each of Mr Morrison and Senator Reynolds, my previous research involving the culture of the Liberal Party and the research that I was conducting in this period as summarised above.

Initial calls and meeting with Brittany Higgins

52. On 21 and 22 January 2021, I was in Melbourne filming and hosting *The Project*.
53. On 21 January 2021, I received and read a WhatsApp message sent at 11:03am and an iMessage sent at 11:15am from Ms Higgins. These messages were virtually identical and were the first direct communication I had with Ms Higgins. I sent Ms Higgins a response on iMessage that day asking if I could call her in five minutes. I received and read a response from Ms Higgins agreeing to speak soon.
54. On 21 January 2021, after those messages, I had an initial telephone call with Ms Higgins. I do not now have a recollection of everything discussed or the precise words spoken, but I recall that:
- a. Ms Higgins spoke to me about what she alleged had happened to her on the night of March 22 and early morning of March 23, 2019.
 - b. She told me of the difficulties she said she had in seeking support from her superiors when she informed them of the alleged rape.



- c. She spoke of the intimidation she felt from some members of the Prime Minister's office, and her concerns over going public.
 - d. I told her she had to think long and hard before she made the decision to go public and she agreed.
 - e. We discussed having a meeting in person the following week.
55. I spoke to various persons in the Production Team that day, about the story, what Ms Higgins had told me and what steps we needed to take next to investigate and test the allegations, but I do not recall the details of those conversations.
56. On 22 January 2021, I received and responded to emails and messages about organising Ms Higgins' attendance in Sydney for a face-to-face meeting.
57. On 23 January 2021, I had a further telephone call with Ms Higgins. I recall that I sought further details about her claims, and checked on how she was feeling about going public. I told her that our conversations were confidential, and that she was under no obligation to follow through with an interview if she was feeling at all unsure. I told Ms Higgins that I believed this was a story that would attract significant public interest, and she needed to be prepared for the enormity of that. I cannot now recall everything we discussed, but I recall that she told me about the following matters:
- a. she reported the rape within days of the alleged assault to the Minister's office;
 - b. she was traumatised by the insensitivity of being called into Minister Reynolds' office and asked to sit on the couch where the alleged rape occurred;
 - c. about her police complaints – having reported her allegations to the police twice shortly after the alleged rape;
 - d. she had decided not to proceed with the police complaint as she was feeling pressured from a work perspective and police had told her there were roadblocks to getting information around what had happened that night;
 - e. she was distressed about not being able to view CCTV from Parliament House from the night of the incident – that she had asked for it on numerous occasions and was continually denied access to it;



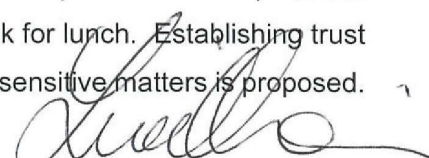

- f. she believed that CCTV footage of her from that night existed because Fiona Brown had told her that she had seen it and that Ms Higgins looked drunk;
- g. she had been told that the external AFP had made a number of requests for access to that same CCTV footage and had also been denied;
- h. she described how isolated she felt from Minister Reynolds from the moment she made the allegations;
- i. she felt she had little option other than to go and work in WA in the lead up to the election;
- j. she felt powerless;
- k. she did not think that she could achieve justice through the courts alone because of the roadblocks;
- l. she believed that there was a cover up;
- m. she believed that the only way she could be heard was through the media;
- n. she told me words to the effect, "They will come after me";
- o. when I asked her who "they" were, she said words to the effect, "The government";
- p. she thought that the media interest would result in close scrutiny so that it would be harder for those involved to block the investigation and cover up relevant evidence;
- q. she believed she was working within a system that was designed to prevent these allegations from being properly addressed;
- r. she was speaking out because she did not want her terrible experiences to be suffered by any other women;



- s. she, being aware of the possible consequences of speaking publicly, wanted to proceed to a face-to-face meeting.
58. At around this time I did a Google search of David Sharaz. I became aware that he had worked at SBS and also saw an article about him in the Canberra Times.
59. On 25 January 2021, I received and read a WhatsApp message from Mr Llewellyn, sent at 3:18pm, with a hyperlinked news article about Mr Sharaz in the Canberra Times and reference to the first picture of Ms Higgins and Mr Sharaz on Facebook. This was the Canberra Times article about Mr Sharaz I had previously read. I responded to that message at 3:20pm.
60. I was in contact with members of the Production Team throughout this period to discuss aspects of the investigation. I do not recall any specifics in relation to those conversations.
61. On about 25 January 2021, I received and read a WhatsApp message Mr Llewellyn sent me at 4:59pm, with a hyperlink to a shared Google document with suggested question themes for the pre-interview with Ms Higgins. I cannot remember when, but before meeting with Ms Higgins on 27 January 2021, I accessed and read a version of the document linked and discussed additions and changes to the document with Mr Llewellyn on one or more occasions. During each of these conversations the document was updated. The only version of the document I can now access is the final version.
62. On 26 January 2021, I received and read two WhatsApp messages Mr Llewellyn sent me about the investigation.
63. Myles Farley is one of a number of in-house lawyers for Network Ten. I was aware that Network Ten's in-house lawyers were supervising this investigation at all levels and at all stages. I understood that the investigation, any related promotional material and any social media would be reviewed by them.
64. On 26 January 2021, I spoke to Mr Llewellyn at length to prepare for the upcoming pre-interview. He told me that he had spoken to Ms Higgins that day. He told me his impressions of her and that he believed that the investigation was worth pursuing, but I otherwise cannot recall the detail of what was said.

