

Form 59
Rule 29.02(1)

Affidavit

No. NSD103 of 2023

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

BRUCE LEHRMANN

Applicant

NETWORK TEN PTY LIMITED (ACN 052 515 250) and another
Respondents

Affidavit of: **Nikola Lee Anderson**



Address: [REDACTED]

Occupation: Administration officer

Date: 6 October 2023

I Nikola Lee Anderson of [REDACTED], administration officer, say on oath:

1. The matters set out in this affidavit are based on my own knowledge, except where I have stated or qualified otherwise. Where I have set out my recollection of conversations in this affidavit I have included the effect of the words spoken as I recall them.
2. Where I refer to a document in this affidavit, that document was produced to me at the time of swearing this affidavit and verified by me as a true copy of the relevant document.
3. Since 2021, I have worked for the Australian Tax Office in Internal Communications.
4. Between 2008 and 2021, I was a security guard at Australian Parliament House in Canberra.


 

Filed on behalf of (name & role of party) First Respondent, being Network Ten Pty Limited
Prepared by (name of person/lawyer) Marlia Saunders
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[Version 3 form approved 02/05/2019]

22 and 23 March 2019

5. Between around 11pm on 22 March 2019 and 7am on 23 March 2019, I was on duty.
6. I was on ministerial patrol, known as Foxtrot Four, which meant that I walked around the ministerial wing of Parliament House to make sure that everything was locked and secure.
7. There are two Points at Parliament House that are open twenty-four hours a day seven days a week: Point 1 at the front of the building and Point 8 at the back. These two Points are the only two Points that are open on a Friday and Saturday night. Point 8 is the security entrance located inside the ministerial wing of Parliament House.
8. On 22 and 23 March 2019 when I was on duty, part of my duties included staffing the security Point (Point 8) with my colleague if anyone came through and to give him allocated meal breaks during the shift.
9. I was on shift with Mark Fairweather that night.
10. Around 1.41am on 23 March 2021, I went to Point 8 to check on Mr Fairweather to make sure that he was okay and to see what time he wanted his meal break.
11. Around 1.41am, a couple arrived at Point 8.
12. I paid particular attention to them because I thought the woman looked really nice. I noticed she had grass stains or something similar down one side of her dress. I do not remember whether it was on the left or the right side of her dress.
13. Mr Fairweather said to them words to the effect of: *"hey guys" or "Geez" "this is a bit late to be coming in, couldn't this have waited until Monday?"*
14. The man said words to the effect of *"No, it couldn't"*.
15. I do not recall the woman speaking much while they were signing in.
16. It was mostly the man who spoke to Mr Fairweather.
17. I observed Mr Fairweather check their names on the computer to make sure that they were Australian Parliament House passholders and retrieve the information required to fill in the sign in sheet.
18. I was familiar with both the man and the woman as a result of working in the ministerial wing a lot and seeing them in the building. I knew they were passholders, but I did not know their names.
19. Mr Fairweather said to the man words to the effect of: *"Did you just want to sign her in?"*
20. At that time, as a passholder, you could sign someone else in and you could sign yourself in on your own pass.



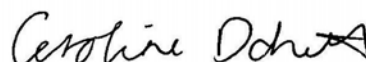
21. I said words to the effect of "*They're both passholders. They can sign themselves in on their own passes*".
22. The man wrote his name on the sign in sheet first and then the woman wrote her name on the sign in sheet.
23. When the woman walked through the metal detector, she set it off. The woman returned to the other side of the metal detector and walked back through it. She set it off again. I worked out it was her shoes that were setting the metal detector off.
24. I asked her to go back and take off her shoes.
25. The woman then walked through the metal detector barefoot.
26. I then walked towards the lift with the man.
27. I turned back and observed that once through the metal detector, the woman was struggling to get her shoes back on.
28. At that point, I formed the view from observing the woman that the woman was intoxicated.
29. I called out from the lift words to the effect of: "*Don't worry about it, just carry your shoes. It's okay but put them on when you get up there*". There was no appropriate seating around Point 8 for the woman to sit and put her shoes back on safely.
30. I do not recall the woman saying anything in response.
31. I do not recall when, but the man told me where they wanted to go. I do not recall whether he said that they wanted to go to Minister Reynolds' suite or M1-23, but it was likely that he used the suite number.
32. I escorted the man and the woman to Minister Reynolds' suite.
33. I do not recall whether they spoke to each other on the way to Minister Reynolds' suite. I do not recall anything about their behaviour on the way to Minister Reynolds' suite because I was walking in front of them.
34. Once we reached the door of Minister Reynolds' suite, I radioed the control room and said words to the effect of "*Control, opening M1-23 for passholders*" and their pass numbers. This was so that when the alarm went off after I unlocked the suite, the control room could turn it off and register the pass numbers to the alarm.
35. When we reached Minister Reynolds' suite after radioing the control room, I used the key to open the suite.
36. After letting the man and the woman into Minister Reynolds' suite, I continued to patrol the ministerial wing until I had to give Mr Fairweather his break.



