



Form 33  
Rule 16.32

## Defence

No. NSD 316 of 2023

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

### **BRUCE LEHRMANN**

Applicant

### **AUSTRALIAN BROADCASTING CORPORATION**

Respondent

The Respondent (**ABC**) relies upon the following facts, matters and assertions in answer to the Statement of Claim filed by the Applicant (**Lehrmann**) on 5 April 2023 (**SOC**).

### **THE RESPONDENT**

1. Save to say that it is the broadcaster of matter on the ABC News channel and the ABC TV channel (not television channels 24 and 2/21), the ABC admits paragraph 1 of the SOC.

### **FIRST MATTER COMPLAINED OF**

2. In answer to paragraph 2 of the SOC, the ABC:
  - (a) admits that, on 9 February 2022, it published a live television broadcast of a joint address given by Ms Brittany Higgins and Ms Grace Tame at the National Press Club, together with questions and answers after the address (**National Press Club Proceedings**) in each State and Territory of Australia on the ABC News channel (**first matter complained of**);
  - (b) admits that the transcript set out at Annexure A to the SOC is a materially accurate transcript of the first matter complained of;

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[Form approved 01/08/2011]

- (c) does not admit that the first matter complained of was of and concerning Lehrmann;
- (d) admits paragraph 2(c) and further refers to and relies upon the particulars of publication below;
- (e) does not plead to paragraphs 2(d) and (e) of the SOC as they contain no allegations against the ABC; and
- (f) otherwise denies the allegations in paragraph 2 of the SOC.

#### **Particulars of the extent of publication**

The first matter complained of had an average national audience of approximately 248,000 comprising approximately:

- (i) Metro: 168,000; and
- (ii) Regional: 80,000.

3. In answer to paragraph 3 of the SOC, the ABC:
  - (a) does not admit that the first matter complained of was of and concerning Lehrmann;
  - (b) denies that the first matter complained of, in its natural and ordinary meaning or otherwise, carried the imputation set out in paragraph 3(a) of the SOC or any imputation not differing in substance from that imputation; and
  - (c) admits that if (which is not admitted) the first matter complained of was of and concerning Lehrmann, and if (which is denied) the imputation set out in paragraph 3(a) of the SOC was carried, then that imputation was defamatory of Lehrmann.

#### **SECOND MATTER COMPLAINED OF**

4. In answer to paragraph 4 of the SOC, the ABC:
  - (a) admits that, on 9 February 2022, it published the National Press Club Proceedings in each State and Territory of Australia on the ABC TV channel (**second matter complained of**);
  - (b) admits that the transcript set out at Annexure A to the SOC is a materially accurate transcript of the second matter complained of;

- (c) does not admit that the second matter complained of was of and concerning Lehrmann;
- (d) refers to and relies upon the particulars of the extent of publication below;
- (e) does not plead to paragraphs 4(c) and (d) of the SOC as they contain no allegations against the ABC; and
- (f) otherwise denies the allegations in paragraph 4 of the SOC.

#### **Particulars of the extent of publication**

The second matter complained of had an average national audience of 192,000 comprising approximately:

- (i) Metro: 135,000; and
- (ii) Regional: 57,000.

5. In answer to paragraph 5 of the SOC, the ABC:
- (a) does not admit that the second matter complained of was of and concerning Lehrmann;
  - (b) denies that the second matter complained of, in its natural and ordinary meaning or otherwise, carried the imputation set out in paragraph 5(a) of the SOC or any imputation not differing in substance from that imputation; and
  - (c) admits that if (which is not admitted) the second matter complained of was of and concerning Lehrmann, and if (which is denied) the imputation set out in paragraph 5(a) of the SOC was carried, then that imputation was defamatory of Lehrmann.

