

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: **Benjamin Ian Dillaway**
Address: [REDACTED]
Occupation: External Affairs Principal
Date: 21 November 2023

I Benjamin Ian Dillaway of [REDACTED], External Affairs Principal, 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. Text messages reproduced in this affidavit reflect the actual messages sent and received, including any typographical errors.


 Filed on behalf of (name & role of party) First Respondent, Network Ten Pty Limited
 Prepared by (name of person/lawyer) Marlia Saunders
 Law firm (if applicable) Thomson Geer
 Tel 02 8248 5836 Fax _____
 Email msaunders@tglaw.com.au
Address for service Level 14, 60 Martin Place, Sydney NSW 2000
 (include state and postcode) _____

[Version 3 form approved 02/05/2019]

Background

4. Between February 2011 and March 2019, I worked in the office of the Hon Steven Ciobo MP.
5. From August 2018 to March 2019, I was the senior media advisor for Mr Ciobo when he was the Minister for Defence Industry. I was based at his electorate office on the Gold Coast, and travelled with the Minister when he travelled domestically and overseas, including when he went to Canberra during sitting weeks.
6. Brittany Higgins began working in Minister Ciobo's office as an administrative assistant in about late October 2018. She worked on the front desk of the Minister's Canberra office and also provided support to the media team, which I led. [Text message – 24/10/2018]
7. When Ms Higgins began working in Minister Ciobo's office, she moved from the Gold Coast to Canberra. Given that I thought that the Morrison Government was going to lose the 2019 Federal election, I thought that it was very bold that she would relocate for a job that was likely going to disappear in a few months. It demonstrated to me how keen she was to work in federal politics. Subject to section 136 limitation
8. I recall that Ms Higgins was very enthusiastic and one of the hardest workers in Minister Ciobo's office. I recall that she seemed focussed on her career. She had a very good attitude, was eager and always willing to help with whatever was needed. She was very green given her age and experience and had a lot to learn, but she had a really good attitude towards the job and any work she was assigned.
9. I knew of Bruce Lehrmann from working at Parliament House but did not know him or even what he looked like. I do not believe I ever spoke to him. My knowledge of him was limited to 'Bruce' who two of my colleagues regular had coffee with.

Relationship with Brittany Higgins

10. From the end of 2018, Ms Higgins and I were seeing each other. We were not officially dating, but we were close. She had recently broken up with her boyfriend and I had recently split from my fiancée.
11. I was living on the Gold Coast and Ms Higgins was in Canberra, so we communicated by text message and the messaging app Telegram.
12. In around the last week of February 2019, I found out that Minister Ciobo was resigning and would not be contesting the next election. [Text messages 28/02/2019]
13. Following Minister Ciobo's resignation, my employment ceased (as it did for all of his Ministerial staff) however it was deferred for a period of eight weeks.

14. While I was in this period of deferment, I assisted in Minister Alan Tudge's office, then began work in the Coalition's Campaign Headquarters (CHQ) as part of the media team. Before my deferment period ended, I was employed as a Senior Adviser for Finance Minister Senator the Hon Matthias Cormann so I could continue working in CHQ.
15. After Minister Ciobo's resignation, Senator Linda Reynolds was sworn in as the Minister for Defence Industry.
16. On 2 March 2019, Ms Higgins sent me some text messages in which she told me she had gone for drinks with Senator Reynolds' team.
17. At 7.53pm, she said: "*Also I just met with the Reynolds team for drinks and they quasi offered me a bit of a promotion.*"
18. At 8.32pm, she said: "*Haha why thank-you! Official assistant media adviser*".
19. At 8.53pm, she said: "*Yeah, I've already said yes!*"
20. At 11.02pm, she said: "*I spoke with Nicky and they were super happy to have someone Canberra based to help out. She's stepping up to senior adviser and needed additional support in media. Basically they are wanting me to handle the east coast stuff/cabinet and she'll do major events, campaigns and WA.*"

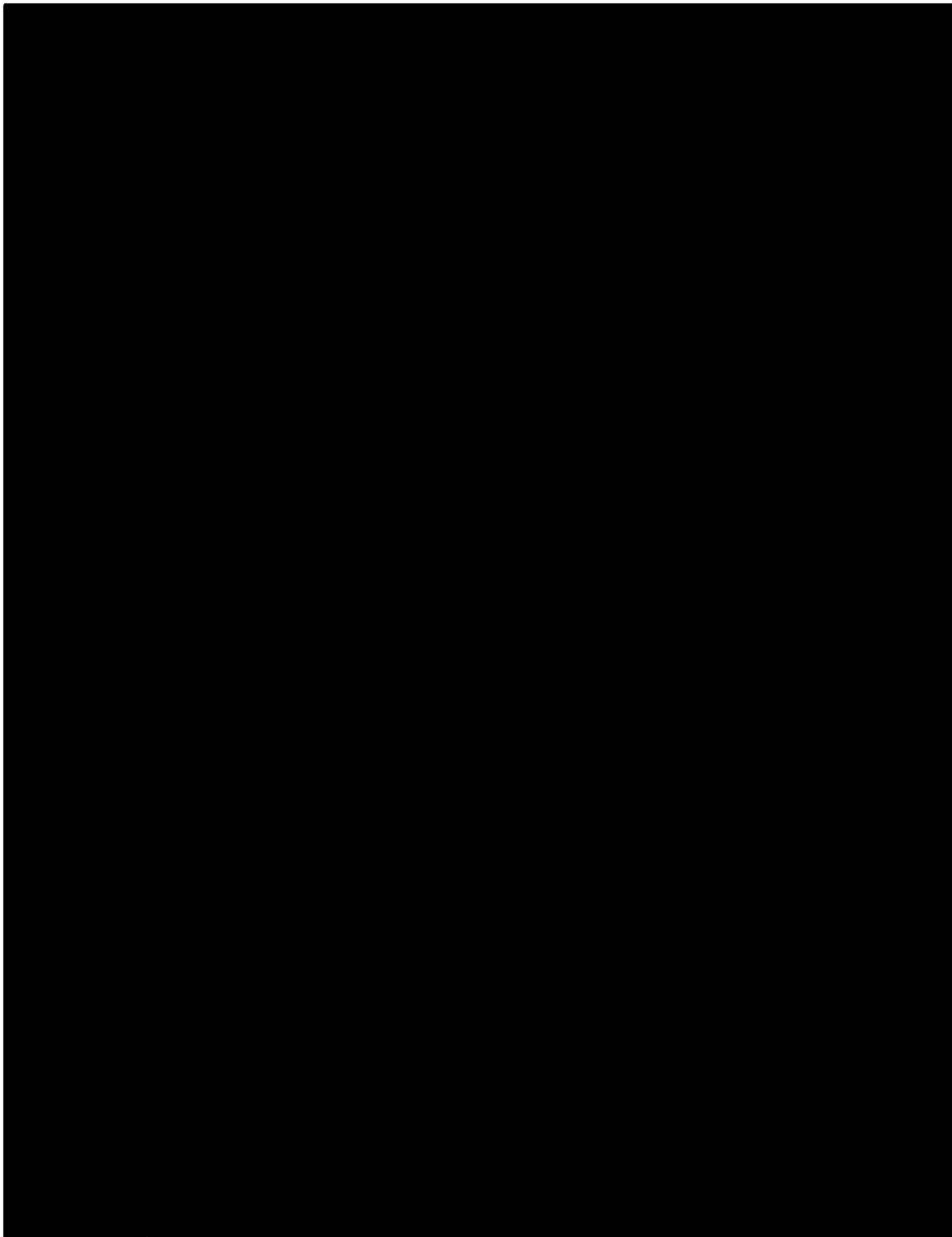
[Text messages 2/03/2019]

