



Form 59  
Rule 29.02(1)

## Affidavit

No. NSD. 103/2023

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

**Bruce Lehrmann**

Applicant

**Network Ten Pty Limited (ACN 052 515 250) and Anor**  
Respondents

Affidavit of: **Bruce Lehrmann**

Address: [REDACTED]

Occupation: Law Student

Date: 28 August 2023

I Bruce Lehrmann, law student, of [REDACTED], affirm:

### Background and career

1. I was born on 14 June 1995 in Texas, USA.
2. My father passed away when I was 17 months old.
3. My mother, who was born in Australia, moved back to Moree in Northern NSW. There, as a widow she raised both myself and my younger sister.
4. We grew up in Moree and stayed there until I was in year 6 of Primary School. We then moved to southeast QLD, where I attended years 6 and 7 of preparatory school and then high school.

Filed on behalf of (name & role of party) Bruce Lehrmann, Applicant

Prepared by (name of person/lawyer) Paul Svilans

Law firm (if applicable) Mark O'Brien Legal

Tel +61 2 9216 9830

Fax \_\_\_\_\_

Email [paul.svilans@markobrienlegal.com.au](mailto:paul.svilans@markobrienlegal.com.au)

**Address for service** Level 19, 68 Pitt Street, Sydney NSW 2000  
(include state and postcode)

[Version 2 form approved 09/05/2013]

A handwritten signature in dark ink, appearing to be 'Paul Svilans'.

A handwritten signature in dark ink, appearing to be 'Bruce Lehrmann'.

5. In 2014, of the age of 18, I moved to Canberra to study a Bachelor of Arts and Bachelor of Policy Studies at the Australian National University. I also concurrently commenced employment as an Electorate Officer with the then Senator Barry O'Sullivan. Thereafter:
- (a) In March 2016 I moved to and commenced employment as Office Manager with the then Attorney-General, Senator Brandis, which position I held until August 2017;
  - (b) In August 2017 I moved to and commenced employment as a health policy advisor with the then Assistant Minister for Health, Dr David Gillespie MP, a position which I held until December 2017;
  - (c) In December 2017 I moved to and commenced employment as health policy advisor with the then Minister for Rural Health and Sport, Senator Bridgette McKenzie, a position which I held until October 2018;
  - (d) In October 2018, I moved to and commenced employment as a policy advisor with the then Assistant Minister for Home Affairs, Senator Linda Reynolds.
6. On 2 March 2019, Senator Reynolds was appointed Minister for Defence and Industry. At about that time, I met with Senator Reynolds' Chief of Staff, Fiona Brown, and we had a conversation in words to the following effect:
- Myself: *I will not be staying on as an advisor with the Minister in her new role. My girlfriend has accepted employment in the NSW Parliament, and I am actively seeking a position outside of politics to move with her.*
- Ms Brown: *When would you like to leave?*
- Myself: *Perhaps we could do a handover with the new staff, and then I leave prior to the upcoming sitting week.*
- Ms Brown: *That sounds fine.*
7. On Tuesday 26 March 2019, I was asked to leave Parliament House, and I packed up my belongings and left my security pass with security whilst doing so. I subsequently received a Notice of Termination dated 5 April 2019.
8. I recall that shortly after my termination, I had a conversation with Lyndon Biernoff, a good friend, during which I said to him words to the following effect:
- "Linda Reynolds has fired me, but I am not too worried about it as I had already decided to leave"*
9. In May 2019, I commenced employment as a Senior Manager of Corporate and Government Affairs with Ogilvy Public Relations in Sydney. I held that position until I was made redundant in April 2020 due to the Covid-19 pandemic.



