

## **NOTICE OF FILING**

### **Details of Filing**

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	21/06/2024 3:54:28 PM AEST
Date Accepted for Filing:	24/06/2024 9:53:29 AM AEST
File Number:	NSD701/2024
File Title:	BRUCE LEHRMANN v NETWORK TEN PTY LIMITED ACN 052 515 250 & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA

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.

Form 59  
Rule 29.02(1)

## Affidavit

No. NSD701 of 2024

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

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

Affidavit of: **Marlia Ruth Saunders**  
Address: Level 14, 60 Martin Place Sydney NSW 2000  
Occupation: Lawyer  
Date: 21 June 2024

### Contents

Document number	Details	Paragraph	Page
1	Affidavit of Marlia Saunders affirmed on 21 June 2024	1-38	1-10
2	Annexure "MRS-1", being a copy of a transcript of an interview with the Appellant broadcast on <i>7News Spotlight</i> on 4 June 2023	18	11-43
3	Annexure "MRS-2", being a copy of a transcript of the raw footage of an interview with the Appellant broadcast on <i>7News Spotlight</i> on 4 June 2023	19	44-97
4	Annexure "MRS-3", being a copy of a transcript of an interview with the Appellant broadcast on <i>7News Spotlight</i> on 13 August 2023	20	98-126

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

[Version 3 form approved 02/05/2019]

5	Annexure " <b>MRS-4</b> ", being a copy of a transcript of an interview with the Appellant broadcast on <i>Sunrise</i> on 14 August 2023	21	127-130
6	Annexure " <b>MRS-5</b> ", being a copy of a letter from Thomson Geer to Mark O'Brien Lawyers dated 7 September 2023	22	131-132
7	Annexure " <b>MRS-6</b> ", being a copy of a letter from Mark O'Brien Lawyers to Thomson Geer dated 12 September 2023	23	133-134
8	Annexure " <b>MRS-7</b> ", being a copy of a Notice to Produce to the Appellant dated 17 April 2024	24	135-137
9	Annexure " <b>MRS-8</b> ", being a copy of a Costs Disclosure and Conditional Costs Agreement between the Appellant and Mark O'Brien Lawyers dated 15 December 2022	25	138-149
10	Annexure " <b>MRS-9</b> ", being a copy of a court transcript from 8 May 2024	26	150-155
11	Annexure " <b>MRS-10</b> ", being a copy of a National Property Ownership search for the Appellant dated 5 June 2024	27	156-165
12	Annexure " <b>MRS-11</b> ", being a copy of a letter from Thomson Geer to the Appellant dated 7 June 2024	28	166-172
13	Annexure " <b>MRS-12</b> ", being a copy of a letter from the Appellant to Thomson Geer dated 20 June 2024	29	173-174

I Marlia Ruth Saunders, of Level 14, 60 Martin Place Sydney NSW 2000, Lawyer, affirm:

1. I am a Partner at Thomson Geer, solicitors for the First Respondent.
2. I am authorised to make this affidavit on behalf of the Respondents.
3. I make this affidavit from my own knowledge, except where I have stated otherwise.  
Where I depose to matters on information given to me, I believe that information to be true and correct.
4. This affidavit is made in support of the Respondents' application for orders that the Appellant provide security for the Respondents' costs of the appeal proceeding pursuant to s 56 of the *Federal Court of Australia Act 1976* (Cth) (**Act**) and r 36.09 of the *Federal Court Rules 2011* (Cth).
5. In referring to the Respondents' legal costs in this proceeding, I do not intend to and am not instructed to waive the Respondents' right to legal professional privilege.

#### Experience in running litigation

6. I was admitted as a solicitor of the Supreme Court of New South Wales in May 2005.
7. In the 19 years since my admission as a solicitor, I have practised in the areas of commercial litigation and dispute resolution in various jurisdictions, including the Federal






Court of Australia, the Supreme Court of New South Wales, the District Court of New South Wales, the Supreme Court of the Australian Capital Territory, the Supreme Court of Queensland, the Supreme Court of South Australia, the District Court of South Australia and the Supreme Court of Western Australia.

8. During that time, I have been actively involved in the day-to-day running of over 40 defamation litigation matters, including a number of appeals.
9. In the appeals I have been involved in, I regularly provide estimates of costs that my clients are likely to incur in respect of the appeal. When preparing such costs estimates, I consider:
  - (a) the number and type of tasks that will need to be undertaken in the period covered by the estimate;
  - (b) the time that is likely to be required to undertake those tasks, based on their size and complexity;
  - (c) the number and level of experience and skill of people that will be required to undertake and complete identified tasks; and
  - (d) the charge out rates of the people, including counsel and experts, who are required to undertake and complete the identified tasks.

#### Overview of the proceedings below

10. From 22 November 2023 to 5 April 2024, the proceeding below was heard before the Honourable Justice Lee of the Federal Court across 26 days of trial. The Appellant called five witnesses and the Respondents called 28 lay witnesses and three expert witnesses (although one expert report was not tendered because the parties instead tendered agreed facts). Approximately 1,000 documents were tendered by the parties. On 15 April 2024, Justice Lee handed down his reasons for judgment in *Lehrmann v Network Ten Pty Limited* [2024] FCA 369 (**Primary Judgment**).
11. On 10 May 2024, Justice Lee made orders in respect of costs following the Primary Judgment: *Lehrmann v Network Ten Pty Limited* [2024] FCA 486 (**Costs Judgment**).
12. In respect of the Costs Judgment, his Honour ordered the Appellant pay the Respondents' costs of the proceeding below as follows (**Costs Order**):
  - (a) the ordinary basis for the costs incurred in relation to the defence of statutory qualified privilege pursuant to s 30 of the *Defamation Act 2005* (NSW) (**Defamation Act**), other than costs in relation to affidavits specified in paragraph 2 of the Costs Order which are not recoverable; and
  - (b) the indemnity basis for any other costs of or incidental to the proceeding.



13. Up to and including 31 May 2024, the First Respondent's total recoverable costs of the proceeding below under the Costs Order are approximately \$3,100,000.00 (exclusive of GST).
14. On 20 June 2024, the First Respondent made an application for a lump sum costs order in the amount of \$2,000,000.00 (exclusive of GST).

**Grounds of appeal / Prospects of success on the appeal**

15. On the basis of my review of the Appellant's Notice of Appeal filed on 31 May 2024 (**Appeal**):
  - (a) the Appellant raises a number of grounds of appeal which relate largely to questions of fact, rather than substantial questions of law; and

[REDACTED]

**The impecuniosity of the Appellant**

16. The Appellant is an individual.
17. In August 2021, the Appellant was charged in the Australian Capital Territory with sexual intercourse without consent.
18. On 4 June 2023, an interview with the Appellant was broadcast on *7News Spotlight* (**First Lehrmann Spotlight Program**) in which the Appellant said:
  - (a) "I don't have any money;"
  - (b) "I'm not trying to be a millionaire out of this, in any way. In fact, the opposite. I'm trying to pay my lawyers, I'm trying to pay back my mum and my uncle and others who have supported me;" and
  - (c) "It's inspirational stuff to see these lawyers take pity on someone, they saw the system failing someone, the media failing someone, and they just, you know, they're not interested in money."

A copy of a transcript of the First Lehrmann Spotlight Program is annexed and marked "**MRS-1**".

19. On 9 June 2023, the Respondents obtained raw footage of the First Lehrmann Spotlight Program via a subpoena issued to Seven Network (Operations) Limited on 1 June 2023, in which the Appellant said:
  - (a) "I have a list of debt to people as thick as the Bible";
  - (b) "The lawyers...they've all done it for free";




- (c) "My solicitor Kamy Saeedi... kept an account of what I owe them. I think it's upwards of a million dollars now";
- (d) "Steve Whybrow, he, he, never expects to be paid;"
- (e) Interviewer: "[Mr Whybrow's] doing it pro bono?" Mr Lehmann: "Yeah;"
- (f) "[My psychologist is] doing it for free. Bulk billing";
- (g) "With respect of [the Nationwide News Pty Ltd] settlement, I don't see a cent of it. It's for my legal costs;"
- (h) "I need funds to pay my lawyers;" and
- (i) "I've got over a million dollars in legal fees."

A copy of the transcript of the raw footage of the First Lehmann Spotlight Program is annexed and marked "**MRS-2**".

- 20. On 13 August 2023, an interview with the Appellant was broadcast on *7News Spotlight (Second Lehmann Spotlight Program)* in which the Appellant said: "I need to consider the very real possibility that I may never work again." A copy of the transcript of the Second Lehmann Spotlight Program is annexed and marked "**MRS-3**".
- 21. On 14 August 2023, an interview with the Appellant was broadcast on *Sunrise* in which the Appellant said: "I'm virtually unemployable". A copy of the transcript of the *Sunrise* interview is annexed and marked "**MRS-4**".
- 22. On 7 September 2023, Thomson Geer, on behalf of the First Respondent, sent a letter to Mark O'Brien Legal (**MOBL**), then the lawyers for the Appellant, enquiring whether the Appellant had engaged a litigation funder. This letter is annexed and marked "**MRS-5**".
- 23. On 12 September 2023, MOBL sent a letter to Thomson Geer advising that the Appellant had not engaged a litigation funder. A copy of this letter is annexed and marked "**MRS-6**".
- 24. On 17 April 2024, the First Respondents issued a Notice to Produce to the Appellant. A copy of the Notice to Produce is annexed and marked "**MRS-7**".
- 25. On 8 May 2024, at the return of the Notice to Produce, the Appellant produced, inter alia, a Costs Disclosure and Conditional Costs Agreement with MOBL. Under the costs agreement, the Appellant was not liable to pay for any costs and disbursements in the proceeding below unless he was successful in that proceeding. A copy of the costs agreement is annexed and marked "**MRS-8**".
- 26. During the 8 May 2024 hearing, in relation to whether there was any agreement by a third party to pay the Appellant's costs, the solicitor appearing for the Appellant stated:






"there is none such agreement". Annexed and marked "**MRS-9**" is a transcript from the 8 May 2024 hearing.

27. On 5 June 2024, I caused to be undertaken a search of the various State and Territory land registers for any real property owned by the Appellant. Nil results were returned. A copy of a National Property Ownership search for the Appellant is annexed and marked "**MRS-10**".
28. On 7 June 2024, Thomson Geer sent a letter to the Appellant which outlined the First Respondent's concerns as to the ability of the Appellant to satisfy any costs order that may be made against him in the event of the First Respondent successfully defending the appeal and sought his agreement to pay security for costs. A copy of this letter is annexed and marked "**MRS-11**".
29. On 20 June 2024, the Appellant sent a letter to Thomson Geer, declining to pay security for costs. A copy of this letter is annexed and marked "**MRS-12**".
30. In all the circumstances, I consider that the Appellant has no capacity to pay his existing liabilities arising from the Primary Judgment or the Costs Judgment, let alone any costs which may be ordered against him in the Appeal.
31. I am concerned that, should the Respondents succeed in defending the Appeal, the Appellant will not be able to satisfy any costs order awarded in their favour.
32. Accordingly, I am instructed to seek security for costs from the Appellant in respect of the costs of the Appeal on terms set out in the Interlocutory Application.

#### **Estimate of costs to be incurred by the First Respondent**

33. I have prepared an estimate of the solicitor/client costs and disbursements likely to be incurred by the First Respondent in defending the Appeal based on my experience of similar matters, as follows:

Item	Task description	Estimate
<b>Professional fees</b>		
<i><b>Pleadings and preliminary matters</b></i>		
1	Reviewing and considering Notice of Appeal filed by Applicant	\$5,000.00
2	Taking instructions (including conferences with client and counsel, and reviewing submissions and transcript)	\$10,000.00
3	Preparing Notice of Contention	\$15,000.00
4	Reviewing the Second Respondent's Notice of Contention	\$5,000.00



<b>Case management</b>		
5	Corresponding with other parties regarding draft orders and procedural matters	\$5,000.00
6	Corresponding with the Court regarding case management and orders	\$5,000.00
7	Attendance on client to obtain instructions on ongoing conduct of the matter	\$5,000.00
<b>Appeal books</b>		
8	Liaising with other parties regarding preparation of appeal books	\$10,000.00
9	Preparation of appeal books	\$10,000.00
<b>Submissions</b>		
10	Preparing written submissions, including liaising with counsel and client	\$15,000.00
11	Reviewing other parties' submissions, including providing advice to client	\$10,000.00
<b>Appeal hearing</b>		
12	Preparing for appeal hearing, including conferring with counsel and client (estimated 2 days)	\$20,000.00
13	Attendance at appeal hearing to instruct counsel (estimated 3 days)	\$30,000.00
<b>Subtotal</b>		<b>\$145,000.00</b>
<b>Disbursements</b>		
14	Senior Counsel's fees (\$11,000 per day, estimated 8 days for advice, preparation for and attendance at appeal hearing)	\$88,000.00
15	Junior Counsel's fees (\$4,000 per day, estimated 8 days for advice, preparation for and attendance at appeal hearing)	\$32,000.00
16	Fee for transcript of appeal hearing	\$7,500.00
<b>Subtotal</b>		<b>\$127,500.00</b>
<b>Total – professional fees and disbursements</b>		<b>\$272,500.00</b>

34. My estimate is based on the following assumptions:

- (a) most of the work in this matter will be undertaken by either Conor O'Beirne, a Senior Associate at Thomson Geer, under my supervision, Counsel, or by myself with some assistance from an Associate or Lawyer. The hourly rates (excluding GST) of the solicitors for the First Respondent are as follows:
- (i) Partner: \$730 per hour;
  - (ii) Senior Associate: \$530 per hour;
  - (iii) Associate: \$435 per hour; and




- (iv) Lawyer: \$395 per hour.
  - (b) the First Respondent has retained Dr Matt Collins KC and Tim Senior of counsel. Dr Collins' daily and hourly rate is \$11,000 and \$1,100 respectively (excluding GST). Mr Senior's daily and hourly rate is \$4,000 and \$400 respectively (excluding GST);
  - (c) the appeal hearing will be at least 3 days, having regard to the nature of the issues and volume of the evidence in the proceeding below; and
  - (d) the Appellant will be self-represented at the appeal which will add to the burden on the First Respondent's legal representatives, including by undertaking some tasks ordinarily undertaken by an appellant's solicitors (such as the preparation of the appeal book), and the likely length of the appeal hearing.
35. In my experience, in the event that the First Respondent is successful and a costs order is made in its favour on the ordinary basis, it would likely obtain a costs order on final costs assessment of:
- (a) 70% of the relevant solicitor/client costs incurred, which equates to approximately \$101,500.00 (excluding GST); and
  - (b) between 90% to 95% of their Counsels' relevant fees and other disbursements, which equates to approximately \$117,937.50 (excluding GST) if the median of 92.5% is used),
- which totals \$219,437.50.

**Estimate of costs to be incurred by the Second Respondent**

36. The First Respondent, as her employer, is obliged to indemnify the Second Respondent in respect of legal costs and expenses of the appeal which are properly incurred by her and reasonable in amount.
37. The Second Respondent has filed a Notice of Contention and I am informed by her solicitors, Gillis Delaney Lawyers, and believe that she intends to appear and advance argument at the hearing of the appeal.
38. I am informed by her solicitors, Gillis Delaney Lawyers, and believe that they estimate the solicitor/client costs and disbursements likely to be incurred by the Second Respondent in defending the Appeal based on their experience of similar matters, are as follows:





Item	Task description	Estimate
<b>Professional fees</b>		
<b><i>Pleadings and preliminary matters</i></b>		
1	Reviewing and considering Notice of Appeal filed by Applicant	\$5,000.00
2	Taking instructions (including conferences with client and counsel, and reviewing submissions and transcript)	\$10,000.00
3	Preparing Notice of Contention	\$15,000.00
<b><i>Case management</i></b>		
4	Corresponding with other parties regarding draft orders and procedural matters	\$5,000.00
5	Corresponding with the Court regarding case management and orders	\$5,000.00
6	Attendance on client to obtain instructions on ongoing conduct of the matter	\$5,000.00
<b><i>Appeal books</i></b>		
7	Liaising with other parties regarding preparation of appeal books	\$10,000.00
8	Preparation of appeal books	\$10,000.00
<b><i>Submissions</i></b>		
9	Preparing written submissions, including liaising with counsel and client	\$15,000.00
10	Reviewing other parties' submissions, including providing advice to client	\$5,000.00
<b><i>Appeal hearing</i></b>		
11	Preparing for appeal hearing, including conferring with counsel and client (estimated 2 days)	\$20,000.00
12	Attendance at appeal hearing to instruct counsel (estimated 3 days)	\$30,000.00
<b>Subtotal</b>		<b>\$125,000.00</b>
<b><i>Disbursements</i></b>		
13	Senior Counsel's fees (\$9,000 per day, estimated 6 days for advice, preparation for and attendance at appeal hearing)	\$54,000.00
14	Junior Counsel's fees (\$3,500 per day, estimated 7 days for advice, preparation for and attendance at appeal hearing)	\$24,500.00
<b>Subtotal</b>		<b>\$78,500.00</b>
<b>Total – professional fees and disbursements</b>		<b>\$203,500.00</b>



The First Respondent does not concede that the costs set out above would be properly incurred by the Second Respondent or reasonable for the purposes of the indemnity.

Affirmed by the deponent  
at Melbourne  
in Victoria  
on 21 June 2024  
Before me:

)  
)  
)  
)  
)

  
\_\_\_\_\_  
Signature of deponent

\_\_\_\_\_  
Signature of witness

Conor Edward Austin O'Beirne  
Solicitor  
Level 23, 525 Collins Street, Melbourne VIC 3000  
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law

**Annexure Certificate**

No. NSD701 of 2024

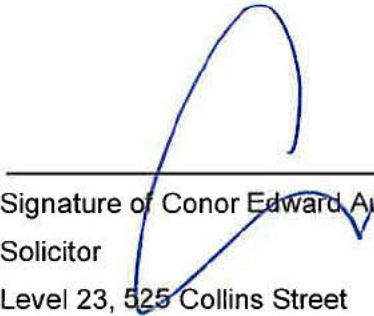
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-1**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



---

Signature of Conor Edward Austin O'Beirne  
Solicitor  
Level 23, 525 Collins Street  
Melbourne VIC 3000

# Transcript of 7NEWS Spotlight – 4 June 2023

The speakers are:

- Michael Usher (host) (**Usher**)
- Liam Bartlett (journalist) (**Barlett**)
- Bruce Lehrmann (person being interviewed) (**Lehrmann**)

There is audio from:

- Lisa Wilkinson (**Wilkinson**)
- Angus Llewellyn (**Llewellyn**)
- Brittany Higgins (**Higgins**)
- David Sharaz (**Sharaz**)

Voiceover	The audience is advised that the following program involves themes which could be disturbing for some viewers Tonight on Spotlight
Male	I've got two people going into Linda Reynold's suite
Voiceover	What happened down this corridor? What happened behind this door?
Lehrmann	Life as I knew it was over. There was no coming back
Higgins	I was raped inside Parliament House
Voiceover	A scandal so huge
Wilkinson	The entire country knew the name Brittany Higgins
Voiceover	And a tale so baffling
Male	Let's look at the facts, let's look at the breadcrumbs. It was mind blowing
Voiceover	A jury couldn't decide
Lehrmann	We've had the trial, the charges have been dropped. We've had enough shit shoved down our throats
Voiceover	For the first time, the other side of the story
Lehrmann	Yeah it's the classic, beware the man with nothing to lose. I've got nothing to lose
Voiceover	Bruce Lehrmann has kept silent for 4 long years
Lehrmann	I shut my mouth, believing in the justice system and following the rules. Others in this saga haven't done that. There's only one truth
Bartlett	Did you rape Brittany Higgins?
Usher	Hello, I'm Michael Usher and welcome to Spotlight. It is the most controversial legal saga in recent history. One that has ferociously divided public opinion, rocked the foundations of Federal Government in Canberra, destroyed careers and sullied reputations. Through it all the man accused of a shocking sexual assault has remained silent. Until now. In the most explosive interview of the year, tonight, Bruce Lehrmann sits down with Liam Bartlett to tell his side of the story, about what happened when he



	entered a ministerial suite with Brittany Higgins in the early hours of Saturday 23 March 2019, and nothing is off limits.
Bartlett	Bruce
Lehrmann	Liam, good morning
Bartlett	Are you ready
Lehrmann	Let's light some fires
Bartlett	Did you rape Brittany Higgins?
Lehrmann	No I didn't. It simply didn't happen
Bartlett	Did you have consensual sex?
Lehrmann	No
Bartlett	Did you kiss her, Bruce?
Lehrmann	No
Bartlett	In that parliamentary office?
Lehrmann	No. I did not see her again
Bartlett	Were you intimate with her at all?
Lehrmann	Not one bit
Bartlett	You know that there is nothing out of bounds here, don't you?
Lehrmann	I do
Bartlett	Everything's on the table
Lehrmann	Ask me anything
Bartlett	There's no question off-limits?
Lehrmann	Go for it
Bartlett	But you're also aware that you could come out the end of this, looking worse instead of better?
Lehrmann	Sure, I'm not after supporters, I just want the facts to be told
Bartlett	But why take that risk?
Lehrmann	As I said, I'm not interested in supporters. I want the public to know the truth of the matter
Bartlett	And you think that people will believe you?
Lehrmann	I don't care if they do but everything needs to be out there, in the open, so people can assess this for what it is
Bartlett	All right
Voiceover	In March 2019 both Bruce Lehrmann and Brittany Higgins worked in the office of then Defence Minister Linda Reynolds. Brittany had just joined. Bruce was just about the leave.