21. On 5 March 2019, Ms Higgins sent me a text message saying that she had got the job in Senator Reynolds' office, which would initially be an administration and reception role, then moving into media. **[Text messages 5/03/2019]**
22. Over the next few days, Ms Higgins sent me a number of text messages saying that the office environment was tense and weird, and that the staffers were being territorial about their jobs. **[Text messages 6/03/2019 and 7/03/2019]**
23. At 8.16pm on 15 March 2019, Ms Higgins sent me a text message which said: "*At the kingo with people from parliament*". I understood "the kingo" to be a reference to the Kingston Hotel in Canberra. I was on the Gold Coast at that time. **[Text message 15/03/2019]**
24. On 16 March 2019, Ms Higgins sent me the following text messages:

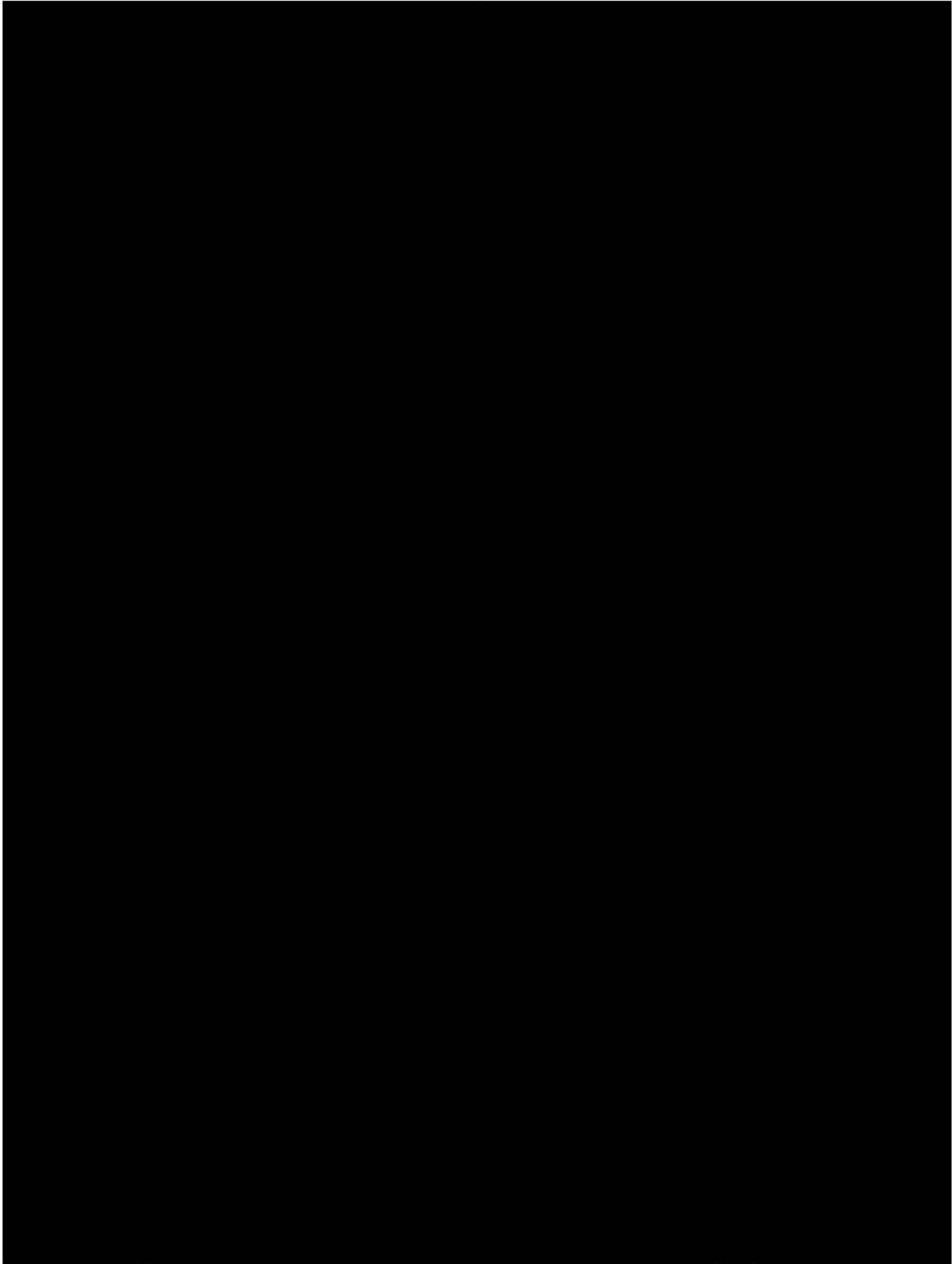
"The Kingo was fun. Mostly just listening to the Reynolds office hate in the new team"

"Last night was pretty big so thinking of just studying today."