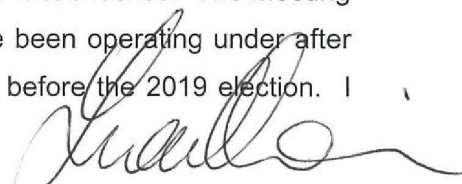


65. On the morning of 27 January 2021, I met with Ms Higgins, Mr Sharaz, and Mr Llewellyn, at The Darling Hotel in Pyrmont, in Sydney. That meeting lasted more than five hours and was audio-recorded by Mr Llewellyn.
66. The meeting was a pre-interview with a potential interview subject. Such meetings are a common practice in television journalism on investigations of potential significance. These meetings are ordinarily conducted by producers only, however, in this instance as I was the initial contact, had had numerous communications with Ms Higgins and there appeared to be many elements to the story, it was decided that both Mr Llewellyn and I attend the meeting.
67. I became aware at the beginning of the meeting that Mr Llewellyn was audio-recording the pre-interview. Until then I had proposed to take handwritten notes, but as we would have an accurate and complete record of what Ms Higgins was alleging in the recording, it was unnecessary for me to take notes and did not do so.
68. I knew from my television experience that the purposes of this type of meeting included:
- a. seeing Ms Higgins face-to-face so we could form a view of her credibility off-camera and report that back to the Executive Producers;
 - b. going through Ms Higgins' allegations in as much detail possible so we could understand who the main individuals were and how her account unfolded chronologically;
 - c. identifying information and persons for fact-checking and corroboration; and
 - d. developing a mutual rapport and trust with Ms Higgins, so that she be comfortable and at ease opening up to me about her deeply personal experiences.
69. I was aware from Mr Llewellyn that before the meeting he had spoken to Network Ten's in-house lawyers about the meeting and ongoing investigation and he was going to continue those discussions, but I was not directly involved in those communications.
70. The meeting was only scheduled for an hour or so, but it went much longer as the issues were much more complex than anticipated, more time was required to develop mutual rapport and trust with Ms Higgins, and we took a short break for lunch. Establishing trust is part of a journalist's job when an interview involving such sensitive matters is proposed.



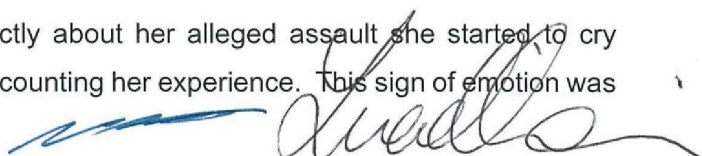
It was not intended to be a formal interview. The most sensitive matters were kept to the end of the meeting after Mr Llewellyn and I considered that Ms Higgins was comfortable to proceed. Mr Sharaz left the room during questions about the alleged sexual assault.

71. It is not unusual for me when building rapport with an interview subject for me to disclose more personal details about myself, views I hold and people we discover we both know. This is a trust building exercise on both sides. As the pre-interview progressed I took a more personal approach to guide when and how I should ask questions about the alleged sexual assault. This personal approach included, amongst other topics, discussing in the meeting:
- a. my direct experiences with Senator Reynolds and the Liberal Party's culture;
 - b. my background growing up in Campbelltown and how that has influenced my journalism; and
 - c. our experience with and observations of other people in politics and the media industry.
72. During that meeting I observed a photograph on Ms Higgin's phone of a bruise on her leg that she said was taken a couple of days after 24 March 2019. While I was looking at the photograph on Ms Higgins' phone, a notification came up of a text message asking if Ms Higgins was okay. Later in the meeting, Ms Higgins told me that during the course of the meeting she had received two messages from senior staffers in Minister Michaelia Cash's Parliamentary office - where Ms Higgins now worked - and showed me those messages. She also described to me in that meeting a pattern of communication from senior parliamentary staffers including senior figures from the Prime Minister's Office. She told me that communication regularly coincided with breaking news stories regarding the toxic workplace culture in Parliament House such as the November 2020 *Four Corners* "Canberra Bubble" story. She told me the communication also coincided with when Ms Higgin's took personal leave. I observed Ms Higgins to appear concerned and disturbed when describing these communications to me. This, with the other information obtained in the course of the investigation, led me to conclude by the time of broadcast on 15 January 2021 that very senior members of the Prime Minister's Office were probably aware of Ms Higgins' rape allegation.
73. After the meeting Mr Llewellyn and I spoke at length about what we had been told. We had been provided with a lot of information that needed to be fact checked. The meeting made me reflect upon the pressure Ms Higgins would have been operating under after making her allegations known to her superiors just months before the 2019 election. I



discussed with Mr Llewellyn the next steps for the investigation and how we should proceed.