#### **THIRD MATTER COMPLAINED OF**

6. In answer to paragraph 6 of the SOC, the ABC:
- (a) admits that, on or about 9 February 2022, it caused the National Press Club Proceedings to be live streamed, and then made available for streaming and viewing on demand, via the ABC News (Australia) YouTube channel (**ABC News YouTube channel**) at the URL [https://www.youtube.com/watch?v=YO8lQ\\_rVM8g](https://www.youtube.com/watch?v=YO8lQ_rVM8g), (**third matter complained of**);

- (b) says that the third matter complained of ceased to be available for streaming and viewing at about 8.20am on 6 April 2023;
- (c) admits that the transcript set out at Annexure A to the SOC is a materially accurate transcript of the third matter complained of;
- (d) does not admit that the third matter complained of was of and concerning Lehrmann;
- (e) admits that it published the third matter complained of to persons who streamed and viewed the third matter complained of from the ABC News YouTube channel;
- (f) denies paragraph 6(c) and refers to and relies upon the particulars of the extent of publication set out below;
- (g) says that it is presently unable to ascertain the particular States and Territories from which persons streamed and viewed the third matter complained of;
- (h) says that the third matter complained of received 2,283 “likes” and 208 “dislikes”;
- (i) does not plead to paragraphs 6(d) and (e) of the SOC as they contain no allegations against the ABC; and
- (j) otherwise denies the allegations in paragraph 6 of the SOC.

#### **Particulars of the extent of publication**

- (i) 11,846 playbacks of the live stream of the third matter complained of, being the total number of times the third matter complained of was loaded by users of the ABC News YouTube channel (including page refreshes).
  - (ii) 115,176 views of the third matter complained of as video on demand (following the live stream) by viewers located in the States and Territories of Australia.
  - (iii) The ABC is presently unable to ascertain how many of these playbacks and views on demand were streamed and viewed by persons in the Australian Capital Territory and every other State and Territory of Australia.
7. In answer to paragraph 7 of the SOC, the ABC:
- (a) does not admit that the third matter complained of was of and concerning Lehrmann;

- (b) denies that the third matter complained of, in its natural and ordinary meaning or otherwise, carried the imputation set out in paragraph 7(a) of the SOC or any imputation not differing in substance from that imputation; and
- (c) admits that if (which is not admitted) the third matter complained of was of and concerning Lehrmann, and if (which is denied) the imputation set out in paragraph 7(a) of the SOC was carried, then that imputation was defamatory of Lehrmann.

## CONCERNS NOTICE

8. In answer to paragraph 8 of the SOC, the ABC:

- (a) admits that it received a letter from the solicitors for Lehrmann dated 8 February 2023 (**8 February 2023 Letter**); and
- (b) denies that the 8 February 2023 Letter constituted a concerns notice pursuant to s 12A(1) of the *Defamation Act 2005* (NSW) or cognate provisions in the defamation legislation of the other Australian States and Territories (**Defamation Act**) in that it did not or did not adequately inform the ABC of the harm that Lehrmann considered to be serious harm to his reputation caused, or likely to be caused, by the publication of the first, second and third matters complained of (together, **the matters complained of**) as required by s 12A(1)(a)(iv) of the Defamation Act.

9. In answer to paragraph 9 of the SOC, the ABC:

- (a) admits that ABC Legal on behalf of the ABC sent a letter dated 7 March 2023 to the solicitors for Lehrmann seeking further particulars as to the matters set out in the 8 February 2023 Letter (**7 March 2023 Letter**);
- (b) says that the ABC received a response to the 7 March 2023 Letter from Lehrmann's solicitors dated 21 March 2023 (**21 March 2023 Letter**) which did not provide the reasonable further particulars specified in the 7 March 2023 Letter or otherwise satisfy s 12A(1)(a)(iv) of the Defamation Act, and therefore, pursuant to s 12A(5) of the Defamation Act, Lehrmann is taken not to have given the ABC a concerns notice for the purposes of s 12A of the Defamation Act.

9A. By reason of the matters set out in paragraphs 8 and 9 above, and the operation of s 12B(1) of the Defamation Act, the ABC:

- (a) denies that Lehrmann has satisfied a condition precedent to his right of action; and

- (b) says that accordingly these proceedings are not competent and should be dismissed.

### **SERIOUS HARM**

10. The ABC denies the allegations in paragraph 10 of the SOC and says further that:

- (a) Lehrmann was not named in the matters complained of;
- (b) Lehrmann did not raise any complaint about the matters complained of with the ABC until almost one year after they were first published; and
- (c) if, as asserted in paragraph 10(a) of the SOC, it was notorious throughout Australia that Lehrmann was the person accused of, and charged with, the sexual assault of Ms Higgins, then:
  - (i) the matters complained of would not have caused, and were not likely to cause, serious harm to Lehrmann's reputation, including because any persons to whom the matters complained of were published knew that Lehrmann was yet to face trial (or knew he had not been convicted) and accordingly it was not a proven fact that Lehrmann had raped Ms Higgins on a couch in Parliament House and that Lehrmann was entitled to the presumption of innocence; and
  - (ii) further or alternatively, any person to whom the matters complained of were published would already have formed a view as to Lehrmann's reputation that would not have changed, and was not likely to be changed, by the publication of the matters complained of.