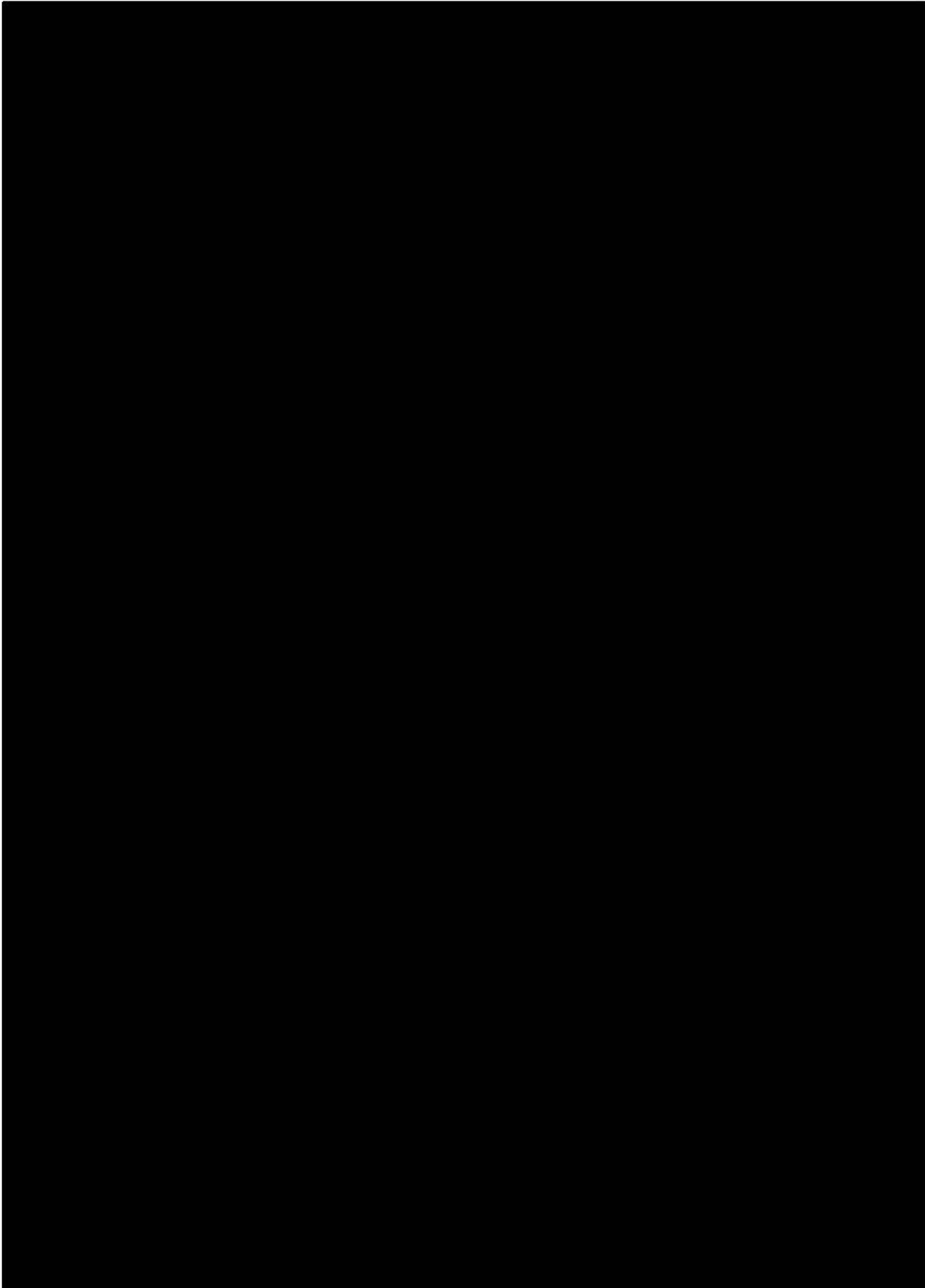
"Yes, it got a bit out of hand hahah." **[Text messages 16/03/2019]**



