

## **1. Statement from Network 10**

**15 April 2024**

“At its core this case was first and foremost about truth and Justice Lee has found that Network 10 prevailed in proving that Brittany Higgins’ allegations of rape were true.

This judgment is a triumph for truth.

Justice Lee’s judgment is vindication for the courageous Brittany Higgins who gave a voice to women across the nation.

Network 10 is considering Justice Lee’s 324-page judgment. It is clear, however, that Australia’s defamation laws remain highly restrictive.

When put to the test, it was always our obligation to inform the public of these important social and political matters notwithstanding the challenges presented by these laws and today’s judgment vindicates the telling of Brittany’s story.

Network 10 remains firmly committed to honest, fair and independent journalism; to holding those in power to account; to giving people a voice who wouldn’t otherwise have one; and to always pursuing without fear or favour, journalism that is firmly in the public interest.”

## **2. Press Conference with Justin Quill:**

**15 April 2024, Federal Court Precinct**

*Hi, I'm Justin Quill, I'm a partner at Thomson Geer Lawyers. We're the law firm that acted for Channel Ten in the Bruce Lehrmann defamation case. I'm going to make a pretty brief statement and then happy to take some questions after that.*

*So, we've just heard a detailed summary of his Honour's decision, we've got the 324-page judgement. This is a resounding win for Channel Ten and it is a dismal failure by Bruce Lehrmann. He brought this claim to court for two reasons. One, to make money and two, to reinvent history.*

*He wanted people to believe his version of events and he's failed in both endeavours. It's an unmitigated disaster for Bruce Lehrmann. His Honours found that he had sex without consent, and that he was hell bent on gratification in doing so.*

*For Channel Ten, its vindication. His Honours said Channel Ten is deserving of that vindication. Vindication in its belief and support of Brittany Higgins, who has got to be said, was particularly brave to come to court. And unlike most rape victims, come to court, having chosen not to have anonymity and give her evidence in the glare of publicity and spotlight.*

*It's a vindication by Ten, to continue to run these and defend these defamation proceedings, despite the cost in doing so.*

*Ultimately, as I said, it is an unmitigated disaster for Bruce Lehrmann. His Honour has found that Bruce Lehrmann is a rapist. Bruce Lehrmann is a rapist.*

*So, I'm happy to take questions.*

### **Question from journalist:**

Brittany is your most important witness and that testimony about the rape has ultimately been accepted. Have you spoken to her; do you know she's feeling?

### **Justin Quill:**

*No look, I certainly haven't spoken to Brittany, I'm just the lowly lawyer in the case. No doubt The Project team have already reached out to them and Ten, the Ten people have reached out to Brittany. But no, I haven't, I haven't.*

### **Question from journalist:**

Ten's journalism and its conduct has been quite harshly criticised Justin, particularly Tasha Smithies and the decision to make that Logies speech with their approval and Ten's senior management. Ten really threw Lisa Wilkinson under the bus, didn't they?

**Justin Quill:**

*Um, so, let me break that up. There's quite a number of questions in that.*

*First question in relation to the advice given in relation to the Logies speech. While we accept the judgment, doesn't mean we agree with everything in the judgment.*

*And if I can speak personally. I just absolutely do not accept that we should have such lack of faith in our juries, that we would think that they would sit in a criminal proceeding, hear sworn evidence, watch witnesses sometimes get torn apart by cross examination but somehow, swear an oath, be directed by a judge, and somehow go against all of that because they saw an implication in a Logies speech, sometime earlier. I just don't, I just don't agree with that concept.*

*In terms of Channel Ten's reasonableness. Look, the way in which judges and barristers - and this is the problem with defamation law in Australia - the way in which judges and barristers pick apart and dissect what journalists did or didn't do in applying a legal threshold or legal test of reasonableness is quite often divorced from reality. And its why the qualified privilege defence does rarely get up. And one shouldn't conflate or confuse the application of the legal test of reasonableness with what is reasonable.*

*Ultimately, I've to say this. How can it be unreasonable to publish something that was true?*

**Question from journalist:**

Just back to Brittany, the second criminal trial didn't go ahead because of concerns about her mental health. She willingly came back as a witness for Ten, what do you say about her, and I guess her strength and determination?

**Justin Quill:**

*Yeah look, it's certainly; brave. I know for personal reasons; I know that the those within Bruce Lehrmann's team expected her not to attend. I think that was pretty much their whole case theory. Perhaps I'm being too harsh there, but certainly I know they did not intend or expect her to attend. And of course, Channel Ten couldn't have defended this case without Brittany, so there's no doubt that Brittany was brave in turning up here and giving the evidence that she did.*

**Question from journalist:**

The Logies speech was a terrible mistake, wasn't it?

**Justin Quill:**

*Look, I don't accept that the Logies speech was a terrible mistake. As I said, I accept his Honour's judgment, doesn't mean that I agree with everything his Honour said. As I said, I think we need to have more confidence in our juries. And thinking that our juries would be so influenced by a Logies speech, actually the implication from a Logies speech, is, just doesn't pass muster for mine.*

**Question from journalist:**

Ten approved it and then let Lisa Wilkinson wear the blame though Justin. How can Ten justify its conduct towards Lisa Wilkinson?