Lehrmann	I was a policy advisor, she was a media advisor, they're two separate things. We're not ... I'm not her boss, she's not my boss.
Voiceover	On the evening of Friday 22 <sup>nd</sup> as this previously unseen CCTV footage shows, they shared a night out with fellow Defence colleagues. At around 1:40 on Saturday morning, an Uber dropped them off at Parliament House
INTERCOM	Hello Ray speaking
Lehrmann	Hi mate, Bruce Lehrmann here with Minister Linda Reynolds, we've been requested to pick up some documents. I've forgotten my pass
INTERCOM	Ah yep, just one second
Lehrmann	Thanks mate [inaudible]
INTERCOM	Yes, I've just got to open it up for you and should be unlocking now
Lehrmann	Thanks mate
Voiceover	Before they could go upstairs, Bruce Lehrmann and Brittany Higgins first had to go through security. A process that would take several minutes. At 1.47am they were escorted to the lift that would take them to Minister Reynolds office. What happened in the following 40 minutes, is fiercely disputed. But what we do know is that video captures Lehrmann leaving Parliament house just after 2:30 AM. We also we also know that at 4:15am, Brittany Higgins was seen fast asleep, lying on her back, naked, on this couch in the Minister's office.
INTERCOM	[inaudible]
Voiceover	This is audio of one of the Parliamentary security guards.
Security 1	Yeah it's a delicate situation that's why I was enquiring.
Security 2	In what way?
Security 1	Um, yeah apparently there's a staff asleep in there
Security 2	There's a staff sleeping there?
Security 1	Yeah
Security 2	Is that what night shift's reported?
Security 1	Yeah
Security 2	We've been given strict instructions that staff aren't allowed to sleep in the suites
Security 1	Yeah, like you said it was a delicate situation that was reported to me so I just wanted to double check
Security 2	Go in mate, do a welfare check, go for it
Security 1	Yeah I need a female officer, ha, ha
Security 2	Oh is there a female in there?
Security 1	Yeah
Voiceover	It would be another two years before Bruce Lehrmann voluntarily presented himself to the Australian Federal Police after being accused on national television of a despicable crime

AFP	This is a taped video and audio recorded interview between myself Detective Inspector Marcus Boorman and Mr Bruce Lehrmann... Is that correct pronunciation?
Bruce	Yes
AFP	Being conducted at AFP Sydney office, Goulburn Street in Sydney. The time is now 3:36 PM in the afternoon, the 19 <sup>th</sup> of April 2021
Voiceover	Two months before Lehrmann's interview with the AFP, his accuser Brittany Higgins, her boyfriend David Sharaz, TV host Lisa Wilkinson and her producer Angus Llewellyn held a meeting to discuss the possibility of Brittany breaking her bombshell allegations on Network Ten's The Project
Wilkinson	Perfect time for the food. That was just the pre-show entertainment. Hello
Male	Hi there
Sharaz	Oh, whose wine was that?
Wilkinson	No, not mine, no
Higgins	No
Sharaz	Oh you ordered too, sorry. You did order two
Wilkinson	One for each hand.
Higgins	Laughing
Wilkinson	That's your gin and tonic Now, nachos?
Male	Those spring roles are actually pretty good
Wilkinson	Are they?
Male	Yes
Voiceover	Over food and drinks the conversation ran for 5 hours. This is the actual audio
Llewellyn	I'd like to record this if you're okay with that?
Higgins	Absolutely, go for it
Llewellyn	It's only going to be on my phone, it's not going to be on a Ten server but it's basically to make sure that I'm scribbling, typing the whole time and I've also got back ups for the lawyers
Higgins	Yes, of course
Wilkinson	Yeah, because if we're going to proceed we have to know that we've got every legal loophole covered
Voiceover	Lehrmann's interview with the police, two and a half months later was also recorded
AFP	Now I must caution that you do not have to say or do anything but anything you say or do may be used in evidence. Do you understand that?
Lehrmann	Yes



AFP	Can you tell me in your own words the understanding of this caution
Lehrmann	Everything I say can be used in court proceedings as part as your investigation
AFP	That's correct
Wilkinson	So is your end game here, apart from getting ownership of your story back, is it to press charges against Bruce?
Higgins	Ultimately one day if I can get enough stuff, absolutely that would be great
Sharaz	I guess, what's your, obviously we're not stupid, we know this sort of stuff's transactional, what are you getting out of it? What do you want out of it?
Wilkinson	No, I'm always about exactly the same thing. The inequality that exists out there, whether it's white privilege, whether it's male domination, whether it's you know, criminal activity that is suppressed. I'm a girl from the western suburbs of Sydney. I've always been motivated by exactly the same thing, people who deserve to be heard not being heard
AFP	How are you feeling at this time?
Lehrmann	Well, you know, obviously nervous and distressed as I have been for many weeks now, so, yeah
AFP	Do you feel all right to ...
Lehrmann	Yeah
AFP	Have this conversation?
Lehrmann	I've wanted to and that's why I've been more than happy to co-operate, yeah
Higgins	People in the know in the party well, it's two and two, they'll know, and that's what matters. He will never get a pre-selection now
Sharaz	And he'll be shitting himself when it comes out
Higgins	And that's the thing, he's like one of those sort like legacy ones, that's going to eventually, he'll run for a seat and so if enough people can put two and two together it will stop him from getting pre-selected for the seat of Wentworth or something like that
Wilkinson	So we need to work out ...
Llewellyn	Mmm
Wilkinson	.... when we do interviews
Llewellyn	Sorry, I'm working out how to get this pork onto the chip
Wilkinson	I'm glad you're going after the important stuff at the moment
Llewellyn	Okay, so
Sharaz	Stupid question cause we're having lunch together but you do want to run this?
Llewellyn	Yes
Wilkinson	We're not just here for gossip
AFP	And I just want to make it clear right now Bruce that this is an opportunity for you to obviously participate in a formal record of interview in relation to this allegation

Wilkinson	So, in terms of timing though, how does that work. If you resign, are you thinking next Monday?
Higgins	Next Friday
Wilkinson	So, you'd leave on the Friday and we'd run it on Sunday?
Higgins	Yeah
Wilkinson	I wonder if you should have a sick day on the last day
Sharaz	Can you just take it, like just be .... I'm just not well again
Wilkinson	Yeah, Thursday have a headache
Higgins	Mm, yeah
Sharaz	And who cares if at that point, they're suspicious.
Bartlett	When was the first time that you realised that you'd been accused of being a rapist
Lehrmann	Ah, 15 February 2021
Bartlett	That date rolls off your tongue
Lehrmann	Yep
Bartlett	How did that roll out
Lehrmann	That was a pretty dark day
Wilkinson (interview)	Tonight, claims of rape, roadblocks to a police investigation and a young woman forced to choose between her career and the pursuit of justice and it all happened right in the heart of our democracy. Brittany Higgins says the government betrayed her. I sat down with you for this exclusive television interview and a warning this story contains confronting allegations
Wilkinson	The answer you really need to think about is why didn't you press charges
Higgins	Yeah
Wilkinson	I have every confidence that you will answer that very eloquently but it's one you just really need to think about
Higgins	Yep
Wilkinson	Yeah but speak about the culture that, you know, I don't want to put words in your mouth but if you can annunciate the fact that this place is all about suppression of people's natural sense of justice because you see around you the way that this place works that will help
Wilkinson (interview)	Did you feel pressured in any way whatsoever not to proceed with the case, with the police
Higgins (interview)	Absolutely, I mean there is a strange culture of silence in the parties. It's in everyone's interest to make the problem go away.
Wilkinson	It's about fear. It's about intimidation. It's sexist. Everything is implied. Everything is in secret
Higgins (interview)	I never let my friends know. I never really let my family know because it was this weird, there's this culture of silence

Wilkinson	Everything seems to operate in dark shadows because the minute you shine a torch on any of it, it's as ugly as sin
Llewellyn	I think the story will clearly have an explosive element of there is just no moral compass
Wilkinson	And exists within its own set of rules.
Llewellyn	Own set of rules, yeah
Wilkinson	The whole situation with the police. It's certainly not just a gender story. It's a Canberra bubble story.
Wilkinson (interview)	So this is the Canberra bubble
Higgins (interview)	Yeah, it protects itself. It's its own institution with its own rules
Wilkinson	But if you were a bloke, you wouldn't be getting this treatment
Higgins	No, not at all
Wilkinson (interview)	So for a woman to survive in Canberra, she's got to go into survival mode and play like the boys
Brittany (interview)	Yeah, exactly
Wilkinson (interview)	And side with the boys
Higgins (interview)	Exactly
Wilkinson (interview)	And protect the boys
Higgins (interview)	Yeah
Llewellyn	But you're calling out the culture
Higgins	Yeah
Llewellyn	Which is not just the Liberal Party. It's a Parliament House culture, which is taking steps forward making it a safer place
Wilkinson (interview)	Is Parliament House a safe place for women to work
Higgins (interview)	Honestly, that's the only reason why I'm even here today.
Llewellyn	Which, for God's sake, it's just not miners and builders who have to worry about workplace safety. Everyone has to.
Higgins	Yeah, that's true
Llewellyn	And it's not a safe place
Wilkinson (interview)	Shouldn't a young woman who just wants to go and do her job feel safe in Parliament House
Higgins (interview)	Yeah
Wilkinson	We must get that point across because that whole thing of what an incredibly safe place it is to rape someone. I mean that looks like intent
AFP	So, I think we'll start the interview by you sort of giving me a response in relation to the allegation I read out to you before. I'll repeat that if you want. In response to a report made to police by a Ms Brittany Higgins that claimed 1:48AM at

	2:33AM on Saturday 23 <sup>rd</sup> March 2009 you engaged in sexual intercourse with Brittany Higgins at Australian Parliament House in the Australian Capital Territory without her consent in contrary to Section 54 of the <i>Crimes Act 1900</i> . What can you tell me about that allegation.
Lehrmann	So, I reject that allegation. It simply didn't happen
Wilkinson	If you've line up all your ducks, like if you know you want your future to not be in Canberra
Higgins	Yeah, that's fine
Wilkinson	... then they kind of can't touch you
Higgins	I know, I know
Wilkinson	... because you're taking back ownership of your story and what happened to you to make sure that it can't happen to others.
Wilkinson (interview)	What would you like to see happen as a result of this going to air
Higgins (interview)	I just couldn't live with myself if it happened to someone else.
Llewellyn	Yeah, I mean, when it comes to defamation, his reputation is clearly gonna be lowered by being called a rapist and whether people could identify him
Higgins	I would love to have a Court case on like civil. If he wants to go after me on a civil basis, I think, on the balance of probabilities, I think I can win. I think if the onus of proof is beyond reasonable doubt, I think that would be different, I don't think I could win that
Llewellyn	Yeah, my feeling is that if we didn't name him, it would still be, we may as well have named him right because so many people wouldn't be able to identify him
Wilkinson (interview)	So what's happened to the man that you say raped you on Minister Reynold's couch
Higgins (interview)	He's fine. He's working in Sydney. He's got a good job. Everyone – people don't know why he left and I don't think he suffered any consequences for it at all
Bartlett	She says this and I'll quote She says about you. <i>'He's fine. Got a good job. I don't think he's suffered any consequences. He just kind of got to keep going'</i>
Lehrmann	It just infuriates me. It infuriates me
Bartlett	You don't think that's true at all
Lehrmann	I just, you know, yeah. It's not and it infuriates me. Yeah, it's pretty hard being kicked to the curb
Wilkinson (interview)	So once you passed through security, where did you go
Higgins (interview)	We went up the lift into Minister Reynolds suite. It was taking a really long time so I got to the point ...
Bartlett	While you're watching it, what's going through your head?
Lehrmann	Um, utter outrage. Outrage at live before me, sitting in my lawyer's office. I'm seeing friends of mine block me on Facebook, remove me from group chats. I mean.
Bartlett	Straight away



Lehrmann	Straight away. Like it is a metaphorical version of a nuclear bomb or the world exploding before your eyes. You know, you're being blocked, you're being removed from group chats. I mean I'm an extrovert, used to be. I mean, now I sort of live under a rock but you know that was one of the worst things to see that people were dropping me because I was politically inconvenient to be associated with.
Bartlett	As the story is going to air, as Brittany is speaking on National television, you're being disowned
Lehrmann	Yep and if that's not a clear indication of being identified, without having been named formally, I don't know what is.
Llewellyn	You know, at the right time, so as to prevent there being injunctions and things like that, we would go to him and we would go to the Minister's office. If we're making accusations, we have to give everyone a reasonable chance to reply and reasonable can be pretty iffy as long as it's not 5 minutes before broadcast and if it's 10 minutes, we should be okay.
Wilkinson (interview)	It sounds to me like the easiest place in this country to rape a woman and get away with it is Parliament House in Canberra
Higgins (interview)	Yeah, yeah
Wilkinson (interview)	We, of course, approached all the people named in our story and all our requests for interviews were declined. Those requests remain open.
AFO	Is there anything further at this point that you wish to tell me about this matter?
Lehrmann	No, um, no. It's ... I think you can tell, yeah, my world has been rocked so.
Llewellyn	Okay, why don't we have some lunch
Wilkinson	Yeah, that's what I'm thinking as well
Sharaz	So, not much of a story right?
Llewellyn	No. Yeah, we'll pass on it. No, that's a joke.
Usher	Next...
Higgins	This is kind of where it gets fuzzy
AFP	At any time at the DOCK, did you engage with Ms Brittany Higgins
Lehrmann	I would have. Yes, yeah
Bartlett	You need a nice quiet place and so you head off to Parliament House
Lehrmann	No, that's
Bartlett	You're kidding me
<b>BREAK</b>	
Wilkinson	I'm a great believer in people's time will come. I'm incredibly ....
Sharaz	Is it Linda's time? Please god, let it be Linda's time
Wilkinson	Well, it might be

Bartlett	Let's come back to your working relationships. Brittany Higgins has said repeatedly that you were a favourite of your boss, Linda Reynolds, the Senator, the Minister, the new Minister
Wilkinson (interview)	So, he was a bit of a favourite of Minister Reynolds
Higgins (interview)	Yeah, very much so
Bartlett	And you were also like her boss
Lehrmann	Umm
Higgins (interview)	I guess he was broadly sort of, what I regarded, as like my boss essentially.
Bartlett	Were any of those things true?
Lehrmann	Not in the slightest. I mean I was a policy adviser. She was a media adviser. They're two separate things. I'm not her boss. She's not my boss. This idea that I was somehow her superior was an odd message to put out there for the last couple of years, yeah
Bartlett	How long had you been working with Brittany Higgins
Lehrmann	Two or three weeks. I barely knew her.
Bartlett	She said you were a bit of a bully. That you bullied her
Lehrmann	Mm
Bartlett	On at least one occasion
Lehrmann	Mm
Bartlett	Is that right?
Lehrmann	No, not at all. In fact, I think it was adduced in evidence in the trial that that was not the case
Bartlett	Let's look at your job in that office. What was your career path working with the Minister
Lehrmann	Well, I was, towards the end of my career in politics. I had formed the view that I was done with politics. It's a grubby game. In many respects, I agree with Ms Higgins. That building is not the best place to work. The culture, irrespective of gender, is pretty pathetic. I'd just had enough. I mean 16 hour days, living out of a suitcase. The shine of it wore off.
Bartlett	So, you had already, at the time of this incident, as I understand it, you have already resigned
Lehrmann	I had
Bartlett	Brittany Higgins has said a lot about how you were a young Liberal. In fact, I think it was even mentioned that you were looking at a seat, possibly pre-selection for the seat of Wentworth.
Higgins	Eventually, he'll run for a seat and so if enough people can put two and two together, it will stop him from getting pre-selected for the seat of Wentworth or something one day
Bartlett	So you were painted as this young man of privilege. Is that fair to say?

Lehrmann	It's the complete opposite. It's been rather funny to sort of see the Twitterati fire up. Its, you know, I'm a country boy, who likes to drink XXXX beer. Haven't been a member for a party for 3 to 4 years now.
Bartlett	Were you a young Liberal?
Lehrmann	Oh, very early on at University but I left because they're a bunch of losers on both sides of politics. It was not for me.
Bartlett	And what about this image generally of a privileged young man
Lehrmann	Well, I think it's impacted my Mum because she's a widow and has been a widow for all of my life
Bartlett	Born in Texas, Lehrmann's American father died in a serious farming accident. When did your father pass away?
Lehrmann	I was 17-18 months old
Bartlett	Bob Lehrmann's body was found by his wife Linda. After the funeral, she decided to return to Australia to raise Bruce and his younger sister, Bobby, in Toowoomba in Queensland.
Bartlett	So, your Mum has brought you up single-handedly?
Lehrmann	Yeah. On social security
Bartlett	Oh, this must have devastated her.
Lehrmann	Yeah
Bartlett	Because you've gone one step further haven't you. I mean you've dipped into her Super.
Lehrmann	Yep. She's got no money and I don't have any money. My uncle, who's been a father figure for me, he every Saturday he tries to win on the horses and if he has a big win, he'll throw me some cash here and there and keep me afloat so it's been very tough.
Bartlett	Does your Mum believe in your innocence?
Lehrmann	100%
Bartlett	Did she ask you the question?
Lehrmann	She did
Bartlett	She had to say to you, to her own son, 'did you do it Bruce, did you rape her?'
Lehrmann	Mm-hmm and she believed me and that's really, in all of this, that's the only person I need to believe me. I don't need anybody else because that's my Mum and I'm a mummy's boy and I'm proud of it.
Bartlett	That must've been difficult
Lehrmann	Yeah, yep
<b>SUSPENSEFUL MUSIC</b>	
Bartlett	On March 22 2019, Brittany Higgins invited Bruce to some work drinks she was having with various Defence staff. It was two months out from the Federal Election

Llewellyn	And where were the drinks?
Higgins	At The Dock. So it's this place on the Kingston foreshore.
<b>HARROWING MUSIC</b>	
Higgins	It was the last hurrah before the election and that's why we invited everyone down. Had a big group about 20 people and they'd all been either working as Liberal Party staffers or were departmental or worked for the Defence. That was the group of people that was there
Lehrmann	And they were all Defence people. That's what she said to us.
Higgins	I actually had a Tinder date that night. I was recently single and I thought come down for drinks, come be around all my friends and see if you survive. He did not survive.
Wilkinson (interview)	So, this senior male colleague was at those drinks.
Higgins (interview)	Yes, yep, he was.
Wilkinson (interview)	I'm just working out whether I want to do anything more on that.
AFP	So you walked down to The Dock with Austin, is it? And what was Austin's surname?
Higgins	Austin Wenke
Wilkinson	He's name is not Austin 'Wanky'
Higgins	I'm not joking
Llewellyn	How do you spell his last name
Higgins	I told you, W E N K E.
Wilkinson	Oh – 'E' – right
Higgins	I'm not joking. It wasn't me just being rude. That is his name
AFP	What does Austin do?
Lehrmann	Mr Dutton's Media Officer, adviser
Lehrmann	My friend Austin and I were going because we got an invite from her to come and meet some fellow Defence colleagues.
Lehrmann	When I arrived, I assumed that was such a small defence team. I said, this is one of their shindigs. We knew the Minister in Portfolio and Austin was a mate of mine. I was going to hang out with him anyway
AFP	Now, when you arrived there, was Ms Brittany Higgins there on your arrival?
Lehrmann	On my recollection, she was yeah
AFP	At any time at the dock, did you engage with Ms Brittany Higgins
Lehrmann	I would have, yeah. She was a colleague of mine yeah
Wilkinson	Were many people drinking?
Higgins	Everyone. Yeah, definitely



Wilkinson	So there were a lot of people who were inebriated?
Higgins	Yes, definitely
Bartlett	How much was everyone drinking that night?
Lehrmann	Well, it was a Friday night so we were pretty cheerful
Higgins	There was no food. We were just drinking.
Wilkinson	Was Bruce inebriated?
Higgins	Not that I knew of. I knew he was there, I knew he was socialising. I knew he was buying us drinks. I noticed that he was buying me a lot of drinks
Bartlett	The clear impression that Brittany Higgins has given is that she was being plied with drinks
Lehrmann	Mm
Bartlett	We can only assume it was by you
Lehrmann	Yeah, yeah, which is ridiculous and actually proven in evidence that I'd only spent \$40 that night so there must've been cheap drinks Liam if I was shouting everyone so
Lehrmann	I certainly don't recall buying lots of drinks at all but I'm happy to provide my bank statements from that night
AFP	Appreciate that
Wilkinson (interview)	So, this senior male colleague was buying a lot of the drinks
Higgins (interview)	Yeah, yeah he was
Lehrmann	The narrative that has been advanced in the last two years has been latched on by the nation's media has been an absolute bloody furphy. There's so many inconsistencies. It's been pretty wild to watch actually
Bartlett	As midnight loomed, the work drinks wound down and the Group started to disperse before Bruce Lehrmann suggested going to a nearby nightclub
Lehrmann	It was just some work drinks on a Friday and then you all decide oh well let's kick on a bit. They were having a fun time of it and so there was a broad invite to come to 88 and those who said yes did and there was four of us that went
Higgins	We went to a second venue and that's sort of when the number of people changed and his interactions with me changed
Llewellyn	And what's that place called
Brittany	88
Sharaz	88MPH
Lehrmann	I mean it's a pretty fun bar
Lehrmann	I really enjoyed 88MPH, a favourite of mine. It's like 80's music and I said let's go there
AFP	What about your interactions with Brittany?
Lehrmann	Close, yeah close

Bartlett	You told Police, in your own words, that you two were close
Lehrmann	Yeah
Bartlett	What does that mean?
Lehrmann	Well, just looking out for each other. I mean you're out now in public so
Bartlett	What does close on a Friday night mean Bruce?
Lehrmann	Oh, opening doors for her and the others that were there. Making sure that you know, idiots who were completely sloshed weren't getting in our way
Higgins	He was like, obviously helping me quite a lot. He was very helpful. I remember feeling quite grateful
Wilkinson	Right
Higgins	But nothing that would make me feel ...
Wilkinson	... that he had anything other than your welfare
Higgins	Yeah, I think. I remember just feeling embarrassed. Oh okay, whatever and I remember feeling sort of embarrassed but that was sort of it
AFP	You said that you and Brittany were close when you were there
Lehrmann	Mm
AFP	Well, we've spoken to Lauren Gains
Lauren Gain	I think I remember Bruce and Brittany being quite close and I remember them kissing on the couch and it was at that point I don't really remember much after that, I'll be honest. My memory is quite hazy because we did have a lot of alcohol to drink that night.
Bartlett	She told police, and I quote: 'you and Brittany Higgins were sitting very close, kissing and passionate'
Lehrmann	Rubbish
Bartlett	But it's one thing for you to tell the police you were close, it's another thing for an eye witness at the venue to say that you were being very close
Lehrmann	Sure, but that eyewitness gave her statement two years after the fact.
Bartlett	But it makes a lot of sense doesn't it because if you two were canoodling, snogging, call it what you like, you had a belly full of grog, either way, things were getting a bit hot so, half past 1 in the morning, on a Saturday, you think well you need a nice, quiet, private place and so you head off to Parliament House
Lehrmann	No, that's not how the night eventuated whatsoever
Bartlett	But that makes sense with the eyewitness report
Lehrmann	With one eyewitness report, sure
Bartlett	And you completely reject that
Lehrmann	Absolutely
Bartlett	So she says 'Black', you say 'White'