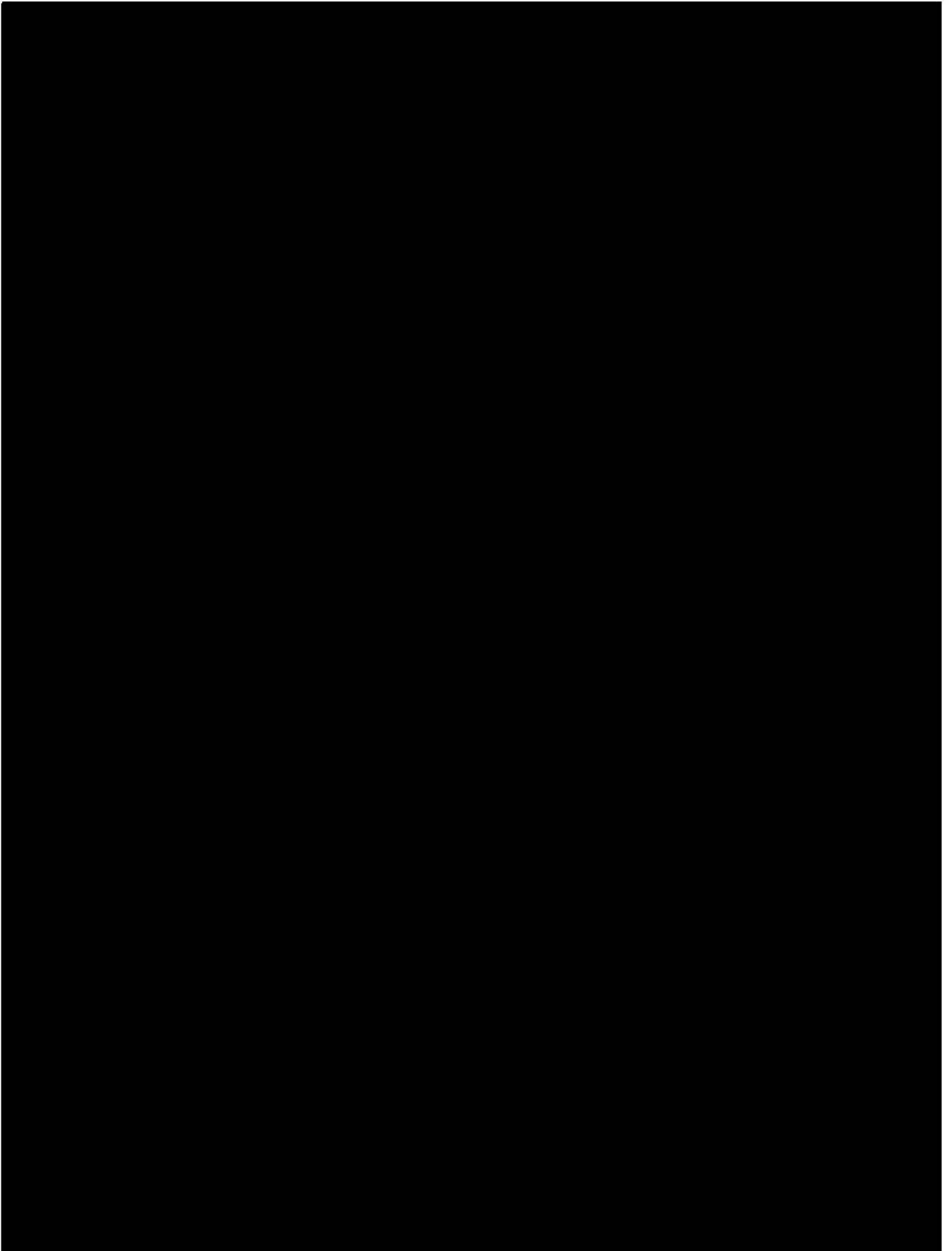
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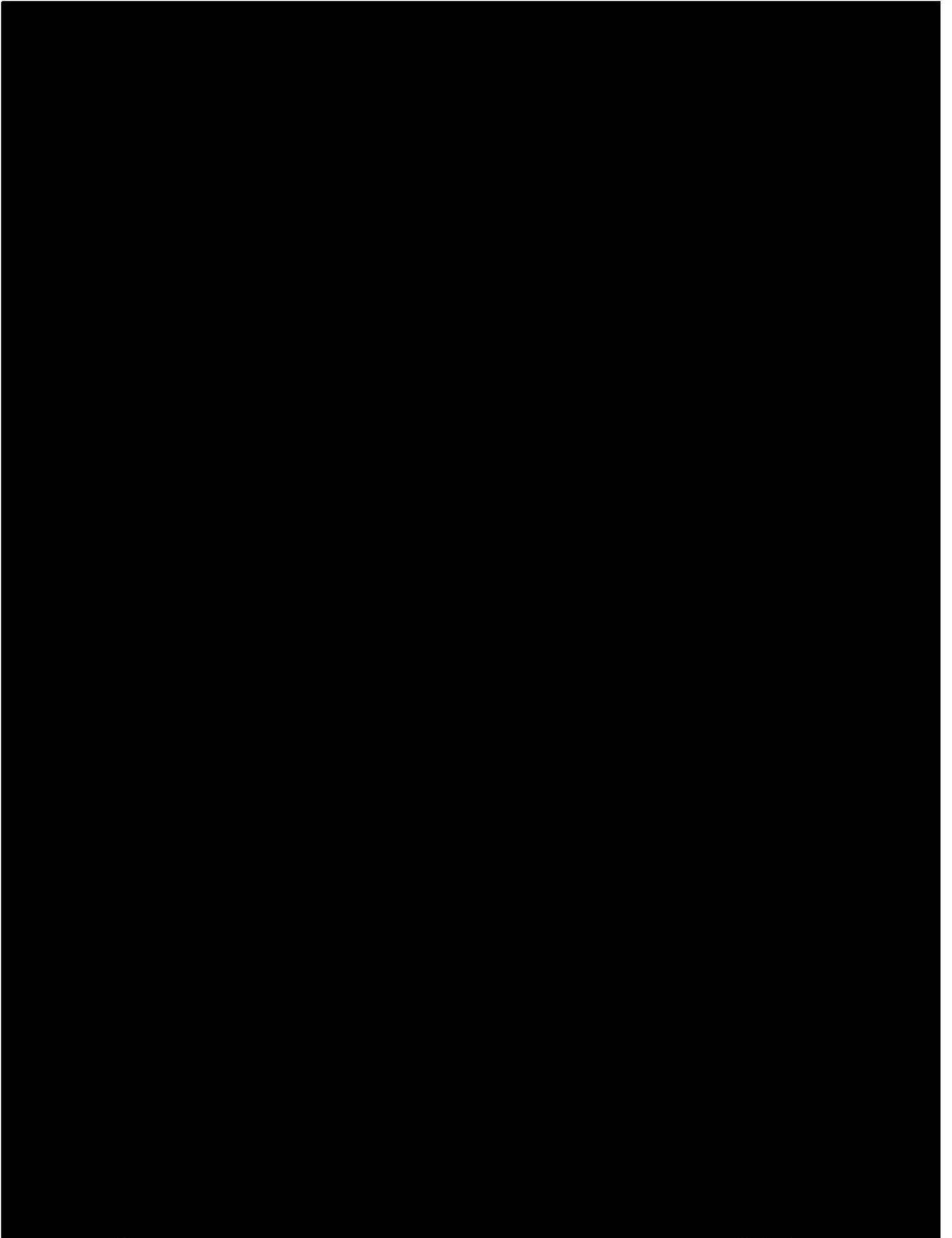
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