**Justin Quill:**

*I'm not sure the conduct you're talking about. In the end, Channel Ten turned up here and defended, at great cost. Defended this case and defended Lisa's journalism and defended The Project's journalism.*

*And his Honour said, and this is the critical finding. His Honour found that Channel Ten deserve to be vindicated.*

**Question from journalist:**

Does Tasha Smithies still work for you?

**Justin Quill:**

Oh absolutely, absolutely.

**Question from journalist:**

On the costs, you said it cost a fortune. How much has the network had to pay for this defence and are you confident that you'll get it all back when it comes to damages?

**Justin Quill:**

*So, the first thing, submissions have got to be made on the 22<sup>nd</sup> of April in relation to costs. I would be confident that Channel Ten would be awarded those costs. As to how much we are likely to get back, I couldn't possibly say. That will depend on Bruce Lehrmann's means. But I would be hopeful at the least, and in fact confident that we should get an award of costs. How much that turns out to be in actual dollars, I couldn't say.*

**Question from journalist:**

If Lehrmann appeals, will you be confident in going back to court and presenting your case again?

**Justin Quill:**

*I'd be confident that any appeal would be dismissed. Of course, if he were to appeal, there might be cross appeals, that might be made by us so, yes if you're asking if I would be confident of maintaining this result if the matter was appealed, the answer is yes.*

**Question from journalist:**

You're very experienced in defamation, how does this rate on the defamation own goal scale for Bruce Lehrmann?

**Justin Quill:**

*Sorry.*

**Question from journalist:**

How does this rate in crushing losses? \*Inaudible.

**Justin Quill:**

*Look, as I said. This is an un-mitigated disaster for Bruce Lehrmann, and I've got to say it's a warning to all other potential applicants or plaintiffs, who might want to try and reinvent history or make a quick buck, who might want to come to court and con the court as to their version of events.*

*You can come up with a con that might get you through a TV interview or an interview with your bosses or down at the pub with your mates. But when you come to the court, and you are cross examined and forensically examined. You can't get away with it. This case is not just a loss for Bruce Lehrmann, it's a win for the public interest and it's a real warning, a real warning to others that might try and come to the court and con the court.*

**Question from journalist:**

Justin, what's your advice to Bruce now, given that he's studying law?

**Justin Quill:**

*My advice to Bruce, given he's studying law would probably be, to take up another course at university.*

**Question from journalist:**

Can you explain the findings and what might come from that - that Bruce did leak documents from Channel Seven, what could the result from that be?

**Justin Quill:**

*Look, really, that particular finding, was only relevant to Ten for an issue of credit. As his Honour said, it didn't change the situation too much. His Honour had obviously found that*

*he was a particularly unreliable witness. So, I don't think it changed things too much, but that's all it had to do with this case. In terms of things down the track, it's really hard to tell.*

*I know his Honour gave a long and detailed summary, but this judgment is 324 pages, its nuanced and we're going to have to read all of the judgment to work out what might happen in all the steps ahead.*

**Question from journalist:**

Will there be any sort of review into how Tens conducted itself over the course of this drawing?

**Justin Quill:**

*I think there's been no greater review, in the way in which Ten conducted itself. And the review that happened in this building behind me by a Federal Court Judge, a very experienced Federal Court Judge. And in that review, his Honour found that Ten deserved to be vindicated. That, I think, is the best review one could possibly have.*

**Question from journalist:**

We know that this has been a really hardcore case, just how phenomenal is the result, especially for wider journalism too?

**Justin Quill:**

*Qualified privilege is a really hard defence to get up, but there's no more important defence than truth. There's nothing more important to journalists than publishing something that's true. So, to come to court and bare the onus of proving the truth of it and actually succeeding in that, is a really tough ask. Bruce Lehrmann didn't have to prove that he didn't commit a rape, we had to prove that he did. Having been able to do that has been quite gratifying.*

**Question from journalist:**

Is it a warning, I guess to other people going forward, when it comes to deciding whether to launch a defamation case or not?

**Justin Quill:**

*This is a warning to people who might try to reinvent history by coming to court and trying to con the court. You can't do it.*

**Question from journalist:**

And tell us about Brittany Higgins, the Judge was critical I guess, in some areas as to her credibility but ultimately has believed her when it's come to what happened in that room.

**Justin Quill:**

*His Honour said that the evidence around the crucial question of the rape forcefully struck him. So that's the critical thing, what his Honour found about extraneous events is a bit irrelevant. I might actually say that once again, his Honour found that, Brittany Higgins' evidence about the crucial moments of the rape, struck him forcefully. And no doubt that a lot to do with this finding.*

**Question from journalist:**

And what would you expect going forward when costs are determined, what sort of scale would you expect to see?

**Justin Quill:**

*Look, I expect that we, I hope that we will be ordered costs. And I'm reasonably confident that we will but as to the quantum, that's something that we will have to engage with.*

**Question from the journalist:**

His Honour has obviously published 300 something page, very thorough.

**Justin Quill:**

*324-page judgment from his Honour.*

**Question from journalist:**

Do you anticipate that there would be any potential avenue that Mr Lehrmann could contend to appeal?

