

INTERROGATORIES TO SECOND RESPONDENT

NSD 206/2021

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

CHARLES CHRISTIAN PORTER

Applicant

AUSTRALIAN BROADCASTING CORPORATION and LOUISE MILLIGAN

Respondents

Definitions

In these interrogatories:

- (a) **SOC** means the Statement of Claim filed on 15 March 2021;
- (b) **First Respondent** means Australian Broadcasting Corporation and/or any of its employees, servants and/or agents;
- (c) **Article** has the same meaning as defined in paragraph 4 of the SOC.
- (d) **Reply** is the Reply dated 4 May 2021;
- (e) Defined terms are as they appear in the SOC and Reply.

EXTENT OF PUBLICATION AND REPUBLICATION

Twitter

1. Does the First Respondent in any way authorise, supervise or approve the content of your Twitter account @Milliganreports?
2. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the nature of such supervision, process of supervision, approval or otherwise;

- (b) the name of the employee, agent or officer(s) of the First Respondent who engaged, between November 2020 to date, in that supervision, approval otherwise;
- (c) whether the First Respondent has the authority to delete Tweets or comments from that account;
- (d) which employee, agent or officer(s) had such authority to delete Tweets or comments between November 2020 to date.

Facebook

- 3. Does the First Respondent in any way authorise, supervise or approve the content of your Facebook account @LouiseMilligan?
- 4. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the nature of such supervision, process of supervision, approval or otherwise;
 - (b) the name of the employee, agent or officer(s) of the First Respondent who engaged, between November 2020 to date, in that supervision, approval or otherwise;
 - (c) whether the First Respondent has the authority to delete posts from that Facebook account;
 - (d) which employee, agent or officer(s) had such authority to delete posts between November 2020 to date.
- 5. Did you operate or cause to be operated the Facebook account "@LouiseMilligan"?
- 6. About how many friends did the @LouiseMilligan Facebook account have in about February 2021?
- 7. About how many friends did the @LouiseMilligan Facebook account have in about March 2021?
- 8. How many interactions (likes etc) did the publication at Annexure D to the SOC generate?
- 9. How many times was the publication at Annexure D to the SOC shared?

10. How many comments did the publication at Annexure D to the SOC receive?

CONTINUED PUBLICATION

11. Is the publication at Annexure D to the SOC still available to be viewed on Facebook?

12. If the answer to the preceding interrogatory is in the negative, please state the date of the removal of that publication from Facebook.

DECISION TO PUBLISH

13. Prior to publishing the Article, with which officer(s) or employee(s) of the First Respondent did you communicate in relation to (please answer separately in relation to each):

- (a) the content of the Article;
- (b) the decision and/or approval to publish the Article?

14. In relation to the communications referred to in the preceding interrogatory, please set out:

- (a) the date and time of each communication;
- (b) the substance of each communication. If in writing, please identify it by discovery number.

REACTION

15. Since the publication of the Article, has any person spoken to you or written to you or otherwise communicated with you about the Article?

16. If the answer to the preceding interrogatory is in the affirmative, please identify:

- (a) the name of each person;
- (b) the date of each communication;
- (c) the substance of each communication. In the case of written communications, please annex a copy to your answers.

17. Since the publication of the Article, has any person spoken to you or written to you or otherwise communicated with you about Mr Porter in relation to the Article?

18. If the answer to the preceding interrogatory is in the affirmative, please identify:
- (a) the name of each person;
 - (b) the date of each communication;
 - (c) the substance of each communication. In the case of written communications, please annex a copy to your answers.

ATTEMPTS TO CONTACT APPLICANT

19. Prior to the publication of the Article did you:

- (a) contact; or
- (b) attempt to contact,

Mr Porter with respect to the material in the Article?

20. Did you give or attempt to give Mr Porter an opportunity to comment on the material in the Article prior to its publication?

21. Prior to publishing the Article, did you give or attempt to give Mr Porter an opportunity to respond to the allegations in the Article?

22. If the answer to any of interrogatories 19, 20 or 21 is in the affirmative, specify:

- (a) when the contact or attempt at contact was made;
- (b) by whom was the contact or attempt at contact made;
- (c) how was the contact or attempt at contact made;
- (d) what was the reply, if any.