Lehrmann	Mm-hm
Bartlett	Why did you decide to go back to the office?
Lehrmann	Well, a couple of reasons. I had to get my keys to go home because the night became later than I was expecting.
Bartlett	At around 1.30am, Bruce, Brittany, Lauren and Austin decided to pull up stumps
Brittany	Lauren and Austin went in one direction and I didn't live in that direction and Bruce lived broadly in the same direction as I did so I remember there was sort of that thing, alright well we're going this way, you guys going that way, catch you later
Lehrmann	I had to go back to Parliament House to get my keys to get back into my apartment where I was living with my girlfriend and Brittany also indicated that she had to attend Parliament for something. I didn't enquire as to what. I thought I was being a gentleman and I said well I'm ordering an Uber
Higgins	And then sort of the next thing I knew I was in a taxi.
Wilkinson	So you remember being in the taxi with him thinking I'm going to be dropped at home
Higgins	That was what I wanted and I remember him saying, at one point, 'we've got to stop by Parliament House, I've got to get something' and I remember like okay. I remember being annoyed
Lehrmann	From my recollection, she had told me that she also needed to go back to Parliament House
Bartlett	You're kidding me
Lehrmann	But she indicated she had to go back there but who am I to question that
Bartlett	Let me get this right, all of a sudden you jump up from the table and you say 'guys, I've got to go, it's 20 past 1 or thereabouts, I've got to go back to Parliament House to pick up some stuff on the way back' and she says 'Oh good, I've got to go too' and you don't think that's a touch unusual.
Lehrmann	No, not one bit. She's an adult. She's an advisor with the same security clearance as me and she's indicated that she had to go back there and I thought I was being a gentleman in assisting her to do that in sharing an Uber
Wilkinson	So, if Bruce was gonna commit a rape, he chose wisely didn't he
Sharaz	It's the perfect place to do it. That's what makes me think he ...
Wilkinson	He premediated
Usher	Coming up
Wilkinson	You went to Linda Reynolds' office
Higgins	Yep
Bartlett	Let me tell you something else. It doesn't add up. You still choose not to check up on her
Lehrmann	No

Bartlett	This had gone way beyond working together
<b>BREAK</b>	
Bartlett	At 1.40am, on 23 March 2019, then 24 year old Brittany Higgins and then 23 year old Bruce Lehrmann, arrived at Parliament House after a night out drinking. Lehrmann says he'd left his security pass and house keys in his office. He would later tell Fiona Brown, their chief of staff, that he'd gone back to drink some whisky
Fiona Brown	And I asked him why he attended the office, which he told me was to drink his whisky
AFP	Okay, and when he talks about drinking his whisky
Fiona Brown	I asked him how much he had. He said two glasses
AFP	Okay
Bartlett	Now, you know what the problem is here because you're living and breathing this
Lehrmann	Umm
Bartlett	You've given three different reasons to various parties why you went back. You've just given me the reason that you gave the police
Lehrmann	Yep
Bartlett	To retrieve your keys and to work on the Question Time folders. You told her that you'd gone back to drink some whisky
Lehrmann	Yep
Bartlett	And had two glasses
Lehrmann	Mm
Bartlett	So you doubled down on the fib
Lehrmann	Mm hmm
Bartlett	And then you told security when you got there a completely different story. You told them you'd been requested to pick up some documents
Mario (security)	(Phone ringing) Security, Mario speaking
Lehrmann	Oh, hi mate, Bruce Lehrmann here with Minister Linda Reynolds. I've been requested to pick up some documents. I've forgotten my pass
Mario (security)	Yep, just one second
Lehrmann	Thanks mate. We're just at the Ministerial entrance
Mario (security)	Yep
Lehrmann	Yeah, well coming into Parliament is a bit of a process so I needed to ensure that we could get in first to get my keys at that time because it was a late time so in order to do that to gain access, I had to say that to get in



Mario (security)	I've just got to open it up for you and should be – unlocking now
Lehrmann	Thank you, I didn't have my pass. I think I'd probably just forgotten it that night. I didn't have my keys and belongings because I wasn't expecting a big night
Bartlett	The police version is the truth so the chief-of-staff and the security versions are both lies. (Lehrmann nods.) This is one thing I'm intrigued with, which I've never really seen or heard a decent explanation. Why did Brittany Higgins need to go back to Parliament House?
Higgins	It's weird. It was midnight or 1am-ish, and I was like 'oh okay, I guess I'm now going to Parliament House with you'
Lehrmann	From my recollection, she had told me that she also needed to go back to Parliament House and I thought I was being a gentleman in assisting her to do that in sharing an Uber
Bartlett	What if you were being a real gentleman, when she got in the Uber, you would have suggested ' <i>look why don't you just keep going and use the Uber and go home</i> '.
Lehrmann	She didn't tell me that she needed to go home. She told me she also had to go to Parliament
Mario (security)	Unlocking now
Higgins	I remember him just saying 'shhhh', just shooshing me through security
Wilkinson	Why did he tell you to be quiet?
Higgins	I think, on the basis that I was very visually drunk and it was an issue. Why would they let a very, very drunk girl in a cocktail dress into Parliament House at 1 o'clock in the morning
Bartlett	This is the actual security vision from the night
Wilkinson	So, it was clear to the security guards that you were drunk
Higgins	Yeah, very much so
Lehrmann	She did not appear to be heavily intoxicated whatsoever
Bartlett	You told police that you thought that she was 'moderately drunk', is the word you used to them
Lehrmann	Mm
Bartlett	7 out of 10
Lehrmann	Mm
Bartlett	What does that mean?
Lehrmann	Tipsy, but functioning, aware of surroundings, able to make decisions, you know. Not black out drunk and I know that the CCTV footage shows that
Higgins	The video of me going through that footage, I had to take off my high heels or something and I was stumbling all over the place. Like, I wasn't capable of really walking through the security system even myself

Mario (security)	Security, Mario speaking
<b>PHONE DIAL TONE</b>	
Mark (security)	Yeah, Mario. It's Mark here mate. Buddy, I've got two people going into Linda Reynolds' suite. Foxtrot 4 has taken them up.
Wilkinson (interview)	So, there would've been somebody monitoring all of those cameras and they would've seen you walk along that corridor, get into that lift, a drunk woman, with apparently a sober man
Higgins (interview)	Yep
<b>PHONE DIAL TONE</b>	
Security	(inaudible) 23
	Roger
	Can you put in access
	Roger, in full access, over
Higgins	And then so we had to go into a lift and that goes up to the Ministerial levels
Bartlett	So, you get to the office. Then what happens?
Lehrmann	The security let us in. I turned left. She turn right and I never see her again.
Bartlett	There's no conversation between either of you?
Lehrmann	No
Bartlett	But you're telling me that you had been trying to be a gentleman on this evening, so wouldn't a gentleman say 'Listen, I've just got a quick thing to do, it's gonna take me half an hour, you right for a lift back or ...'
Lehrmann	Well, because she didn't indicate that she needed to go home. She indicated she also had to go to Parliament so I had assumed that she was there also to do some work in her capacity as a media adviser
Bartlett	But wouldn't you, just out of curiosity, say, 'Brittany, how long are you gonna be?'
Lehrmann	I suppose, in hindsight, sure but my mind was focused on getting my keys, noting down what I needed to note down and getting back to my girlfriend, who had called a number of times and I'd then seen those calls and I needed to get home
Bartlett	In the 41, 42 minutes that you were physically in the office, she called numerous times and you never answered those calls
Lehrmann	No. The phone was on silent, probably much earlier in the evening. We miss calls. You have your phone on silent, you miss calls, you're deep in work. That's what happens
Bartlett	So, are you telling me that she was at one end and you were at the other?
Lehrmann	Yep, and that's the layout and I drew a very detailed mud map for the AFP about the layout of the office

AFP	Can you draw me, sort of, a bit of a mud map in relation to who's desk is where and the layout of the office from the entry?
Bartlett	Would you mind drawing me a quick one, just to give me a bit more insight?
Lehrmann	Sure
Bartlett	Right. I'll just grab a pad, just to give me a bit more insight, thank you very much, into what you're talking about
Lehrmann	Let's do it
Bartlett	Give us a quick floor plan
Lehrmann	So you've got the blue carpet here, double doors. The main entrance to the suite. You're coming into the reception area here. There's a reception desk. I go to the left, she goes to the right, massive bullpen of desks here
Liam	Where was your desk
Lehrmann	My desk is smack in back corner, over here, right near the back exit there
Bartlett	Where is she?
Lehrmann	She said, well she went right, because she's told Australia that
Wilkinson	You went to Linda Reynolds' office. Do you remember walking down the corridor towards the room? Do you remember him saying anything about what he was getting?
Higgins	No. I remember sitting on the window sill, our window sill overlooked the Prime Minister's Courtyard and I remember kind of sitting there waiting for him for a really long time and I remember him sort of being away for a while and I remember just feeling tired and really sleepy
Bartlett	So there's a fair amount of space there
Lehrmann	Yep
Bartlett	And it's obvious from that that you physically can't see her
Lehrmann	Oh, not at all, yeah. I'd be hard pressed to even hear her actually
Bartlett	But you still choose not to check on her?
Lehrmann	No
Bartlett	I've got to say to you, that surprises me given your position about being a gentleman
Lehrmann	Yeah, okay, sure but it's Parliament House. She's a staffer in her own right
Bartlett	And if we follow your line of reasoning about being a gentleman, I would have thought the least you could do is just pop your head in, take you two seconds, and say 'Brittany are you right, are you finished because I'm going, I've got an Uber. Do you want to just be dropped off at home?'
Lehrmann	I assumed that she was there to do work

Bartlett	You'd been drinking together Bruce
Lehrmann	Sure
Bartlett	This had gone way beyond working together
Lehrmann	Sure
Bartlett	At 2.31am, Bruce Lehrmann leaves the Ministerial office via a back entrance near his desk and exits through security. Lehrmann says he spent the fiercely disputed 40 minutes inside Linda Reynolds' office making contemporaneous notes of conversations he'd had with Department of Defence staff earlier that night
Lehrmann	And I'm furiously making notes and trying to remember what Department of Defence officials had told me
Bartlett	Let me tell you something else that doesn't add up. You're sitting in that office for something like 40 minutes, working on material for a Minister for a Question Time that's not even happening in a couple of days afterwards because Parliament wasn't sitting
Lehrmann	But it was her first Question Time that she was about to step into
Bartlett	Over a week later
Lehrmann	Sure
Bartlett	And this is 2 o'clock in the morning on a Saturday
Lehrmann	Yep. And I had received information from Department of Defence officials that was highly relevant to a sensitive issue that the Opposition did eventually go Senator Reynolds on in Question Time
Bartlett	And you couldn't have done exactly the same thing first thing Monday morning?
Lehrmann	Well, I was already going back to get my keys so I was in at my desk so it stood to reason that I would make those notes then
Bartlett	Stood to who's reason?
Lehrmann	My reason, so I didn't forget them
Bartlett	How does she end up on a couch fully naked?
Wilkinson	What does that photograph show?
Lehrmann	Well, it was fabricated and that's the only explanation
<b>BREAK</b>	
Bartlett	I know you've said this a thousand times. You go left, she goes right and that's it
Lehrmann	Yep
Bartlett	That's the end of any contact?
Lehrmann	That is



Bartlett	Did she try to kiss you?
Lehrmann	No
Bartlett	Did she make any approach?
Lehrmann	Not to my knowledge
Bartlett	No contact whatsoever between you, physical contact?
Lehrmann	No, no physical contact whatsoever
Bartlett	No attempted intimacy from either of you?
Lehrmann	No attempt
Higgins (interview)	I remember that he was taking a really long time with something and so I got to the point where I don't know if he guided me there or if I went there myself but I ended up laying down and passing out on the Minister's couch
Wilkinson (interview)	So, what's the next thing that you remember happening
Higgins (interview)	The first thing that sort of awoke me was I was in a pain. My leg was kind of being crushed. The senior staffer was on top of me. He was clearly almost finished
Wilkinson (interview)	Sorry, was there sexual intercourse going on?
Higgins (interview)	Yeah, I woke up mid-rape essentially. I don't know why he was almost finished but it felt like it had been going on for a while or that he was almost done. He was sweaty, I couldn't get him off of me. At this point I started crying
Wilkinson (interview)	What did you say to him?
Higgins (interview)	I told him to stop
Wilkinson (interview)	Did he?
Higgins (interview)	No
Bartlett	Did you rape Brittany Higgins?
Lehrmann	No, I didn't. It simply didn't happen and the evidence supports that the Federal Police support that. I don't know what more you could possibly want other than what we're seeing coming out of the Inquiry and some of the other things that have been publicly reported post the dropping of the charge
Bartlett	How does she end up on a couch fully naked?
Lehrmann	That is a great question. I mean I don't know. I can't talk to that because I never saw her again. That was news to me with the rest of the country
Bartlett	What I'm trying to get into my head Bruce, here you are a few walls away working on these documents that you say are important and here's this young lady in an adjoining office virtually, what disrobing on her own? Is that how she ends up naked?
Lehrmann	Well, I don't know what happened Liam. This is the point because I didn't see her so I can't comment about what was going on in that office

Bartlett	You can see the contradiction in this can't you?
Lehrmann	Sure, but...
Bartlett	You two were drinking with each other as part of a group of four, for an hour and a half beforehand at least at the last bar and then all of a sudden there's this transition and she, albeit, with a couple of walls between you, is naked on a couch but here you are acting like a Buddhist Monk, making post-it notes stickers for a Minister
Lehrmann	Yes, to ensure that the information that I'd collected that night was as accurate as possible as I had discovered it
Bartlett	You can't marry the two up, can you? It's very difficult
Lehrmann	Well, people will draw conclusions Liam. The fact of the matter is I never saw her again
Bartlett	When Brittany Higgins first went public with allegations she'd been raped in Parliament House, she claimed she had critical photographic evidence
Wilkinson (interview)	You have a photo that you took of a bruise that developed from that night. What does that photograph show?
Higgins (interview)	It's just essentially where his leg pinned me down. It's quite a large bruise. It's just the weight obviously of his leg pinning me down.
Higgins	I had this weird, big bruise on the basis of where it was positioned
Wilkinson	I hate to ask, but I have to
Higgins	Yeah, of course
Wilkinson	Have you got the photo there?
Higgins	Yeah, of course
Wilkinson	So, you took that when you were in the office, just when it happened or a couple of days later?
Higgins	A couple of days after
Llewellyn	When the bruise appeared?
Brittany	Yeah, it took a little bit
Bartlett	Brittany Higgins made a lot of this bruise, which suggested in no uncertain terms, that you had pinned her down
Lehrmann	Mm
Bartlett	On that ministerial couch
Lehrmann	Mm. Well, it was fabricated. That's the only explanation is that it was fabricated or it's a bruise from much later
Reporter	Photos of a large bruise on Ms Higgins' right leg from after her alleged rape was shown to the Court. 'I was fully exposed. I was like a prop pinned into a corner'

Reporter	<p>The photograph was furiously contested during Bruce Lehrmann's criminal trial last October and under scrutiny, the reliability of the bruise as evidence began to fade. In two separate meetings she had with the AFP in April 2019, Brittany Higgins failed to mention the bruise or the photo.</p> <p>Subsequent metadata analysis has been unable to pinpoint when the image was taken but its existence can't be traced further back than January 2021 nor was it mentioned in any of Brittany's text messages until February 2021, around the same time she began meeting with journalists</p>
Brittany	Fundamentally, at the end of the day, it will come down to my word against his and if I don't have any corroborative sort of like evidence, whether it's the tapes or whether it's the logs
Sharaz	I think he can just say, 'we had consensual sex'. I mean I'm sure you'll tell Lisa, you've got a photo of a bruise
Bartlett	So, you're saying she just took that picture and used it because it was convenient
Lehrmann	It would appear that she's given that to The Project to enhance the weaponization of her sexual assault allegation. It's pretty sick.
Usher	Next
Bartlett	If we are to believe you, you have been totally framed
Lehrmann	It would appear that way
Bartlett	It's the ultimate reaction. It's pretty heavy duty Bruce
Lehrmann	There was no coming back. I'd actually even worked out the St Leonard's train station. I was just going to go.
<b>BREAK</b>	
Bartlett	On Saturday 23 March 2019, Brittany Higgins woke around 8.30. As this vision shows, she left Parliament House at 10.01 to catch an Uber home. On Monday it was business as usual for both Brittany and Bruce. They even shared as coffee together but, the following morning, Fiona Brown, their chief of staff, learned of their late night security breach, called Lehrmann in and told him to clean out his desk. That afternoon, she then asked Brittany Higgins to give her version of events. The alleged assault was not mentioned at this meeting. Higgins did not raise it until a follow-up discussion with Brown a week later.
Bartlett	See, here's the thing Bruce. If we are to believe you, you have been totally framed.
Lehrmann	It would appear that way
Bartlett	But, if that's true, what is her motivation? What is this woman's motivation, who's known you at that stage for two, maybe three, weeks to tell criminal lies about you in order to do what?
Lehrmann	I think that a white lie to save a job occurred, a tick that happened, because she saw me getting the turf and then she's come into contact with media elites that have sort of latched on to this given the environment at the time in 2021 to weaponise it and advance a movement really.
Bartlett	So you believe it all started with her watching you come out of the office of the chief of staff, Fiona Brown, and she knew you had been sacked

Lehrmann	Yep
Bartlett	And she thought she was also going to get fired
Lehrmann	Yep. It's pretty clear.
Bartlett	Well, it's not clear that's why I'm asking you.
Lehrmann	Well, the first meeting with Fiona Brown, I'm given the turf. There's a period of two or three hours of seeing me pack up my boxes on my desk. She's called in for a please explain. There's no mention of a sexual assault in that first meeting with Fiona Brown and a second meeting with Fiona Brown occurs. She's given an opportunity to sign the Code of Conduct. We are at crunch time of signing the contract for your job and not until the very end of that second meeting was any inkling of an allegation of sexual assault. So, it was clear that there was a pressure there that in order to save her dream job, as she told The Project, she needed to ensure that it was a satisfactory sort of explanation in terms of why they're keeping her around.
Bartlett	After leaving politics in 2019, Bruce Lehrmann went onto a well-paid position in government relations with British American Tobacco in Sydney. It was also in Sydney, two years later, where plans were being made about the timing of Brittany Higgins' story
Higgins	Full disclosure, I've spoken with Sam, Sam Maiden, who's a friend of ours and she sort of knows everything, yeah she's pretty keen to get out in the ...
Wilkinson	Right, so we're talking about four weeks from last Sunday
Llewellyn	Got it.
Sharaz	Do you know MPs who could find questions at Question Time?
Wilkinson	Oh, certainly Albo
Sharaz	Yeah
Wilkinson	Tanya Plibersek
Sharaz	Yeah. All we need is like a I don't know, we get Grace Tame doing the media the next day. You need someone who – because you want friendly so they don't saturate the airtime with, you know Craig Kelly, oh you know, women just need to suck it up.
Bartlett	The Project would air and Samantha Maiden's article would be published on 15 February 2021 by any measure the worst day of Lehrmann's life.
Lehrmann	It started with Samantha Maiden's article at 8am. I, like everybody else, had read it and was horrified. I think there are text messages between me and friends saying, I used to work with her. Horrified. It then became apparent at 2 o'clock or thereabouts when Rosie Lewis at The Australian emailed my boss at British American Tobacco and said that she'd heard from government sources that I was the alleged rapist. Now, I'm called in for a meeting by my bosses, they suspend me pending an internal review that they're going to undertake and they say 'is there anything we can do', you know, 'what can we do?' And I said well, it's pretty clear I need a lawyer, no shit. So, I messaged some friends and thankfully get a solicitor, Rick Korn, who was just incredible. I went to his office and pending The Project airing.
Bartlett	Did you sit down and watch it?

Lehrmann	We watched it at live
Higgins (interview)	And that was sort of the first time I vocalised I had been raped
Lehrmann	There were a lot of tears, a lot of swearing.
Bartlett	When that show finished, what feeling were you left with?
Lehrmann	It's all a bit of a blur for me. Like much of the last two years. But Rick Korn was certainly concerned for my welfare. Yeah. I went off the deep end, so to speak, in the sort of 24 to 48 hours after
Bartlett	Afterward? In what way?
Lehrmann	Oh, I had just made arrangements just to go. An allegation as serious as this made so public and with the networks that I had and they were just disappearing. It all just became too much. I felt that I couldn't recover
Bartlett	Just to go?
Lehrmann	Yeah, I'd made arrangements to go. Mum was going to be okay. She'd get my superannuation and you know I'm clearly a political problem so I'll make it easy for everyone.
Bartlett	You're telling me you were suicidal?
Lehrmann	Yeah for a little while there, in the start of 2021, mmm
Bartlett	It was that bad?
Lehrmann	Yep
Bartlett	Wasn't there a part of you that thought 'well if I'm not guilty I can beat this?'
Lehrmann	Well, I hadn't thought that far ahead, but I thought given that the allegation was being aired so publicly a not guilty verdict meant jack shit. When the media has already convicted you, so
Bartlett	When you say you'd made plans? What everything? Financial?
Lehrmann	Yep
Bartlett	Lifestyle?
Lehrmann	Yep. There was no coming back. I was, I'd actually even worked out the St Leonards train station, I was just going to, just going to go. I ended up taking myself to Royal North Shore Hospital and that sort of began a period of just, sort of strengthening my mind, that there is a light at the end of this
Bartlett	So you sought some clinical help?
Lehrmann	Yeah. I just thought, I just thought that's a pretty weak way to go, to go, I should have a stab at trying to fight this
Bartlett	So that interview, really was one of your lowest points, but it was also a turning point, in a sense?