10. On 13 July 2020, I commenced employment as Head of Regulatory Affairs with British American Tobacco (**BAT**) in Sydney.
11. On the morning of 15 February 2021, I read the article entitled "*Young staffer Brittany Higgins says she was raped at Parliament House*" by Samantha Maiden, published on the website news.com.au.
12. At approximately 2pm on 15 February 2021, I had a meeting with Mr Joshua Fett, being my supervisor at BAT, together with the Head of Human Resources (whose name I no longer recall) and we had a conversation in words to the following effect:

Mr Fett: *We have received an email from Rosie Lewis of The Australian identifying you as the man the subject of media reports today about Ms Higgins. I will forward the email to you, but I will show it to you now [Mr Fett then showed me the email from Ms Lewis]. Ms Lewis has confirmed through government sources that you were the person subject of the reports concerning Ms Higgins. In the circumstances, we will be suspending you pending an internal review. Are there any questions, or do you need any support?*

Myself: *What should I do now?*

Mr Fett: *It is probably best you find a criminal lawyer.*

13. After the meeting referred to in the preceding paragraph, I went to my work desk, packed up my briefcase and went home.
14. That afternoon, I spoke with Warrick (Rick) Korn, solicitor at Korn Tlais Defence Lawyers, and arranged to attend his office. I thereafter attended Mr Korn's office, and we reviewed the article by Ms Maiden referred to in paragraph 11 above, we also watched The Project segment subject of these proceedings (**The Project segment**) via the Ten Play platform. Whilst watching the segment, I was [REDACTED] shaken and upset, and at times angry at false assertions being made that were clearly about me. I felt overwhelmed that the allegations were being publicly aired. It was clear to me that the allegations in The Project segment were about me, and I was concerned that many people would be able to identify me from various matters referred to in the segment, including the following references:

- (a) The location of the alleged sexual assault, being Parliament House;
- (b) The references to Senator Reynolds and Ms Brown;
- (c) The references to the alleged perpetrator as having worked as an advisor to Senator Reynolds;
- (d) The references to the alleged perpetrator as having worked as an advisor to Senator Reynolds when she held her previous portfolio;



- (e) The reference to myself having attended Friday night drinks, organised by Ms Higgins prior to the alleged sexual assault;
  - (f) The reference to the alleged perpetrator having started packing up his belongings on the Tuesday morning after the alleged assault, following a meeting with Ms Brown;
  - (g) The reference to the alleged perpetrator subsequently working in a good job in Sydney.
15. The publication of the allegations in The Project segment were a complete shock to me. Prior to that day, nobody had ever suggested to me that I had sexually assaulted Ms Higgins. Nobody from The Project had contacted me prior to the publication of The Project segment seeking my response to the allegations about me that they proposed to publish. I have since become aware that:
- (a) The Project attempted to contact me by sending an email with questions to me on Friday afternoon 12 February 2021. It was sent to my personal Hotmail email account. I did not see that email at the time it was sent, or at any time prior to the publication of The Project segment and I only subsequently became aware of the contents of the email (see below). At the time that the email was sent, I usually only looked at my Hotmail email address about once every few days, as my primary modes of electronic communication with friends and associates was via Facebook Messenger, SMS, WhatsApp and work email;
  - (b) In paragraph 22(a) of the First Respondent's Defence, it is alleged that Mr Llewellyn attempted to call me on Friday 12 February 2021 at around 2:45pm on the mobile phone number 0455 076 480, being the number provided to him by David Sharaz. That number was an old ministerial work number of mine, which I had last used in March 2019, when I handed my then work devices to a Departmental Liaison Officer as they were Commonwealth/Departmental property. As such, I never received the call from Mr Llewellyn as referred to;
  - (c) In paragraph 22(c) of the First Respondent's Defence, it is alleged that Mr Llewellyn sent an SMS to me on Friday 12 February 2021 at 3:01pm on the mobile phone number 0455 076 480. However, for the reasons as stated in the preceding paragraph, I never received that SMS;
  - (d) In paragraph 22(d) of the First Respondent's Defence, it is alleged that Mr Llewellyn called me on Monday 15 February 2021 at 10:45am on the mobile phone number 0455 076 480. However, for the reasons as stated in the preceding paragraph, I never received that SMS;
  - (e) In paragraph 22(e) of the First Respondent's Defence, it is alleged that Mr Llewellyn emailed me on Monday 15 February 2021 at 10:45am to the email address



[bruce.lehrmann@p-p.com.au](mailto:bruce.lehrmann@p-p.com.au). That email address was my former work email address, when I worked for Ogilvy Public Relations during 2019-20, and I therefore did not receive that email.