74. My conclusions from the meeting were that Ms Higgins' allegations were credible and it was in the public interest to continue to pursue the investigation, because:
- a. the chronology of events that Ms Higgins described to me was logical and had a level of detail that could not in my mind have been fabricated;
 - b. the power imbalance, bullying and gendered office dynamics that Ms Higgins described to me were consistent with circumstances I had witnessed in other workplaces;
 - c. Ms Higgins became emotional a number of times before she detailed her experiences in Minister Reynolds' office and I observed a young woman who was clearly traumatised by the events she had experienced;
 - d. Ms Higgins maintained eye-contact throughout the meeting and impressed me with her humility and concentration for more than five hours;
 - e. Ms Higgins appeared to me to be distraught over the lack of support she received from within Parliament House and the Liberal Party, as well as the roadblocks, that even the AFP were experiencing in trying to gather evidence in order to investigate her complaint. I found her explanation regarding why she did not proceed with a Police investigation of her complaint in 2019 as compelling and understandable;
 - f. I did not perceive in Ms Higgins' tone any malice or rancour – just raw and unfiltered trauma and a woman whose life appeared to be in limbo. Ms Higgins impressed me as a young woman who felt she had lost control of her life and future over the previous 2 years and wanted to take back ownership of her life and control of her future;
 - g. I had interviewed dozens of survivors of sexual assault in my television career, as well as in my charity and community work, and Ms Higgins' descriptions and demeanour were consistent with those survivors;
 - h. when I asked Ms Higgins directly about her alleged assault she started to cry shortly after she commenced recounting her experience. This sign of emotion was

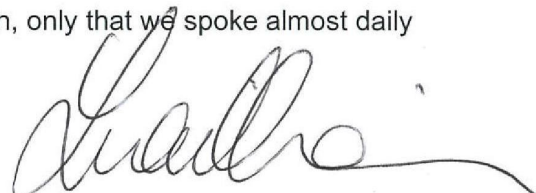


to my observation spontaneous and genuine, and consistent with the behaviour of survivors I had spoken to in the past;

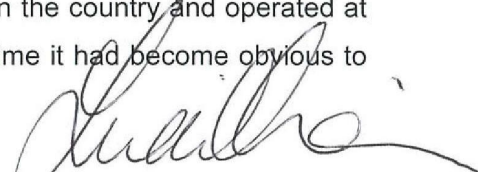
- i. I found the very specific description she gave of the extreme pain she said woke her during non-consensual intercourse, whilst also being pinned down by the weight of the perpetrator's body, believable;
- j. it is a common journalistic practice to test sensitive subject matter by seeking further detail about a version of events. I used this practice in questioning Ms Higgins, such as my questions about the lighting and the pain she described, and considered that her answers were consistent and not embellished; and
- k. I believed that a credible allegation had been made by a young woman of being raped on a government minister's couch in Parliament House. Reasonable and documented attempts had been made by her to take the matter to police and there were highly suspicious circumstances known to Parliamentary authorities on the morning Ms Higgins was seen in an unconscious state of undress. I believed there should have been further investigation at a workplace safety and policing level both before and after her complaint. I felt there was a very strong public interest in an investigation of and urgent public discussion about each of these matters.

Investigations into Ms Higgins' claims

75. In the hours and days after that meeting with Ms Higgins on 27 January 2021, I spoke to members of the Production Team, but I cannot recall the details of each of those conversations.
76. I understood that in the four-week period between Mr Llewellyn being appointed as the Producer on about 19 January 2021 (and returning from leave on about 25 January 2021), he was working almost exclusively on this investigation. I continued with my daily commitments as described above as a host of *The Project* and *The Sunday Project* whilst constantly liaising with Mr Llewellyn as his fact-checking, inquiries and liaison with Network Ten senior management and in-house lawyers continued for the investigation.
77. Mr Llewellyn and I spoke often and he informed me of what he was researching in this period and what he had discovered in the investigation and to whom he had spoken. I cannot recall now particular details of each conversation, only that we spoke almost daily and often more than once per day.