Lehrmann	Mmm. Yeah, it was a low point but a turning point and it, um, yeah. It set off a sort of a two or three week period of certainly touch and go. I was then in a clinic for a couple of weeks and my lawyers were Rick Korn and John Korn, his father, he's been an absolute godsend. He just wanted me to get mentally strong, that was the focus. Don't, let them handle all the crap and you just get mentally strong.
Bartlett	On the 19 <sup>th</sup> of April 2021, Lehrmann voluntarily consented to a formal interview with the Australian Federal Police in Sydney
Bartlett	When you chose to do that, you decided not to have your lawyer present
Lehrmann	No
Bartlett	And that's a basic right
Lehrmann	Mmm
Bartlett	And the police reminded you of that
Lehrmann	Mmm
AFP	You may communicate with or attempt to communicate with a legal practitioner of your choice and arrange or attempt to arrange for your legal practitioner of your choice to be present during the questioning. Do you understand that?
Lehrmann	Yes
AFP	And do you wish to communicate with your legal practitioner at this time?
Lehrmann	No
Bartlett	You chose to be interviewed by them for a couple of hours
Lehrmann	Mmm
Bartlett	Without having a legal representative by your side
Lehrmann	Mmm
Bartlett	That's highly risky, why did you choose to do that?
Lehrmann	Because I hadn't had sex with her. Not only that, I hadn't had any sexual activity of any kind with her. So John Korn said, go in and say that, that's the truth. Umm and I had nothing to hide.
AFP	Yeah, anything you can do to, that you believe may be able to assist us in our investigation, that would be appreciated
Lehrmann	Okay
Lehrmann	They took my phone under warrant, but I very willingly gave it over, I got to the doors and I said, 'I suspect you want my phone?' And gave them access to everything, so I had nothing to hide. And I was, I'm thankful I did that. I don't regret talking to the Federal Police. I think there's only one truth and I sat down and told it
Usher	Next



Shane Drumgold (DPP)	I've made the difficult decision that it is no longer in the public interest to pursue a prosecution
Lehrmann	He took my opportunity for a not guilty verdict away from me. He then told Australia, oh I still could have won it. What the [bleep]
<b>BREAK</b>	
Wilkinson	So in being asked to address you all here today, I called Brittany and asked her if was anything she would like me to say on her behalf.
Female in crowd	It's not about you mate
Wilkinson	And her immediate answer was, yes. But yesterday Brittany decided not to have me read the words, instead, Brittany wanted to say those words herself
Crowd	[Cheering]
Wilkinson	In person, right here on this stage
Crowd	[Cheering]
Wilkinson	So ladies and gentlemen, it is my enormous honour to introduce to you all, one of the most courageous women I know, Ms Brittany Higgins
Crowd	[Cheering]
Lehrmann	It's pretty sick that I can just be cast aside for a greater movement
Bartlett	What do you mean by movement?
Lehrmann	Well I think it's pretty obvious that there's a link or a connection here with the #Me Too movement and trying to, for whatever reason, enhance the movement here in Australia by using this case
Julia Zemiro	A little bit of quiet please and cameras, would you back off
Crowd	[Cheering]
Barlett	Bruce Lehrmann was charged on August 7, 2021 with one count of sexual assault without consent. By that time Brittany Higgins, with the help of author Peter FitzSimons had already negotiated a six figure advance for a book to be called 'Not Just a Daughter'. It was to be a raw and personal account. This is an extract from her draft
Female voice	Honestly, I feel like a B-grade Grace Tame. She exists outside and beyond the political bubble. Court case closed, awarded, and revered. Here I am in the mud with the pigs - fighting for control of the daily news cycle, throwing mud. A WhatsApp here, a voicemail there, a drop to Sam.
Bartlett	The book has been shelved. In part, because on October 26 last year the trial was sensationally abandoned while the jury was deliberating on its verdict
Reporter	Brittany is there anything that you'd like to say to Mr Lehrmann?
Higgins	[Breathes out]
Bartlett	A rogue juror had accessed material not presented as evidence in court. Then five weeks later, this:

Shane Drumgold (DPP)	I've made the difficult decision that it is no longer in the public interest to pursue a prosecution
Reporter	The Director of Public Prosecutions has dropped the rape charge, saying the ongoing trauma posed a significant and unacceptable risk to Brittany Higgins' life
Shane Drumgold (DPP)	There was a reasonable prospect of conviction and this is a view that I still hold today
Bartlett	Here's a chief prosecutor telling everybody
Lehrmann	Yep
Bartlett	Never mind that trial, he's never going to have another one but pretty much he's a rapist
Lehrmann	Mmm. He took, my opportunity for a not guilty verdict away from me. But he then told Australia, 'oh I still could have won it'
Bartlett	Hmm
Lehrmann	What the [bleep]
Bartlett	Shortly after the charge against Bruce Lehrmann was dropped, Shane Drumgold called for a public enquiry and he got it
Male Minister	The ACT Government will be establishing an inquiry
Bartlett	Brittany Higgins reacted to the news by sharing a quote on Instagram
Bartlett	Mr Drumgold was the first witness to be called and Bruce Lehrmann was determined to be there
Lehrmann	This is the guy who ruined my life. He commenced the prosecution based on no evidence and the cards are going to fall that way and he's going to have a very tough week
Bartlett	Bruce was back in Canberra but this time it was the chief prosecutor under pressure
Shane Drumgold (DPP)	In retrospect it was a failing
Bartlett	Bombshell revelations follow
Sue Chrysanthou SC	You didn't see that?
Shane Drumgold (DPP)	No
Sue Chrysanthou SC	Are you serious?
Bartlett	Drumgold admitted errors were made in the handling of the case
Sue Chrysanthou SC	And it actually was an act of misleading Mr Lehrmann's lawyers, wasn't it?
Shane Drumgold (DPP)	I didn't view it as such at the time
Walter Sofronoff KC	No you're being asked whether it was

Shane Drumgold (DPP)	Ah, I think 'misleading' is probably too strong a word
Walter Sofronoff KC	What word would you use?
Shane Drumgold (DPP)	Well, because, again
Walter Sofronoff KC	What word would you use?
Bartlett	We know from the Sofronoff Inquiry that the police didn't want to even charge you
Lehrmann	Mmm
Bartlett	They said, it's quite clear, it's in black and white. There was insufficient evidence
Lehrmann	Mmm
Detective Superintendent Scott Moller (AFP)	And I was worried that Mr Lehrmann could potentially be placed before the court when we didn't believe there was enough evidence
Lehrmann	They didn't want to charge me. In fact the investigating officers refused to sign my charge sheet. They had to go to a higher officer to sign the charge sheet because he didn't want to morally put his officers through charging who they thought was an innocent person
Bartlett	By the time the first day was over, Bruce Lehrmann had decided it was time to start speaking out
Lehrmann	I could say a lot of things that are probably not appropriate for TV but
Bartlett	Like what?
Lehrmann	It was [bleep] outrageous. It was [bleep]. This entire case was [bleep] um and Drumgold was central to that. He kicked things off and we're finding out things that we should have had, we tried to ask for things, were denied them and it's just [bleep]
Lehrmann	I'm just an everyday bloke, getting on with his life and shit hits the fan. There's gonna be people that'll believe her, there's going to be people that believe me. You know you make lemonade with lemons
<b>BREAK</b>	
Lehrmann	I'm just an everyday bloke, getting on with his life and shit hits the fan. And you bunker down and you get on with the hand you're dealt. There's gonna be people that'll believe her, there's going to be people that believe me. That's just a fact of it and, you know, you make lemonade with lemons
Bartlett	Isolated and shunned by many of his former friends and colleagues, Bruce Lehrmann has cut a lone figure for much of the past two years. Golf helped clear his head
Lehrmann	That's kept me sane. I get out on the golf course and I just go around by myself, it clear the mind. The lawyers know not to contact me when I'm on the golf course, you know, it's four hours of, you know, to myself

Bartlett	While the criminal trial is now behind him, Bruce Lehrmann's days in court are far from over
Bartlett	Well you've sued a number of media outlets
Lehrmann	Mmm. There's three underway
Bartlett	Three underway. Have any of them settled?
Lehrmann	One has settled on satisfactory terms to both of us
Bartlett	Right
Lehrmann	And um, that's all I can say about that. I'm not trying to be a millionaire out of this, in any way. In fact, the opposite. I'm trying to pay my lawyers, I'm trying to pay back my mum and my uncle and others who have supported me. But I'm not seeking mansions or a celebrity lifestyle on the other side of this.
Bartlett	So let me give you a scenario. If it turns out that you end up with 5 or 6 or 7 mil in the bank, will it have all been worth it?
Lehrmann	Ah, no, cos um, I don't want to be known as the guy who could have, would have, allegedly raped Brittany Higgins. And that's, and that's, that's a tag that's out there now and I don't have the court system to remove that tag anymore
Higgins	I told the truth. No matter how uncomfortable or how unflattering, to the Court. Today's outcome does not change that truth
Bartlett	Your accuser has said a lot
Lehrmann	Yeah
Bartlett	And a lot publicly as you know
Lehrmann	Yeah
Bartlett	But why don't you sue her personally, for defamation?
Lehrmann	Well, I mean that's, that's a possibility. I mean, it's ...
Bartlett	I mean, are you reticent to do that? Because you know that ...
Lehrmann	I'm not ruling it out, but I mean it's ...
Bartlett	But if you do that, of course, then you'd have to be up for cross-examination by her legal representatives, wouldn't you?
Lehrmann	Oh sure, I mean, I face that at the moment with the proceedings underway in the Federal Court. I'm not afraid, I'm not afraid of it. I haven't ruled it out, but I'm cognisant of the fact that, you know
Bartlett	That what? It's not a good look?
Lehrmann	Well it's not a good look, you kick someone when they're down and you know, I have some sympathy for her because she's obviously got people around her who are not considering, they're not there for her, they're there for other, they're there for their own agendas

Bartlett	Somewhat ironically, Bruce Lehrmann is not studying to be a lawyer
Lehrmann	There is a part of me that thinks that there's some serious issues without justice system. I think for me it just the inspiration of seeing, in particular my two senior barristers John Korn at the start and then Steven Wybrow, I mean, Arthur Moses as well. It's inspirational stuff to see these lawyers take pity on someone, that they saw the system failing someone and they just, you know, they're not interested in money, they. I saw another side to lawyers, I think that people wouldn't realise that there are some lawyers out there that have a heart
Bartlett	You know that there are going to still be some people, people who are watching this program tonight, no matter what you say, who think 'there's the bloke that raped Brittany Higgins'. You're never going to change their mind. How does that affect the rest of your life?
Lehrmann	I think it's unfortunate that some people in the media consider themselves judge, jury and executioner. I think there needs to be somewhat of a reckoning at the end of this, and I hope the inquiry does that in some way and I think, I just hope that we can get back to a neutral position, I suppose. Is that? I accept that there's going to be 50% of the country, probably more, that think I'm a rapist, okay. But how about having a bit of an open mind and a bit of pragmatism about how you approach an issue, you know. There's two sides to every story. Let's look at the facts, let's look at the breadcrumbs, where do they lead. Let's look at motivations, let's look at credibility
Bartlett	I know your lawyers didn't want you to do this interview
Lehrmann	[chuckle]
Bartlett	Didn't want you to talk
Lehrmann	No
Bartlett	But it has been a long time in the making
Lehrmann	Mmm
Bartlett	You finally get your chance to say something
Lehrmann	Mmm. I'm not going to shy away from having my say. I think it's, I know the lawyers don't want me to say anything but, we've had the trial, the charges been dropped and I think we've had enough shit shoved down our throats. It's time for a bit of setting the story straight, I suppose
Bartlett	There you go
Lehrmann	That's it
Bartlett	You've finally had your say
Lehrmann	I could go another hour if we could, there's going to be heaps to say, but (chuckles)
Bartlett	Well there's a lot of detail, isn't there?
Lehrmann	Yeah. It's the rabbit holes, there's so many
Bartlett	Mmm

Lehrmann	I mean, yeah. There's a lot of people to fire up about. I don't, I mean, I've got a taste of it. I don't think it will be last time you see me because I think I need to ...
Bartlett	Keep talking
Lehrmann	Well there's a lot of people that have a lot of questions to answer in this and how they've behaved. Drumgold being the first, so
Bartlett	Mmm
Lehrmann	He should never have progressed this, so
Bartlett	Hmmm
Lehrmann	He, he, I wouldn't be sitting here talking to you if it wasn't for Drumgold. He knew he had a weak case, so
Bartlett	Mmm. But you had to put your case sooner or later Bruce
Lehrmann	Mmm. I don't regret it one bit. I think the fire's just been burning so much that I think it's, you know. Beware the man who's got nothing to lose. There's a bit more to come yet



## Annexure Certificate

No. NSD701 of 2024

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

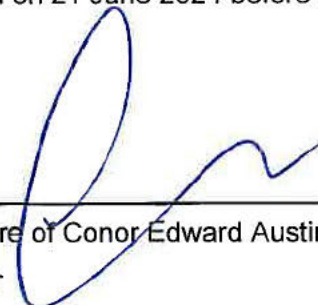
**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another

Respondents

This is annexure marked "**MRS-2**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



---

Signature of Conor Edward Austin O'Beirne

Solicitor

Level 23, 525 Collins Street

Melbourne VIC 3000

**LEHRMANN V NETWORK TEN PTY LIMITED & ANOR**

**Transcript of 'BRUCE IV VIEWING COPY H.264'**

Lehrmann – Bruce Lehrmann; Bartlett – Liam Bartlett (interviewer); Crew

00:04

Lehrmann – Do we want me walking or not yet?

00:09 to 01:15

Crew – Bit of Hollywood mate. All my cameras are rolling. Yep. Everyone else is good.

Crew – Just come in front of his face a little bit more for me on that one.

Crew – Tell me when you're happy, I can do multiple sides. So yep, I got one on one

Crew – Bruce Lehrmann interview

Crew – Just get down lower Will? Then duck down so it's...

Crew – Bruce Lehrmann interview

Crew – Got me on both?

Crew – Yes. Happy days.

Crew – Bruce if you've got a clear path you can get up and walk in that would be fantastic

01:20

Bartlett – Just don't bang your head coming in mate. Hang on. Bruce.

01:43

Lehrmann – Liam, good morning

Bartlett – Are you ready?

Lehrmann – Let's light some fires.

01:54

Bartlett – Did you rape Brittany Higgins?

Lehrmann – No, I didn't. It simply didn't happen.

Bartlett – Did you have consensual sex?

Lehrmann – No

02:04

Bartlett – Did you kiss her, Bruce?

Lehrmann – No.

Bartlett – In that parliamentary office?

Lehrmann – No, I did not see her again.

Bartlett – Were you intimate with her? At all?

Lehrmann – Not one bit.

02:16

Bartlett – You know that there is nothing out of bounds here, don't you?

02:23

Lehrmann – I do.

Bartlett – Everything's on the table.

Lehrmann – Ask me anything.

Bartlett – There's no question off limits?

Lehrmann – Go for it.

02:29

Bartlett – But you're also aware that you could come out the end of this, looking worse, instead of better?

Lehrmann – Sure. I'm not after supporters. I just want the facts to be told.

Bartlett – But, but why take that risk?

02:44

Lehrmann – As I said, I'm not interested in supporters. I want the public to know the truth of the matter.

02:54

Bartlett – And you think that people will believe you?

02:58

Lehrmann – I don't care if they do. But everything needs to be out there in the open so people can assess this for what it is.

03:08

Bartlett – All right. Well, let's go right back to the beginning, shall we? So, let's look at that job in your office, in the office of then Senator Linda Reynolds. What was your career path working with the minister?

Lehrmann – Well, I was, towards the end of my career in politics. I had formed the view at the change of portfolios, when Senator Reynolds came into that portfolio, that I was done with politics. It's a grubby game. In many respects, I agree with Ms Higgins. That building is not the best place to work. The culture, irrespective of gender, is pretty pathetic.

Bartlett – But you'd worked there quite a few years?

Lehrmann – I had, yeah and I, I just had enough. I mean, 16-hour days, living out of a suitcase. The, the shine of it wore off.

04:13

Bartlett – So you had already, at the time of this incident as I understand it, you had already resigned.

Lehrmann – I had.

Bartlett – You'd told them that you were leaving and that, what, you were just waiting for the replacement to onboard them?

Lehrmann – Yeah, of course. I mean, I wanted to assist Senator Reynolds in setting up her new office. I wasn't just going to smokebomb and just leave, but you know, you want to do your best to ensure new staff coming through are properly briefed to support the Senator. It was her first gig as a cabinet minister. I wanted to ensure that she was supported in Question Time and things of that nature, her parliamentary duties, because they're obviously very public so I wanted to ensure that I'd left a good position there for her.

05:00

Bartlett – Did you have a new job to go to?

Lehrmann – I did. Yeah.

Bartlett – You'd already lined it up?

Lehrmann – In Sydney, yes.

Bartlett – And what was that?

Lehrmann – That was in public relations and government affairs. I'd pursued that because I wanted to move into the corporate sector and get some new experience. You can't sort of work in politics forever, you've got to branch out and get experience in other sectors.

Bartlett – Was a part of that also to do with the fact that your then girlfriend was moving to Sydney?

Lehrmann – She was, she had a position in the New South Wales parliament. So that was weighing on my mind as well. And so, bundling all those things up, it was good for both of us to move to Sydney.

Bartlett – But that relationship and that job has since well and truly exploded.

Lehrmann – Yeah, that that relationship certainly did. It was not healthy and the job did as well. That was, that was a consequence of COVID. I lost that job, unfortunately. So, you know, there was hurdles when I got to Sydney as well.

06:01

Bartlett – Was it was a fact that at the time of the alleged rape, you had also been disciplined in that office as part of your employment?

06:12

Lehrmann – Well, the funny thing about that is I didn't know the full extent of that, of that until the trial and all of this coming out. The the disciplining of that first incident was a warning note on my desk, because I left a document face down and went to make a coffee in the kitchen and.

Bartlett – And, and it was a it was deemed a security breach.

Lehrmann – It was deemed a security breach and an over excitable, departmental liaison officer decided to take it upon himself to give, issue me a warning or a security breach, which is kind of like a parking ticket that they just sort of put on your desk.

06:52

Bartlett – But that parking ticket did have implications, didn't it? Because, of course, after the security of Parliament House notified the office that there had been another security breach, which was your visit in the early that morning, then then effectively you were fired.

Lehrmann – Of course. And that's, and that's how it was until I found out with the rest of the nation on the 15th of February 2021, that it was a rape.

Bartlett – And that was almost two years after the event.

Lehrmann – Exactly. Yeah.

07:22

Bartlett – You know, Brittany Higgins has said a lot about how you were a young liberal. In fact, I think it was even mentioned that you were looking at a seat, a possible preselection for the seat of Wentworth. So, you were painted as this young man of privilege, is that fair to say?

Lehrmann – It's complete opposite. It's, for the last two years, it's been quite laughable to see some of the things out there about me, Northern Beaches, Republican aligned, all this sort of stuff. It's been rather funny to sort of see the Twitterati fire up. It's, you know, I'm a country boy, who likes to drink 'XXXX beer'. Haven't been a member of a party for nigh on three, four years now.

Bartlett – Were you a young liberal?

Lehrmann – Oh, very early on in at university, but I left because they are a bunch of losers in on both sides of politics. It was not for me; I wanted to do policy and make change and make a difference. You know, I'm not interested in who's the secretary of this branch and who's the secretary of that branch.

Bartlett – And what about this image generally of a privileged young man?

08:35

Lehrmann – Well, you know, I think it's impacted my mum, because, you know, she's a widow, and has been a widow for all of my life. And she's, she has sacrificed everything to see me succeed and my younger sister succeed.

Bartlett – When did your father pass away?

Lehrmann – I was 17, 18 months old when he passed away. Mum doesn't speak about him very much.

09:08

Bartlett – So your mom brought you up single handedly?

Lehrmann – Yeah. On social social security. She, she would go without at the dinner table to make sure that we had our favorite food in front of us. Or that we had a nice shirt to go to school in order to go out on the weekend and she would go gray hair instead of getting a color in her hair so that we had a nice haircut for school.

09:36

Bartlett – Well, this must have devastated her.

Lehrmann – Yeah.

Bartlett – Because you've gone one step further, haven't you? I mean, you've, you've dipped into her Super.

Lehrmann – Yep, she's she's got no money and not and I don't have any money. My uncle, who's been a father figure for me, he, every Saturday, he tries to win on the horses and if he has a big win, he'll throw me some cash here and there and keep me afloat. So it's, it's been very tough.

Bartlett – Does your mom believe in your innocence?

Lehrmann – 100%. And I've kept a very close circle of people who do and those people who have grown up with me. It's high school, primary school, family friends. And they are flabbergasted by all of this. It's an absolute soap opera really, Liam, it's a soap opera.

Bartlett – Does mum believe in you because she is your mum or because you've sat down and had that hard conversation?

Lehrmann – I think. I think it's because she's a mum and I think, a mum of a son and a widowed mum. And, you know, she's seen. She's, the sacrifices she's made, and then watching me grow up. And then I've essentially become almost a father figure of the household as well, you know, looking after my younger sister when she was growing up and going through school so.

Bartlett – Have you had that conversation though, Bruce?

Lehrmann – I have

Bartlett – Did she ask you the question?

Lehrmann – She did

11:06



Bartlett – She had to say to you, to her own son, 'Did you do it Bruce? Did you rape her?'

11:13

Lehrmann – Mm-hmm and she believed me and that's really, in all of this, that's the only person I need to believe me. I don't need anybody else because that's my mum and I'm a mummy's boy and I'm proud of it.

11:30

Bartlett – That must have been difficult.