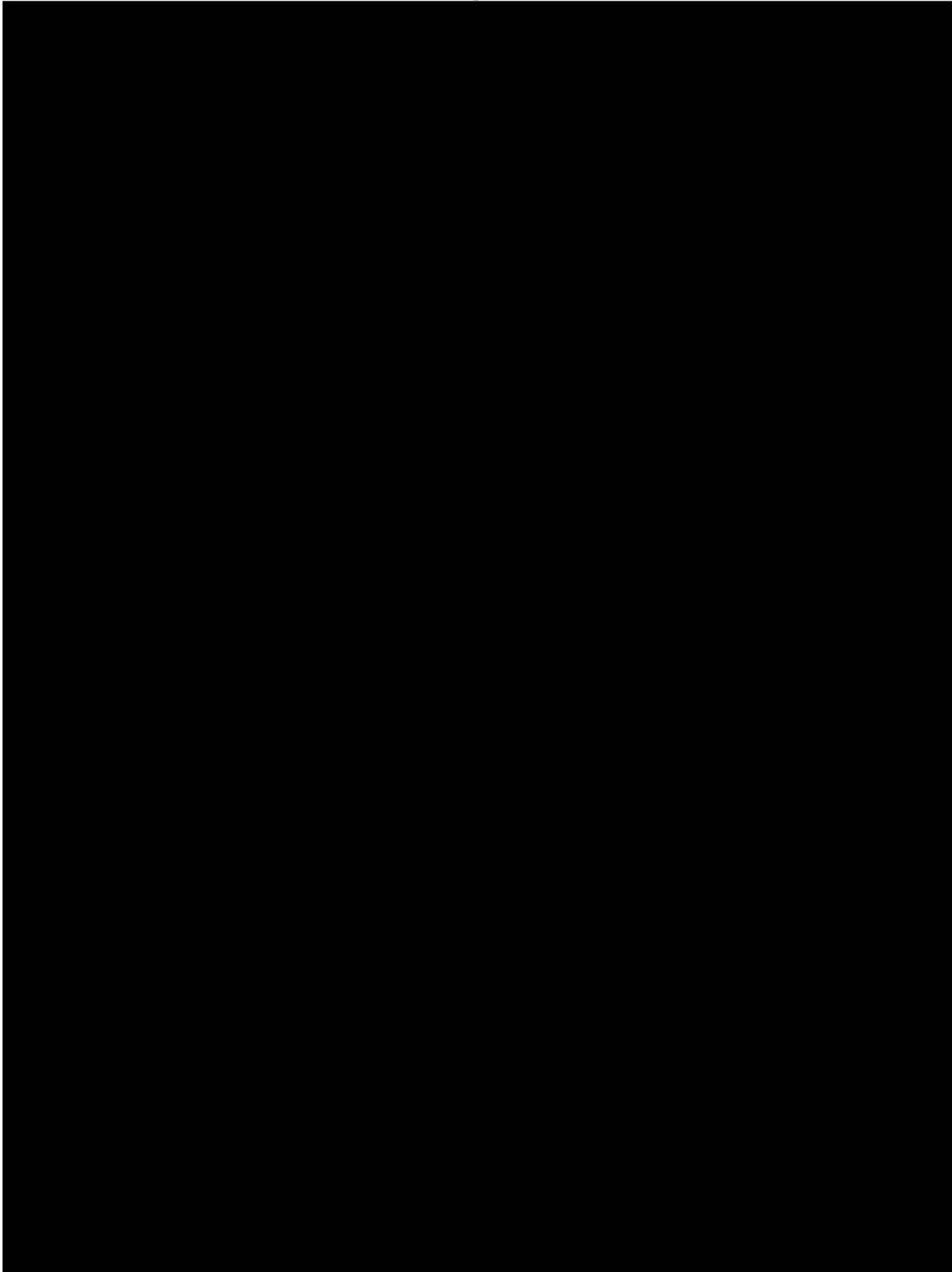
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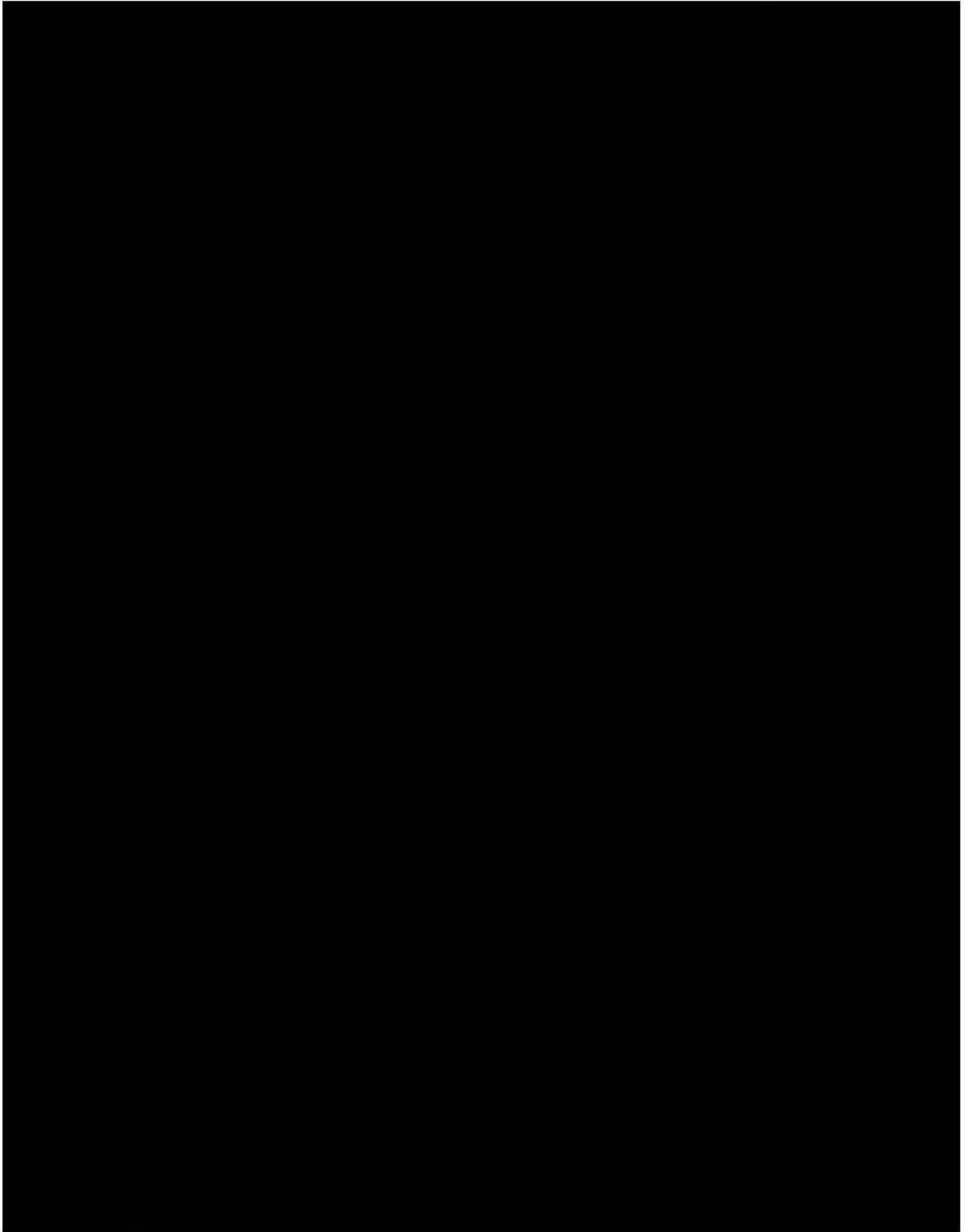