23. Why did you not give Mr Porter an opportunity to deny the accusations in the Article prior to publication?

24. In deciding whether or not to contact Mr Porter prior to publication of the Article, did you consider that he might seek an injunction to prevent the publication of the Article if he had notice of it.

25. At the time of publication of the Article to your knowledge did any employee or agent of the First Respondent have Mr Porter's (please answer separately in relation to each):
- (a) email address(es);
 - (b) work phone number; or
 - (c) mobile telephone number?

APOLOGY

26. Have you ever apologised to Mr Porter in relation to the content of the Article?
27. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the date of the apology;
 - (b) the substance of the apology; and
 - (c) the form of the apology (whether it was oral or in writing).

IDENTIFICATION

28. Did you intend that Mr Porter be identified as the cabinet minister the subject of the Article?
29. If the answer to the preceding interrogatory is in the negative, what steps, if any, did you take to avoid identification of Mr Porter as the subject of the Article?
30. At the time of publication of the Article, did you believe that Mr Porter would eventually identify himself as the minister the subject of the Article?
31. In relation to the belief asserted in answer to the preceding interrogatory, please state the basis upon which such belief was formed.
32. In including quotes from Jo Dyer in the 1 March article, did you consider that readers might make the connection between the cabinet minister the subject of the Article and the November 4Corners, given Ms Dyer also appeared in that, and in which she made adverse comments about Mr Porter?
33. If the answer to the preceding interrogatory is in the affirmative:
- (a) what consideration was given;

- (b) why was Ms Dyer included in the 1 March article?
34. Did the 1 March article appear on your profile page on the ABC website at any time (see Schedule 1 to these interrogatories)?
35. If the answer to the preceding interrogatory is in the affirmative:
- (a) when was it deleted; and
- (b) why was it deleted.
36. Did any Twitter user refer to Mr Porter by name or otherwise (such as his position as Attorney-General or part of his name) in response to or as part of the Twitter feed being Schedule B to the SOC?
37. If the answer to the preceding interrogatory is in the affirmative, please annex a copy of each such Twitter comment to the First Respondent's answers to interrogatories.
38. Did you delete, or cause to be deleted any references to Mr Porter (in tweets, retweets, comments or otherwise) (by his name, position or otherwise) in connection with the Tweet being Schedule C to the SOC?
39. If the answer to the preceding interrogatory is in the affirmative, please set out in relation to each such tweet, retweet, comment or otherwise when it was deleted and why it was deleted.
40. Did you set up (or cause to be set up) a filter on your Twitter account on about 26 February 2021 which caused any Tweet that referred to Mr Porter to be hidden?
41. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) when such filter was applied;
- (b) why such filter was applied;
- (c) what key words were used in such filter;
42. Did you set up (or cause to be set up) a filter on your Twitter account on about 26 February 2021 which caused any Tweet that referred to any other cabinet minister to be hidden?
43. If the answer to the preceding interrogatory is in the affirmative, please state:

- (a) when such filter was applied;
 - (b) why such filter was applied;
 - (c) what key words were used in such filter;
44. Did you delete, or cause to be deleted any references to Mr Porter (in comments, posts or otherwise) (by his name, position or otherwise) in connection with the Facebook post being Schedule D to the SOC?
45. If the answer to the preceding interrogatory is in the affirmative, please set out in relation to each such comment, post or otherwise when it was deleted and why it was deleted.
46. After the publication of the Article (and before 3pm on 3 March 2021), did you receive any enquiries about whether the Article was connected to the November 4Corners?
47. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the date and time of each enquiry;
 - (b) the mode of communication of each enquiry (e.g. email, phone, Facebook messenger);
 - (c) the discovery numbers of such enquiries if in writing;
 - (d) how many such enquiries you received;
 - (e) the substance of each enquiry (if not in writing);
 - (f) the response to each enquiry.
48. Were there any internal directives, notices or communications with employees of the First Respondent relating to Mr Porter after the publication of the Article and before 3pm on 3 March 2021?
49. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the discovery numbers identifying such communications;
 - (b) if not in writing, the date of such communications and the substance of them.