37. At about 3am, I returned to Point 8 to give Mr Fairweather his break.
38. We had a conversation to the following effect:
- Mr Fairweather: *Well that was a little bit weird.*
- Me: *Why, What do you mean?*
- Mr Fairweather: *The man left approximately 20 minutes after you let them into the office. He seemed to be in a hurry to get out and sort of threw the pass at me. I said to him "That was quick. Are you finished?" and he said "yeah" and hurried off.*
39. Mr Fairweather told me, in substance, that he would speak to Kevin Callan, our supervisor, and inform him of what had happened.
40. Mr Callan rang me shortly after and said words to the effect of: *"If the female hasn't left by the time Mark comes back from his break, can you go up and do a welfare check".*
41. I recall that Mr Fairweather was on his break for about an hour and fifteen minutes during which time the woman had not left.
42. At about 4:15am, after Mr Fairweather had returned from his break, I rang Mr Callan and said words to the effect of: *"Just letting you know that the female has not left yet and I'm going to do the welfare check?"* Mr Callan said words to the effect of: *"Okay, let me know how you go".*
43. We needed to know whether the woman was still in the suite because I had to relock it so that the control room could reset the alarm to the suite.
44. At about 4.20am, I went to Minister Reynolds' suite. Upon entering the suite through the front doors, I started shouting *"Security, hello security"*. I walked through the waiting room and noticed that the door to the minister's office was closed.
45. I approached the Minister's office. Before I opened the door, I said *"Security. Hello? Security"*. There was no answer.
46. I then opened the door to the Minister's office and I saw the woman lying on her back, completely naked on the lounge.
47. Her dress and shoes were on the floor next to her.
48. Her head was up facing the window.
49. I recall that the first thing I saw was the woman's vagina because her feet were facing towards the door, where I was standing, and her knees were up and slightly apart because the couch was not long enough to lie flat on.



50. It was startling because it was the first time I had seen anything like that within my workplace on a patrol, and I hadn't expected to see someone's private parts.
51. The woman opened her eyes and looked at me.
52. She then rolled over to my left into the foetal position, facing the desk.
53. I did not really look at anything else because I was quite taken aback by what I'd seen.
54. The couch was quite close to the door from where I was standing.
55. The office was quite dim. I do not recall what lights were on in the suite. However, it was light enough to see the whole room. As the ministerial offices without lights are quite dark, there must have been some light as I clearly saw what I saw.
56. I did not observe the woman to be in any trouble or distress. Her face makeup appeared to be intact. She looked like a woman who was sleeping off a big night.
57. I closed the office door, walked out of the suite completely and called Mr Callan on my personal mobile.
58. We had a conversation to the effect of:
- Me: *Hey Kev, I've just done the welfare check. The lady is still in the suite. She's completely naked. What do you want me to do? Do you want me to wake her up?*
- Mr Callan: *Leave her there and let me know when she leaves. If she hasn't left by the time your shift ends, let me know.*
59. From the time I opened Minister Reynolds' suite to my calling Mr Callan, approximately five minutes passed.
60. At approximately 6.10am on 23 March 2023, I rang Mr Callan and said words to the effect of: *"The female still hasn't left Parliament House or the suite"*.
61. Mr Callan said words to the effect of: *"Pass on the information to your day shift relief. Don't say anything to anybody, keep it under wraps and don't make it common knowledge to everyone"*.
62. I do not now recall who the dayshift Foxtrot 4 was who relieved me from my shift.
63. Before I finished my shift, I checked the names of the man and the woman. I do not recall whether I checked them in the system or the sign in sheet. I then wrote their names in my diary. I also noted some details about the night for my incident report.
64. My shift ended at around 7am on 23 March 2023.
65. I do not recall when, but I wrote an incident report.

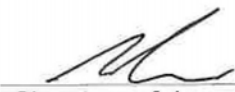


20 March 2021

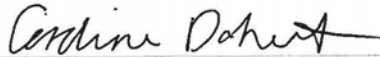
66. I wrote a letter to the police on 20 March 2021 about the incident because they wanted to know the details of what happened. I put everything in writing I could think of. Reading the statement now, I know that I incorrectly identified the suite the man and the woman entered as M1-45; the suite was M1-23.

Sworn by the deponent
 at Florey
 in the Australian Capital Territory
 on 6 October 2023
 Before me:

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Signature of deponent



Signature of witness

Caroline Doherty
 Solicitor
 Level 4, 15 Moore Street, Canberra ACT 2601
 An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law