**Justin Quill:**

*Look, you can always appeal any judgment, really. But this is the most damning of judgments in a sense and his Honour found that his credibility was totally left wanting. In fact, I think his Honour said that was an understatement. So, given that the credit finding was so important and so crucial to his Honour's determination, I can't imagine that Mr Lehrmann would be wanting to rush back to court and appeal this.*

### 3. 10 News Midday Bulletin

16 April 2024 at approximately 12:03pm

Network Ten's lawyers have called yesterday's result vindication for the company, after the Federal Court found, on the balance of probabilities, Bruce Lehrmann raped Brittany Higgins at Parliament House in 2019. Media lawyer Justin Quill is here with me now. Justin, thanks for joining us in the studio. Talk us through the significance of this judgement.

*I think it's significant on so many levels. First, you've got to look at the central allegation in this case. It's quite extraordinary when you think about it, and it's almost been lost in yesterday's judgement in a way that a woman was raped in our Parliament house, in a minister's office, in Parliament House. That's where this all started and the significance starts from there. But for a media defender to be able to prove the truth of this is very difficult. Channel Ten had to prove that a rape occurred. Bruce Lehrmann didn't have to prove that it didn't. And the onus being on Channel Ten made it very, very difficult. But also, I think it has had great significance and hopefully comfort for a lot of women out there as well.*

Um, yeah. The word vindication has been used a lot, and there's also been a lot of commentary around the way that the judge dealt with consent, and in a way that we don't see a lot of judges talk about consent. Yeah.

*Um, look, his Honour specifically said Channel Ten should feel and deserves that vindication. So that was a word that is Honour specifically used in relation to Channel Ten, um, in terms of the consent and the way his Honour dissected the facts around the central allegation of rape. I thought that was really important. His Honour made the very important point that we shouldn't expect rape victims in the aftermath of the trauma of a rape, to act or not act in a certain way, and we shouldn't pass judgement or, think, well, they might not be telling the truth because they did this or they didn't do that. And I think that was a really important thing for his Honour, uh, to, make clear and to take into account. I think that, hopefully, has given a lot of women, um, comfort that, they won't be judged by judges, uh, for their conduct in this, you know, extraordinary, traumatic time, Justin, in quite a sensational way.*

At the very end, the trial was reopened to hear evidence from Taylor Auerbach. How much did Justice Lee draw on that evidence and how much work went into the legal case by network lawyers?

*Well, look, just on the Taylor Auerbach, um, part of it, ultimately, I'm not sure he made a great deal of difference. He was called, really for one point to go to the credibility or lack thereof of Bruce Lehrmann. But it's clear now, uh, reading the 324 page judgement of his Honour, and I'm not through all of it, I should say, yet. Um, but it's clear that His Honour was already of the view that Bruce Lehrmann had, um, little or no credibility. So I'm not sure that it moved the dial too*



*much on that. Um, so. Yeah. Look, I think that was certainly a bit of a, um, an interesting sideshow to, the whole case, but I'm not sure that it actually made much of a difference*

#### **4. Channel 7 – Sunrise with Natalie Barr & Matt Shirvington**

**16 April 2024 from 7:33am to 7:34am**

##### **News anchor:**

The culture at Parliament House is again in the spotlight this morning after a Federal Court judge found Bruce Lehrmann did rape Brittany Higgins in Parliament House. Justice Michael Lee found the pair had sex in a minister's office in Canberra in 2019. But Miss Higgins did not consent and Mr. Lehrmann was indifferent to her wishes. Lehrmann lost his defamation case. Network Ten and journalist Lisa Wilkinson proving their substantial truth defence from the Prime Minister's office.

##### **Justin Quill:**

This was an incredibly significant story. The onus was on Ten to prove the truth of it. Bruce Lehrmann didn't have to prove it didn't happen. The central allegation here is that a woman was raped in our Parliament house, in a minister's office. It's extraordinary stuff when you think about it

**5. Channel 10 - The Project with Sarah Harris, Waleed Aly, Steve Price & Sam Taunton**

**15 April 2024 from 7:02pm to 7:10pm**

Well, Justin Quill is an expert defamation lawyer whose firm represented Network Ten in this case. Justin, just how significant was this decision?

*Uh, it's particularly significant. I mean, it's very, very difficult for media defendants to come to court and prove the truth of, uh, allegations like this. Bruce Lehrmann didn't have to prove that a rape didn't happen. Uh, Channel Ten had to prove that it did happen. So it's very significant from that perspective. It's significant, I think, for rape victims. And ultimately, you've got to think about the central allegation here. A woman was raped not just in our Parliament House, but in a minister's office. It's quite extraordinary. So yes, on any view, it's a significant case.*

The judge did find that both Lehrmann and Higgins were unreliable witnesses. Why did Justice Lee ultimately end up believing Miss Higgins?

*His Honour forensically examined, deconstructed and pulled apart Lehrmann's version of events and laid bare the implausibility of that version of events. In contrast, his Honour said that he was forcefully struck by, uh, Brittany Higgins evidence on the central point. So ultimately his Honour found that, um, she may have been unreliable on um, matters in the periphery but on the central point, his Honour found that she was a believable witness. And I think the contrast between those two things went a long way towards the finding that Bruce Lehrmann raped Brittany Higgins.*

The civil court has found that Bruce Lehrmann is a rapist.

Do you think we'll see the criminal case reopened? Will Brittany Higgins be back before the court in a criminal trial?