### **DAMAGE**

11. The ABC denies the allegations in paragraph 11 of the SOC.

12. In further answer to paragraph 11 of the SOC, the ABC denies that Lehrmann is entitled to the relief sought in the Originating Application or any other relief at all.

### **OFFER TO MAKE AMENDS: s 18 of the Defamation Act**

13. Further or in the alternative, the ABC says that:

- (a) it made an offer to make amends in a letter from ABC Legal on behalf of the ABC to the solicitors for Lehrmann dated 4 April 2023 (**Offer to Make Amends**);

- (b) the Offer to Make Amends was made as soon as reasonably practicable and within the applicable period for an offer to make amends;
- (c) the ABC was ready and willing, on acceptance of the offer by Lehrmann, to carry out the terms of the offer; and
- (d) in all the circumstances the offer was reasonable.

#### **Particulars**

- (i) Letter from ABC Legal to Mark O'Brien Legal dated 4 April 2023.
- (ii) The Offer to Make Amends was made in respect of all of the matters referred to in the 8 February 2023 Letter, which included two publications said to have been made via the ABC iview media player app live, but which are not the subject of this proceeding.
- (iii) A period of almost one year had elapsed between the publication of the matters complained of and the 8 February 2023 Letter, during which period no complaint in respect of the matters complained of had been made by Lehrmann to the ABC.
- (iv) The Offer to Make Amends was made promptly after receiving the 23 March 2023 Letter.
- (v) Lehrmann did not contend that the Offer to Make Amends was unreasonable, but rather did not respond to the offer at all and instead commenced this proceeding the following day.

#### **FAIR REPORT OF PROCEEDINGS OF PUBLIC CONCERN: s 29(1) of the Defamation Act**

14. Further or in the alternative, the ABC says that the matters complained of were a fair report of proceedings of public concern.

#### **Particulars**

- (a) The National Press Club Proceedings was a proceeding of public concern within the meaning of s 29(4)(l) of the Defamation Act in that it was a proceeding:
  - (i) of a public meeting, being a meeting convened by the National Press Club in Canberra that was open to members of the public and, among others,

journalists who attended for the purpose of asking questions and preparing reports; and

- (ii) that related to matters of public interest, as to which the ABC relies on the particulars set out in Annexure A to this Defence.
- (b) The matters complained of were a fair report of the National Press Club Proceedings in that:
- (i) the first matter complained of was a live, uninterrupted and unedited broadcast of the National Press Club Proceedings;
  - (ii) the second matter complained of:
    - (A) as broadcast in New South Wales, Victoria, the Australian Capital Territory and Tasmania, was a live, uninterrupted and unedited broadcast of the National Press Club Proceedings (**second matter complained of live broadcasts**); and
    - (B) as broadcast in Queensland, South Australia, the Northern Territory and Western Australia, was an uninterrupted and unedited broadcast of the National Press Club Proceedings delayed to occur at the same time of day as the second matter complained of live broadcasts, having regard to the three different time zones in Australia; and
  - (iii) the third matter complained of was a live, uninterrupted and unedited live stream of the National Press Club Proceedings and thereafter made available for streaming and viewing on demand as an uninterrupted and unedited recording of the live stream of the National Press Club Proceedings.

**PUBLICATION OF MATTER CONCERNING ISSUE OF PUBLIC INTEREST: s 29A of the Defamation Act**

15. Further or in the alternative, the ABC says that:

- (a) the matters complained of concerned issues of public interest; and
- (b) it reasonably believed that the publication of the matters complained of was in the public interest.

**Particulars**

The ABC relies upon the particulars set out in Annexures A and B to this Defence.



**QUALIFIED PRIVILEGE: s 30 of the Defamation Act**

16. Further or in the alternative, the ABC says that:

- (a) it published the matters complained of in the course of giving to the recipients of the matters complained of information about a subject in which the recipients had an interest or had an apparent interest (in the sense that the ABC believed on reasonable grounds that the recipients had such an interest); and
- (b) its conduct in publishing the matters complained of was reasonable in the circumstances.