16. It staggers me, in light of the grave allegations made about me in The Project segment, that no proper or reasonable attempt was made to contact me so as to put to me the allegations proposed to be published about me, and the allegations made against me were completely one sided, and expressed as assertions of fact. Had The Project made a reasonable attempt to contact me to put Ms Higgins' allegations to me for my response, I would have told them that the allegations were completely false, and grossly defamatory of me.

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17. On the night of 15 February 2021, I had thoughts of suicide. The allegations made by The Project were extremely serious and, as I would be easily identifiable as being the person subject of the allegations, I felt that my reputation would be destroyed. After the meeting with Mr Korn, I ended up at my then residence in Huntley's Cove with a couple of friends, who were concerned for my welfare. That night, I hardly slept. My mind was not in a good way with continuing thoughts of suicide. The following morning, I continued to have suicidal thoughts. I felt depressed and completely isolated from my friends and former colleagues. I felt as though overnight I had lost my political and corporate networks and my career. I was scared, upset and crying. I felt helpless and at a loss as to what to do as the Police had never contacted me with any allegations.

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18. That day, I was thinking about contacting the closest person to me, being my mother, however decided against it as I did not know what to say to her. I felt lonely, isolated, helpless and depressed.

19. On 16 February 2021, I was admitted to Royal North Shore (RNS) for psychiatric care. To the best of my recollection, on the way to RNS, I received a missed call from my mother, and whilst in the Emergency Room of RNS I telephoned my mother, and we had a conversation in words to the following effect:

My mother: *I have seen media reports, you worked for Linda, did you work with this Brittany Higgins?*

Myself: *Yes, I did work for Senator Reynolds and worked with Ms Higgins for a couple of weeks.*

I was extremely upset at having to speak with my mother [REDACTED]

[REDACTED] I was worried that the airing of the allegations could seriously impact upon her health.

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Without telling me, my mother thereafter came to Sydney on 17 February 2021 to see me whilst I was at RNS, [REDACTED]

20. I was discharged from RNS on 17 February 2021, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
21. I then went to my home in Huntley's Cove with my mother and on 18 February 2021 I was admitted to the Northside Clinic for a two-week psychiatric rehabilitation program. At some stage during the period after publication of the Project segment, I took active steps to put my affairs in order.
22. During my stay at the clinic, I checked my Hotmail email account inboxes and found the email from Mr Llewellyn referred to in paragraph 15(a) above in the spam folder of the account. It angered and hurt me that the First Respondent had never bothered to confirm with me that I had received the email that they had sent.
23. I felt under siege from the intense media scrutiny and the extensive and relentless media coverage which took place after publication of The Project segment. Although I was not named in The Project segment, in addition to being identified by friends and colleagues (see below), I saw that I had also been publicly identified online as the person Ms Higgins was referring to as having sexually assaulted her – for example, to the best of my recollection I became aware I was identified by way of the following:
- (a) True Crime Weekly article headed "*UNMASKED FOR THE FIRST TIME AFTER TWO YEARS! Meet the Liberal Party toff at the centre of alleged Parliament House 'security breach' which left young woman traumatised*" published at the website [truecrimeweekly.com](http://truecrimeweekly.com) on 17 February 2021. That article referenced The Project segment and named me as being the person who resigned over the "so-called 'security breach'" which left Ms Higgins traumatised.
  - (b) Kangaroo Court of Australia article headed "*Scott Morrison refused to deny the alleged parliament house rapist is Bruce Lehmann who previously worked for Senator Linda Reynolds*" published at the website [kangaroocourtfaustralia.com](http://kangaroocourtfaustralia.com) on 19 February 2021.
  - (c) Kangaroo Court of Australia article headed "*Media release confirms Bruce Lehrmann, the alleged parliament house rapist, worked for Senator Linda Reynolds*" published at the website [kangaroocourtfaustralia.com](http://kangaroocourtfaustralia.com) on 23 February 2021.