50. Were there any internal directives, notices or communications with employees of the First Respondent relating to the possible identification of the cabinet minister the subject of the Article after the publication of the Article and before 3pm on 3 March 2021?
51. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the discovery numbers identifying such communications;
 - (b) if not in writing, the date and substance of such.
52. After the publication of the Article and before 3pm on 3 March 2021 did you receive any communication (email, phone message, social media post or otherwise) naming Mr Porter (by his first name, surname, title or otherwise) in connection with the Article?
53. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the discovery number for each such communication if in writing;
 - (b) if not in writing, the date and substance of each such communication.
54. After the publication of the Article and before 3pm on 3 March 2021, did you receive any communication (email, phone message, social media post or otherwise) asking whether Mr Porter (by his first name, surname, title or otherwise) or any other person (by their first name, surname, title or otherwise) had a connection with the Article?
55. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the discovery number for each such communication if in writing;
 - (b) if not in writing, the date and substance of each such communication.

INFORMATION

56. When did you first become aware that AB had made an allegation of rape against Mr Porter?
57. From who did you first become aware that AB had made an allegation of rape against Mr Porter?
58. By what mode of communication did you first become aware that AB had made an allegation of rape against Mr Porter?

59. Did you or anyone engaged by you attempt to contact AB prior to her death (directly or through an intermediary)?
60. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the date of that attempt(s);
 - (b) the name of the employee(s) who were engaged by you to make the attempt(s) on your behalf;
 - (c) the result of the attempt(s);
 - (d) AB's response, if any.
61. Were you given a 2-page document said to have been written by AB about Mr Porter?
62. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) who gave you that document;
 - (b) by what mode of communication were you given that document;
 - (c) when it was given to you;
 - (d) the discovery number for that document.
63. Were you given an 88-page statement said to have been written by AB about Mr Porter?
64. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) who gave you that statement;
 - (b) when it was given to you;
 - (c) the discovery number for that document.
65. As to the following words in the Article "*The letter, shared with Four Corners by a friend of the complainant, attaches a detailed statement prepared by the complainant for her lawyer about the brutal rape she alleges took place*" please identify by reference to discovery number the letter and detailed statement referred to (**Dossier**).

66. When did you become aware of the existence of the Dossier?
67. Who was it that first made you aware of the existence of the Dossier?
68. By what mode of communication did you first become aware of the existence of the Dossier?
69. Did you know about the existence of the Dossier was sent to the Prime Minister?
70. If the answer to the preceding interrogatory is in the affirmative:
 - (a) what did you know about the Dossier;
 - (b) how did you know it;
 - (c) by what mode of communication did you know it;
 - (d) who was the source of that information?
71. Did you participate in any way in the preparation of any part of the Dossier?
72. If the answer to the preceding interrogatory is in the affirmative:
 - (a) how did you participate;
 - (b) when did you participate?
73. When did you first receive the Dossier (date and time)?
74. By what mode of communication was the Dossier provided to you?
75. Please state the name of the person who gave you the Dossier.
76. Did you in any way solicit, encourage, request any person to create any part of the Dossier?
77. Did you in any way solicit, encourage, request any person to send any part of the Dossier?
78. What steps, if any, did you take to check the truth or otherwise of the assertions in the Dossier. In this answer please include:
 - (a) the date of any enquiries about the allegations made;

- (b) the names of the persons of whom inquiries were made;
 - (c) what the inquiries were;
 - (d) the outcome of the inquiries.
79. Prior to the publication of the Article, did you take any steps to ascertain who drafted or participated in the drafting of any part of the Dossier?
80. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) what steps were taken;
 - (b) when the steps were taken;
 - (c) what the outcome of those enquiries were.
81. Did AB give you any statement which included her allegations against Mr Porter?
82. If the answer to the preceding interrogatory is in the affirmative, please:
- (a) identify the document by reference to discovery number;
 - (b) state when it was given to you by AB;
 - (c) state how it was provided by AB to you.
83. Did any member of AB's family give you any statement which included her allegations against Mr Porter?
84. If the answer to the preceding interrogatory is in the affirmative, please:
- (a) identify the document by reference to discovery number;
 - (b) state the name of the family member;
 - (c) state the relationship of that person to AB;
 - (d) state when it was given to you by that member of AB's family;
 - (e) state how it was provided by that family member to you.
85. Did AB give you permission to publish the content of the Dossier, or any part of it?

86. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the extent of such permission;
 - (b) the form of it;
 - (c) the date it was given.
87. Did AB give you permission to publish any statement that she had made about Mr Porter (or any part of it)?
88. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the extent of such permission;
 - (b) the form of it;
 - (c) the date it was given.
89. Did AB give you permission to publish the details of any of her medical records or history?
90. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the extent of such permission;
 - (b) the form of it;
 - (c) the date it was given.
91. Did any relative of AB give you permission to publish the content of the Dossier, or any part of it?
92. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the name of the relative;
 - (b) the relationship that person had with AB;
 - (c) the extent of such permission;
 - (d) the form of it;
 - (e) the date it was given.

93. Did any relative of AB give you permission to publish any statement that she had made about Mr Porter (or any part of it)?
94. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the name of the relative;
 - (b) the relationship that person had with AB;
 - (c) the extent of such permission;
 - (d) the form of it;
 - (e) the date it was given.
95. Did you seek the consent of anyone with the capacity to provide that consent, to publish the content of any statement made by AB (or purportedly made by her) or any other personal information, including medical information of AB?
96. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the material or information in relation to which consent was sought;
 - (b) the name of the person(s) whose consent was sought;
 - (c) the nature of their authority to provide consent;
 - (d) the date(s) such consent was sought;
 - (e) the response to the request for consent;
97. Did AB's parents, at any point in time, inform you of their attitude to the publication of any information, material or otherwise concerning AB?
98. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the date of the communication;
 - (b) the substance of the communication.
99. Did you or anyone engaged by you at any time communicate with AB's parents either directly or through intermediary?

100. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the date(s) of the communication(s);
 - (b) the name of any person engaged by you who communicated;
 - (c) the substance of the communication.
101. Have you ever become aware that the parents of AB have publicly requested that AB not be named, and that there be no images or recordings published from which she might reasonably be identified?
102. If the answer to the preceding interrogatory is in the affirmative, when did you become so aware?
103. In publishing the Article, did you intend to convey any of the following imputations about the cabinet minister referred to in the Article (or imputations that did not differ in substance) (please answer separately in relation to each imputation):
- (a) he brutally raped a 16-year-old girl in 1988.
 - (b) he anally raped a 16-year-old girl in 1988.
 - (c) his brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (d) he is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him.
 - (e) in 2020 he was reasonably suspected by NSW Police of raping a 16 year-old-girl in 1988.
 - (f) there are reasonable grounds for suspecting that he brutally and anally raped a 16-year-old girl.
 - (g) there are reasonable grounds for suspecting that his brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (h) he had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.
 - (i) there are reasonable grounds for suspecting that he brutally raped a 16-year-old girl in 1988.

- (j) there are reasonable grounds for suspecting that his brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (k) there are reasonable grounds for suspecting that he is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him.
 - (l) there are reasonable grounds for suspecting that he was reasonably suspected in 2020 by NSW Police of raping a 16-year-old girl in 1988.
 - (m) there are reasonable grounds for suspecting that he had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.
104. In publishing the Article, did you intend to convey any of the following imputations about Mr Porter (or imputations that did not differ in substance) (please answer separately in relation to each imputation):
- (a) Mr Porter brutally raped a 16-year-old girl in 1988.
 - (b) Mr Porter anally raped a 16-year-old girl in 1988.
 - (c) Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (d) Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him.
 - (e) In 2020 Mr Porter was reasonably suspected by NSW Police of raping a 16 year-old-girl in 1988.
 - (f) There are reasonable grounds for suspecting that Mr Porter brutally and anally raped a 16-year-old girl.
 - (g) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (h) Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.