**Particulars**

The ABC relies upon the particulars set out in Annexures A and B to this Defence.

**QUALIFIED PRIVILEGE: common law**

17. Further or in the alternative, the ABC says that:

- (a) each of the matters complained of constituted information and opinions and arguments concerning government and political matters that affected the recipients of the matters complained of;
- (b) the recipients of the matters complained of had an interest in receiving such information, opinions and arguments;
- (c) by reason of the above, the ABC had a duty to publish the matters complained of; and
- (d) its conduct in publishing the matters complained of was reasonable.

**Particulars**

The ABC relies upon the particulars set out in Annexures A and B to this Defence.

18. In the alternative to 17 above the ABC:

- (a) repeats paragraphs 17(a) to (c) above; and
- (b) says that, by reason of those matters, at common law and conformably with the implied Constitutional freedom for the discussion of government and political matters, it has a complete defence to Lehrmann's claims at common law.

**INNOCENT DISSEMINATION: s 32 of the Defamation Act**

19. Further or in the alternative, the ABC says that:

- (a) the ABC published the first matter complained of, second matter complained of as live broadcasts and the live stream of the third matter complained of (**live broadcasts**) merely in the capacity of a subordinate distributor;
- (b) the ABC neither knew, nor ought reasonably to have known, that the live broadcasts were defamatory; and
- (c) the ABC's lack of knowledge was not due to any negligence on its part.

**Particulars**

- (i) The statements that comprise the matters complained of were made in the course of the National Press Club Proceedings, which were proceedings organised and controlled by the National Press Club.
- (ii) The ABC had:
  - (A) no effective control over the National Press Club Proceedings; and
  - (B) no foreknowledge of what any person intended to say in the course of the National Press Club Proceedings.
- (iii) The ABC's absence of effective control and of foreknowledge was a consequence of the nature of the National Press Club Proceedings, being a forum organised and controlled by the National Press Club to foster the live discussion of topical issues.
- (iv) In respect of the live broadcasts, the ABC was involved in the publication of the National Press Club Proceedings in the capacity of a broadcaster of a live television programme.

**MITIGATION OF DAMAGES**

20. If, which is denied, Lehrmann is found to be entitled to damages, the ABC will rely in mitigation of damages upon the following facts, matters and circumstances:

- (a) the facts, matters and circumstances proved in evidence in support of the defences pleaded in this Defence;

- (b) such other evidence as is properly admitted at trial;
- (c) any other proceedings for damages for defamation brought by Lehrmann in relation to any other publication of matter having the same meaning or effect as the matters complained of, including *Lehrmann v Network Ten Pty Ltd & Anor* (NSD103/2023) and *Lehrmann v News Life Media Pty Ltd & Anor* (NSD104/2023) (**Other Proceedings**);
- (d) any damages award made in favour of Lehrmann against the respondents in Other Proceedings;
- (e) any compensation received or agreed to be received by Lehrmann for defamation in relation to any other publication of matter having the same meaning or effect as the matters complained of; and
- (f) the circumstances in which it is proved that the matters complained of were published.

Date: 18 May 2023



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Signed by Alessandra Steele

Lawyer for the Respondent

This pleading was settled by MJ Collins AM KC and T Senior of counsel.

### **Certificate of lawyer**

I Alessandra Steele certify to the Court that, in relation to the defence filed on behalf of the Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 18 May 2023



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Signed by Alessandra Steele  
Lawyer for the Respondent