- (d) Kangaroo Court of Australia article headed "*Were young women sexually assaulted when Bruce Lehrmann, the alleged parliament house rapist, was an official at the ANU UN conference*" published at the website kangarocourtsofaustralia.com on 27 February 2021;

I also recall that in the days after the Project segment was first published, and thereafter, I was publicly named in numerous Tweets as being the person who was accused by Ms Higgins of sexually assaulting her. However as at the time of swearing of this affidavit, I cannot recall the senders of those Tweets.

24. In the days following publication of the Project segment, I received messages from friends asking in words to the effect how I was, or seeking to talk to me, including:

- (a) On 17 February 2021 at 5:51pm I received a Facebook message from Lewis Cullen, who is my best friend from high school, which stated:

*"Bro are you free for a call?"*

*"As your mate, I need to call you brother"*

- (b) On 17 February 2021 at 8:39pm I received a Facebook message from Tim Shaw, a Canberra press gallery journalist which stated:

*"Hi Bruce. R U OK?"*

- (c) On 20 February 2021 at 4:39pm I received a Facebook message from Katie Pow, a friend from University, which stated:

*"...I hope you're well! Just reaching out because saw some not nice things floating around on Twitter.... Just thought I'd let you know I don't believe anything floating around there!"*

- (d) On 21 February 2021 at 4:39pm I received a further Facebook message from Mr Shaw which stated as follows:

*"How are you doing?"*

- (e) On 27 February at 11:21pm I received a Facebook message from Sebastian Blackler, a friend which stated:

*"Hey man, how's things?!"*

25.

[REDACTED]

[REDACTED]

[REDACTED]

*[Signature]*

[REDACTED]  
[REDACTED]  
[REDACTED]

26. On 22 February 2021, the majority of the members of a Facebook chat group of National Party Members and staffers, of which I was also a member, left that group. The members who left included Rowan Carter, Samuel Smeele, George Lemon, Andrew McIndoe, Chris Hind, Brad Clarke, and Ben Damiano.

27. [REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
  
[REDACTED]  
[REDACTED]  
[REDACTED]

28. During my stay at the Northside Clinic, I was emotional, highly stressed and felt as if in a state of shock. Much of my time there felt like an emotional blur.

29. I was discharged from Northside Clinic on 2 March 2021. At the time of my discharge, my treating psychiatrist said to me words to the following effect:

*"I will agree to discharge you so long as you have a psychologist care to go into when you get back to Queensland".*

30. I then went with my mother back to my residence in Huntley's Cove and then together with my mother, after staying overnight with friends outside of Sydney, we then travelled north to my mother's home in Southeast Queensland.

31. We arrived at my mother's home in early March 2021, where, subject to infrequent travel to Sydney, I stayed until about November 2021. Whilst in Sydney, in early to mid-April 2021, I received a call from my mother who said to me words to the following effect:

*"The AFP have been to the house wanting to speak with you. They said they don't want to arrest you under any circumstances. They just want to have a chat about the allegations by Ms Higgins"*

32. On 19 April 2021, I voluntarily attended an interview with the AFP.

33. [REDACTED]  
[REDACTED]

*[Signature]*



34. On 18 June 2021, at the conclusion of my medical leave, BAT terminated my employment by a video conference call with myself, Mr Fett, and Ms Irina Aristova. During the videocall, Mr Fett said to me words to the following effect:

*"Given the nature of the allegations made against you, we do not consider you would be able to continue to fulfil your role in Regulatory Affairs and as a lobbyist to government. We therefore will be terminating your employment with us"*

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I took the referenced to "allegations" being made about me to include the allegations as published by the Respondents in the Project segment (and other media that had published the same allegations). It concerned and angered me greatly that BAT terminated my employment. The job was both challenging, interesting and enjoyable, and I was well remunerated.