*Uh, look, in theory, it's possible. Uh, Bruce Lehrmann's case, um, was, uh, was withdrawn. Uh, it's not the case that he was found not guilty by a jury. So therefore, the double jeopardy rules don't apply. So he could be brought back before the courts for a criminal, uh, case. Um, and it may be that this decision buoys Brittany Higgins and she's happy to come back again and give evidence again. Um, but his Honour was at pains to point out the difference between the criminal standard and the civil standard and the fact that his Honour today found, uh, that Bruce Lehrmann is a rapist doesn't mean that on a criminal standard, uh, a jury would find the same. They may not. So as to what the new, um, DPP in the Australian Capital Territory may or may not do. Who knows?*

Justin it was quite extraordinary that Justice Lee opened up his Court and showed the proceedings on YouTube. If you had to go to one quote from him today, it's when he said, Bruce Lehrmann escaped the lion's den, only to go back in for his hat. Was it clear from the outset how risky this was always going to be for Lehrmann?

*Yes, I think it was absolutely clear from the outset that this was pure lunacy by Bruce Lehrmann, uh, to bring this case, I think he did, uh, not just because he wanted to, uh, make money out of it and reinvent history, but because he thought Brittany Higgins wouldn't turn up to give evidence. And had she not turned up to give evidence, um, I don't imagine that Channel Ten could have possibly won the case. So, yeah, it was crazy, uh, stuff from him to bring this case.*

Do you anticipate that Lehrmann will appeal?

*Uh, I would have thought it would be a bad decision for him to appeal. I'd be confident that we would hang on to the judgment. Uh, so I'd be surprised if he, uh, appealed. But, uh, I'm not going to guess what Bruce Lehrmann, uh, would do. His judgement, uh, hasn't been the, best or the most rational, uh, so far.*

Can I ask you just to, I don't know, think more philosophically about this for a second. So it's really clear that Bruce Lehrmann is the big loser out of today's judgment, but it's also clear that no one else emerged unscathed. Brittany Higgins didn't - We mentioned the unreliable witness on certain aspects finding before. Channel Ten didn't the project didn't. Um, everyone involved has lost something as a result of this. What do you think we should take from this whole experience?

*Well, you know, I hate to say it, but, uh, it is often true that, uh, the only winners when anyone goes to court are the lawyers. And that is often the case. Uh, look, ultimately, though, I just don't think it's right to say that, um, Ten isn't and The Project isn't a big win. I know I'm appearing on The Project, so it seems like I'm just saying it for this reason, but I'm not. Um, Ten had a big win today. It is really, difficult, um, to prove the truth of these sort of allegations. And, um, it is a significant win, uh, to have done so. Uh, and hopefully it's a warning to other plaintiffs who want to come to court and con the court. So yeah, well, there are rarely complete winners in legal cases, but Ten's as big a winner tonight as you could hope for.*

Justin, thank you so much for your time.

*Thanks, guys*

## **6. 2GB Sydney breakfast AM radio with Ben Fordham 8.16am**

We warned Bruce Lehrmann about this. Late last year we told him don't go back for your hat. In other words, quit while you're ahead because as we said in December, when you go back for your hat, there's a danger you may lose your head. And that was on display yesterday. It was a disaster for Bruce Lehrmann in the Federal Court of Australia. He's lost the civil defamation case he brought against Channel Ten and Lisa Wilkinson. He alleged that Lisa's interview with Brittany Higgins on The Project defamed him, even though he was not named. Now, Bruce could have walked away from the whole situation because he managed to escape any criminal responsibility after his trial was aborted and then abandoned. But he couldn't help himself. He went back to court to seek damages for defamation, and that exposed him to a brutal cross-examination which also revealed the many lies that he'd told along the way. Justice Michael Lee has found, on the balance of probabilities, Mr. Lehrmann raped Brittany Higgins in Parliament House, "having escaped the lion's den, Mr. Lehrmann made the mistake of coming back for his hat."

And there was the line. After escaping the lion's den Mr. Lehrmann made the mistake of coming back for his hat. The court proceedings have been a disaster for everyone involved. No one's escaped unscathed. Justice Lee says both Brittany and Bruce were not telling the truth.

"To remark that Mr. Lehrmann is a poor witness is an exercise in understatement, Miss Brittany Higgins, Mr. Lehrmann's accuser, was also an unsatisfactory witness who made some allegations that made her a heroine to one group of partisans, but when examined forensically, have undermined her general credibility to a disinterested fact finder. "

Bruce Lehrmann has been awarded just \$20,000. His legal bills are likely to run into the millions, so he's the biggest loser out of this case. Lisa Wilkinson is the biggest winner because unlike the ABC and News Corp, she refused to settle along with Channel Ten. They stood their ground and they fought Bruce Lehrmann the whole way. Mind you, Lisa didn't get off scot free either. Justice Lee took aim at her Logies speech.

"If she had thought matters through as an experienced journalist and less as a champion for Miss Higgins, she ought to have known the speech was fraught with danger and recognised that lauding a complainant on the evening of a rape trial in the terms she did, would be apt to undermine the due administration of justice."

And if you think it's all over, think again. Another defamation battle will play out this year. Linda Reynolds, the former Minister, is suing Brittany and her partner David Shiraz, alleging that she was defamed by them on social media.

The media lawyer Justin Quill, representing Channel Ten, had this brutal assessment yesterday for Bruce Lehrmann.

*"His honour has found that Bruce Lehrmann is a rapist, Bruce Lehrmann is a rapist"*

There's been no comment from Bruce Lehrmann about that or any possible appeal. Justin Quill, the media lawyer who acted for Channel Ten, is with me in the studio. Justin, good morning to you.