**ANNEXURE A**  
**PARTICULARS OF PUBLIC INTEREST**

1. The National Press Club Proceedings and the matters complained of concerned the following matters:
  - (a) the treatment of women, including in workplaces such as Parliament House;
  - (b) gender based violence and the impact of sexual harassment and assault;
  - (c) violence against women with disabilities and Aboriginal and Torres Strait Islander women;
  - (d) the culture and safety of Parliament House as a workplace;
  - (e) allegations of assault, the casual brutal treatment of politicians and staff and the bullying of women inside Parliament House;
  - (f) the safety of persons in Parliament House;
  - (g) the fact and circumstances of the March4Justice rally in March 2021;
  - (h) the way in which sexual violence against women is discussed publicly or as part of a national conversation;
  - (i) the response by the then-Prime Minister in Parliament to an allegation of rape occurring in Parliament House;
  - (j) the fact and outcome of an Independent Review into Commonwealth Parliamentary Workplaces conducted by the Sex Discrimination Commissioner, Kate Jenkins;
  - (k) the fact and circumstances of statements of acknowledgment and apologies having been offered the day before the National Press Club Proceedings by the then-Prime Minister and then-Opposition Leader to victims of abuse in Parliament;
  - (l) the circumstances of the release of the draft National Plan to End Violence against Women and Children and its contents;
  - (m) the work of Ms Tame, the Australian of the Year for 2021, as an advocate for survivors of sexual assault and her treatment by members of the public, the media and others;

- (n) the work of Ms Higgins as an advocate for survivors of sexual assault and her treatment by members of the public, the media and others;
- (o) the circumstances of child sexual abuse and the trauma caused by such abuse;
- (p) the relationship between perpetrators of child sexual abuse and survivors of such abuse;
- (q) the Government's response to the issue of abuse, the adequacy of funding for preventative education and the need for legislative change in respect of the perpetrators of abuse;
- (r) the fact and impact of the #LetHerSpeak campaign and the Harmony campaign;
- (s) the substance of an exchange between Ms Higgins and the Deputy Prime Minister about the Prime Minister's knowledge of an allegation of rape occurring at Parliament House;
- (t) the extent to which Parliament is doing enough to support gay, lesbian and trans students;
- (u) the representation of women in politics; and
- (v) the then forthcoming federal election,

**(Subjects).**

2. The recipients of the matters complained of had an interest or apparent interest in the Subjects.
3. Each of the Subjects was a matter of public interest.
4. Each of the Subjects related to government and political matters.

**ANNEXURE B****PARTICULARS OF REASONABLENESS AND REASONABLE BELIEF****Background**

1. The ABC is a news organisation and the national broadcaster:
  - (a) The functions of the ABC under its charter are set out in s 6(1) of the *Australian Broadcasting Corporation Act 1983* (Cth) (**ABC Act**) and include broadcasting programs that inform the Australian community and programs of an educational nature.
  - (b) The duties of the ABC are set out at s 6(2) of the ABC Act and include:
    - (i) in the provision of its broadcasting services within Australia, to take into account its responsibility as the provider of an independent national broadcasting service to provide a balance between broadcasting programs of wide appeal and specialised broadcasting programs; and
    - (ii) to take all such measures, being measures consistent with the obligations of the ABC under s 6(a), as, in the opinion of the Board, will be conducive to the full development by the ABC of suitable broadcasting programs.
  - (c) Under the ABC Code of Practice, approved by the Australian Communications and Media Authority, the ABC needs to be adventurous, brave and creative:
    - (i) adventurous in encouraging new and sometimes confronting forms of art and entertainment;
    - (ii) brave in reporting without fear or favour, even when that might be uncomfortable or unpopular; and
    - (iii) creative in finding new ways of telling Australian stories, reflecting Australian culture and sharing in the Australian conversation.
2. At the time of first publication of the matters complained of, the ABC was party to a contract with the National Press Club of Australia known as the *Broadcast Rights Agreement, National Press Club 2019–2022* (**Contract**). A copy of the Contract may be inspected. The ABC will rely on the full terms and effect of the Contract at trial.