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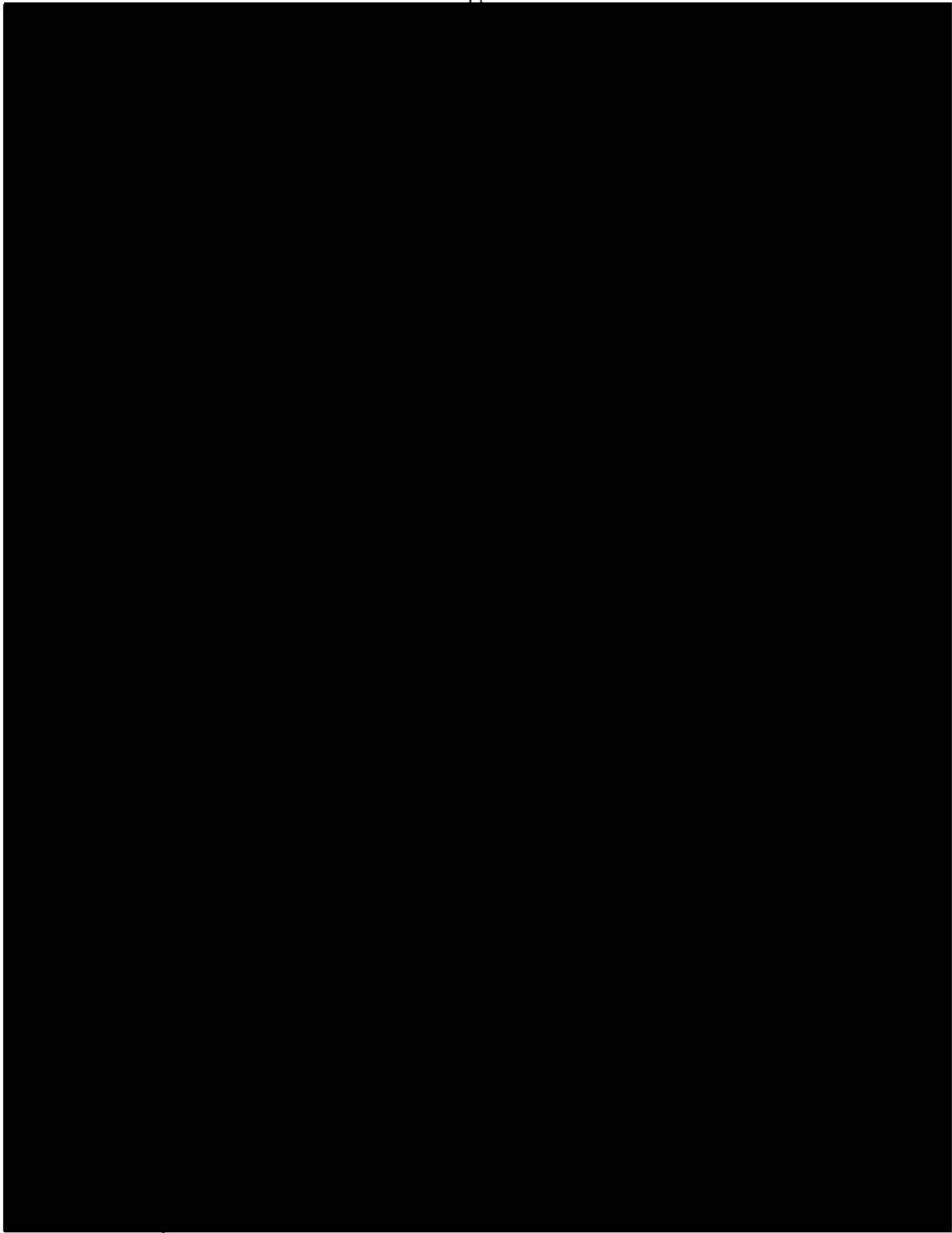