*Good morning Ben.*

Heavy language from you outside the court.

*Well, heavy language from his Honour inside the court, justified it, I think, uh, ultimately, that's what his Honour found. And so we're able to say that. And we should say that.*

I mentioned the comments I made last year about going back for one's hat. You made the same comment a year or two before that, saying, why would you go back after he managed to, I suppose, escape any, you know, criminal responsibility? He's always denied that he was involved in any wrongdoing, obviously always pleaded his innocence. We need to put that on the record. Uh, but after the trial was aborted, why would you sign up for a defamation battle?

*Yeah, well, look, he effectively got out of jail, didn't he? And, uh, as you said, went back into the lion's den for his hat there. Their case theory, that Bruce Lehrmann's lawyers thought Brittany Higgins would not turn up after the criminal case was abandoned, in part because of the concern about Brittany and her mental health and, uh, arguably her inability to turn up and give evidence. In that case, they assumed that he that she wasn't going to turn up in the civil case, and if she had not, Channel Ten wouldn't have been able to defend this.*

Justice Lee spoke about lies told by both of them, uh, Brittany Higgins and Bruce Lehrmann. But my observations, Justin, a lot of the lies from Brittany Higgins, they had already been revealed long before this defamation case, and we covered them on radio extensively. But a lot of Bruce's lies were exposed during this case and it didn't look good. And we touched on that while covering the case when he was being cross-examined, and he couldn't make up his mind on a whole range of things, including most notably, why he went back to Parliament House that night. It was just such a bad look, and Justice Lee kept calling him out over that time and time again.

*Yeah, absolutely. The, um, the uh, parts that Justice Lee was, um, unhappy with in terms of Brittany Higgins evidence was the peripheral, uh, stuff, not the central*

*allegation. In fact, on the central allegation, his Honour said her evidence there struck me forcefully. They were his words. Uh, whereas when it comes to Lehrmann, it was the stuff about the central allegation. It was implausible his version of events.*

That's interesting. So just picking up on that, uh, Brittany Higgins, when she was telling fibs, it was relating to what happened afterwards. Did she go and see a doctor? Was the photo taken at the time and all that kind of stuff? But Bruce's were about that night in question, you know. Was he going back there to drink whisky? Was he going back to get some official documentation? Was he going back to prepare some material for Question Time? Was he going back to collect his keys? He couldn't make up his mind.

*And why did he miss six phone calls from his girlfriend? And his Honour said, you know, the reason he went back there was to get his keys because, uh, because it was a bit hard to get into his flat. And then his honour went into all the steps that he had to go through to get his keys and said, look, it's absolutely implausible. It makes no sense at all. So whereas Brittany's stuff was after the event and his Honour specifically said, we shouldn't, uh, assume that rape victims will do or not do things. Um, rape victims, uh, in the aftermath of trauma, um, shouldn't be expected to act in a certain way.*

I want to be clear here as well. Network Ten, who you represent did not get off scot free. I've touched on the criticisms of Lisa Wilkinson's Logie speech, but Justice Lee said Channel Ten's conduct was grossly improper in encouraging Lisa Wilkinson to give the speech. He was also critical throughout the case about The Project story, in particular, the introduction of the story that focused on a political cover up, and a young staffer who had to choose between telling her story of an alleged rape or keeping her job. Justice Lee was very critical of Channel Ten.

*Yeah, well, look on the Logies speech. I just disagree with his Honour. He's a very good judge. I disagree on this point. Uh, it just shows an absolute lack of faith in our juries. As if a jury properly instructed, swearing an oath, seeing evidence in front of them for week after week in a criminal case would think about the implication from a Logies speech a couple of months earlier and suddenly think, I'm going to find this guy guilty.*

Don't you acknowledge, though, that Channel Ten has been criticised by Justice Lee over some aspects of how they've handled.

*Oh, there's no doubt about that. But I've got to say this too, his Honour, was applying the legal test of reasonableness. And that's where you get judges and barristers picking over journalists' conduct many months, sometimes years after the event. Um,*

*ultimately, how could it be more reasonable than to publish something that was true and that the central allegation - what this was about was a rape in Parliament House? That was true. That was published by Channel Ten*

When Bruce Lehrmann said to the ABC to News Corp and Channel Ten, you've defamed me. I want some money. The ABC caved. They gave him money, News Corp caved. They gave him money. Lisa and Channel Ten stood up and fought.

*Yeah. Look, it's really difficult to defend. The law is against you. This is such a significant case because it's so hard for media defendants to win them, frankly. Uh, so, you know, I'm absolutely not critical in any way of the ABC or, uh, News Corp. Most cases settle, But, um, good on Channel Ten for fighting. Uh, this one, uh, and putting in the resources to do it.*

And some people yesterday were saying, oh, well, thank the Lord it's all over, but it ain't over. You've got Linda Reynolds now suing Brittany and David Shiraz over defamation allegations.

*Yeah. well, um, there's, uh, there's still a lot to play out, even in this case. Uh, we've got submissions due next week on costs. Uh, look, who knows about an appeal? Uh, no, I think there's a fair bit, uh, a fair bit to play.*

Do you think Bruce will appeal?

*Well, he shouldn't, but then I'm not going to, uh, his judgement hasn't been, uh, particularly good so far, so I wouldn't want to speculate on his judgement.*

We appreciate you coming into the studio this morning, Justin Quill the media lawyer who's acting for Channel Ten. Thank you so much.