Lehrmann – Yeah.

11:34

Bartlett – What what's the what's the future there? I mean, do you hope to pay her back?

Lehrmann – Yeah. Yeah. I have a list of debt to people as thick as the bible, but um, my mum, my uncle. I mean, he's taken holiday leave, you know payout, it's been incredible. The lawyers, we haven't gotten to the lawyers yet. They've all done it for free, so you know, it's those who know me, lawyers who believe me and believe in a fair and fair justice system, they've taken it upon themselves to stop their lives and live this experience with me and help me get to the other end

Bartlett – So there are people who are backing you. You haven't been left completely lonely and destitute?

Lehrmann – That's right. I'm very grateful for that because if I was left out in the lurch, I don't know what would have happened. I've only got a few friends now. Something like this you work out who your friends are. Turns out I don't have many but the ones I do, I trust and back them 100%.

12:48

Bartlett – Let's come back to your working relationships. I think this is very important because of portrayals that have been given over the past two years. Brittany Higgins has said repeatedly that you were a favourite of your boss, Linda Reynolds, the Senator, the Minister, the new Minister and that also, how did she put it, you were sort of a right hand man to her and you were also like her boss. That's the way she put it. Were any of those things true?

Lehrmann – Not in the slightest. I mean, Ms Higgins was a media adviser. I think it's pretty obvious over the last two years what a media adviser does. But, I think, we were, I was a policy adviser. She was a media adviser. They're two separate things. I'm not her boss, she's not my boss. This idea that I was somehow her superior was an odd message to put out there for the last couple of years, yeah.

Bartlett – What about the favourite part? Were you a favourite of Linda Reynolds?

Lehrmann – Well, not at all. Because I mean, there was, Senator Reynolds had electorate officers and staff who had worked with her for many more years than I had. I had the Senator's ear on matters of policy, national security, things I was advising on, of course, because they're the areas I advise on. So, I mean, if people want to say that I had her ear on counterterrorism or things like that, sure, because that was my area.

Bartlett – How long had you been working with Brittany Higgins?

14:33

Lehrmann – Two or three weeks, I barely knew her.

Bartlett – Two or three weeks. She said you were a bit of a bully, that you bullied her on at least one occasion. Is that right?

Lehrmann – No, not at all. In fact, I think it was adduced in evidence in the trial that that was not the case. I think Fiona Brown and some other witnesses in the trial more or less said they observed nothing of that nature. I didn't interact with her very much at all in fact, only so much as doing media releases – part of her role was doing a media release and she'd go to the relevant policy advisor to fact check some of the issues.

Bartlett – So you'd only had literally two or three weeks of interaction.

Lehrmann – Yeah.

15:23

Bartlett – And you don't think you interacted that much anyway?

Lehrmann – No.

15:26

Bartlett – When did you first meet Brittany Higgins?

15:30

Lehrmann – I don't know specifically. I mean, it would have been a very brief interaction in you know, probably in the week or so before I resigned or I notified Senator Reynolds, I was resigning.

Bartlett – Did you meet her in a social setting?

Lehrmann – Yeah, yeah. And that's how that's typically what happens with if you've got new staff coming. I mean, that was, you know, that. And it was just, it was innocuous. It was, you know, very casual. It wasn't very long, you know, yeah.

Bartlett – You're on record, as agreeing with a group of people, whoever were there at the time, you'd know better than me, that she was pretty attractive.

Lehrmann – Sure, but I mean, it's, you know, I might, I might say that a guy is handsome as well. I mean, that's, that's fine, doesn't mean doesn't mean I'm going to advance anything with that person.

Bartlett – But, so when you turned up on that fateful night, at the hotel at The Dock, you must have been fairly pleased to see her?

Lehrmann – No and I think the CCTV footage played at the trial was pretty obvious that my friend Austin and I were going because we got an invite from her to come and meet some fellow defence colleagues. And obviously, Senator Reynolds was coming into that portfolio. So, I thought it would be good for me to interact with them and meet fellow defense colleagues, to help hopefully assist Senator Reynolds in setting up her office.

17:12

Bartlett – I think you can see from the vision of you and your colleague turning up and you say a quick hi, at the table and, and then you move maybe to the bar to get a drink or something.

Lehrmann – Yeah. Yeah. It's the CCTV is incredibly self-explanatory. In this, all of it.

17:35

Bartlett – How much was everyone drinking that night?

17:38

Lehrmann – Well, it was a Friday night. So we were pretty cheerful. I mean, Austin and I arrived much later than the event had I think the event had started that afternoon or something. So it was jovial, it was cheerful. We had we had a fair bit, but I mean, nothing out of the ordinary, I think it was, I've only discovered now from the trial that observing the CCTV that Miss Higgins had a lot more to drink before we even arrived so.

18:08

Bartlett – I think the records show that she had a Bumble date arrive at the hotel at around about eight o'clock. Did you meet him, did she introduce you to him?

Lehrmann – No. And that was, that was a peculiar thing that we discovered during the trial. That was, we didn't, I didn't know about that. I assumed they were all defense people. That's how she, that's what she said to us.

Bartlett – You didn't know anything about that. Before or after only at trial?

Lehrmann – At trial when materials started to come in, yeah.

18:38

Bartlett – So, so what happened to him?

18:41

Lehrmann – That's a great question. I mean, I think we observed on the CCTV that he sort of abruptly left I'm not too sure. Knowing that she had a bumble date there. That was just bizarre.

Bartlett – She didn't say anything to you about it at all?

Lehrmann – No. And the other thing, Liam, it's concerning that a member of the public, a Bumble date, was there with such senior defence force colleagues as well. I mean, it was it was a semi work event. It's not very professional, I would have thought, to have a member, a member of the public not involved in politics whatsoever to be there.

Bartlett – It was very public. It's a very public bar.

Lehrmann – Sure.

Bartlett – Lots of people that night. So then you all decided to kick on to this other bar, this 88 mile per hour.

Lehrmann – Yeah. A favourite of a lot of staffers actually but me included. I mean, it's a pretty fun bar.

19:38

Bartlett – And what were your thoughts at that stage? The immediate group that were kicking on.

19:43

Lehrmann – Well just a social Friday night, I mean, it just sort of, you know, it was a it's a Friday night that was just some work drinks on a Friday, and then you have a few more and then you'll decide 'oh well let's kick on a bit'. You know, we're having a fun time. It was nothing in it. And so there was a broad invite to come to 88 and we did, and you know those who said yes did and there was four of us that went

20:10

Bartlett – sorry Bruce. Are you guys worried about that noise? Sorry mate. Just hold that thought for a sec.

Lehrmann – No, you're alright.

20:22

Bartlett – It's okay? Ok good on you. Okay, sorry. I just thought I'd check

Lehrmann – You're alright.

Bartlett – I just didn't want to, you know. It's annoying, it's very annoying to concentrate on you know, for Bruce as well.

Crew – If we can keep going and we'll get it sorted it out, that work for everyone?

20:46

Bartlett – You happy?

Lehrmann – Yeah.

Crew – Should we stop there. Paul, can you grab those two bottles behind your head. We're good.

21:07

Bartlett – could be worse, could have a whippersnipper.

21:13

Bartlett – Okay, so let's, let's, let's stay with that. So, so you're at this bar, you're at 88 mile per hour and by this time, there's what four of you?

Lehrmann – Yep.

21:31

Bartlett – So, the clear impression that Brittany Higgins has given is that she was being plied with drinks. I mean, I can only assume it was by you.

Lehrmann – I think I think I have observed that in the last two years in media, she has advanced that that narrative.

Bartlett – Very clearly.

Lehrmann – Yeah, yeah. Which is ridiculous. And, and actually proven in evidence that I'd only spent \$40 that night. So there must have been cheap drinks, William, if I was shouting, everyone.

22:06

Bartlett – That's according to the receipts that you gave to the police, which shows as you say, \$40 that you've spent at the bar. \$40 for four people's really not even a round is it?

Lehrmann – No.

22:19

Bartlett – But what other explanation is there?

22:24

Lehrmann – Well, that's that's also a great question. I mean, it's the whole, the narrative that was advanced, and that has been advanced in the last two years, and it's been latched on by the nation's media has been an absolute bloody furphy. It's, there's so many inconsistencies, so many lies. It's been pretty wild to watch, actually that Friday, an innocuous Friday night, a harmless social Friday night, could be whipped up into a complete furphy.

23:01

Bartlett – How drunk do you think she was?

23:04

Lehrmann – On looking at her? I did not think that she was sloshed, or she didn't appear to be falling over or anything like that.

Bartlett – And when you say to normal Friday night, I mean, you're sitting at the bar there.

Lehrmann – Yeah.

Bartlett – So regardless of who's buying the drinks, are you noticing her having a lot of drinks? Do you think she's drinking more than everyone else?

Lehrmann – No, I mean, we're not we're not chugging our drinks or anything like that. I mean, she I think she made reference to that in the trial. Let's just chat. Yeah. I mean, it's, it's, we, I mean, we weren't even at 88 that much longer. Because, you know, I was I had to get home to my girlfriend. It was not, you know, we went there for a little bit of a kick on. So I think my observations of her was that she was, you know, like the rest of us. We were not, we were tipsy but, and I know now that the CCTV footage is pretty clear as to how the two of us, certainly coming through parliament were.

24:01

Bartlett – But before we get to Parliament, let's stay at the bar. You told police in your own words, that you two were close.

Lehrmann – Yeah.

Bartlett – When you're at the bar. What does that mean?

Lehrmann – Well, just looking out for each other. I mean, you know, you're out. You're out now in public. So, um, I

Bartlett – What is 'close' on a Friday night mean Bruce?

Lehrmann – Oh opening doors for her and the others that were there, making sure that, you know, idiots who were completely sloshed weren't getting in our way. I mean, it's not ordinary things that felt like you would do with fellow colleagues in a group of complete strangers at a public bar.

24:42

Bartlett – But one of your colleagues, one of your friends who was there at the time drinking with you, a woman called Lauren. She told police and I quote "you and Brittany Higgins were sitting very close, rubbing each other's legs, kissing and passionate"

25:02

Lehrmann – Rubbish. And the thing about all of these statements in particular, Lauren, is these statements were given two years after the fact. And, in particular, her statement was given to police after she had received some messages from Ms Higgins, who hadn't spoken to her in two years.

25:24

Bartlett – Are you saying she's lying?

25:26

Lehrmann – What I'm saying is that Ms Higgins appears to have prepared some witnesses with a version of events before they gave a witness statement.

25:39

Bartlett – So she's, she's what she's made that up? She has concocted it somehow from a memory is that what you're suggesting?

Lehrmann – I'm suggesting that what Lauren has done is followed guidance from Ms Higgins to give a version of events to the AFP to make Ms Higgins version sounds stronger.

26:00

Bartlett – But you must admit going from zero to maybe not 100 mile per hour, but sitting close, rubbing each other's legs, kissing and passionate. And you're saying that's absolutely incorrect?

Lehrmann – Completely incorrect. And it, I mean, it's also interesting that Miss Higgins knew what the second venue was that we went to. But she failed to disclose that to the AFP so that they could get the CCTV footage.

26:35

Bartlett – But, it's one thing for you to tell the police you are close. It's another thing for an eyewitness at the venue to say that you were being very close.

Lehrmann – Sure. But that eyewitness gave her statement two years after the fact. And after she'd had communications with Ms. Higgins, that she was about to go on live television on The Project with this story.

Bartlett – But it makes a lot of sense, doesn't it? Because you two we're canoodling snogging call it what you like at the bar.

Lehrmann – Mm.

27:10



Bartlett – You'd had a belly full of grog. Either way, things were getting a bit hot. So half past one in the morning on a Saturday, you think well, you need a nice, quiet private place. And so you head off the Parliament House?

Lehrmann – No, that's that's not how the night eventuated whatsoever.

27:30

Bartlett – But that makes sense with the eyewitness report

Lehrmann – With one eyewitness report. Sure.

27:36

Bartlett – And you completely reject that?

Lehrmann – Absolutely.

Bartlett – So she says black, you say white?

Lehrmann – [nods] Mhm.

27:46

Bartlett – Why did you decide to go back to the office?

27:49

Lehrmann – Well, a couple of reasons. I had to get my keys to go home because the night became later than I was expecting. So, what turned, what was going to be a quick couple of drinks, turned into a fun social evening. So, I needed to get my keys and that's very clear on the footage. Secondly, the nature of the people that I was with I had learned some information that I, I wanted to document into the Question Time folders to ensure that Senator Reynolds was prepared with the knowledge with the information that I had received in relation to some very sensitive matters that were hot button issues. I think, in particular sub, the submarine issue and moving them from Adelaide to Western Australia.

28:42

Bartlett – Okay. Now, you know what the problem is here because you're living and breathing this.

Lehrmann – Mm.

28:48

Bartlett – You've given three different reasons to various parties why you went back. You've just given me the reason that you gave the police.

Lehrmann – Yep.

Bartlett – To retrieve your keys, and to work on the Question Time folders. So why did you give to other parties two different reasons?

Lehrmann – Because, Liam, being charged with a national security offense, after I had had one warning, for a very minor breach, however, Fiona Brown had taken that to be very serious, which, sure, she's entitled to do that.

Bartlett – Fiona Brown was the Chief of Staff.

Lehrmann – Chief of Staff. Yeah. So in my mind, if I had admitted to coming back to doing work, that would have been very serious in the mind of Fiona Brown.

Bartlett – But why because you were saying the work was helping the minister.

29:44

Lehrmann – It was, but if I had said that I'd access documents at that time or any, frankly, any time on the weekend I think Fiona Brown would have taken the view that that was very serious. In fact, I believe she said that on the stand in her evidence in the trial, that that that would have led to a bit of a domino effect, the AFP would have become very heavily involved in that. And it wasn't even me accessing national security documents. It was making notes about conversations on the Question Time briefs. But irrespective I was not prepared to take that risk. So, I told her that we came back to have drinks to allay her concerns.

Bartlett – Yes. You told her that you'd gone back to drink some whiskey.

Lehrmann – Yeah.

Bartlett – And had two glasses. So, you double down on the fib? And then you told security when you got there a completely different story. You told them you'd been requested to pick up some documents?

30:43

Lehrmann – Yeah, well coming into Parliament. Coming into parliament, is a bit of a process so I needed to ensure that we could get in first to get my keys at that time, because it was a late time. So, in order to do that to gain access, I had to I had to say that to get in.

Bartlett – But you'll admit then that that doesn't look good. Does it Bruce?

Lehrmann – Of course not. But the fact of the matter is, the version I told the Federal Police is the truth.

Bartlett – The police version is the truth. So the Chief of Staff and the security versions are both lies.

Lehrmann – [nods]

31:34

Bartlett – This is one thing I'm intrigued with. Which I've never really seen or heard a decent explanation. Why did Brittany Higgins need to go back to Parliament House?

31:49

Lehrmann – From from my recollection, she had told me that she also needed to go back to Parliament House. Why would I question that? I don't need to. She has the same security clearances me. She is a media adviser in her own right. An adult. I've learnt through this process a year older than me as well. Um, who am I to question she may have also had have had legitimate reasons to go back there.

Bartlett – Oh, it's very convenient, isn't it?

32:21

Lehrmann – Sure. But it

Bartlett – Bruce, come on. Well, it's almost half one in the morning, there's four of your drinking. The other two, the other two are hooking up. You say 'I've got to go, I've got to go to Parliament House'. And she says

Lehrmann – Told all four of them that I had to go.

Bartlett – And she says 'I've got to go too'.

Lehrmann – Yeah, well.

Bartlett – You're kidding me.

Lehrmann – She but she indicated she had to go back there. So, but who am I to question that I offered her a lift back. I was going on the way home.

Bartlett – Well surely you'd say why do you have to go?

32:54

Lehrmann – Well, I wasn't going to get into the nuts and bolts of it. Like I didn't get into the nuts and bolts where I was going. I had to get my keys and do a bit of work. I mean, what? She's also an advisor in her own right. It's not my, my place to question that. I mean, if she was she was the receptionist on the front desk needing to go back. Sure. But she's a media advisor.

Bartlett – So let me get this right. All of a sudden you jump up from a table. And you say 'guys, I've got to go. It's 20 past one'.

Lehrmann – Yep, time to go.

Bartlett – Thereabouts, time to go, I've got to go back to parliament house to pick up some stuff on the way back and she says, there's four of you. And she says, 'Oh, good. I've got to go too.' and you don't think that's a touch unusual?

Lehrmann – Nope, not one bit. She's an adult. She's an advisor with the same security clearances as me and she's indicated that she had to go back there. And I thought I was being a gentleman in assisting her to do that in sharing an Uber.

Bartlett – But if you were being a real gentleman, when she got in the Uber, you would have suggested look what why don't you just keep going and use the Uber and go home.

Lehrmann – But she didn't tell me she needed to go home. She told me she also had to go to Parliament.

34:08

Bartlett – But she didn't give you a reason.

Lehrmann – No.

34:11

Bartlett – And you didn't ask

Lehrmann – No.

34:14

Bartlett – And you don't find that's unusual.

Lehrmann – Not one bit, given the given the status that she held in the office as well. That is not unusual.

34:23

Bartlett – How drunk do you think she was?

34:27

Lehrmann – I honestly don't know. I I now know after the trial that she had had drinks before I'd arrived at the dock. But who was I to know that, I mean it.

Bartlett – But in that moment that you were sharing an Uber with her?

34:42

Lehrmann – No, I did not. She did not appear to be heavily intoxicated whatsoever.

34:48

Bartlett – You told police that you thought she was 'moderately drunk' the word you use to them. Seven out of 10. What does that mean?

35:00

Lehrmann – Tipsy, had a good night, but functioning, aware of surroundings, able to make decisions. You know, not blackout drunk. And I know that the CCTV footage shows that.

35:17

Bartlett – Well, and you also know that Brittany Higgins has made many references to being inebriated her words, not mine, and intoxicated to the point of blacking out.

Lehrmann – Mm [nods]

35:31

Bartlett – Now, if we go to the CCTV vision, we go to those CCTV pictures of you and her entering.

Lehrmann – Mmhm.

35:41

Bartlett – I've got to say, I'm not an expert. But you don't both of you don't really look that drunk.

35:49

Lehrmann – I would agree with that. And not only would I agree with that, the Federal Police agreed with that.

35:56

Bartlett – She does have a little bit of an issue, trying to undo his shoes at one stage bending over. I think goes through the metal detector twice.

Lehrmann – Yeah. Yeah.

36:06

Bartlett – But certainly not inebriated.

Lehrmann – No.

Bartlett – What, how I interpret inebriation, you'd agree.

Lehrmann – Yeah. I 100% agree. And taking the shoes off. I mean, I don't know a female who hasn't had to take their shoes off going through a metal detector at the airport or something like that. I mean, happens all the time.

36:27

Bartlett – One of the security guards is caught later on audio describing both of you and they say one of the security guards makes a comment over the radio: 'They're half pissed anyway'.

Lehrmann – Mm.

36:45

Bartlett – That sound about right?

36:48

Lehrmann – I mean, I don't, sure that's probably his, his interpretation. I mean, the trouble with the security officers is during the trial, we had so many inconsistencies from them. You know, we had a witness statement from one, but then he changed his version when he got to the trial. So that was their some of their versions didn't stack up, you know.

37:14

Bartlett – another security guard makes a particular reference to her dress, and says that he notices that she has a grass stain on one side of her dress. What was that about Bruce?

Lehrmann – Yeah. News to me. I mean, at all the at all the venues, there's no grass. That was that was really peculiar to us. Particularly in the trial, and particularly when they did forensics of of the dress as well. They didn't find anything of that.

37:45

Bartlett – You know, just staying with those pictures for a moment. So you go through first. And then she has a problem with the shoes. And eventually she follows. And there's a picture. You're out of frame at this stage. You've already sort of walked

Lehrmann – to the elevator

Bartlett – to the elevator towards the elevator. And she almost skips along the hallway to catch up with you.

Lehrmann – Yeah.

38:13

Bartlett – Do you think she looks drunk there?

Lehrmann – No, not one bit. I mean, I don't even remember that happening. Because I think I was on my phone at the time.

Bartlett – Would you go with the security guard?

Lehrmann – Yeah.

Bartlett – And it shows you both waiting for the lift?

Lehrmann – Yes.

Bartlett – To go up to the ministerial suite.

Lehrmann – Mm.

38:31

Bartlett – What are you doing there? What's going through your mind? Because you are most certainly on your phone.

Lehrmann – Yeah. And I'm, I'm waiting to be led up to the office. I mean, this isn't the first time staff have come back to the office after hours. So I was there to do what I needed to do and get and go home to my girlfriend. So I was not. I was not overly interested in what Miss Higgins was doing. But it's clear now having seen the CCTV myself from the trial that I would agree she doesn't appear to be blacked out or whatever version she wants to give. She appears perfectly fine.

39:09

Bartlett – So you get to the office. Then what happens?

39:13

Lehrmann – The security let us in, I turn left, she turns right. And I never see her again.

39:20

Bartlett – What does she tell you at that point?

39:23

Lehrmann – She does not communicate with me again. That's it. I went left, she went right.

Bartlett – There's no communication?

Lehrmann – No communication and I did not question why but her desk certainly wasn't to the right her desk was to the left. So I found it strange, but I went to my desk to do what I needed to do and then get back to my apartment.

Bartlett – So what was the last thing that Brittany Higgins said to you that night?

39:49

Lehrmann – Oh, I cannot remember it would have been something coming out of the Uber or something coming in. Yeah.

Bartlett – You must have gone over this a million times in your head.

Lehrmann – Sure

40:00

Bartlett – But through all the allegations, through the trial, through the inquiry

Lehrmann – Liam, we're dealing with, we're dealing with an event two years ago, that was

Bartlett – three years ago

Lehrmann – three years ago, that was a non event in my mind until, you know, this decided to be to become a sexual assault on national television. And so then I'm, I'm trying to piece together a night, that in my mind was a typical social Friday night, to try and then understand why a sexual assault was being alleged.

40:34

Bartlett – So she's skipping along, you get to the lift, security takes you up. Security says, 'There you go', unlocks the door. There's no conversation between either of you.

