

ExA

**From:** Nicola Sanchez  
**Sent:** Thursday, 8 June 2023 10:39 PM  
**To:** 'patrick.hannaford@skynews.com.au'  
**Cc:** ajj@gdlaw.com.au; dec@gdlaw.com.au; 'mark.calvert@skynews.com.au'; 'legaldept@skynews.com.au'  
**Subject:** Lisa Wilkinson - Materials used in breach of implied undertaking [GDL-1.220244.WILKIL]  
**Attachments:** Letter to Sky - 8 June 2023 (S2406944xD43CF).pdf

Dear Mr Hannaford

We act for Lisa Wilkinson.

Please see **attached** letter.

Regards,

Nicola Sanchez on behalf of  
Anthony Jefferies  
Partner



**Gillis Delaney Lawyers**  
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Our Ref: DEC/AJJ/220244

8 June 2023

Sky News Australia

Attention: Patrick Hannaford

Dear Mr Hannaford

**LISA WILKINSON: MATERIALS USED IN BREACH OF IMPLIED UNDERTAKING**

We act on behalf of Lisa Wilkinson.

We refer to the following Sky News publications this evening:

- (a) Audio reveals former Project host Lisa Wilkinson joking about the preselection of Indigenous Senator Jacinta Nampijinpa Price;
- (b) Lisa Wilkinson caught joking about Indigenous senator's name;
- (c) Sharri Markson's programme on Sky.

Each of those publications refers to "secret" recordings or audio from a five-hour meeting between our client, producer Angus Llewelyn, Brittany Higgins and David Sharaz.

Our client was not contacted for comment prior to any of the publications, even though Senator Michaela Cash was contacted and recorded as making a number of comments "responding to the audio".

We have been advised by the legal representatives of Network Ten that they have received confirmation from Acting DPP of the Australian Capital Territory that the audio recording of the meeting between Angus Llewellyn, Lisa Wilkinson, Brittany Higgins and David Sharaz on 27 January 2021 used in the publications appears to be material that was produced pursuant to a compulsory court process in the criminal proceedings in the ACT Supreme Court.

Such material was not admitted into evidence or otherwise deployed in those proceedings, and has not been made available as part of the ACT Board of Inquiry. The audio recording was otherwise held by Network 10's lawyers.

As you know, any documents produced pursuant to compulsory court processes, such as subpoenas or warrants, cannot be used for a collateral or ulterior purpose unrelated to the proceedings in which the documents were obtained, other than with leave of the court: *Harman v Secretary of State for the Home Department* [1983] 1 AC 280 at 308. The implied undertaking also binds others to whom documents and information are given: *Hearne v Street* (2008) 235 CLR 125 at 160.

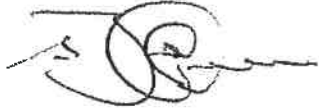
Please confirm by **9:00am tomorrow** that the material referred to above is not in your possession as the result of a breach of the implied undertaking.

Level 40  
ANZ Tower  
161 Castlereagh Street  
SYDNEY NSW 2000  
AUSTRALIA

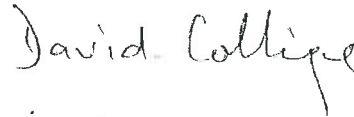
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Also, please also retain all documents and communications relating to the above-listed publications including by capturing any messages set to disappear on instant messaging systems.

Yours faithfully  
**GILLIS DELANEY LAWYERS**



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