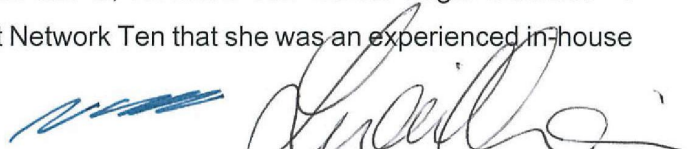


78. I am aware from my conversations with Mr Llewellyn that he spoke directly to people who were involved with Ms Higgins at the relevant time. I recall he told me that he spoke to Ms Higgins' flatmate who had told him that after the night in question Ms Higgins spent the weekend in her room. I cannot now recall who else he told me that he spoke to – but I remember that he expressed the view that the information he was gathering corroborated Ms Higgins' allegations. During this period, I asked Mr Llewellyn about specific people, the detail of which I cannot now recall, who I had identified as potentially having relevant information. On every occasion Mr Llewellyn confirmed to me that he had made all possible inquiries of those people.
79. I also understood from my conversations with Mr Llewellyn and the others in the Production Team that others were also working on the matter, including the in-house legal team.
80. I cannot now recall all the documents and information that Mr Llewellyn informed me of or showed me in the course of his fact-checking investigation after the more than five hour interview with Ms Higgins on 27 January 2021. I have a recollection of hearing a voicemail that Minister Cash left for Ms Higgins. I thought it was a strange and somewhat concerning message for a boss to leave their employee, especially in the circumstances of Ms Higgins' allegations, particularly the words "Daniel has got everything under control" and "Sleep tight". I understood "Daniel" to be Daniel Try, Minister Cash's chief of staff, who I understood to have been aware of Ms Higgins' allegations.
81. On 28 January 2021 at 1:48pm I sent an email to the Production Team with a hyperlink to a 2019 Nine News segment about a number of Liberal Party sexual assault allegations which included an interview with Senator Cash and the Vice President of the Federal Liberal Party that I had watched and reviewed at this time.
82. I received and read an email Mr Llewellyn sent to me and the Production Team on 28 January 2021 at 4:25pm with a hyperlink to the Australian Parliament House website page about the exercise of authority within the building. I clicked on that link and read the material on that page. Mr Llewellyn and I had discussed the question of who was responsible for policing at Parliament House.
83. That research informed me that due to archaic laws the AFP officers operating within Parliament House were separate to every other AFP unit in the country and operated at the directive of the parliamentarians themselves. At this time it had become obvious to



me that no one was independently policing potentially criminal behaviour within Parliament House.

84. I also learned that Mr Llewellyn's research had confirmed that Parliament House had no central, independent HR department to which employees could report - with confidence and confidentiality - allegations of grave misconduct in the workplace. I learned that the only avenue available was to report such conduct to a colleague of Senator Reynolds, the Finance Minister. I knew that Parliament House was a workplace employing thousands of people including staffers, public servants, security, IT, and service providers. I was very concerned that this created unacceptable occupational health and safety conditions for all the workers, particularly young women, in Parliament House.
85. This information corroborated what Ms Higgins had previously told me about the lack of independent work-place human resources support available to her to rely upon at Parliament House. I formed the view that as employers, Australian parliamentarians had a duty of care to provide a safe workplace with appropriate support mechanisms that were currently not available and it was in the public interest to broadcast Ms Higgins' allegations to highlight this issue.
86. I received and read an email Mr Llewellyn sent to me at 8:21pm on 28 January 2021 with a hyperlink to a Google Docs document entitled ACT Questions. In preparing this affidavit my solicitor, Nicola Sanchez, clicked on the link in the email and downloaded in my presence the most recent version of the document. I cannot recall now how progressed that document was the first time it was sent to me. Mr Llewellyn and I worked with Google Docs – which enabled each of us to amend and update the same documents.
87. On 29 January 2021, I called Mr Sharaz to find out how Ms Higgins was feeling and he put her on the call. I do not recall the entire conversation. I recall that she told me that she felt comfortable about proceeding to a formal interview.
88. On 29 January 2021, I received an email from Brad Walker (a production assistant at *The Project*) copied to the Production Team as well as Network Ten in-house lawyers Tasha Smithies and Myles Farley with a hyperlink to join an online audio-visual conference scheduled for 11am.
89. Tasha Smithies was at the time, and still is, Network Ten Senior Legal Counsel. I understood at the time from working at Network Ten that she was an experienced in-house



media lawyer with more than 20 years' experience advising large media organisations in relation to legal matters for news, print and television. Further, from my experience and conversations with Mr Llewellyn I was aware that he was liaising with the Network Ten legal team at every stage of the investigation leading up to and including the broadcast.

90. At about 11:00am on 29 January 2021, I attended the online audio-visual conference during which the progress of the investigation was discussed including what we had been told by Ms Higgins to date, what fact checking had occurred and still needed to occur, the next steps for all concerned and a further allocation of tasks. I do not recall the precise discussions. I believe it was at that meeting that we discussed whether Network Ten should go ahead with a formal interview with Ms Higgins.
91. Throughout the investigation, I was in constant close communication with Mr Llewellyn and was aware of extensive fact checking he was undertaking of the allegations made - and the evidence provided - by Ms Higgins. I was aware from those communications that at all times Mr Llewellyn was being supervised and supported and his work was being checked and approved by Mr Meakin, Mr Campbell, Ms Thornton, second-in-charge Executive Producer Chris Bendall, and Ms Binnie. I was also aware that at least two of Network Ten's senior legal counsel - Ms Smithies and Mr Farley - were reviewing the investigation up to and including broadcast.
92. I believed Mr Bendall to be an experienced, careful and competent producer, with many years' experience in news and current affairs television journalism. Prior to working with him at *The Project* and *The Sunday Project*, I had also worked with Mr Bendall for a number of years during my time at the *Today* show when he was Chief-Of-Staff. I relied on and had full confidence in the expertise of each of Mr Campbell, Ms Thornton, Mr Meakin, Mr Bendall, and Ms Binnie had in supervising, supporting and approving the work that Mr Llewellyn and I undertook.
93. After 27 January 2021, Mr Llewellyn became the primary contact person for Ms Higgins and Mr Sharaz until broadcast. He informed me of his communications with them as and when they occurred. I understood from our conversations that he continued to investigate and fact check the allegations. I understood from my conversations with him that Mr Llewellyn was also reporting back to the other members of the Production Team as to the progress of his enquiries.