Lehrmann – No.

40:45

Bartlett – But you're telling me that you have been trying to be a gentleman on this evening? So wouldn't a gentleman say 'listen, I've just got a quick thing to do, it's gonna take me half an hour. Are you, are you alright for liftback?' or

Lehrmann – Well because she didn't indicate that she needed to go home, she indicated she also had to go to Parliament. So I had assumed that she was there also to do some work in her capacity as a media advisor.

Bartlett – But wouldn't you just out of curiosity, say 'Brittany, how long are you going be?'

41:20

Lehrmann – I suppose in hindsight, sure. But I, my mind was focused on getting my keys, noting down what I needed to note down and getting back to my girlfriend who had called a number of times. And I've then seen those calls, and I needed to get home.

Bartlett – She did call multiple times, while you were there, in the 41-42 minutes that you were physically in the office. She called numerous times. You never answered those calls?

Lehrmann – No, because the desk that I had, and the the space that I had was enormous. And we had six Question Time briefing folders, which were at the other end of my desk, and I'm furiously making notes, trying to remember what Department of Defense officials had told me. So I missed them. The phone was on silent probably much earlier in the evening. And I think I wouldn't be the first to miss calls from an ex or, or a girlfriend at the time. Sorry, but you know, it's, we miss calls, you have your phone on silent, you miss calls, you're deep in work, that's what happens.

Bartlett – Had she texted you as well?

Lehrmann – Possibly earlier much earlier in the night. And I'd I think I would have given an indication of when I may be home. And I can only assume that she was calling because I was a bit past that time.

42:42

Bartlett – Ministerial suites Bruce, as both of us know, are not small.

Lehrmann – No. They're massive.

42:50

Bartlett – So, are you telling me that she was at one end and you were at the other?

Lehrmann – Yep. That's the layout. And I drew a very detailed map, for the AFP about the layout of the office.

Bartlett – Would you mind drawing me a quick one just to give me a bit more insight.

Lehrmann – Sure.

Bartlett – Great, we'll just grab a pad. And just to give me a better insight, thank you very much, into what you're talking about, give us a

Lehrmann – Let's do it.

Bartlett – give us a quick floor plan.

43:20

Lehrmann – So you've got the blue carpet here. We enter into the main double doors here, reception desk here. And then you've got the Minister Suite, Chief of Staff Suite. Then you've got the main Media Suite here. Media, and you've got a hallway in the middle here. And then you turn left, which I did here, massive bullpen of desks here. And then the very

Bartlett – Where was your desk?

Lehrmann – Very back corner. There's a separate exit door here. My desk was literally situated in the corner, me that exit there.

Bartlett – Right. And where is she?

Lehrmann – And she's, she said, Well, she went right. So I've since discovered that she went into the Minister Suite now at the time, she could have gone into either the Chief of Staff Suite, which was also where the diary manager was or the Minister Suite. I didn't know but I now know she was in the Minister Suite because she's told Australia that.

Bartlett – Well, we know that she ends up on the couch in the Ministers Suite.

Lehrmann – Yes.

Bartlett – So how many walls between her and you?

44:36

Lehrmann – Ah, you've got a if you've got the ministers bathroom, and then you've got the media's office which is also a separate standalone office. And then you've got a bullpen of desks. It's there's two solid walls there plus a bathroom, quite a bit.

Bartlett – And when you finish



Lehrmann – and the minister suite is noise proof as well. So, they all are. Most of the offices are noise proof.

Bartlett – And when you finish, you don't go back through the doors?

Lehrmann – No, I leave out the back exit, because it's closest to my desk. Like why would I, I don't have a need to get back out there.

Bartlett – It's easier, is it?

Lehrmann – Yeah. And the logs the log, we had the logs in the trial that showed that so.

45:21

Bartlett – So there's a fair amount of space there.

Lehrmann – Yep.

45:25

Bartlett – And it's obvious from that, that you physically can't see her.

Lehrmann – Oh, not at all. I'd be hard pressed to even hear her actually. Particularly if doors are closed.

45:38

Bartlett – But you still choose not to check on her?

Lehrmann – No because she

Bartlett – I've got to say to you, that surprises me given your position about being a gentleman.

Lehrmann – Well, also Liam, she didn't appear to be heavily intoxicated, as she has described.

Bartlett – Yes, but drunk or not just as a general colleague check.

Lehrmann – But yeah, okay. Sure. But it's Parliament House. She's a staffer in her own right indicating that she needed to go back there. Didn't feel the need

Bartlett – But I'm talking person to person. So earlier, am I right, in assuming that you'd had a small conversation about basically living in the same direction?

46:24

Lehrmann – Oh, I think I indicated I was over that way. Well, she might have indicated that yes, yes.

46:29

Bartlett – Yes, so you already knew you were ordering an Uber and you both lived over in the general sort of same direction anyway, and it's very early in the morning. And here's a young lady with just a cocktail dress on. And if we follow your line of reasoning, about being a gentleman, I would have thought the least you could do is just pop your head in, take your two seconds and say, 'Brittany, are you right? Have you finished? Because I'm going. I've got an Uber, do you want to just be dropped off at home?'

Lehrmann – I assumed that she was there to do work. And it's, it's common for staff not to get involved with other people's work unless you are specifically working together on something.

Bartlett – And we've drinking together, Bruce?

Lehrmann – Sure.

Bartlett – This has gone way beyond working together.

47:23

Lehrmann – But we were there for for different reasons. She indicated she had to go there. I'm not going to stick my nose into that. I had, I had the things that I needed. In particular, the things in my mind that I needed to note down on the question time briefs. So that's where my mind was. I had a girlfriend to get back to as well, who was probably wondering where the hell I was.

47:46

Bartlett – Let me put it another way to you. Do you regret not doing that?

47:51

Lehrmann – No, I don't. I don't regret it. Because we, we're all individuals. She was an adult. She had the same clearance as me. She's a media adviser, she equally could have had some pretty serious work to be working on over the weekend. I mean, ministers are putting out media releases all the time. So that's that.

48:19

Bartlett – Let me tell you something else that doesn't add up. You're sitting in that office for something like 40 minutes working on material for a minister, whose office you are leaving, for a question time, that's not even happening in a couple of days afterwards, because Parliament wasn't sitting.

48:44

Lehrmann – But it was her first question time that she was about to step into. Eventually

Bartlett – Over, a week later.

Lehrmann – Sure.

Bartlett – and this is two o'clock in the morning on a Saturday.

Lehrmann – Yep. And I had received information from the Department of Defense officials, that was highly relevant to a sensitive issue that the opposition did eventually go, Senator Reynolds on, in question time.

49:13

Bartlett – So you badly so wanted to impress then Minister Reynolds that it was absolutely imperative that you go back at that time and write all those things down for 30 odd minutes.

Lehrmann – Well, I wouldn't say impress but I felt it very important to ensure that a new inexperienced Minister coming into a cabinet position was fully briefed and aware to avoid public embarrassment during question time.

Bartlett – And you couldn't have done exactly the same thing first thing Monday morning?

49:49

Lehrmann – Well, I was already going back to get my keys so I was in at my desk. So, it stood to reason that I would make those notes then.

49:58

Bartlett – Stood to who's reason?

50:00

Lehrmann – My reason, so I didn't forget them.

50:03

Bartlett – I thought it would have been easier just to grab your keys and go home. Have a good sleep and jot all that down first thing Monday morning.

Lehrmann – I disagree.

50:16

Bartlett – Alright. Well did you. Ah thanks very much. Sorry Bruce [drink water].

50:33

Lehrmann – I might join you. Yeah.

50:38

Bartlett – Excuse me.

50:40

Bartlett – So we know no point in going through the records and stuff we know about the timings of all this. You leave about 2:31 or something, and you've called an Uber.

Lehrmann – Mm.

50:51

Bartlett – So you get home and your girlfriend at the time must have been worried because she'd been trying to call you. Did you have a conversation with her when you got home?

Lehrmann – I don't remember. I don't remember that. I got straight into bed and went to sleep.

51:10

Bartlett – And was there a conversation the next morning? Did she ask where you've been what you've been doing?

Lehrmann – Yeah, sure. I mean, she knew who I was out with. So I don't think we made a big deal about it, because it wasn't a big deal so.

51:23

Bartlett – Not at that point. No,

Lehrmann – No, not the last three years.

Bartlett – When you were in the minister's office at any point, did Brittany approach you?

51:33

Lehrmann – Yes. The following week. Yeah. We got back to normal, the office functioned as normal on the Monday. In fact, I think we discovered through the trial. I mean, I didn't recall but we went and got a coffee. On the Tuesday morning, I think even the day Fiona Brown sat down with me. So the AFP found an email of Miss Higgins asking me to send her media clippings. I mean, the we got back to well, it was normal and it stayed normal. But there was nothing out of the ordinary.

Bartlett – So in the immediate aftermath, on the Monday morning, it was business, as usual.

Lehrmann – Absolutely.

Bartlett – In the office

Lehrmann – Yep.

Bartlett – between you and everyone else, including Brittany Higgins?

Lehrmann – Yeah, exactly. Yep.

Bartlett – Nothing changed?

Lehrmann – No.

52:28

Bartlett – On that night, did she approach you in the office?

52:32

Lehrmann – No, she didn't. She did not come out to the bullpen as I as I drew, I never saw her again.

52:44

Bartlett – You never saw her at all.

52:49

Lehrmann – No

52:51

Bartlett – So I know you've said this 1000 times. You go left. She goes right. And that's it.

Lehrmann – Yep.

Bartlett – That's the end of any contact.

Lehrmann – That is

53:02

Bartlett – Did she try to kiss you?

Lehrmann – No.

53:06

Bartlett – Did she make any approach?

53:09

Lehrmann – Not to my knowledge, but the CCTV footage is pretty eye opening.

Bartlett – But there's no CCTV in the office?

Lehrmann – No, but coming through security.

Bartlett – I'm talking about once you go through those office doors?

Lehrmann – No, there is none. And but she did not make any approach.

Bartlett – Nothing?

Lehrmann – Nothing.

Bartlett – So no contact whatsoever between you, physical contact?

Lehrmann – No, no physical contact whatsoever.

Bartlett – No attempt at intimacy from either of you?

Lehrmann – No attempt.

53:37

Bartlett – How did she end up on a couch fully naked?

53:44

Lehrmann – That is a great question. I mean, I don't know. I can't talk to that, because I never saw her again. That's that was news to me, with the rest of the country.

53:55

Bartlett – That's been confirmed twice by two separate security guards. How does a young woman end up on a ministerial couch with no clothes on?

Lehrmann – I don't know.

54:09

Bartlett – Did it surprise you when you heard that?

Lehrmann – It did. However, having been through what I've been through, there are multiple versions that has been put out there. There's a version that went on the project. And then there's a version that went to police by her. Then there's versions by security. So, it's a matter of who do you believe?

54:31

Bartlett – Exactly. What I'm trying to get in to my head, Bruce, here you are, a few walls away working on these documents that you say are important. And here's this young lady in an adjoining office, virtually what, disrobing on her own? Is that how she ends up naked?

Lehrmann – Well, I don't I don't know what happened like this is the point because I didn't see her. So I can't comment about what was going on in that office.

55:07

Bartlett – You can see the contradiction in this, can't you?

Lehrmann – Sure. But

Bartlett – You two are drinking with each other as part of a group of four, for an hour and a half beforehand, at least at the last bar, and then all of a sudden there's this transition. And she, albeit with a warm couple of walls between you is naked on a couch. But here you are acting what? Like a Buddhist monk, making post it note stickers for a minister.

Lehrmann – Yes, to ensure that the information that I'd collected that night was as accurate as possible as I had discovered it.

55:50

Bartlett – You can't marry the two up can you. It's very difficult.

Lehrmann – Well, people will draw conclusion Liam. The fact of the matter is I never saw her again. I can't comment as to what was going on in the minister's office, which I now know she was in, she could have been in the Chief of Staff's office, for all I knew.

56:10

Bartlett – When was the first time that you realized that you'd been accused of being a rapist?

56:17

Lehrmann – The 15th of February 2021.

56:20

Bartlett – Date rolls off your tongue?

56:24

Lehrmann – Yep.

Bartlett – How did that roll out?

56:29

Lehrmann – That was a pretty dark day.

56:35

Bartlett – Was that the broadcast?

Lehrmann – No, it started with Samantha Maiden's article at 8am. I, like everybody else had read it and was horrified. I, my, I think there are text messages between me and friends saying I used to work with her, you know, horrified. It then became apparent at two o'clock or thereabouts when Rosie Lewis at The Australian emailed my boss at British American Tobacco and said that she'd heard from government sources that I was the alleged rapist. Now, I'm called in for a meeting by my bosses. They suspend me pending an internal review that they're going to undertake and you know, they say, 'is there anything you know, we can do? What? What can we? What can we do?' And I said, 'Well, you know, it's pretty clear, I need a lawyer.' No shit. So it's the first time I've had to get a lawyer for anything.

I mean, I haven't even had so much as a parking ticket. So I messaged some friends, and thankfully, get a solicitor, Rick Korn, who was just incredible. I went to his office and pending the project airing and I was just beside myself shaking. You know, something like this, in the building of 5000 people and political networks that you inevitably make over five, six years that I've been working there. People knew who it was come the airing of the project.

58:23

Bartlett – So you read that, you read that article? And you didn't realize it was you?

Lehrmann – Not initially until friends started to intimate or identify me, essentially.

Bartlett – So you started getting text messages?

Lehrmann – Mm [nodding].

58:39

Bartlett – That's amazing.

Lehrmann – Yeah.

Bartlett – So you read the article thinking, wow.

Lehrmann – Yeah. Holy shit. This is really horrifying.

Bartlett – Because, she was named.

Lehrmann – Yeah. Yeah.

Bartlett – But when you were reading it, you didn't realize that you were the accused.

Lehrmann – No, not. I wasn't putting two and two together exactly. I'm then I'm then working out going 'Oh, shit. You know, I used to work with her. And this is awful'. You know? So

Bartlett – And then friends and colleagues are contacting you.

Lehrmann – Yeah. And as the day unfolded, it was just, you know, became it and then I'm called in by my bosses saying, 'Rosie Lewis has said that it's you' and that the world it just implodes, that that's it, you know, you don't recover from something an allegation like this was was my first thought that life as I knew it was over.

Bartlett – You knew that straight away.

Lehrmann – Yeah, it was. I didn't know how I was going to recover.

Bartlett – Because you knew an allegation of that sort of gravity would be hard to get away from.

Lehrmann – and made so public. That that's, that was, that's the killer.

Bartlett – But what about the nature of the allegation, Bruce?

59:50

Lehrmann – It's serious.

Bartlett – How did you how did you deal with that?

59:57

Lehrmann – I mean, it's it's just not me. Ah, so that that day was just bloody awful. I'm getting messages from friends. I'm trying to get a lawyer and I'm thinking, this is not me like this is this is utter crap. And then I'm trying to piece together an innocuous social evening, that's now been broadcast as alleged sexual assault and you know, I'm thinking fuck, you know, how do I get back from this?

1:00:32

Bartlett – So it genuinely shocked you?

Lehrmann – It. Oh, yeah. And I think it's pretty clear in my messages to friends and just my reaction. I mean even rocking up to Rick Korn's office it was just. He messages me still today reflecting on that night like it was just, you know, thankfully I'm much stronger now but it was very touch and go back then, very touch and go.

Bartlett – So you go and find a lawyer because you think I need one

1:01:04

Lehrmann – Clearly. Yeah.

1:01:06

Bartlett – But but you still haven't had any contact from the police?

Lehrmann – None. I didn't have contact from the police for a very long time. In fact, when they contacted me, I think I joked on the phone when Detective Boorman rang me and said we'd like to offer you an opportunity to to speak and I said, 'I've been wondering when you'll call'. Because this is this has been rammed through the media, rammed through Twitter. It was pretty obvious by the time I gave my police interview that it was me, you know.

1:01:42

Bartlett – So let's go back to the let's go back to to to. You go. Excuse me, sorry. So, okay, so your boss calls you in?

Lehrmann – Mm.

1:01:56

Bartlett – So basically, they send you home.

Lehrmann – Mm.

1:01:59

Bartlett – On indefinite suspension?

Lehrmann – Yeah.

1:02:03

Bartlett – So you got to try to find a lawyer and then Brittany Higgins doubles down and goes public on national television.



Lehrmann – Mm.

1:02:14

Bartlett – And who told you that that was going to come up?

1:02:18

Lehrmann – Well, it was widely known in Samantha Maiden's articles that The Project interview was coming. So when I was with Rick Korn, we're we're trying to establish when it goes to air, how can we watch it. Things like that. I mean, I'm still sitting with Rick, talking with him about the night trying to remember something that in my mind wasn't in my mind, you know. And then two years after I'm trying to piece things together for my lawyer, who was pretty hard for him to advise anything, because I didn't really know much about the night, we're hearing something rammed through the media. You know, it's sort of

Bartlett – So, the first television interview goes to air, nationally, and it's all about you. Did you sit down and watch it?

Lehrmann – We watched it live.

Bartlett – You and?

Lehrmann – Rick Korn

Bartlett – Your lawyer?

Lehrmann – Mhm.

1:03:16

Bartlett – And what did you make of that?

1:03:20

Lehrmann – Well, there are a lot of tears. A lot of swearing. You know, I, I think that the killer for me was being suspended from my job at two o'clock that day, and a journalist making the allegation to my boss and then having to sit through The Project interview with, you know, not having been named, not having been had an opportunity to respond to what was going to air.

Bartlett – But clearly people knew it was you.

Lehrmann – Absolutely.

Bartlett – Well, they must have because of the journalist doesn't ring your boss, and blow the whistle

Lehrmann – Exactly. And I mean, we've discovered through the trial that Ms Higgins and Mr Sharaz had dossier that went out to journalists. In fact, I think, my barrister Steve Whybrow out on the stand, finally got Ms Higgins to admit that she in fact, sent the dossier herself to Rosie Lewis via text, the person who got me fired. So began, in train, me being fired.

Bartlett – So Brittany Higgins identified you to the journalist who then rang your boss.

Lehrmann – Well, I mean, it's pretty clear in the evidence that's come out through the trial. And that's continuing to come out through the inquiry, that this was a media hit job from the start.

1:04:43

Bartlett – But let's go back to The Project. Let's go back to that television interview. Because there's been a lot made out of that. So while you're watching it, what's going through your head

1:04:57

Lehrmann – Um utter outrage, outrage that I wasn't able to respond. Outraged at live before me sitting in my lawyer's office, I'm seeing friends of mine block me on Facebook, remove me from group chats, I mean,

Bartlett – Straight away?

Lehrmann – straight away, like, it is the metaphorical version of a nuclear bomb or the world exploding before your eyes, you know, you're being blocked, you're being removed from group chats. You know, things are just

Bartlett – So as that interview is going to air

Lehrmann – disappearing before my eyes, my social life, my life as I knew it, and I was a very sociable guy, I had a big circle of friends and networks. And to have that starting to disappear. I mean, I'm an extrovert, used to be I mean, now I sort of live under a rock. But you know, that's, that was that was one of the worst things to see that people were dropping me because I was politically inconvenient to to be associated with.

1:06:05

Bartlett – As this story is going to air, as Brittany is speaking on national television, you're being disowned.

Lehrmann – Yeah. And that if that's not, if that's not a clear indication of being identified, without having been named formally, I don't know what is.

1:06:25

Bartlett – It was that quick.

Lehrmann – Yep.

1:06:29

Bartlett – So what, you know, when that show finished, what feeling were you left with?

1:06:41

Lehrmann – It's all a bit of a blur for me, much of the last two years but.

Bartlett – But, that must have been a

Lehrmann – Rick Korn was certainly concerned for my welfare. Yeah, he. I went, I went off the deep end, so to speak, in a sort of 24 to 48 hours after

Bartlett – Afterward? In what way?

1:07:05

Lehrmann – I, I'd, had just made arrangements to, to, just to go. I was something an allegation as serious as this, made so public, and with the networks that I had, and they were just disappearing, it it, it all just became too much. I felt that I couldn't recover.

1:07:28

Bartlett – Just to go?

Lehrmann – Yeah, I made arrangements to go. Mum was going to be okay, she'd get my superannuation. You know, I'm clearly a political problem. So I'll make it easy for everyone.

Bartlett – You're telling me you were suicidal?

Lehrmann – Yeah, for for a little while there in the start of 2021.

1:07:53

Bartlett – But straight after that show went to air?

1:07:56

Lehrmann – Yep.

Bartlett – Was that bad?

Lehrmann – Yeah.

Bartlett – Wasn't there a part of you that thought, well, if I'm not guilty, I can beat this.

1:08:06

Lehrmann – Well, I hadn't thought that far ahead. But I thought, given that the allegation was being aired so publicly, and not guilty verdict meant jack shit, when the media has already convicted you. So yeah.

1:08:30

Bartlett – But when you say, I mean, that's that's the ultimate reaction. It's pretty heavy duty, Bruce. When you say you made plans. For everything? Financial?

Lehrmann – Yep.

Bartlett – Lifestyle?

1:08:49

Lehrmann – Yep. There was no coming back. I was. I'd actually even worked out the St. Leonard's train station. I was just going to just kind of go, I mean, thankfully, something shone down on me or I don't know. I don't think there was one thing I think it was, a lot of it was Rick Korn really holding me back from going over the edge and giving me faith that this is a total crock, and the way that she's gone about it and the way the media has gone about it, we can fight this.

And I ended up taking myself to Royal North Shore Hospital and you know, they were incredible there. And that sort of began a period of just sort of strengthening my mind that there is a light at the end of this.

Bartlett – So you sought some clinical help?

Lehrmann – Yeah, I just thought I just thought I that's that's a pretty weak way to go to go. I think I should have a stab at trying to fight this. And I'm glad that I did because there's been a lot of, there's been a lot of breadcrumbs and inconsistencies and things of that nature that have come to light and are still coming to light. And

Bartlett – So that interview really was one of your lowest points, but it was also a turning point in a sense?