*Thanks, Ben*



## 7. 3AW with Jacqui Felgate

15 April 2024 - 4:09pm

But I do want to cross now to Justin Quill. He's the partner at law firm, Thomson Geer Lawyers, to get his reaction on the Federal Court's decision, which saw Justice Michael Lee dismiss Bruce Lehrmann's defamation case against Ten Network. Finding, and this is a quote on the balance of probabilities, that Bruce Lehrmann raped Brittany Higgins at Parliament House in 2019. He ultimately ruled that former Liberals, the former Liberal staffer, was not defamed by Lisa Wilkinson and Ten Network in an interview with Brittany Higgins in February 2021. Justin Quill, good afternoon to you.

*Good afternoon Jacqui*

I'd like to get your reaction to the decision firstly:

*Yeah. Look, I think it's the right decision and it's a great decision. It's great decision. Uh, not just for Ten, obviously. Uh, vindicated in their decision to back Brittany Higgins, run this story and then back their journalism by defending it in court. Um, but I think it's also, um, a great decision for the public more generally. Um, it'll send a, warning to those that might try and come to court and con the court that you just can't get away with it. There's nowhere to hide when you're being cross-examined. And I hope it gives some comfort to rape victims out there, or those that might wish to come forward with their stories that they'll be listened to. His Honour went into great detail about, um, the importance of not expecting a rape victim to act in a certain way to do something or to not do something and I do hope that, um, uh, you know, women out there hear that, and, it gives them some comfort.*

I wanted to ask you about a quote from Justice Lee that Bruce Lehrmann escaped the lion's den, but made the mistake of coming back for his hat. What's your reaction to that?

*Um, I'm not sure whether you're asking me, because, you know, but I, said that publicly in, uh, 2022, was quoted on Media Watch, uh as saying that and I said it again, um, in the newspapers again last year, in July of last year. I don't think there is a greater example of a man going back into the lion's den to retrieve his hat. He literally got out of jail. Um, he literally got out of jail and then he brought this claim and you've got to think. What was he thinking? Well, I'll tell you exactly what he was thinking. I want to make I want to make money from this.*

Yes

*I want to make a buck and I want to reinvent history. I want people to believe my version of events. And he was banking on Australia's defamation laws, which are not*

*favourable to the media by any stretch. It's difficult for the media to come to court and defend a case, especially on truth. Bruce Lehrmann knew he didn't have to prove a rape didn't occur. We had to prove - keeping in mind, I act for Channel Ten - we had to prove a rape occurred. He didn't have to prove it didn't. And he was banking on that and he was banking on them. The average punter, he was banking on winning because of that onus point and he was banking on the average punter, not necessarily understanding the difference there and thinking, oh, Bruce Lehrmann won his case. He mustn't have raped Brittany Higgins. Well, the opposite has happened. His Honour has found that Bruce Lehrmann is a rapist and, um, it is an unmitigated disaster for Bruce Lehrmann and as I said earlier, a warning to others that might want to come to court and try and con the court.*

And on that point, how rare is it, then for a defamation case? We don't see many like this, certainly not that have captured the public attention in the way that this case has. But for a case like this and a judge to make a ruling that a criminal case could not

*Yeah. I mean, look, it's a different standard. It's not I went into that. It's um, uh, beyond reasonable doubt in the criminal case. uh, and here it's on the balance of probabilities. And his Honour was at pains to say, look, that's my ruling, but it's on a different, standard. So, you know, that is an important, uh, that is an important distinction to make. Uh, but you're absolutely correct. It is highly unusual. It is difficult for media defendants, um, to come to court and prove the truth of something like this, especially as he's always said, you know, there was only two, two people that knew exactly what happened in the minister's office that night. Uh, but it is an extraordinary story. I think if you wrote a script, someone would say it's too unrealistic. You know, that this occurred in our Parliament House, that this occurred in a minister's office. It's extraordinary. And it does say something, of course, about the culture uh, within our Parliament House. And thankfully, this story is, you know, one of the things that it's done, one of the things that it's done is, um, uh, shine, a light on that culture and hopefully, as I've said previously, you know, dragged, Parliament, parliamentary culture out of the dark ages.*

Is this the ugliest defamation case that you've ever been involved in or seen?

*Well, look, at times I think his Honour called it an Omnishambles. Um, I think that was, in fact his opening line of his judgment. Uh, um, it did descend at times, um, into somewhat of a circus. But you've got to remember that's ultimately because uh, Bruce Lehrmann was the ringmaster. Um, it was the craziness of bringing this sort of case, uh, that, um, that resulted in a bit of, at times, um, a crazy proceeding. Uh, so,*

*look, it's an unusual, case but I'd have to go back through, um, unfortunately, my 28th.*

I'm going to say you've done a few, Justin.

*Yeah, I know, well, that's the thing. I can't be overly definitive for you, Jackie. It's been 28 years, and, uh, at times I struggle to remember what I had for breakfast, let alone cases I did 28 years ago. So look, it is definitely an unusual case. Um, no question, about that.*

Yeah. Lisa Wilkinson said today that the result was a win for women in Australia. She's very much been vindicated, hasn't she?