94. On 31 January 2021, I sent a WhatsApp message to Mr Llewellyn about why the bruise photograph remained on Ms Higgins' phone despite her claim the phone was wiped. My concern at the time about this issue is as recorded in that message. Mr Llewellyn sent me a message in response describing Ms Higgins' mobile phone issues as a "stuff-up". I am not a "tech savvy" person and relied upon Mr Llewellyn to investigate this issue. I can recall Mr Llewellyn later telling me that Ms Higgins had access to multiple mobile phones in her role as a media adviser and issues had arisen in the transference of data. Sometime before broadcast I was satisfied this was not an issue.

2 February filmed interview

95. Mr Llewellyn and I planned to film an interview with Ms Higgins on 2 February 2021. We began to work together to plan the questions that I proposed to ask. We spoke at length about those questions and worked on a Google doc. I was aware that others in the Production Team provided input into the questions and that Network Ten's in-house lawyers had reviewed the questions.
96. On 2 February 2021, I received and read an email Mr Llewellyn sent me at 9:54am with quotes about the Liberal Party. The quotes were from the *Four Corners* "Canberra Bubble" story and Hansard and provided context and further background for the interview and investigation regarding the Liberal Party's attitude to sexual harassment, women generally and the toxic culture at Parliament House.
97. On 2 February 2021, I received and read an email Mr Llewellyn sent to me at 10:28am with relevant paragraphs about security at Parliament House. This information was necessary to ensure that the questions I asked Ms Higgins on this topic were worded correctly.
98. I knew from my many years in journalism and from having conducted thousands of live and pre-recorded television interviews that I needed to phrase all of my questions in a way that presented Ms Higgins' serious claim – that she had been raped on a Government minister's couch in Parliament House – as an allegation only. I was also very mindful of my duty of care to ensure that all my questions to Ms Higgins were asked sensitively. This was also to protect any viewers who may be triggered by the subject matter. I worked closely with Mr Llewellyn in the lead-up to formulate my questions for the pre-recorded interview. My intended focus of the interview was how the Australian Parliament and those in charge of its operation addressed sexual assault allegations and issues of workplace



safety for women – and any possible political interference, improper pressure, or coverup which may have impeded an appropriate investigation of the matters raised.

99. I would not have been comfortable with naming Mr Lehrmann in the broadcast unless he chose for that to occur by agreeing to an interview or otherwise agreeing that he be identified. I did not include Mr Lehrmann's name in any questions I drafted with Mr Llewellyn. I agreed with the decision by the other responsible persons at Network Ten including Mr Llewellyn and senior managers that his name not be mentioned by me in the interview. I do not recall when that decision was made but it was a decision that ultimately rested with the Executive Producer and senior management. I did not mention Mr Lehrmann's name in my formal interview with Ms Higgins that followed on 2 February 2021. Mr Lehrmann's name was not important to the investigation I was conducting beyond ensuring that he was given an opportunity to respond before the broadcast.
100. On 2 February 2021 commencing at about 2pm, I interviewed Ms Higgins, in an interview that lasted more than two hours. Mr Llewellyn and Ms Smithies, Network Ten Senior Legal Counsel also attended the interview.
101. The 2 February 2021 interview, reinforced the views that I had previously formed about Ms Higgins' credibility after our 27 January 2021 pre-interview. Having now spoken to her a number of times, I had not detected any inconsistencies about what she alleged happened to her that night. She did not falter in her account and her demeanour throughout appeared to me to be indicative of someone telling the truth.
102. At the conclusion of the interview, at a time when Ms Higgins was not in the room, I asked Ms Smithies what she thought. She said, words to the effect "she is credible".
103. The interview was transcribed and Mr Llewellyn and I pored over it separately and together to check for inconsistencies and to decide which aspects needed further investigation. We also discussed who we needed to approach for their version of events to ensure that we broadcast all sides of the matters raised fairly.
104. I had a number of conversations with other members of the Production Team about their impressions after viewing the raw footage of the 2 February 2021 interview. I recall that Mr Meakin told me that he watched the video of the formal interview. We discussed Ms Higgins' credibility and Mr Meakin's impressions on that – which were that he thought she was credible. I had other similar conversations with other members of the Production

Team that I cannot now specifically remember. Hearing the views of my colleagues on this topic bolstered my confidence on this important issue. My knowledge of the professionalism and expertise of each person involved was a factor relevant to my confidence in the fairness and accuracy of what was ultimately broadcast.