- (i) There are reasonable grounds for suspecting that Mr Porter brutally raped a 16-year-old girl in 1988.
 - (j) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (k) There are reasonable grounds for suspecting that Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him.
 - (l) There are reasonable grounds for suspecting that Mr Porter was reasonably suspected in 2020 by NSW Police of raping a 16-year-old girl in 1988.
 - (m) There are reasonable grounds for suspecting that Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.
105. At the time of publication of the Article did you believe any of the following imputations to be true (please answer separately in relation to each imputation):
- (a) Mr Porter brutally raped a 16-year-old girl in 1988.
 - (b) Mr Porter anally raped a 16-year-old girl in 1988.
 - (c) Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (d) Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him.
 - (e) In 2020 Mr Porter was reasonably suspected by NSW Police of raping a 16 year-old-girl in 1988.
 - (f) There are reasonable grounds for suspecting that Mr Porter brutally and anally raped a 16-year-old girl.
 - (g) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (h) Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.

- (i) There are reasonable grounds for suspecting that Mr Porter brutally raped a 16-year-old girl in 1988.
 - (j) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life.
 - (k) There are reasonable grounds for suspecting that Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him.
 - (l) There are reasonable grounds for suspecting that Mr Porter was reasonably suspected in 2020 by NSW Police of raping a 16-year-old girl in 1988.
 - (m) There are reasonable grounds for suspecting that Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.
106. If the answer to the preceding interrogatory is in the affirmative as to any part, separately as to any such imputation the information that you had to base such belief at the time of publication of the Article.
107. At the time of publication of the Article did you have any information with respect to any of the material in the Article? If so:
- (a) state what information you had;
 - (b) who or what was the source of the information (identify specifically what information was received from each source);
 - (c) identify all documents containing such information which you had in your possession at the time of the publication of the Article (and annex them to your answers);
 - (d) identify all documents containing such information as to which you had been informed of their contents or parts thereof but which you did not have in your possession at the time of publication of the Article and provide a complete description as to the terms by which these documents were described to you;
 - (e) state the use made of each of the documents described or referred to in (c) and (d) above;

- (f) identify any such information which consisted of an oral communication and state the substance of what was said by each such person.
108. In respect of each source of information for the Article (specifying each source) at the time of publication of the Article, did you have a view as to:
- (a) the nature and/or quality of the information furnished by the source;
 - (b) the accuracy of the information furnished by the source;
 - (c) whether the source was biased against Mr Porter;
 - (d) whether information furnished by the source required corroboration?
109. If the answer to the preceding interrogatory is in the affirmative as to any part, in respect of each such part (specifying it):
- (a) what was that view;
 - (b) on what facts, matters and circumstances was the view based;
 - (c) when precisely was that view formed?
110. Did you use Signal (or any other encrypted messaging system) to communicate with sources in relation to Mr Porter?
111. If the answer to the preceding interrogatory is in the affirmative:
- (a) have any of those communications been deleted (whether automatically because of a set time function or otherwise);
 - (b) how many such communications have been deleted;
 - (c) please list the names of sources with whom communications have been deleted;
 - (d) please set out the date and substance of each such communication.

AGGRAVATED DAMAGES/MALICE

112. At the time of publication of the Article did you believe that the allegations by AB could not be proved in any criminal proceeding?
113. At the time of publication of the Article did you believe that there was insufficient evidence for the police to charge Mr Porter in relation to the allegations by AB?
114. At the time of publication of the Article did you believe that there was insufficient evidence for the police to investigate the allegations by AB against Mr Porter?
115. At the time of publication of the Article did you believe that the police did not have a reasonable suspicion that Mr Porter was guilty of the offences alleged by AB?
116. At the time of publication of the Article did you believe that there was insufficient objective evidence for there to be reasonable grounds to suspect that Mr Porter was guilty of the offences alleged by AB?
117. At the time of publication of the Article did you understand that persons charged with offences in New South Wales that allegedly occurred when they were under 18 could not be identified in connection with those alleged offences?
118. At the time of publication of the Article did you believe that the publication of the Article would cause substantial damage to Mr Porter's reputation?
119. At the time of publication of the Article did you intend to cause damage to Mr Porter's reputation?
120. Did you intend at any time prior to 9 November 2020 to include the rape allegation against Mr Porter in the November 4Corners?
121. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the date from which it was intended that the rape allegation be included;
 - (b) the date when it was decided to exclude it;
 - (c) who decided that it not be included;
 - (d) why that decision was made;
 - (e) what was your reaction to the decision to exclude it.