*Yeah. Well, look, I think that's right. Um, his Honour specifically said Channel Ten deserves vindication They were his words. Um, on the flip side, his Honour said Bruce Lehrmann raped Brittany Higgins. Hell bent on gratification. Um, that's quite the opposite ends of the spectrum, isn't it?*

It certainly is. Justin Quill is a partner at law firm Thomson Geer Lawyers. Appreciate your time, Justin.

*Thanks, Jacqui.*

**8. Radio National – Canberra – Breakfast with Sally Sara and Patricia Karvelas  
16 Apr 2024, 7:42 AM to 8:00 AM**

It does feel that day that way. But yesterday, as well as I was listening to, uh, Justice Lee talking about this case again, I was reminded of, uh, people who I know, uh, who work in, politics, who say that you know, they and their friends would, in no way be compelled or think it was the right course of action now to come forward with an allegation because of what's unfolded? Uh, they have no interest in seeing themselves put through that process as well. So in a way, change has been made, but also this whole process and the process of justice has, um, has really dissuaded a lot of other people from thinking that's a road they would go down if they had a serious complaint to make. Thank you so much for your time, Anna.

Thank you. Anna Henderson is the chief political correspondent with SBS. You're listening to ABC RN breakfast. It was the bombshell statement from Justice Michael Lee in the Federal Court. On the balance of probabilities, Mr. Lehrmann raped Miss Higgins. That was the definitive line in Justice Lee's ruling in Bruce Lehrmann's defamation case that he brought to the Federal Court against Network Ten and Lisa Wilkinson. It's a clear win for Network Ten and described as vindication by Lisa Wilkinson outside the court. But Justice Lee was highly critical of some aspects of the network's conduct. Justin Quill represented Network Ten in the case and joins us this morning. Justin, welcome

*Good morning.*

Mr. Justice Lee kept his cards close to his chest throughout the trial. Were you confident of the outcome that was ultimately delivered yesterday?

*Um, I've been in so many cases where, um, you feel like you're going to win the whole way through the judgement, only to have the judge say. But despite all of that, I find the opposite. And so, no, I wasn't counting any chickens. Um, uh, until he said those crucial words that you just read out earlier.*

And when you heard those crucial words, what was the reaction?

*Um, uh, I guess there's a bit a sense of relief. Um uh, I've got to say, I think his Honour's analysis on the, uh, facts. And what occurred on that night could not have been more, um, it just couldn't have been better in my view, I think he's got it absolutely right. Uh, about what occurred and how it occurred. Um, so, yeah. Look, uh, I think he, was spot on, and, uh, it was, certainly a bit of relief as well.*

Justice Lee was quick to qualify that the ruling was made on the balance of probabilities. This is obviously a different standard of proof to a criminal trial. Can you explain the difference?

*Yeah. Well, look, one is more probable than not the balance of probabilities. Um, the other is beyond reasonable doubt. Uh, it's a higher threshold. So it is important to note that just because just Justice Lee has found that, um uh, Bruce Lehrmann raped Brittany Higgins, that doesn't mean that a jury in a criminal case would necessarily find that, um, they may, um, but they may not. It is a higher standard.*

Do we have you back yet? Yep. Sorry. All right. We've got you back. So it is a higher standard. You're right.

You've described the ruling as a resounding win for your client and a failure for Bruce Lehrmann. Certainly a failure for Bruce Lehrmann. But how do you respond to the criticism of Network Ten for intertwining the rape allegation with a narrative of a cover up by political leadership?

*Yeah. Look, - his Honour-that was in the context of what's called a qualified privilege defence, and that qualified privilege defence, frankly, rarely wins for um media defendants. That is more an operation of the way in which the law works. Um, and the application of it. You have judges and barristers picking apart what journalists did and didn't do for many months, sometimes years after the event. And, then applying this test of reasonableness to, that conduct by the journalists and that the fact that the legal test of reasonableness might not have been reached is quite devoid from reality and the way in which stories are put together. And it doesn't necessarily mean that the journalism wasn't reasonable or not. And, I might say if you just boil it down and you just simplify it to its absolute simplest terms, how could it be unreasonable to publish something that was true? The central allegation, was that a woman was raped in Parliament House in a minister's office.*

But there were other allegations also made in that report. And the judge here said that they couldn't be stood up

*Yeah, but this was a claim brought by Bruce Lehrmann. It wasn't a claim brought by Linda Reynolds or Fiona Brown and, so that's what was important here was, the publication of allegations against Bruce Lehrmann reasonable and, the fact that, um, he those other matters weren't the, subject of the truth defence. Those other matters weren't the subject of the forensic examination. Um, the evidence that was put forward on those other matters wasn't put forward to the same level that it was, uh, put forward in the central allegation. Why was that the case? Because those other matters weren't the subject of complaint by Bruce Lehrmann brought the complaint to, um, Bruce saying I didn't rape Brittany Higgins. And that's what Channel Ten's case was all about. Yes. You did. Um, so he although we accept his Honour's*

*judgement and his Honour said it is vindication for Ten and that's absolutely the case. But, um, that doesn't mean we agree with all of the decision and we don't agree with that part of it.*

Okay. But because Justice Lee was also scathing of Channel Ten's senior litigation counsel for the advice she gave Lisa Wilkinson about her Logies acceptance speech. Do you accept that was improper?