105. After the recorded interview, I continued to work closely with Mr Llewellyn. I cannot remember all the conversations I had with him but I was aware from those conversations that Mr Llewellyn continued to make enquiries and check the veracity of the allegations made by Ms Higgins. I was satisfied that her claims were truthful at the conclusion of that process and before the matters were broadcast.
106. Prior to the broadcast, I became aware that Mr Lehrmann's employment had been terminated by Minister Reynolds' Chief of Staff Fiona Brown (who I understood to be on temporary secondment from the Prime Minister's Office), nominally, for a security breach shortly after alleged incident. I was aware from my communications with Ms Higgins that she attended Parliament House with Mr Lehrmann in the same circumstances on the night of the alleged incident and her employment was **not** terminated. This was corroborated by her continued employment until she resigned shortly before our interview went to air. I formed the view before the broadcast that Ms Brown suspected that Mr Lehrmann had raped Ms Higgins and that a "security breach" was not the real reason for his dismissal. Similarly, I formed a view that Senator Reynolds supported the termination of Mr Lehrmann and the continued employment of Ms Higgins and that she also suspected that Mr Lehrmann had raped Ms Higgins.
107. On 5 February 2021, I received and read an email from Mr Llewellyn sent to the Production Team and Ms Smithies at 3:35pm about the wellbeing of Ms Higgins. It was unsurprising to me that Ms Higgins was in a fragile state. I have previously interviewed many survivors of sexual assault. Her anxiety ahead of broadcast appeared to me to be completely understandable, expected and consistent in my experience with the behaviour of other survivors I had spoken to. I had warned Ms Higgins in our previous conversations that there was likely to be intense public scrutiny of her allegations; however, Ms Higgins did not at any time communicate to me that she did not want to proceed with the broadcast.
108. In this period a rough-cut script of the broadcast was prepared by Mr Llewellyn after discussions with me. I understood from him that he consulted with other members of the Production Team in preparing that paper edit.



109. I was made aware before broadcast that Ms Higgins was provided with a copy of the transcript of the recorded interview and on 10 February 2021 she made a statutory declaration that what she had said in that interview was true and correct. I understood that a statutory declaration meant that Ms Higgins was swearing to the truth of her allegations and that signing a false statutory declaration was a criminal act. I considered the decision of Network Ten to ask Ms Higgins to sign a statutory declaration to be part of standard practice given the seriousness of Ms Higgins allegations. The fact that Ms Higgins signed the statutory declaration reinforced my views about the credibility of Ms Higgins and her allegations.
110. I recall that every new piece of information I received up to broadcast on 15 February 2021, corroborated the version of events Ms Higgins told me on 27 January 2021 and 2 February 2021, and settled in my mind that her allegation she was raped in Parliament House was true and a public broadcast of her allegations was in the public interest.

Contact with persons referred to in broadcast

111. In the week prior to broadcast, I was reviewing draft scripts and work-in-progress videos and communicating with Mr Llewellyn about them. Mr Llewellyn and I also communicated in relation to draft questions to be sent to all persons who were subjects of the investigation at a time prior to broadcast. This included politicians and staffers in Canberra, AFP, Parliament House Police and Mr Lehrmann.
112. Mr Llewellyn and I had discussed the importance of putting these questions to those individuals at various times throughout the investigation. I was aware from my discussions with Mr Llewellyn that to maintain the confidentiality and integrity of the investigation and to avoid an injunction against the broadcast, comment needed to be sought from those individuals close to airtime. It was my view that the allegations made by Ms Higgins were serious and everyone concerned should have an appropriate opportunity to reply. I made some suggestions to Mr Llewellyn about these questions and communicated with him before they were sent. I was not part of the decisions as to the timing of the broadcast or when, given the need to maintain confidentiality, requests for comment were sent.
113. I was aware after conversations with Mr Llewellyn that it was decided that 2:30pm on Friday 12 February was a fair and reasonable amount of time to allow the individuals concerned to respond before the proposed broadcast at 7pm on Monday 15 February. In television, it is part of the producer's role to gather and check contact details of and seek

responses from relevant persons associated with the broadcast. Mr Llewellyn informed me that he completed this task and I had no reason to doubt he had done so using his considerable talents and experience. I was made aware throughout the weekend and on Monday 15 February 2021 that responses were being received from almost all such persons and believed that Mr Lehrmann had also received a request to respond to the allegations to be aired in the broadcast.

114. I was aware from Mr Llewellyn that Mr Lehrmann was given until 10am on Monday 15 February 2021, two hours after Ms Maiden had planned to go to print, to respond to the questions. To my knowledge, however, it had been agreed with senior management that if Mr Lehrmann had responded at any time before or even during broadcast of the segment of *The Project* containing my interview with Ms Higgins, *The Project* would have included that response in the broadcast. Live news and current affairs television allows for that flexibility up until just before the conclusion of the broadcast.
115. I recall that I worked on the questions sent to me Mr Lehrmann with Mr Llewellyn - we were using a Google Doc to progress the draft questions. I was of the view that Mr Lehrmann should be given as much detail as possible about the allegations being made against him and I proposed amendments to the draft questions to be put to Mr Lehrmann to ensure that occurred.
116. At all times I was of the view that Mr Lehrmann would not be named in the broadcast unless he chose for that to occur – or if he sought to be interviewed and effectively identified himself for that purpose. I considered that there was insufficient information in the working drafts of the proposed broadcast I saw for audience members to identify him as the alleged perpetrator – other than those persons who were already aware of Ms Higgins' allegations against him.
117. On Friday 12 February 2021, I received and read a WhatsApp message from Mr Llewellyn he sent to me at 12:57pm where he asked me if I was available to go to Canberra the next day to record a piece to camera (PTC) in front of Parliament House, in which I would read the words, "The fact is that different rules apply in the building behind me. The internal police force answers to politicians – parliament's presiding officers – rather than the bosses at the Australian Federal Police."
118. On Saturday 13 February 2021, I travelled by car from Sydney to Canberra and back with Mr Llewellyn to film that PTC for insertion in the investigation, as well as a promo to go to