3. By the Contract, *inter alia*, the ABC acquired, for valuable consideration, the right to make and broadcast recordings of proceedings of the National Press Club, defined in the Contract as **Events**, such as the National Press Club Proceedings.
4. Events are held at least 40 times per year, typically over a lunch held at the premises of the National Press Club in Canberra at the same time each week. The National Press Club controls and organises Events, including by inviting speakers and determining subjects. The ABC plays no role in organising Events, inviting speakers or determining subjects.
5. The public is invited to attend Events by purchasing tickets. Events are also invariably attended by a large number of journalists from Australian media organisations, who attend for the purpose of listening to speakers, asking questions and publishing newsworthy reports of Events.
6. Speakers are typically persons of prominence in Australian society, whose speeches relate to matters of public discourse in Australia. Ms Tame was an Australian of the Year (for 2021) and had previously given an address to the National Press Club on 3 March 2021. Ms Tame and Ms Higgins were each prominent advocates for survivors of sexual assault and abuse.
7. The ABC first commenced regularly broadcasting Events on a live, uninterrupted basis throughout Australia in 1989. At all material times, it was the common intention of the parties to the Contract that the ABC would broadcast Events on a live, uninterrupted and unedited basis throughout Australia, and the ABC had done so approximately 40 times per year under the Contract.
8. As a result of the above matters, at the time of the publication of the matters complained of, broadcasts of Events had become and were an integral and important part of Australian civic discourse which informed the public of topical subjects of public interest. Recordings of Events had become an important archive of the Australian national conversation from time to time about such subjects.
9. Viewers of broadcasts and recordings of the Events reasonably expected them to be uninterrupted and unedited, and reasonably understood them to comprise the opinions and allegations of speakers rather than the product of independent or investigative journalism. The ABC reasonably understood that to be the expectation and understanding of viewers of broadcasts and recordings of Events.



**Reasonable belief**

10. The ABC reasonably believed that the National Press Club Proceedings and hence the matters complained of concerned issues of public interest, namely the Subjects.

**Reportage**

11. The ABC neither adopted nor endorsed the statements made by Ms Higgins or Ms Tame in the course of the National Press Club Proceedings.
12. To the extent that Ms Higgins referred to having been raped on a couch in Parliament House, the public interest in the statements made by Ms Higgins in the course of the National Press Club Proceedings resided in the fact of her allegation, rather than the truth of its contents.
13. By reason of the matters referred to in paragraphs 11 and 12 above, the matters complained of comprised neutral reportage of Ms Higgins' allegation.

**Other circumstances**

14. The first and second matters complained of were live broadcasts. All of the matters complained of were published in an uninterrupted, unedited form.
15. The matters complained of distinguished between allegations and proven facts to an extent that was reasonable in the circumstances and given the context referred to above. In particular, Laura Tingle, the President of the National Press Club and chair of the National Press Club Proceedings, introduced the address by referring to "allegations of assault" inside Parliament House (line 3, Annexure A to the SOC).
16. It was appropriate for the matters complained of to be published expeditiously:
  - (a) At the time of the publication of the matters complained of, there had been a long history of Events, such as the National Press Club Proceedings, being broadcast live.
  - (b) It was the common expectation of the parties to the Contract, consistent with that long history, that the National Press Club Proceedings would be broadcast live.
  - (c) The Subjects were of the highest public interest and importance and had been the subject of a longstanding and robust national discussion.

- (d) The day prior to the National Press Club Proceedings, the then-Prime Minister and other political leaders made statements in both the House of Representatives and the Senate apologising to those who had experienced sexual harassment, sexual assault or bullying while working at Parliament House. In particular, the then-Prime Minister made an apology to Ms Higgins, and the then-Opposition Leader paid tribute to Ms Higgins.
  - (e) Those statements were made further to the recommendations of part of an independent review conducted by Australia's Sex Discrimination Commissioner in 2021 into federal parliament's culture. The review was one of a number of inquiries called by the then government after Ms Higgins alleged she had been raped in Parliament House in 2019 and spoke out about the way her complaints were handled by the government afterwards.
17. Lehrmann was not named in the National Press Club Proceedings or the matters complained of.
18. At the time the matters complained of were published, it had been publicly reported that:
- (a) Lehrmann was the accused in relation to the alleged sexual assault of Ms Higgins in Parliament House (on and after 7 August 2021).
  - (b) Lehrmann had entered a plea of not guilty to the charge (on or about 16 September 2021) and had been committed to trial (on or about 5 November 2021).
  - (c) Lehrmann denied Ms Higgins' allegations (on and after 7 August 2021).
19. Any person who viewed the matters complained of and understood them to be of and concerning Lehrmann:
- (a) would have been aware of the matters referred to in paragraph 18 above and so have understood Ms Higgins to be repeating an allegation which was to be the subject of a forthcoming defended criminal trial and not a proven fact and that Lehrmann was entitled to the presumption of innocence.
  - (b) would already have formed a view as to Lehrmann's reputation that would not have changed, and was not likely to be changed, by the publication of the matters complained of.
20. The trial ultimately commenced approximately eight months after the National Press Club Proceedings (on 4 October 2022).

## NOTICE OF FILING

### Details of Filing

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*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.