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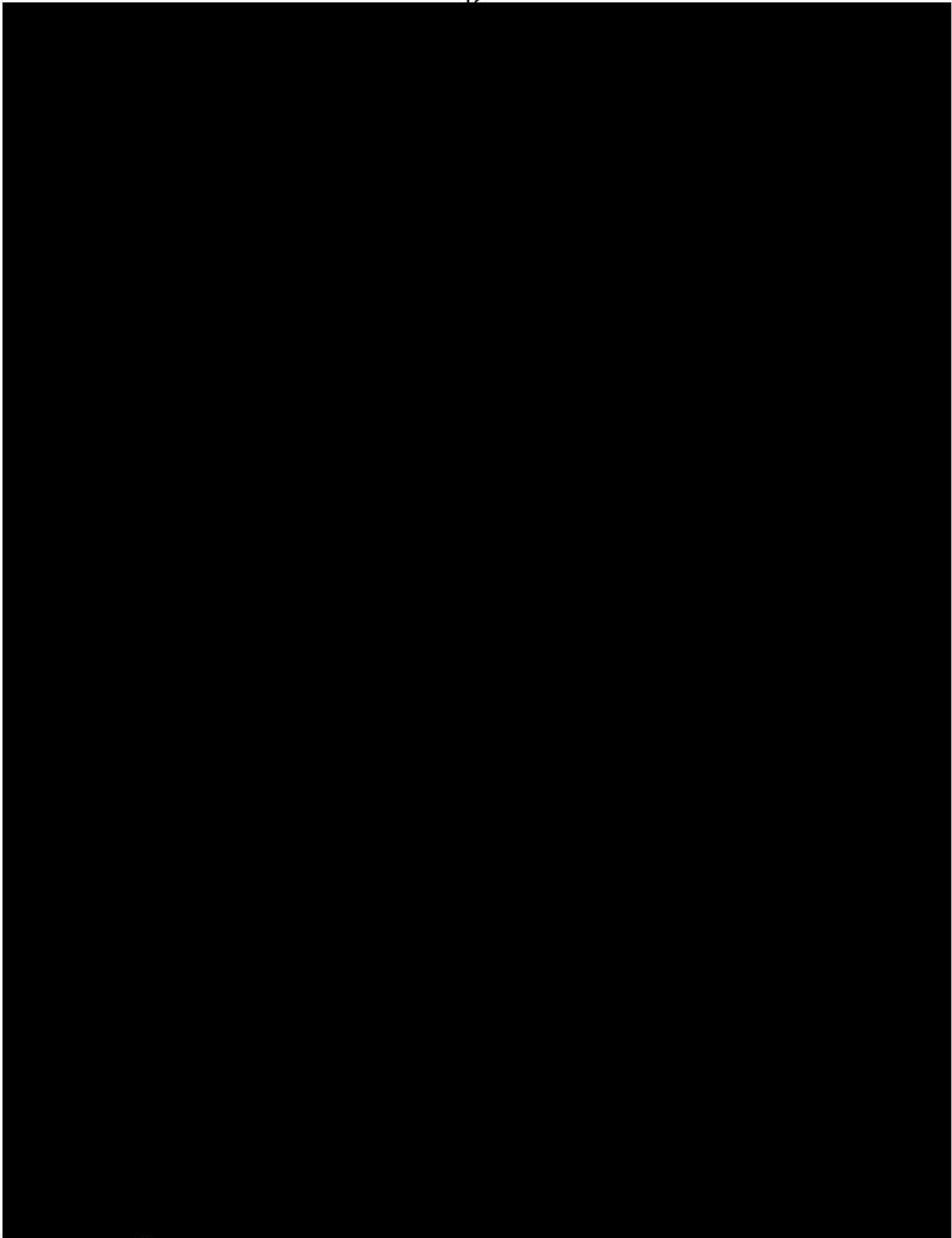