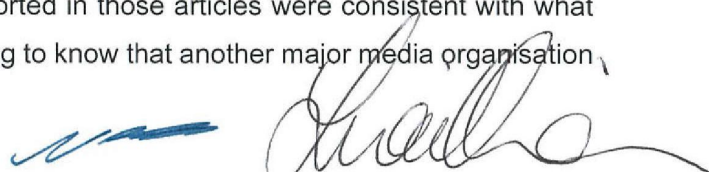
air at a time and date to be decided by Network Ten management. Throughout that car trip I discussed extensively the investigation with Mr Llewellyn. I recall that Mr Llewellyn told me on this trip about the attempts he had made the previous day to seek a response from Mr Lehmann and other concerned persons.

119. On Sunday 14 February 2021:

- a. I received and read a WhatsApp message Mr Llewellyn sent to me about a call with the Prime Minister's Office. I cannot now recall when I read that message or spoke to Mr Llewellyn about that call but I have a general recollection of Mr Llewellyn keeping me updated with the changing responses from the Prime Minister's Office up to and including 15 February 2021.
- b. I recorded the most up-to-date version of the script as a voiceover for the investigation to be aired the following night. I understood that the final script wording would be updated, as needed, right up to the broadcast depending on any late-breaking additions or changes that were required.
- c. I viewed in one of the edit suites at Network Ten the most up-to-date version of the investigation with the editor, Darryl Brown. At that time, there were still a number of gaps in the edit to allow for a number of elements in the investigation to be added, the soundtrack was unfinished, and my voice track was not fully synced. The unfinished nature of what I saw was in line with my understanding of normal practice for a story that was still developing, including in relation to the responses we were waiting on from the individuals concerned. This was the only time I viewed a version of the broadcast until the broadcast was live on air.

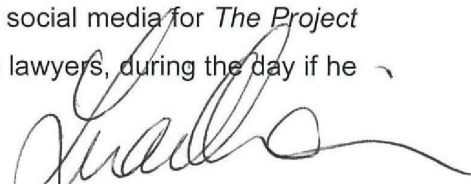
15 February 2021

120. On 15 February 2021, I received and read an email from Mr Llewellyn sent to me at 8:36am with hyperlinks to two articles on news.com.au with Samantha Maiden's stories about Ms Higgins' allegations. This was the first time I had any knowledge of, or had seen, Ms Maiden's account of the allegations. I read the articles and noticed that Ms Maiden did not focus on the issue of the lack of independent human resources support experienced by Ms Higgins – an angle which *The Project* intended to highlight. I also noticed that the details of Ms Higgins' allegations as reported in those articles were consistent with what Ms Higgins had told me. It was reassuring to know that another major media organisation,



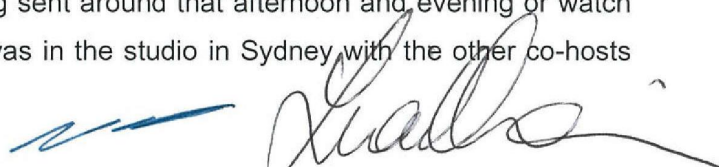
had approved Ms Higgins' allegations being published. I am aware that News Limited also has a large in-house legal team and presumed that the publication of Ms Higgins' allegations were approved by those lawyers.

121. I had not communicated with Ms Maiden in any way about Ms Higgins or her allegations during the course of the investigation – as far as I was aware Ms Maiden's publications were independently investigated and prepared. And as at the date of this affidavit I still have not had any communication with Ms Maiden about Ms Higgins or her allegations.
122. There was nothing that I read in Ms Maiden's articles that impacted negatively on my positive view of Ms Higgins' credibility or the truth of her allegations.
123. On 15 February 2021, I saw proposed promos and social media for the broadcast that were published at some point during the day. I was involved in communications about the wording of a post on my social media which after approval from Network Ten I posted.
124. Throughout the day, as per my usual schedule as one of the co-hosts of that night's episode of *The Project*, I was called in to do recorded voiceovers for the other segments to be aired on *The Project*, as well as Network promos to be aired that night not involving Ms Higgins' allegations.
125. I was kept informed across the day of responses which were arriving from those to whom Mr Llewellyn had sent questions. In view of those responses, I continued to record updated voiceovers for changing elements of the investigation as required. I also watched live Mr Morrison's comments about Ms Higgins' allegations during Question Time in Parliament that day. Some of those comments were included in the broadcast. I also saw other parliamentarians including Senator Reynolds and Senator Wong comment on the allegations in the Senate. As I was preparing as normal for that evening's broadcast, I was aware that the script was being altered to accommodate each of those responses and I was communicating with Mr Llewellyn and others when possible about the content of those responses. I asked Mr Llewellyn a number of times whether Mr Lehrmann had contacted him. I was told by Mr Llewellyn that he had sent follow-up communications that morning to Mr Lehrmann because he had not yet received any response.
126. I presumed that Mr Lehrmann had seen the emails and texts that Mr Llewellyn had sent to him, as well as Ms Maiden's article, and the promos and social media for *The Project* broadcast. I anticipated that we would hear from him, or his lawyers, during the day if he



wished to respond or go on the record. In order to prepare for the possibility that Mr Lehrmann might want to go on the record and participate in a sit-down interview in response to Ms Higgins' allegations, I wrote out questions by hand that afternoon as I was preparing for the broadcast. In the event that I had the opportunity to interview Mr Lehrmann at the last minute I wanted to be fully prepared. I no longer have a copy of those notes.