122. Why did you publish the rape allegation against Mr Porter in the Article, having not published it in November 2020?
123. At the time of publication of the Article did you believe or understand that (please answer separately in relation to each):
- (a) prior to her death AB had the opportunity to make a statement to New South Wales police and/or South Australian police in relation to her allegations against Mr Porter and declined to do so;
 - (b) prior to her death AB did not give the police a copy of the Material or any statement by her;
 - (c) because Mr Porter and AB were minors at the time of the alleged offences, had he been charged, neither he nor AB could be identified by reason of the operation of s15A *Children (Criminal Proceedings) Act 1987* (NSW) and s578A *Crimes Act 1900* (NSW);
 - (d) there was insufficient evidence for the police to charge Mr Porter;
 - (e) there was insufficient evidence to pursue an investigation of Mr Porter;
 - (f) the police did not hold a reasonable suspicion that Mr Porter was guilty of the offences alleged;
 - (g) there was insufficient objective evidence for there to be reasonable grounds to suspect Mr Porter was guilty of the offences alleged;
 - (h) there was no evidence of any type before the police that would have allowed for any objective judgment about the credibility of any complaint, let alone any admissible evidence that any person of reasonably sound judgment would regard as sufficient to pursue an investigation?
124. At the time of publication of the Article did you believe that the content of the Article would likely cause Mr Porter to have to step down as Commonwealth Attorney-General?
125. Between the November 4Corners and the publication of the Article:
- (a) what information did you receive about the allegations by AB against Mr Porter;
 - (b) from whom did it receive that information;

- (c) please identify by reference to discovery numbers which documents were received in that period.
126. Please look at Schedule 2 to these interrogatories (Milligan Tweet): what did you mean when you said "*The story was only the tip of the iceberg. The iceberg is large. The broader story is grim*"?
127. As to the following words in the Article, were they obtained from the Dossier (please answer separately in relation to each):
- (a) *"This is my story, plain and simple"*
 - (b) *"This is my story, plain and simple. It's not pretty, but it is mine."*
 - (c) *"And I stand by it, every single word and image in this document is true."*
 - (d) *"All I really want, in the end, is for this to have been reported to the NSW Police Force and to know that a copy of this document, and a transcript of any interview they might do with me, is in their archives..."*
 - (e) *"If this story does become public knowledge, I hope that it will encourage other women to come forward."*
 - (f) *"Not for me, but for themselves... I also hope that other people who have endured similar traumas, should these facts become public knowledge, will feel less alone."*
128. As to the following words in the Article, from which document (by reference to discovery number) were they from (please answer separately in relation to each):
- (a) *"This is my story, plain and simple."*
 - (b) *"This is my story, plain and simple. It's pretty, but it is mine."*
 - (c) *"And I stand by it, every single word and image in this document is true."*
 - (d) *"All I really want, in the end, is for this to have been reported to the NSW Police Force and to know that a copy of this document, and a transcript of any interview they might do with me, is in their archives..."*
 - (e) *"If this story does become public knowledge, I hope that it will encourage other women to come forward."*

- (f) *"Not for me, but for themselves... I also hope that other people who have endured similar traumas, should these facts become public knowledge, will feel less alone."*
129. At the time of the publication of the Article did you consider yourself bound by the ABC Code of Conduct and Associated Standards (15 January 2019)?
130. If the answer to the preceding interrogatory is in the affirmative, what steps did you take to comply with the following standards (please answer separately in relation to each):
- (a) opportunity to respond;
 - (b) attribution of sources;
 - (c) privacy;
 - (d) not causing undue stress to bereaved relatives?
131. In relation to the Defence dated 4 May 2021:
- (a) Were you given a copy?
 - (b) When were you given a copy?
 - (c) Did you give it to anyone?
 - (d) Who did you give it to?
 - (e) Did you communicate with anyone about the contents of the Defence?
 - (f) If so, set out the substance of what you communicated, to whom and when it was communicated.
132. Please look at Schedule 3 to these interrogatories (Justinian tweet):
- (a) did you communicate to a representative of Justinian before the publication of this tweet;
 - (b) Who did you communicate with?
 - (c) what did you communicate to that person?
 - (d) What did that person say?