*Um, this is the part that I just couldn't disagree with his Honour with more. I have the greatest of respect for his Honour. I thought he did a brilliant job in the analysis of the truth defence yesterday. And I think he's probably the most experienced, uh, and one of the best judges, uh, on the bench. Um, but my concern has always been not just in this case. I've said this for many years that judges have absolutely nowhere near enough confidence in our juries, as they should, um, hear what is suggested. Uh, what is suggested that is that a jury properly instructed by, uh, not just a judge, but a chief judge of in the criminal case against Bruce Lehrmann, um, swearing an oath and sitting there for weeks and weeks seeing all of the evidence unfold in front of them. Um, when they go into the jury room to decide the guilt or innocence of Bruce Lehrmann that they would have thought, um, well, despite all that evidence, despite the instruction from the judge, despite my oath, I think I recall there was an implication, not a statement, but an implication in a speech I heard late one night on the Logies a couple of months ago and, because of that, I'm going to find him, Bruce Lehrmann, guilty. I just don't accept that. Okay.*

Well, clearly the judge disagreed with that, but let's just park that. I mean, given Justice Lee was critical of the main protagonist at the heart of the case, he said that Brittany Higgins was a complex and unsatisfactory witness. But really, his judgment also on Bruce Lehrmann was pretty scathing, really, in terms of his trustworthiness, uh. Were you surprised that Bruce Lehrmann took up this case to start with? I mean, the judge also had a view on that, you know, that killer line really that he went back to get his hat? It's extraordinary stuff, isn't it?

*Extraordinary so in 2022 on Media Watch, uh, asked about this case, I said exactly that. I said, Bruce Lehrmann going back and Bruce Lehrmann bringing this case is like a man going back into the lion's den to retrieve his hat. I said that again in 2023, the Daily Telegraph. Um, it is, um, crazy stuff. He literally, uh, got out of jail, uh, having avoided a criminal conviction in the, um, ACT criminal case. Uh, so, yeah, look, it is extraordinary stuff. I might just say. Patricia, I think this is a really important point. I, um, I'm keen to make in relation to what you said about Brittany Higgins. He's on and was critical of Brittany Higgins as evidence. But the evidence was that*

*he was critical of was on the periphery in terms of the crucial allegation, the substantial rape allegation.*

You're right. Yes.

*He said her evidence struck me forcefully where it was, the words he used and I might say, um, and just to pick up Anna's point, um, that, uh, who spoke just before me, um, about other women coming forward, and perhaps this has made them not really want to. I think this is a really important point. Brittany Higgins was very brave in coming forward. She came forward and chose to not have anonymity. And I wouldn't want women out there, uh, to think that if they came forward with an allegation like this, that they would be the subject of the same sort of scrutiny. Brittany Higgins was, um, rape victims are or alleged rape victims are automatically granted anonymity by our law, and it is only if they choose to give up that anonymity, which uh, Brittany Higgins bravely did, which allowed this to have a put a face to the, um, to the story, so to speak. And, so women out there shouldn't think that's the norm, that glare of scrutiny that, um, and publicity that Brittany Higgins um, had to live with is what I would have to live with if I brought my allegation against my boss or against whoever it might be. That is not the norm. And so women, I really want women to be aware, um, that, is, uh, that is not the norm and that anonymity is normally granted, um, in, rape, allegation cases.*

I think, Justin, that is a powerful and important point. Um, given this is really, important that people feel like they can safely use the criminal justice system. Right. Uh, Justin, thank you so much for joining us.

*Thanks, Patricia.*

Uh, Justin Quill is a media lawyer and represented Network ten in the Bruce Lehrmann defamation trial. You're listening to ABC RN breakfast.

## 9. Article published in the *Herald Sun* on 16 April 2024

4/16/24, 5:42 PM

Herald Sun

# DEFENCE FAILS, BUT PUBLISHING STORY WAS REASONABLE

JUSTIN QUILL

Bruce Lehrmann is a rapist. That is the finding of the very experienced Federal Court judge Justice Michael Lee.

His Honour found that Lehrmann had sex with Brittany Higgins without her consent. He did so, according to his Honour because he was “hell bent” on “gratification”.

Everything else beyond this is white noise.

In what can only be described as an unmitigated disaster for Lehrmann, he failed to win this defamation case he very unwisely brought in the Federal Court.

Lehrmann got out of jail – almost literally – by avoiding a guilty finding in the criminal case brought against him in the ACT.

To then make the decision to effectively put himself on trial by bringing a defamation action is, in my view, lunacy.

As Justice Lee said, the decision was vindication for Ten. It is vindication in its decision to run the story in the first place and it’s decision to defend the story in court. Publishing this story managed to drag the culture of parliament out of the dark ages. No mean feat.

But it wasn’t all smooth sailing for Ten. His Honour found that the second defence pleaded by Ten – qualified privilege – failed. That defence required his Honour to apply the legal test of reasonableness to Ten’s conduct in publishing the story.

But the fact his Honour found the defence didn’t succeed says more about the defamation laws in Australia and the process for applying them than it does about the article.

Judges and barristers forensically pick apart a journalist’s conduct months and sometimes years after a story is published means the application of the legal reasonableness test is somewhat divorced from reality. In my view, that finding does not mean the journalism was not reasonable. And



4/16/24, 5:42 PM

Herald Sun

in fact, it seems strange that you could say Ten wasn't reasonable in publishing something that was true!

Justin Quill is a partner at law firm Thomson Geer, which acts for News Corp and in this case was acting for Ten.