127. I understood that the production team was also on standby to include in the broadcast any written response from Mr Lehrmann – even if it came at the last minute.
128. I attended the normal 3pm production meeting that afternoon, but I do not recall the specifics of what was discussed. Ordinarily those daily meetings involved all on-air talent going through all segments for that evening's broadcast. Typically this is when changes are made to existing scripts, talking points are canvassed and discussions are had about any late breaking news.
129. I reviewed or was informed about the responses as they came in from each person to whom Mr Llewellyn had sent questions but I am not sure that I saw all of them because of my other production commitments on 15 February 2021. I was aware before broadcast of the responses from the Australian Federal Police and members and staffers of the Government who confirmed that Ms Higgins had made complaints in March and April 2019 that she had been sexually assaulted. These statements confirmed the allegations were not of recent invention and reinforced my belief in the credibility of Ms Higgins and the truth of her allegations.
130. The reaction to Ms Higgins' allegations in Canberra that day emphasised in my mind the significant public interest in this investigation. I did not become aware before broadcast of any complaint, comment or denial from Mr Lehrmann about Ms Higgins' allegations that, by early afternoon, had been widely publicised and commented on throughout the country both on News.com.au and elsewhere including in Federal Parliament.
131. I was aware that draft paper and video edits were being made right up until just before broadcast at 7pm on 15 February 2021. I kept up with the script drafts and changes and made comments when possible until the afternoon of the broadcast. My preparation for the live broadcast, however, meant that despite all my best efforts it was not possible or practical to review each version being sent around that afternoon and evening or watch the multiple video edits that day. I was in the studio in Sydney with the other co-hosts



from shortly before 5pm and was in contact with other members of the Production Team who were keeping me informed of significant developments. One of the late-breaking developments was that news that Ms Higgins was going to be permitted access to view the CCTV footage from the night of the alleged incident.

132. On 15 February 2021, an edited version of my interview with Ms Higgins was broadcast by Network Ten as part of a special edition of *The Project*. As my role on *The Project* was as a host and presenter on the live broadcast and editing decisions were still being made up to and during my time in studio during rehearsals and the broadcast itself, I did not have the capacity to review or control the final audio and visual content of the publication described as the "first matter complained of" in these proceedings before broadcast. I relied upon the trusted and experienced producers of *The Project* I had been working with for the past four weeks to finalise what was published.
133. I was aware of and informed the viewing audience at the end of the broadcast that the full statements provided by the concerned persons who had responded to Mr Llewellyn's questions were published for immediate viewing on *The Project* website.
134. At the time of *The Project* broadcast on 15 February 2021:
- a. I intended to allege that Ms Higgins claimed to have been raped at Parliament House by a colleague in 2019 when she was an employee there.
 - b. I intended to allege that Ms Higgins' complaint was mishandled by the Minister and her staff when it was reported to them shortly after the assault occurred, in circumstances where there were inadequate structures at Parliament House to enable complaints of this nature to be properly, confidentially, independently and appropriately addressed.
 - c. I intended to convey information to the viewers about:
 - i. a rape complaint;
 - ii. the Federal Government;
 - iii. the conduct of a Federal Minister to a member of her staff;
 - iv. the mishandling of a rape complaint at Parliament House;



- v. the conduct of Senator Linda Reynolds, a Federal Member of Parliament and Minister;
 - vi. the treatment of women in Parliament House;
 - vii. the lack of effective and independent policing in Parliament House;
 - viii. the lack of an effective, independent and appropriate human resources structure at Parliament House to deal with complaints by staff;
 - ix. the treatment of sexual assault complainants in Parliament House;
 - x. the statement by the Prime Minister in Parliament in answer to questions to him on 15 February 2021 about Ms Higgins and the allegations made by Ms Higgins.
- d. I believed at the time of broadcast that each issue in the preceding sub-paragraph be an important issue of public interest that warranted the broadcast of the investigation.
- e. Based on all of the information and enquiries that I had made or been informed of by Mr Llewellyn, I believed Ms Higgins' allegations to be credible.
- f. I believed that Ms Higgins had been raped by Mr Lehrmann in 2019 at Parliament House.
- g. I believed that the treatment of Ms Higgins after she reported the rape to the Minister was deplorable, that that treatment brought unfair pressure upon Ms Higgins – an alleged victim of sexual assault at Parliament house – that resulted in her deciding to withdraw from further involvement in the investigation of her complaints to the police. I believed that this amounted to an important matter that needed to be brought to the public's immediate attention.



Affirmed by the deponent
at Sydney
in New South Wales
on 28 July 2023
Before me:



Signature of deponent



Signature of witness

Nicola Rebecca Sanchez, solicitor
Name and qualification of witness