35. [REDACTED]  
[REDACTED]  
[REDACTED] It causes me immense continuing hurt and distress that, by reason of such impact, I may thereby never work again in any of my chosen fields.
36. On 17 August 2021, the AFP laid a charge against me in the ACT Magistrates Court of one count of engaging in sexual intercourse with Ms Higgins without her consent, and being reckless as to whether she had consented (the **Criminal proceedings**).
37. Also on 17 August 2021, I was publicly identified by mainstream media outlets as the person accused by Ms Higgins of sexually assaulting her.
38. In late 2021, I applied for unemployment benefits, and remain unemployed until early 2023 when I enrolled as a full time university student studying law.
39. The trial in the Criminal proceedings commenced before McCallum CJ on 4 October 2022 and concluded on 19 October 2022, with the Jury thereafter retiring to consider its verdict. On 27 October 2023 the trial was aborted because of Jury misconduct. On 2 December 2022 the Criminal proceedings were abandoned, and the charges against me dropped.

40. [REDACTED]  
[REDACTED]  
[REDACTED]

### Imputations

41. The imputations relied upon by me in the Ten proceedings are as follows:
- (a) *The Applicant raped Brittany Higgins in Defence Minister Linda Reynolds' office in 2019;*



- (b) *The Applicant continued to rape Brittany Higgins after she woke up mid-rape and was crying and telling him to stop at least half a dozen times;*
- (c) *The Applicant, whilst raping Brittany Higgins, crushed his leg against her leg so forcefully as to cause a large bruise;*
- (d) *After the Applicant finished raping Brittany Higgins, he left her on a couch in a state of undress, with her dress up around her waist.*

42. Each of the above imputations are false.

#### **Aggravated damages**

43. I have now listened to parts of the interview between the Second Respondent, Angus Llewellyn (who was the Producer of The Project segment) and Ms Higgins as referred to in paragraph 15.8 of the First Respondent's Defence, and respond as follows:

- (a) It disappoints me that the Respondents in their Defences deny that The Project segment identified me in circumstances where **Mr Llewellyn conceded in the interview that:**

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*"...if we didn't name him, we may as well have named him, because so many people would be able to identify him".*

- (b) I find it outrageous that the apparent reason why the email with questions was only sent to my Hotmail account by The Project on Friday afternoon of 12 February 2021 **was a cynical attempt by the Respondents to prevent** *"...injunctions and things like that"*, and that if the email was only sent with *"10 minutes"* notice, that should be *"ok"*, as stated by Mr Llewellyn during the interview. I find it hurtful that despite working on the Project segment *"story"* for almost four weeks, the Respondents only sought to contact me for comment on the Friday before publication on the following Monday.

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44. As deposed above, **the allegations made against me in the Project segment were completely one sided and expressed as assertions of fact.** As a result, I felt that:

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- (a) the Respondents were seeking to inflict maximum damage to me and my reputation, **noting that Mr Llewellyn himself conceded that** *"many people"* would be able to identify me in the Project segment; and that

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- (b) the Respondents published the Project segment via the formats of broadcast television, 10Play and YouTube, and also then encouraging viewers to read and/or share the 10Play and YouTube publications by social media, so as to ensure the widest possible audience for the allegations to be published to, and thereby ensuring maximum damage to my reputation. Similarly, the Second Respondent published the Project segment on her Instagram account, also to ensure the further publication of the allegations.



(c) The Respondents sought to thereby make their program as sensational as they could, so that other media would then be likely to republish the allegations, which in fact took place.