Signature of legal representative

A handwritten signature in black ink, consisting of a cursive 'C' followed by several loops and a horizontal line.

Capacity

Solicitor for the Applicant

Date of signature

6 May 2021

SCHEDULE 1



Louise Milligan

Louise Milligan is an investigative reporter for the ABC TV 7.30 program, based in Melbourne. Her exclusive interview with murdered woman Jill Meagher's husband, Tom Meagher, her investigations into bullying at Victoria Police and her story on women sexually assaulted in psychiatric wards saw her highly commended three times at this year's Melbourne Press Club Quill Awards for Excellence in Journalism. Before 7.30, Louise worked for eight years at Seven News - first as NSW State Political reporter, then as a Melbourne investigative reporter, specialising in freedom of information. Louise is also a former High Court correspondent for The Australian newspaper.

Latest by Louise Milligan

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Posted Mon 8 Mar 2021 at 8:31pm / Updated Mon 8 Mar 2021 at 8:32pm



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Posted Mon 8 Mar 2021 at 5:52am / Updated Mon 8 Mar 2021 at 7:29am



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Posted Fri 26 Feb 2021 at 5:39pm / Updated Sat 27 Feb 2021 at 12:21am



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Posted Tue 23 Feb 2021 at 5:00am / Updated Tue 23 Feb 2021 at 8:03am



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Posted Tue 10 Nov 2020 at 12:27am /

Updated Tue 10 Nov 2020 at 10:28am

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Posted Mon 9 Nov 2020 at 9:23pm / Updated Tue 10 Nov 2020 at 11:15am

Allegations against former St Kevin's head of junior school referred to police

Posted Mon 2 Mar 2020 at 8:59pm

St Kevin's deputy removed during investigation into fresh allegations against other teacher

Posted Thu 20 Feb 2020 at 9:53am /

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Former counsellor at St Kevin's College alleges she was demoted after raising concerns about sexual misconduct

Posted Wed 19 Feb 2020 at 6:49pm /

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Posted Mon 4 Mar 2019 at 6:10am / Updated Tue 5 Mar 2019 at 4:17pm

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SCHEDULE 3

1:27 mobile.twitter.com

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 **Glen** @glenpen60 · Feb 17
Around the time of the Four Corners report on Porter & Tudge, there was a comment on Twitter saying things were about to blow up & that this story was only the tip of the iceberg. Does anyone recall this or who tweeted? My memory is failing me.....
46 165 659

 **Doing Gawd's work... 3 days...** · Feb 17
@Milliganreports wasn't you was it, legend?
1 3 40

 **Louise Milligan** ✓
@Milliganreports

Replying to @Roscommon_Cat @glenpen60 and @bradhooperarch

The story was only the tip of the iceberg. The iceberg is large. The broader story is grim.

8:46 AM · Feb 17, 2021 · Twitter for iPhone

165 Retweets 9 Quote Tweets 563 Likes

   

 **Doing Gawd's work... 3 days...** · Feb 17
Replying to @Milliganreports @glenpen60 and

7:06 ↗

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4G 🔋



Tweet



Justinian
@JustinianNews



A person who has read the ABC defence says that the particulars are graphic ... There also appears to be admissions by Porter to the former boyfriend of the victim in 1992 ...

6:49 pm · 6/5/21 · Twitter Web App

7 Retweets 17 Likes



Ian Mannix @sedvitae · 10m
Replying to @JustinianNews



Can you clarify...is it usual in defo cases not to allow allegations levelled like this? And is the standard of proof lower than criminal courts? Is it fair? (In 140 characters).



Tim Anger @timangerphoto · 10m
Replying to @JustinianNews



Sounds like he may regret the action.



1



Tweet your reply