1:10:18

Lehrmann – Yeah, it was a low point but a turning point. And yeah, it set off a sort of a two or three week period of certainly touch and go. I was then in the clinic for a couple of weeks. And my lawyers were Rick Korn and John Korn and his father, he's, he's been an absolute godsend he, he just wanted me to get mentally strong. That was the focus, don't, let them handle all the crap and you just get mentally strong.

1:10:53

Bartlett – Bruce I have to ask you this. Are you aware of the recording between the people involved in putting that interview together, where they joke about the shortness of time that they were going to give you to respond to those allegations?

Lehrmann – I'm aware of that recording. I haven't listened to it in full myself that there was an excerpt that we played in the trial about a link between Mr. Sharaz and the Labour Party, I mean,

Bartlett – But they talk about only giving you, what, they joke about only giving you 10 minutes to respond. How much time did they give you to respond to the allegations?

Lehrmann – Well, for me none, I have now learned that they did try to contact me, but an email went into my junk email. And I didn't end up seeing those questions until after the story aired. So that was sent on the Friday the story went to air on the Monday. I mean, even if I'd read it on the Friday, how on earth was I supposed to respond to something as serious as this?

Bartlett – So they went ahead anyway, knowing that you hadn't responded?

Lehrmann – It's clear, yeah.

1:12:05

Bartlett – What do you think about that sort of activity? What do you think about people making jokes about that sort of stuff?

1:12:14

Lehrmann – Well, I think, you know, whoever the producer is, and the production team at that, that network, they need to have a long hard think about how they conduct journalism, and investigative journalism at that. Because it's not ethical.

Bartlett – There's been so many things along the way that have been so public, you've also been really the center of a speech at the National Press Club. How did that go down?

1:12:46

Lehrmann – For me, we were getting so close to the trial and I just couldn't believe that media was still progressing or advancing one side of this whole saga. And the other killer was the amount of politicians standing and applauding in that room for something that had not been tested before court. The version that Miss Higgins has given has had not been tested. Evidence hadn't been adduced; subpoenas hadn't even been out and we're all standing up clapping saying we believe you this is good on you, you know, like, what kind of system is that.

1:13:33

Bartlett – Well, speaking of that, I wonder, how did you react when the Prime Minister Scott Morrison then, got up and made an apology to Brittany Higgins. Now, he was basically acknowledging the fact that Brittany Higgins was a victim. Before there was a trial.

Lehrmann – The sooner Mr Morrison is out of Parliament, the better for our country. That was a disgrace. He, here you have the highest office in the nation, saying I'm guilty effectively, and under the cover of parliamentary privilege as well, which is even more disgusting, that he would do that and look up to her and apologize as if it was true.

I mean, I have become aware since that he gave a direction to a coalition staff meeting, that they were banned from reaching out to me or publicly or even privately supporting me. I was a political problem to Morrison. And the sooner he is out of that place, the better.

1:14:39

Bartlett – That's essentially what he was doing. I mean by saying sorry, he was saying sorry, on your behalf and the rest of the country for allowing her to be the victim and nothing had been decided to trial.

Lehrmann – Nothing.

1:14:52

Bartlett – Extraordinary, isn't it?

1:14:53

Lehrmann – And you would think that the Prime Minister would know a little bit about the law put it that way

1:15:05

Bartlett – Sorry. Sorry, Bruce, you're going really well, I just need to have another drink of water. Sorry. Some reason I've got a bloody internal cough

1:15:32

Bartlett – I want to ask you what you think? Because it's been, there's been a lot made of it through the court process. But I want to ask you what you think because it was also something that was rolled out in the very initial stages on The Project.

Brittany Higgins made a lot of this bruise on her leg and a photograph that was taken, which suggested in no uncertain terms that you had pinned her down on that ministerial couch.

What do you make of the bruise?

Lehrmann – Well, it was fabricated. That's the only explanation is that it was fabricated, or it's a bruise from much later. And why I say that is because Ms Higgins says that it is a bruise almost contemporaneous to the alleged night. I think something three or four weeks after when the AFP went

to analyze that and sought it forensics to go through that they found the bruise, the picture of the bruise, but with a date stamp of January 2021, not April 2019.

1:16:44

Bartlett – So you're saying she just took that picture and used it? Because it was convenient?

Lehrmann – It would appear that she's given that to The Project to enhance the weaponization of her sexual assault allegation.

Bartlett – If that is right, Bruce, if that's what she did. That's despicable act.

Lehrmann – Yes. And I don't want to go too much further, because I understand the Federal Police are investigating elements of a number of complaints that my barrister made about her evidence and some other aspects about the investigation that came to light through the trial.

Bartlett – If something like that is found to be a complete fabrication, that changes the entire nature of the allegation doesn't?

Lehrmann – It does.

Bartlett – That mean that that's a huge thing to do? If you're prepared to use something like that, on a false basis

1:17:38

Lehrmann – it's pretty sick. It's pretty sick that you know, I can be I can just be cast aside for for a greater movement.

1:17:54

Bartlett – What do you mean by movement?

1:17:56

Lehrmann – Well, I think it's pretty obvious that there's a link or a connection here with the 'Me Too' movement and trying to, for whatever reason, enhance the movement here in Australia.

By using this case, I think it's, I think what was a white lie to save a job has snowballed into something that was viewed as a political sort of weapon to possibly take down a government possibly make money, possibly advance some movement possibly advance, you know, other ideals in the justice system that we need to do this that or the other to change the justice system. The justice system works perfectly fine. If everybody just follows the rules, but rules weren't followed in this.

1:18:55

Bartlett – But you make it sound very conspiratorial?

1:18:59

Lehrmann – Well,

Bartlett – You're suggesting that Brittany Higgins was used as a pawn in this, essentially?

Lehrmann – Well, Well, not necessarily. I think that she's, in some respects, I feel sorry for her because she's clearly hanging out with people that she shouldn't be hanging out with, that have that don't have her interests at heart. And

Bartlett – So in other words being used by certain groups

Lehrmann – yeah. But

Bartlett – for their interests rather than hers.

Lehrmann – it would appear it would appear like that. You just have to look at the last two years worth of media and media stunts. And some of the things that I've seen through the material with the trial. I mean, Steve Whybrow my barrister, told The Australian there was heaps of holy shit moments. Well, I'd say that was I'd go one step further and say they were 'what the fuck' moments. It was mind blowing the the extent that this setup was advanced, at least

1:20:02

Bartlett – so, so you honestly believe a lot of this has been foreplanned?

1:20:08

Lehrmann – from what I've seen I, I believe that, Yeah.

1:20:15

Bartlett – And are you also then implying that you've been the victim of a witch hunt by whatever movement? Whether it's 'Me Too' or whether it's the Labour Party or whatever?

Lehrmann – Look, I don't want to go as far as saying that I'm a victim. I mean, I'm not. I'm not doing an interview with you to get sympathy or supporters or anything like that. I mean, I'm just asking people to sit back and look at this chronologically and the behaviors of the complaint, the former complainant, I mean, it's, it's just madness. It doesn't add up.

1:20:50

Bartlett – When you were first interviewed by police, how long was it from the night in question to when you first sat down with the cops?

Lehrmann – Well, that was April 2021, when I sat down with the Federal Police. So that was, yeah, a couple of years.

Bartlett – Just over two years.

Lehrmann – Mm.

1:21:13

Bartlett – And when you chose to do that, you decided not to have your lawyer present?

Lehrmann – No.

Bartlett – And that's a basic right. And the police reminded you of that. But you chose to be interviewed by them for a couple of hours, without having a legal representative by your side. That's highly risky. Why did you choose to do that?

Lehrmann – Because I hadn't had sex with her. Not only that, I hadn't had any sexual activity of any kind with her. So John Korn said, go in and say that, that's the truth and I had nothing to hide. They took my phone, under warrant, but I very willingly gave it over I got to the doors, and I said, 'I suspect

you want my phone' and gave them access to everything, gave them all my passwords and the correct passwords. So I had nothing to hide and I was I was I'm thankful I did that. I don't regret talking to the federal police. I think there was there's only one truth. And I sat down and told it.

1:22:23

Bartlett – You told me you have no money left. And I believe you. But you didn't have to go to the debt mountain. I mean, you were offered legal aid to be represented by legal aid. But you chose not to accept their representation. What why not?

Lehrmann – Well, I think, ACT Legal Aid, were in effect, telling me to change my version of events, because it wouldn't be publicly palatable, essentially, to go Ms Higgins on the stand at trial and say she's a liar, which is my version. She's lied and made this up. They didn't want to do that. So they wanted to softly suggest that she's mistaken about aspects of the matter. And that didn't sit sit well with me. Not only that, they wouldn't allow me to pick the solicitor that I wanted. They wouldn't allow me to pick the barrister that I wanted to to advance my instructions, which is that she's a liar.

And I think there's some questions for for Legal Aid in the ACT, I'm not sure about other states. But that, that, to me, is bizarre to suggest to someone they're supposed to be there to represent accused persons in serious financial disarray, not with, limited access to lawyers. And they're suggesting that I should change my version of events to suit the public narrative. I mean, if that's not an example of how far the media took this I don't know what is.

Bartlett – So the taxpayer funded the legal. So the taxpayer funded legal help sent to you in order to get that funding that assistance. You had to change your story. You weren't allowed to say that Brittany Higgins had just flat out lied.

Lehrmann – I was not allowed to.

1:24:18

Bartlett – So you chuck them out.

Lehrmann – Got rid of them. My solicitor Kamy Saeedi said 'don't worry about the money mate, fire their asses'. And we're going to do this pro bono essentially. I mean, they've kept an account of what I owe them. I think it's upwards of a million dollars now. But you know, Steve Whybrow, he he never expects to be paid. They've they've done this because they've they've wanted me to get a fair trial. They've seen the justice system, centuries old tenants of our legal system, chucked out the door, rewritten, shat on essentially.

Bartlett – Steve Whybrow's your barrister?

Lehrmann – Yep.

Bartlett – He's doing it pro bono?

1:25:00

Lehrmann – Yeah.

1:25:01

Bartlett – So he's been prepared to have porridge for breakfast.

Lehrmann – And



Bartlett – so he can stick up for the justice system.

Lehrmann – Yep. And he's copped it. He's absolutely copped them them, and he got a death threat on the second day of the trial. You know, because, you know, we're not allowed to say that someone has lied. Irrespective of be that male or female. It's just you can't say they're a liar. We've got to gently, gently go about it.

Bartlett – Have you had any threats, Bruce?

1:25:32

Lehrmann – Yes, in 2021, before The Project went to where I got a number of emails and people trying to, someone impersonating me on Twitter and Instagram, and the AFP have all of that. And I trust that it's in good hands. I mean, that's that's their role.

1:25:54

Bartlett – How did you feel about? How did you feel about the media before you went to trial? Because there were people in the media very busy winning Logies and picking up awards on the strength of, of your story?

Lehrmann – Well, you know, some might say that those Walkleys and those Logies should be handed back now, I think. I don't even think they should have been awarded in the first place because we hadn't had a trial. So it was perplexing.

Bartlett – It surprised you?

1:26:29

Lehrmann – It's pretty. It's I don't know what on earth the Press Council are doing. They're not they're obviously not adjudicating or regulating their industry. I mean,

Bartlett – So you're a bit old fashioned. Do you think stories that win awards about justice should actually be given after the justice is served?

Lehrmann – Yeah, I thought that I would think that that's pretty obvious that you go through a trial, you get a verdict, one way or the other. And then awards can be handed out, if they see fit, that those are stories that deserve an award, I would argue to the contrary, but

1:27:07

Bartlett – we know from the Sofronoff Inquiry, that the police didn't even want to charge you. They said, it's quite clear, it's in black and white, there was insufficient evidence, there wasn't enough evidence to charge you. Were you amazed when you saw that?

Lehrmann – I, I completely broke down. I got to Canberra two days before the trial. And I sat down with my legal team, only meeting them for the first time in person, I'd only spoken to them over the phone and Rachel Fisher, who has just been an absolute rock through the trial, showed me some of the material to get instructions on and how they intend to run the trial. And I saw what has been commonly described as the Moller report. And I did, I was sitting around the board table of all of my barristers and just start crying and Steve looks at me and goes, 'What's wrong?' And I said, 'Well, they didn't want to charge me', that in fact, the investigating officers refused to sign my charge sheet, they had to go to a higher officer to sign the charge sheet because he didn't want to morally put his officers through

charging, who they thought was an innocent person. That's that. I mean, for my defense, barristers have said, this is just unheard of to have the police so emphatically with the defense.

1:28:30

Bartlett – Well, there's a lot of extraordinary moments in this saga Bruce.

1:28:33

Lehrmann – Yeah, it's, it's just gonna keep going. I feel, but I hope there's an endpoint.

Bartlett – Do you feel like someone who's won the lotto or run over a million black cats?

1:28:46

Lehrmann – I don't know what to think sometimes. Liam, I think this is I didn't ask for any of this. I didn't ask. I don't, you know, I wouldn't be sitting here doing an interview. You know, I don't want to do this. I don't want to have a public profile, like lawyers say. Well, if you've got a public image now, like, you know, I was a 25, 26 year old, working away here in Sydney with my girlfriend, going out to dinners doing normal, mid 20s stuff with my mates. I mean, this was out of the blue and now I've had to completely rethink how I live. Even how I go to the grocery store, you know, do I wear a cap? Do I wear sunglasses? I mean, it's

1:29:30

Bartlett – Do people stop you on the street?

1:29:33

Lehrmann – Not often, but you know, you get you get glares and you get stares. And people, you get the feeling that people have worked out who you are. And they either step away I mean, I have had some people offer support. You know, it's a bit of a mixed bag. I try and keep to myself though when I'm doing those sort of private things like grocery shopping and things

Bartlett – You're very recognizable.

1:29:59

Lehrmann – Yeah, unfortunately

1:30:00

Bartlett – Why not have to think about shaving the beard off? Or maybe changing countries?

Lehrmann – I might have to change the name and change the beard and yeah, I don't want to that's the family name. But I also want to, I want to live a quiet life or go back to as normal as possible life. I mean, there is a part of me that thinks that there's some serious issues with our justice system. And they need an advocate to advance or call out other cases or other other things that might come up. I mean, I am spurred on that, because of what I've been through that maybe there's a place for someone that to advocate because I think there's a lot of people with egg on their face. And those protections that are there in the justice system they quite clearly they didn't they didn't work in this case.

Bartlett – A little bit ironic. So maybe a legal career?

Lehrmann – Yeah, I am studying law. So we'll see how that goes. I mean, criminal law is pretty easy. It's like sort of butter at the moment for me because I've had a crash course in criminal law. And now defamation law. So I think for me, it's just the inspiration of seeing, in particular, my two senior barristers, John Korn, at the start, and then Steve Whybrow. I mean, Arthur Moses as well, he, he, he

represented me for some aspects of this matter. It's inspirational stuff to see these lawyers take pity on someone, they saw the system failing someone in the media failing someone and they just, you know, they're not interested in money. They, they I saw another side to lawyers, I think that people wouldn't realize that there are some lawyers out there that have a heart.

1:31:58

Bartlett – We'll come back to the future in a minute, Bruce, but just coming back to the the trial. So the trial was aborted. But that jury had been deliberating for just over a week. The fact that we couldn't get 12 people to agree that you were innocent.

Lehrmann – Yep.

Bartlett – Did that disturb you?

1:32:18

Lehrmann – It did. I was, I mean, Canberra is, is a very progressive city. So you know, it was going to be a bit touch and go, I think, but it was clear that the jury on two occasions, having sent two jury notes to the effect that they couldn't make up their mind. It was I think they were battling the media pressure. I mean, look,

Bartlett – It was clearly touch and go, wasn't it?

Lehrmann – Yeah. Yeah. I mean, look, trying to read what the jury were thinking or not thinking. I mean, you know, it's good as saying, you know, the lotto numbers for next week. You know, it's,

Bartlett – Well, the prosecutor, the DPP, Shane Drumgold, made a comment. He thought he had 11 people who thought you were guilty. Your lawyers said he thought he had 10 people who thought you're innocent.

Lehrmann – Yeah.

Bartlett – And we'll never know.

Lehrmann – We'll never know. But, you know, I think the prosecutor saying in that in the inquest saw his evidence when he said that he thought it was 11-1. I mean, this is this is a bloke who's supposed to be the Minister of Justice. And in a public inquiry, with all eyes watching, he is still trying to advance that I was probably guilty by saying that 11 thought that I was guilty. I mean, it's just absurd, some of his behavior through this

Bartlett – But but the point is for you, how can you be exonerated? How can you possibly exonerate yourself from here?

Lehrmann – Well, that's post, I would have thought that that is the role of the justice system, in particular, the prosecutor as a Minister of Justice to present the facts as they are not hide them from the defense. And, you know, so we could actually, you know, present present a case fairly, you know, I don't know, I don't know how I don't know how I become exonerated. That's been taken away from me, but I don't know it's been taken away.

Bartlett – Well, it's worse than that, isn't it? Because Director of Public Prosecutions, Shane Drumgold made a statement outside court. When he said there was going to be no retrial. He said, there was still

a reasonable in his mind, a reasonable prospect of obtaining a conviction. In other words, he thinks and he's told Australia that you're guilty.

1:34:33

Lehrmann – is advocating for one person, not the public, which is his role to present the facts and evidence fairly. I mean, prosecutors role is not to win or lose, it's to present the facts. And that was astonishing, to see with the authority of his office, to essentially say, 'Look, we're not proceeding because as of Miss Higgins mental health', and that's fine, but he didn't need to say that, you know, the evidence, you know, he still believed there was a reasonable prospect of success. It was just not warranted. The, I think, hugely concerning. And I think that I just

Bartlett – Not only concerning, but I would have thought from your position soul destroying.

Lehrmann – Yeah. You know, and

Bartlett – Here's the chief prosecutor telling everybody that well, you know, we never mind that trial, and he's never going to have another one. But pretty much he's, he's a rapist

Lehrmann – He took he took my opportunity for a not guilty verdict away from me. But he then told Australia, 'I still could have won it'. What the fuck?

Bartlett – Well, it confines you to a life of being known as

Lehrmann – it pisses me off still reading now in articles, you know, the charge was dropped, and he maintains his innocence, like, the charge is gone. Like it's, I shouldn't have to keep reading that. We should, there should have been an opportunity to, to clear my name properly through the system, I shut my mouth for two years, believing in the justice system and following the rules, others in this saga haven't done that and maybe I sort of, in hindsight, I blindly trusted the justice system too much, because what we're finding out in the ACT is that the system, at least down there, there's a bit of a shake up.

Bartlett – You know that there are going to still be some people, people who are watching this program tonight, no matter what you say, who think there's the bloke who raped Brittany Higgins. You're never going to change their mind, because of the way this has played out. How does that affect the rest of your life?

1:37:03

Lehrmann – I think I just keep people around me that I trust and love, which I have. And I get on with, with things as best I can. I mean, it's it's unfortunate that some people in the media consider themselves judge jury and executioner. And I think there needs to be a somewhat of a reckoning at the end of this. And I hope the inquiry does that in some way. Because, you're right. I don't know. It's, it's the big what if like, I don't really know, it's, it's day by day, week by week for me.

You know, inquiry has been quite traumatizing too, because, you know, there's police officers being dragged through the mud. I mean, you know, it's, it's, it's tough to say, and I think I just hope that we can get back to a neutral position, I suppose is that I accept that there's going to be 50% of the country probably more that think I'm a rapist. Okay, but how about having a bit of an open mind and a bit of pragmatism about how you approach an issue? You know, there's there's two sides to every story.

Let's look at the facts. Let's look at the breadcrumbs. Where do they lead? Let's look at motivations. Let's look at credibility.

1:38:34

Bartlett – Director Drumgold said the reason that there is no retrial is because he was worried about Brittany Higgins mental health. How's your mental health?

1:38:44

Lehrmann – Well, thanks for asking, because you're one of the few that have I don't get asked that a lot. But I'm stronger now. I still see my psychologist every couple of weeks, been seeing him very regularly. But another person

Bartlett – that helps you talk through it.

Lehrmann – Yeah. And I mean, another person who's doing it for free. Bulk billing, I mean, psychologists cost an extraordinary amount, but he's, he's just a phone call away for me. And he's, that's another example. And I'm very, very fortunate to have the small group of people around me that I have because God knows where I'd be.

1:39:32

Bartlett – Your accuser, Brittany Higgins, spoke outside court, made that speech outside court on the day that all that was announced, there was never going to be a retrial. She basically said, 'You were still guilty'.

1:39:54

Lehrmann – The interesting thing about that speech, Liam, which is different to the Directors when he dropped the charge, is that that speech was given while the case was still underway, a second trial date had been set down. The Chief Justice gave very clear and direct instructions about speaking in the media. And she did it a matter of minutes after that. You know, the question of contempt of court should be on people's lips, I would have thought.

1:40:27

Bartlett – But what would you say to her Bruce? Have you got anything to say to her?

1:40:38

Lehrmann – Nothing directly, but I feel sorry for her because she clearly has people around her who are using her that is becoming apparent from the trial through the inquiry. That there is there are people out there wanting to weaponize this case.

1:41:01

Bartlett – Again, when you say that it does sound very conspiratorial. But I've got to give some ground here. I acknowledge there are some very strange things that happened, even during a trial that were of a political nature. For example, Linda Reynolds, your old boss, and Michaela Cash, both Senators considered hostile witnesses. Now, now, did you not find that strange that a woman who had just finished being the Attorney General of Australia could be considered a hostile witness?

Lehrmann – Awful. And the even more bizarre, Liam, is the director wanted to declare her hostile privately via a written application in chambers with the Chief Justice. So he didn't have the embarrassment of declaring the Commonwealth Attorney General hostile to the Crown in front of the nation's media. And obviously, that didn't happen because my barrister sought instructions from me. And I said absolutely not. If he's going to declare the Attorney General of Australia, hostile, he can do that in public. And he can suffer the consequences because it didn't look good.

Bartlett – Very strange thing to do wasn't it?

Lehrmann – Very strange.

1:42:15

Bartlett – Goodness me, if an Attorney General's going to be considered hostile, we're all in trouble.

Lehrmann – I would have thought so.