45. At the end of the Project segment, the Second Respondent stated as follows:

*"We of course approached all the people named in our story, and all of our requests for interviews were declined."*

For the reasons as deposed above, I was never approached by the Respondents, and for that reason, it is therefore completely false for the Second Respondent to state that I had declined a request for an interview. It adds to my hurt that reasonable efforts to contact me for comment prior to publication of the Project segment never took place and further, that the Second Respondent saw fit to falsely assert that I had declined a request for an interview.

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46. On 19 June 2022, the Second Respondent was awarded a Silver Logie award for her interview of Ms Higgins as contained in the Project segment. During her acceptance speech, which I watched whilst broadcast on television the Second Respondent stated words including the following:

*"...after 40 years in journalism this interview and the story is by far the most important work I have ever done and I knew it from the very first phone call I had early last year with a young woman whose name she told me was Britney Higgins. Four incredibly intense sleepless weeks later when our story went to air the entire country knew the name Britney Higgins. As Britney warned me before we went to air, her story would be seen by many of the most powerful people in this country not as a human problem, but as a political problem. Britney Higgins was a political problem and governments tend to like political problems to go away, but Britney never did, and the truth is this honour belongs to Britney. It belongs to a 26-year-old woman's unwavering courage. It belongs to a woman who said enough. It belongs to a woman who inspired more than 100,000 similarly pissed off exhausted fierce women and men to take to the streets right across this country to roar, in numbers too big to ignore. Britney thank you for trusting me. Thanking for trusting a wonderful tight team ...thank you for helping to change the national conversation, and on behalf of all of the generations of women to come, thank you Britney for never giving up."*

As at the time of the acceptance speech being made, the Criminal proceedings against me were listed to be heard before a Jury on 27 June 2022. As soon as I heard the Second Respondent's acceptance speech, I feared that potential Jurors for my Criminal proceedings would be influenced. I had a real fear that my right to a fair trial would be prejudiced by what I considered to be a flagrant contempt by the Second Respondent. In circumstances where my liberty was at stake, it concerned and angered me greatly that the Second Respondent





acted in such a high handed and reckless manner. I note that the Second Respondent at paragraph 15.2(e) of her Defence relies upon her being awarded the Logie in support of her claim that she has acted reasonably in publishing the Project segment. I find it staggering that she does so, knowing full well the prejudicial impact of her conduct in accepting the award.

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47. On 16 December 2022 my solicitors served a Concerns Notice onto the First Respondent. Amongst other things, the Concerns Notice:

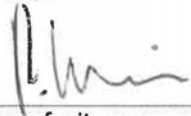
- (a) particularised the imputations alleged to arise from the Project segment.
- (b) offered to resolve my claims on the terms as specified on the last two pages of the Concerns Notice, namely payment of the sum of \$235,000 for damages, provision of a letter of apology and payment of my costs incurred in the matter.

48. On 20 January 2023 my solicitors received a response to the Concerns Notice from the solicitors for the First Respondent. In that response, amongst other things:

- (a) It was denied that I was identified in the Project segment.
- (b) it was denied that the imputations as particularised were conveyed by the Project segment, including because it was asserted that the Project segment "*consistently make[s] clear*" that Ms Higgins' statements were "*claims*" or "*allegations*" rather than proven facts. This is despite the Project segment containing clear assertions of fact, including an assertion by the Second Respondent that the allegations by Ms Higgins were a "*serious crime*". It hurts and upsets me that rather than just admit that the imputations as particularised by me were conveyed, the solicitors for the First Respondent instead sought to deny the obvious by asserting apparent falsehoods.

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

  
\_\_\_\_\_  
Signature of witness  
Paul Svilans  
Mark O'Brien Legal  
Level 19, 68 Pitt Street  
Sydney New South Wales 2000  
An Australian Legal Practitioner within the  
meaning of the Legal Profession Uniform Law

  
\_\_\_\_\_  
Signature of deponent  
Bruce Lehrmann

**NOTICE OF FILING****Details of Filing**

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A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

**Important Information**

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.