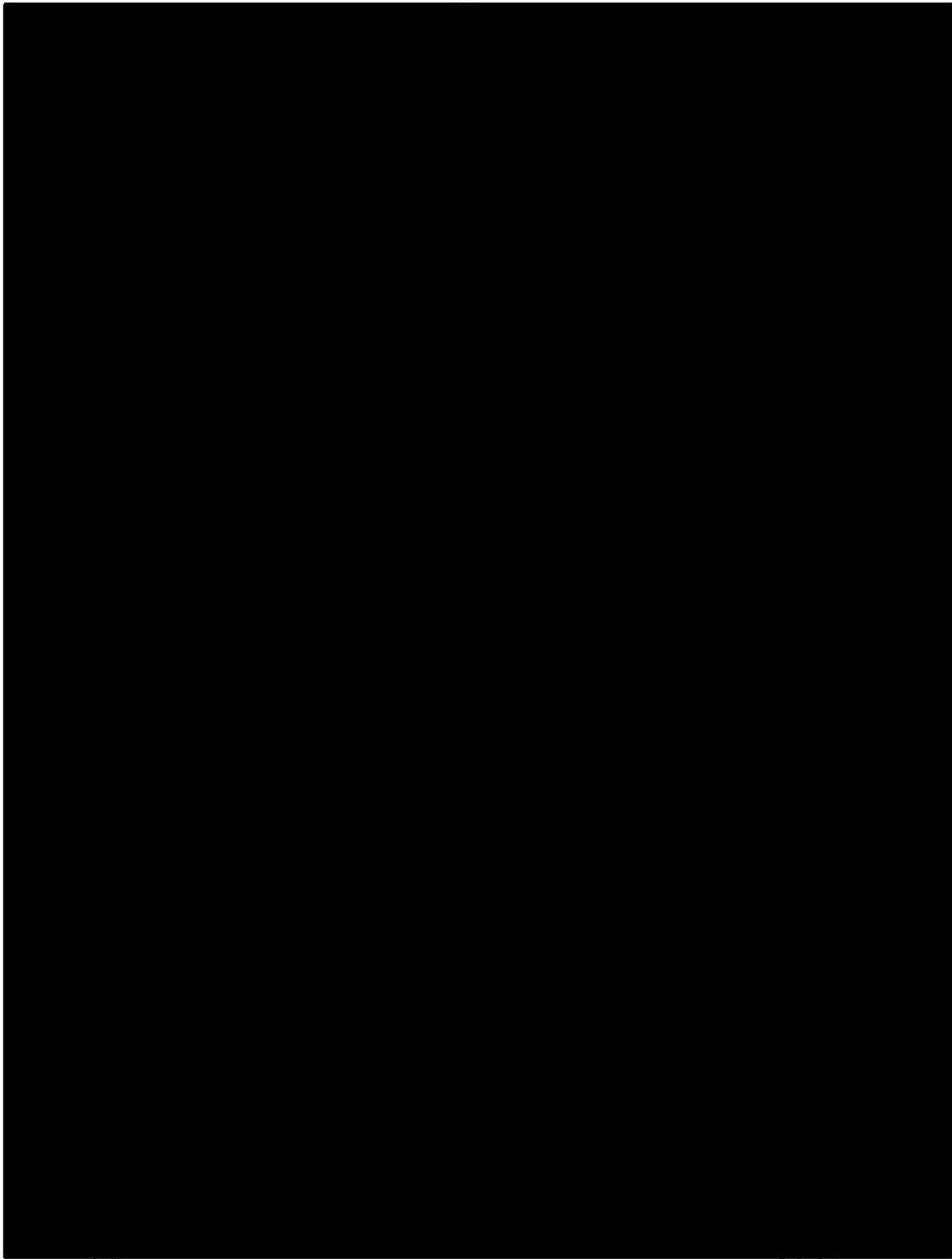


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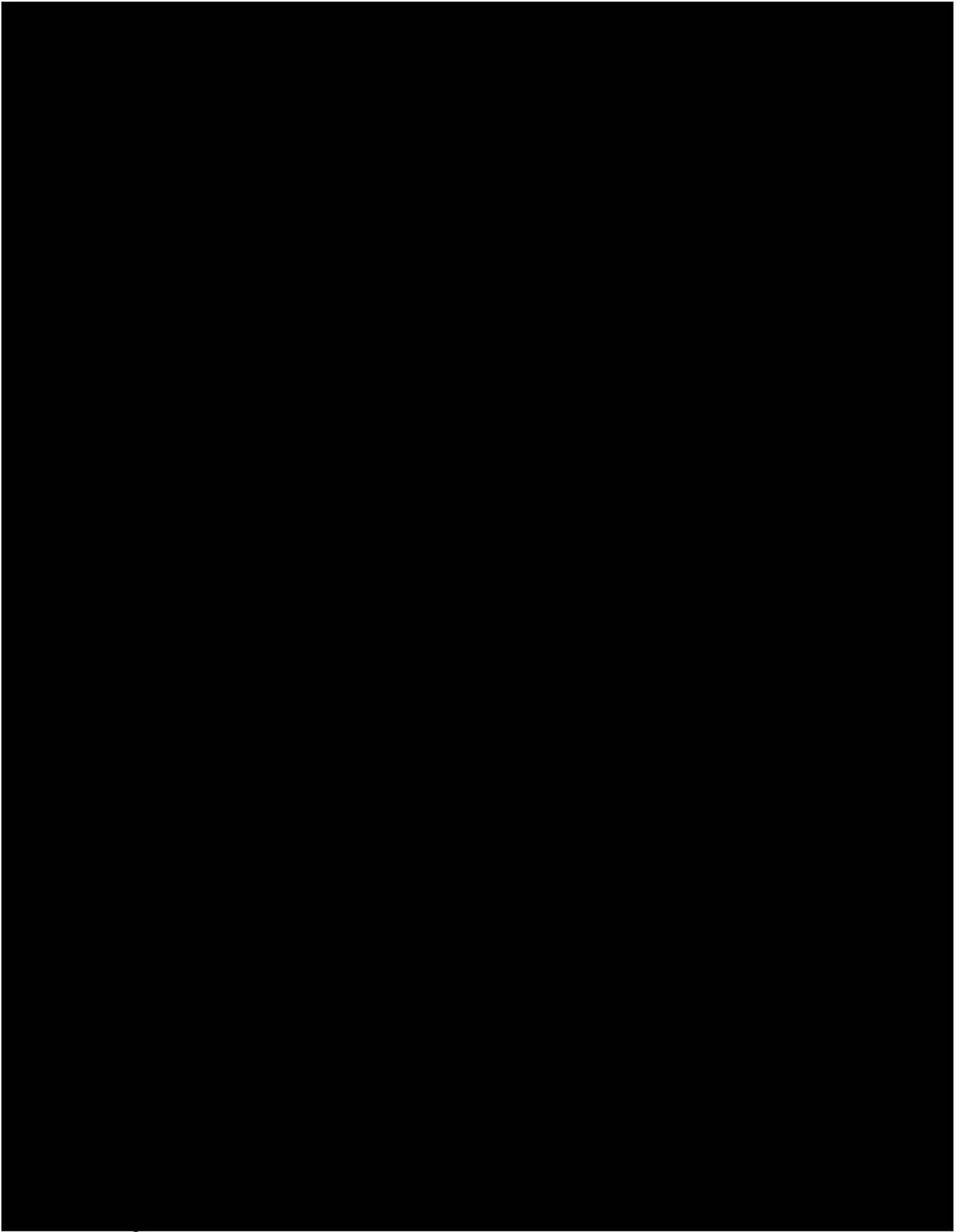


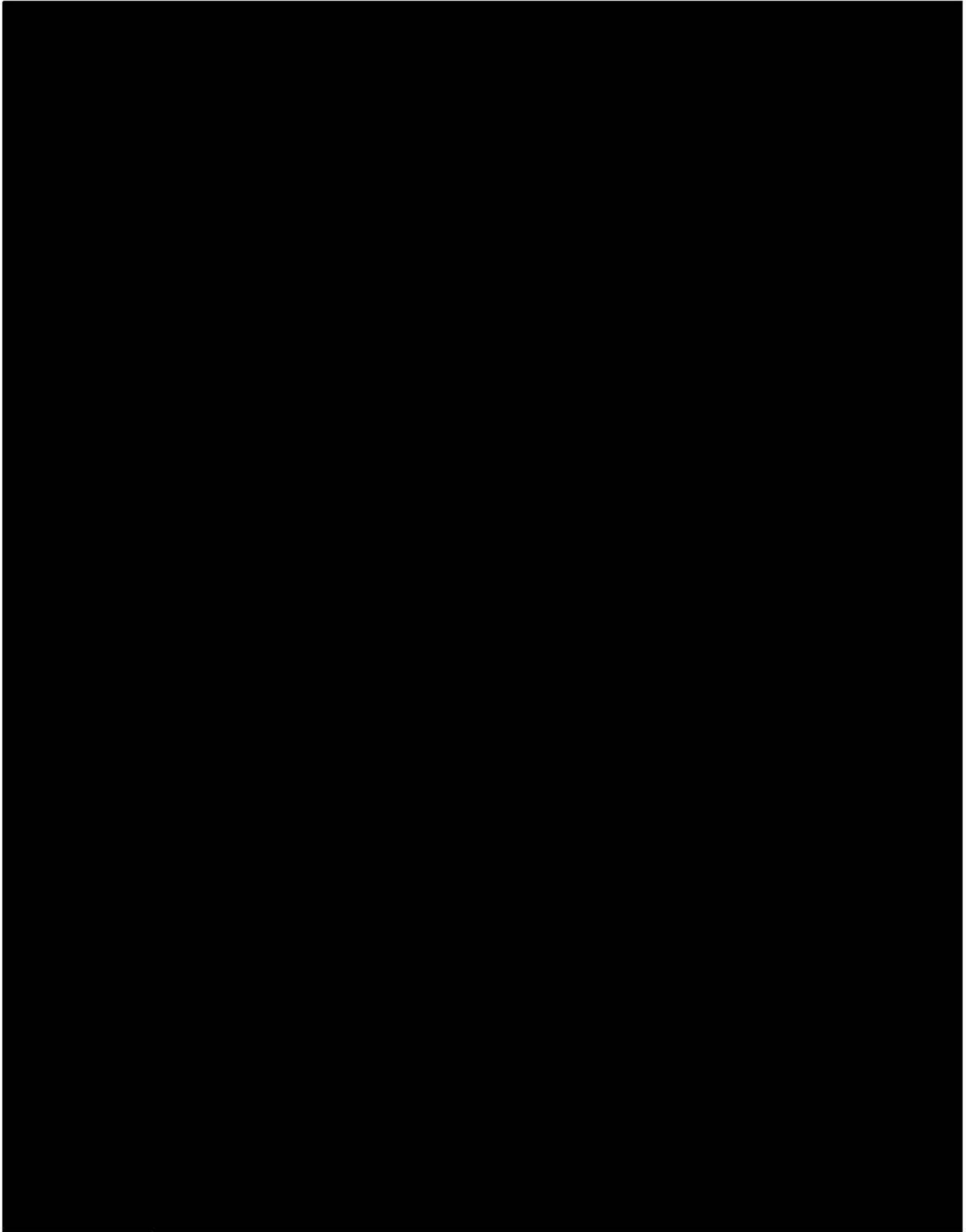
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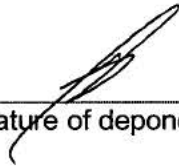


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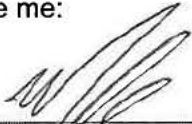


Sworn by the deponent
at Brisbane
in Queensland
on 21 November 2023
Before me:

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Signature of deponent



Signature of witness

Michelle Fanning
Solicitor
Level 28, Waterfront Place, 1 Eagle St, Brisbane QLD 4000
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law