1:42:25

Bartlett – So here's the thing you just mentioned the word contempt. You thought Brittany Higgins' speech was contemptuous.

1:42:36

Lehrmann – That's a personal view of mine. But, you know, it's that's, that's a matter for the court and no action was taken. So I assume the Chief Justice didn't consider it a contempt.

Bartlett – But what about action? Why haven't you sued Brittany Higgins personally for defamation?

1:42:53

Lehrmann – Well, because the media didn't fact check. They didn't investigate. They didn't consider an alternative view to this. They advanced the narrative. They were sucked in. And that is why they they they along with the director I mean, we've even found out through the inquiry that the director was talking to Samantha Maiden, before I was even interviewed by the police. I mean, you know, it's it does my head in this every day, we're finding out new stuff. And it's

Bartlett – But, she has said a lot. Your accuser has said a lot.

Lehrmann – Yeah.

Bartlett – And a lot publicly, as you know.

Lehrmann – Yeah.

Bartlett – But why don't you sue her personally for defamation?

Lehrmann – Well, I mean, that's, that's a possibility. I mean, it's, I mean,

Bartlett – Are you reticent to do that? Because you know, that

Lehrmann – I'm not ruling it out. But I mean, it's,

Bartlett – But if you do that, of course, then then you'd have to be able to cross examination by her legal representatives, wouldn't you?

Lehrmann – Oh, sure. I mean, I face that. At the moment with the proceedings underway in the federal court, I'm not afraid. I'm not afraid of it. You know, that's a possibility. You know,

Bartlett – You haven't ruled it out?

1:44:11

Lehrmann – I haven't ruled it out. But I'm cognizant of the fact that you know,

Bartlett – But what, it's not a good look?

Lehrmann – Well, it's not a good look, you kick someone when they're down. And, you know, I have some sympathy for her because she's, she's obviously got people around her who, who are not considering they're not there for her. They're there for other they're there for their own agendas. So, you know, I'm not trying to be a millionaire out of this in any way. In fact, the opposite. I'm trying to pay my lawyers. I'm trying to pay back my mom and my uncle, and others who have supported me. And yeah, maybe I can pay off a bit of my credit card debt. That'd be great. But I'm not I'm not seeking mansions or, or a celebrity lifestyle on the other side of this.

1:44:55

Bartlett – Well, you've sued a number of media outlets. Have any of them settled?

1:45:02

Lehrmann – There is. There has been. And I am. Just Just ask that again, because I'm just conscious that that hasn't been announced publicly. That's all. So

Bartlett – Well, you don't have to identify which one you've settled with, or which? I don't know, I don't know, how many how many suits have you got?

Lehrmann – There's three underway, three underway. One, one has settled on satisfactory terms to both of us.

Bartlett – Right.

1:45:34

Lehrmann – And that's all I can say about that. But I'm very satisfied. And I'm grateful for the for the good, the good faith nature in which they've approached that negotiation.

Bartlett – So the point I'm trying to make. There is a money making side of this, isn't it?

Lehrmann – Sure. But with respect of that particular settlement, I don't see a cent of it. It's for my legal costs. And that, you know, I think that should give you a good indication of my motives here is to pay back the people who have helped me.

Bartlett – Let's talk about the other side. We know from leaked emails between Brittany Higgins and Peter Fitz Simons, and Lisa Wilkinson, for example, that she stands to make something like \$325,000 for a book deal. That's a lot.

Lehrmann – Yeah. 325,000 reasons to make up something.

1:46:31

Bartlett – We also know that she's already been given an undisclosed amount, but it's, it's in the thousands of dollars from her previous boss, Senator Linda Reynolds for defamation.

1:46:47

Lehrmann – Yeah, and also some taxpayer dollars as well, that were apparently paid.

Bartlett – Well, lots of taxpayers dollars, the federal government has settled because she ran a claim of sexual harassment, sexual discrimination, disability discrimination, negligence and victimization in the workplace. And she was paid out. Do you know how much that was?

Lehrmann – I don't and it's a pretty it's pretty poor form, to utilize taxpayer dollars in such a secret way. And the only way the only reason taxpayer dollars should be kept secret in terms of how they're paid should be kept secret is funding to our intelligence services. The fact that this has been secret, and the reason for it being paid is a bloody disgrace. It's a bloody disgrace, because we have not had the trial. There's been no findings. So what was the money paid for?

Bartlett – It was rumored to be about \$3 million. But that's not been confirmed

Lehrmann – No. And I've seen those reports. And look, \$3 million would be pretty nice for me to, you know, I've got over a million dollars in legal fees, they deserve a bit of coin for what they've been through, they've lived it too with me.

Bartlett – With the other defamation actions. Let's be realistic about this. I mean, you could stand to make more than that.

1:48:12

Lehrmann – Sure. But

Bartlett – So let me give you a scenario. If it turns out that you end up after you pay your bills, with five or six or seven million in the bank, will it have all been worth it?

1:48:25

Lehrmann – No. Because I don't want to be known as the guy who could have would have allegedly raped Brittany Higgins. And that's and that's, that's a tag that's out there now. And I don't have the court system to remove that tag anymore. So no amount of money is acceptable to me. I mean, I need I need funds to pay my lawyers and I need funds to settle back to a reasonable lifestyle and get on with things

1:49:04

Bartlett – I'm sorry, just wait for them.

You know in one of her interviews, she says this and I quote she says about you. 'He's fine. Got a good job. I don't think he's suffered any consequences. He just kind of got to keep going'.

1:49:28

Lehrmann – It just infuriates me, it infuriates me

1:49:35

Bartlett – I don't think that's true at all.

1:49:37

Lehrmann – I just you know, yeah, it's not and it infuriates me and yeah, it's it's pretty hard being kicked to the curb, losing everything. And for a narrative to sort of be run that I was wealthy or well off. Up there in the high rankings of corporate Australia. Yeah.

1:50:16

Bartlett – See, here's the thing, Bruce. If we are to believe you, you have been totally framed.



1:50:34

Lehrmann – It would appear that way.

Bartlett – Sorry

Lehrmann – It would it would appear that way. The breadcrumbs lead to that.

1:50:41

Bartlett – This is if we are to believe your story - totally framed, wrong place, wrong time. A victim of circumstance. But if that's true, what is her motivation? What is this woman's motivation? Who's known you at that stage for two, maybe three weeks to tell criminal lies about you? In order to do what?

Lehrmann – and I think it comes back down to to the people around her Liam. I think that a white lie to save a job occurred and tick 'that happened' because she saw me getting the turf. And then she's come into contact with her, her partner, media elites that have sort of latched on to this, given the environment at the time in 2021 to weaponize it. Advance a movement really.

1:51:53

Bartlett – So you believe it all started with her watching you come out of the office of the Chief of Staff Fiona Brown, and she knew you'd been sacked.

Lehrmann – Yeah

1:52:07

Bartlett – And she thought she was also going to get fired?

Lehrmann – Yeah. It's pretty clear.

1:52:16

Bartlett – Well, it's not clear. That's why I'm asking you.

Lehrmann – Well, the first meeting with Fiona Brown, I'm given the turf. There's a period of two or three hours of seeing me pack up my boxes on my desk. She's called in for a 'please explain'. There's no mention of a sexual assault in that first meeting with Fiona Brown. And a second meeting with Fiona brown occurs, she's given an opportunity to sign the Code of Conduct, contracts and things like that. We're at crunch time of signing the contract for your job. And not until the very end of that second meeting was any inkling of an allegation of sexual assault. So it was clear that there was a pressure there that in order to save her dream job, as she told The Project, she needed to ensure that it was a satisfactory sort of explanation in terms of why they're keeping her around.

1:53:21

Bartlett – So you think she has told one little white lie relatively? And then over time, it's blown into something much bigger? Is that your explanation?

Lehrmann – It is. And I think that how this has then subsequently played out. I think the public will be able to see that when she then meets her partner. I mean, keeping in mind that Mr Sharaz is a former media operative himself and former producer for Ms Wilkinson and a former producer for Ms Maiden, and she was at Sky News. So I think if people follow the breadcrumbs and start putting things together, the story then heats up and becomes a media issue that they could sell in, make a buck, make a bit of a profile out of whatever their motivations are. I don't know. I mean, I've got heaps of theories. I mean,

I've 'ummed and ahed' about this with my lawyers for ages. I'm sure you have, you know, I'm sure Australians have as well. But I think it's important to sit down pragmatically and look at this. And the chronology is the important thing. And when certain people come into her life and when certain media events occur, as opposed to what else was happening - AFP investigations, things like that.

Bartlett – But to allow yourself to be dragged along like that, Bruce, to the point where you are a national figure involved in a rape trial, albeit the victim I mean, that's still a that's, that's a big call.

1:55:10

Lehrmann – It is. But you know, there's a little way to go. But I think there's enough. There's enough stuff out there now that I think people are going to sort of turn around and think, shit, we might have got this wrong back in February of 2021.

1:55:30

Bartlett – Well you'd hope so. So coming back to, you know, coming back to your future, well I suppose if you don't mind, can we go back a little bit in just give me a little bit of give me a little bit of personal insight?

1:55:50

Lehrmann – Well,

Bartlett – Into how this has affected your, your life?

Lehrmann – Yeah, I mean, I've if you ask me, What what's next? I don't have an answer. It's what's what's on for tomorrow? Or what's on for next week? That's how I'm sort of living at the moment. I'm, I'm studying law. Because I think that there's a little bit of a calling there for me, given the inspiration that I've drawn from the lawyers that have been in my life

Bartlett – Have you been encouraged by any of your legal team to do that?

Lehrmann – Massively. I mean, in particular, Rachel, my solicitor and Steve Whybrow. I mean, I still catch up with them, just as friends. Now, I mean, Steve's almost like that older, big brother.

You know, I tend to catastrophize things, and I want to speak out and give statements and, you know, watching what's happening in the media, and it's just all such a clusterfuck. And he sort of has a way of bringing me back in back down and putting things into perspective. Because, you know, they've always maintained that shutting my mouth, this entire time has been the best thing that you have faith in the system, you go through the process, you follow the rules. That's our society. That's our democracy. And I did that. And, you know, now, I feel there is a need for people to hear from me. I mean, that that was always going to be obvious, I'm going to I was going to have to say something.

You know, you can't just, you know, just let the narrative continues to be one way and the inquiry is there, and the inquiry is finding out some pretty serious issues. So I think coupled with that, I think people are, perspective is being brought back to to all of this and I think law is probably a calling at the moment for me in terms of what's next. I think that's, that's what's on the horizon for me. Unless I go into professional golf or something.

1:57:50

Bartlett – Where you might have left your run a bit likely?

Lehrmann – I think so. I think so.

Bartlett – But it has been very therapeutic, hasn't it?

Lehrmann – Yeah. That's I that that's kept me sane. I get out on the golf course. And, Well, something you can play on your own. You don't need mates. Yeah, yeah. And, you know, not a lot of my mates play golf. So there's a few of them up in Queensland that do, but I, I just go around by myself, it clears the mind. The lawyers know not to contact me when I'm on the golf course. It's four hours of, you know, to myself, thinking. It's been incredibly therapeutic. I mean, golf, it might sound, you know, a bit wanky, but golf it's that sport that that has strengthened my my mental ability, I think. I don't know what the reason is it just, I've just taken a liking to it. It's expensive. But

1:58:50

Bartlett – Do you think you've been guilty of? I mean, I say this, I mean, look, it's hard to not go down the rabbit hole. For you, I would surmise. But have you been guilty of this just becoming your entire life for the last couple of years?

Lehrmann – Yeah. Unfortunately, yeah. And I mean, the lawyers have done a fantastic job of shielding me up until the trial from a lot of the material.

1:59:20

Bartlett – Have you been in danger of losing perspective of what the average Australian thinks about you or her or the case?

Lehrmann – Well, no, because up until the trial, my focus was a not guilty verdict. So I didn't really care with respect to the Australian people. I didn't really care what they thought. Because when you're charged, and you're prosecuted, you go through a trial, not through the media. So that was my approach, you know, and now it's all about giving perspective. And you know, ensuring those rabbit holes or those breadcrumbs are followed because there's a lot there's a lot of, there's a lot of rabbit holes, and when you go down then you find something else you find another golden nugget. And I think Steve said, it's like panning for gold in Ballarat, you know, you just every time you find another gold nugget of 'what the hell'

2:00:09

Bartlett – When you went to trial, I know you believe in your innocence. But were you confident that that would be the verdict?

Lehrmann – Very confident. I had seen and I think this is why my lawyers sat me down two days prior to the start of the trial, and finally showed me the material that they had collected under subpoena and things like that. And it, it was confirmed in my mind that, obviously, I knew I was innocent, but that the weight of evidence was with me as well. Now, getting that into evidence in a criminal trial is another thing. And that's probably for another chat about, you know, legal legal things. But there was a lot of material that I saw that was just absurd, the lengths that that media, Ms Higgins, Mr. Sharaz went to, to sell this into the national media and the public. And I just hope that there is a little bit of a turning point, we just get back to a neutral position, which is which, which, that's what should it should always be a neutral position when someone goes to trial. You shouldn't be guilty or not guilty until you've had the trial.

2:01:24

Bartlett – Well, I understand that you want to get back to a normal life. That's, that's pretty sensible. What do you want for her?

2:01:33

Lehrmann – Well, the same I mean, you know, I don't know how much she got paid from the taxpayer. But, you know, she's got she's obviously doing well. You know, we don't know what that money was paid for. But, you know, I think she's gonna be fine. I think she's going to be fine. There. As you said earlier, I mean, there's going to be people that believe her, there's going to be people that believe me. That's just that's just a fact of it. And, you know, you make you make lemonade with lemons.

2:02:06

Bartlett – I know your lawyers didn't want you to do this interview. Didn't want you to talk,

Lehrmann – No

Bartlett – But it has been a long time in the making. You finally get your chance to say something. Is there one thing, Bruce, or something that you can say to the Australian public, that may make somebody change their mind?

2:02:35

Lehrmann – Look up the word pragmatism and live by that. And don't assume someone's innocence or guilt. Take a pragmatic approach to reading and watching media and analyzing material.

2:02:53

Bartlett – What would you say to them? About you personally? Is there anything you could say that could convince somebody?

2:03:01

Lehrmann – Well, what you've been shoved down your throat for the last two years is the complete opposite. I'm just an everyday bloke, getting on with his life. And shit hits the fan. And you bunk it down and you deal you get on with the hand you're dealt. And, you know, it's shit. It's shitty. And, you know, my family's been through the wringer. My girlfriend is

2:03:41

Bartlett – No longer

Lehrmann – no longer, but my current girlfriend is, you know, being a rock in these last few months, just getting through this back period, but you know, we're going to deal with, we're going to face paparazzi and spotlight and things like that. And she's she's concerned about that, you know, and I'm concerned about that. I want to, I'm very protective of the people that are close to me - girlfriend, mom, close friends. That's they didn't ask for it either. And, you know what, I'm not going to shy away from having my say. I think it's I know the lawyers don't want me to say anything. But we've had the trial the charge has been dropped. And I think we've had enough shit shoved down our throats. It's time for a bit of setting the story straight, I suppose.

2:04:40

Bartlett – I guess just finally on that note. I mean, you know, I come back to the point. And in new in cases like yours, it's always difficult, isn't it? Because it is the classic cliché. It's a he said she said, case. Either I believe you or I believe Brittany. Is there one thing you can say that would make me believe you more than the narrative, she's already put it.

2:05:08

Lehrmann – Well, it just didn't happen. And the evidence supports that, the Federal Police support that. I don't know what more you could possibly want, other than what we're seeing come out of the inquiry

and some of the other things that have been publicly reported post the dropping of the charge, that it's something I always knew for the last two years. And I'm grateful now that the Australian people finally get to see beneath the covers, I suppose, is a good way of putting it because we've had a glossed version of something for two years. And now, the books are being opened, and I've got nothing to lose. You know, it's the classic 'beware the man with nothing to lose', I've got nothing to lose. I've lost everything. Everything has been taken away from me. So I'm all about ensuring that the books are opened, the facts of the matter are out there. The rabbit holes are all there and open for people to go down if they want to. Because we shouldn't just be living life with glossed versions of one side of the story.

2:06:20

Bartlett – Well, thanks very much, Bruce, for finally putting yours.

Lehrmann – Thanks, Liam.

2:06:27

Bartlett – Great, thank you. There you go.

2:06:34

Lehrmann – That's it.

Bartlett – You finally had your say,

2:06:39

Lehrmann – Could go another hour if we could. This, there's gonna be heaps to say.

2:06:47

Bartlett – It was a lot of detail, wasn't it?

Lehrmann – Yeah, it's just the rabbit hole. There's so many. I mean, there's a lot of people to fire up about. I don't I mean, I've got a taste of it. I don't think it'd be the last time you see me because I think I need to visit. Well, there's a lot of people that have a lot of questions to answer in this and how they behaved. Drumgold being the first he should never have progressed this. So he, I wouldn't be sitting here talking to you if it wasn't for Drumgold. He knew he had a weak case.

2:07:28

Bartlett – But you had to put your case sooner or later Bruce

2:07:31

Lehrmann – I don't regret it one bit.

Bartlett – I think it's important, as you say, there's always two sides to the story.

2:07:40

Lehrmann – I think the fires just been burning so much that I think it's you know, beware the man who's got nothing to lose. There's a bit more to come yet.

2:07:53

Bartlett – I've got to say, look, and it's your case, it's your story. So you're entitled to you know, your position but the pebble in the bottom of the shoe still to me is her naked on the couch.

2:08:12

Lehrmann – And

Bartlett – I'm not saying I don't believe your position. But I am saying that I am still that's still worries me.

Lehrmann – Well, it's interesting, because she tells Wilkinson one thing on the project and security guard observes her according to her statement, clothes perfectly folded next to the lounge and in no distress makeup. Fine, appeared to be perfectly fine. So well,

Bartlett – She told The Project that she had her her dress up, top down. And the legs were raised.

Lehrmann – Yeah.

Bartlett – Two security guards say she was completely naked.

Lehrmann – Yeah,

Bartlett – at different times of the morning.

2:08:56

Lehrmann – I mean, it's clear that there's been a lot of sensationalizing going on for the media, I think, to sell to sell the story. That's clear, from my perspective anyway.

Bartlett – But even if you accept that, how did you still end up naked on the couch?

Lehrmann – Well, I mean, yeah, that's a good question. I don't know, because I didn't see her. So that's, you know, probably just wanted to get some shut eye.

2:09:22

Bartlett – But why would you take off all your clothes?

2:09:26

Lehrmann – Who knows? I mean, I don't know. Maybe it wasn't, I mean, they were all hypotheticals for me because I didn't see her. I mean, maybe it was more comfortable not to have the dress on. So

2:09:41

Bartlett – It's still in the context of an episode of He Said, She Said. It's a it's a pertinent point isn't it?

Lehrmann – Yeah, I accept. I accept that. But I mean, it's, it's obviously something she's relied on in the telling of her story to sensationalize it for The Project. You know, but I don't know why we're dealing in hypotheticals now. And as there's been quite a few in this, so I can only, I can only go from what I saw, or didn't see, and what I recall from that night, and that's as I said it to the AFP as well, so and they, they didn't want to progress.

2:10:32

Bartlett – I think seeing that vision from the security cameras of you two entering parliament, I think just by its very nature, it is illuminating.

2:10:44

Lehrmann – Yep it changes the narrative really,

2:10:48

Bartlett – what what sets, it sets mine straight does.

2:10:52

Lehrmann – A lot of it does a lot of the material. As I was telling you, when I saw it two days before the trial, it was illuminating. And its sort of, that's why I was so confident during the trial. And I still am confident now that there is a light at the end of the tunnel because of that material. Because when people see it, as opposed to versions that have been put out there to The Project, or to the Women's March or to the Press Club. They're wildly inconsistent so and that's what makes me sort of rest easy at night, I suppose.

Bartlett – But the jury did see that and yet, it took a week of deliberations and they still couldn't come

Lehrmann – over one charge

Bartlett – still couldn't come to a conclusion.

2:11:37

Lehrmann – One can only assume that they were fighting with the pressures of the media. And that's, that's I mean, you can only assume that, given the the high profile nature of this. I mean, people people have been scared to speak out in support of me, they've been scared to take certain actions in this case, because we've seen that with the AFP, they've been scared to, you know, reply in an email to my defense barrister, which he's perfectly entitled to speak to the feds, there's no property in a witness. So there's fundamental legal tenants that, you know, you know, I think there needs to be a basic education of how criminal justice system works, I think. And, you know, my lawyers have had the courage to back me and I mean, you've given me a platform to say my piece and, you know, in some respects, channel sevens got courage to say,

Bartlett – well, it's important to get balance.

Lehrmann – That's, yeah. Well, you know, I think there's some other networks that probably need to learn what balance is,

Bartlett – but you don't have to believe somebody or not believe them to get to have balance.

Lehrmann – That's right. That's what all I ask is that journalists do that job. And it's funny, they're all sort of doing a bit of a 180 at the moment. There's some egg and egg out there on people's faces,

Bartlett – Right.

Lehrmann – and if they just sort of put both sides balance as you said, it might have been a different landscape for the last two years.

Bartlett – The eggs probably well deserved.

Lehrmann – Oh yeah, a lot of them. I am having a little chuckle in the background there at some of them.

Bartlett – Right I think for some of them it's probably turned into a chuck

2:13:15

Lehrmann – Roasted and fried

Bartlett – Alright, thanks, guys. Thanks very much. Let's cut. Jaco

Crew – we're getting everything in we're gonna just maybe

2:13:30

Bartlett – Bruce just stay there

[off camera – staff setting up]

2:14:32

Bartlett – I can't remember how I intro this but it was something by

2:14:37

Lehrmann – something like do you mind drawing, showing us

2:14:52

Bartlett – okay, okay. So something I think I said something like, you know, we so we both know that ministerial suites they're not small.

Lehrmann – They're massive.

Bartlett – So and I know that you gave a diagrammatic representation to the police and the police interview. Would you mind if we gave you a piece of paper? Would you mind giving us an idea of exactly what happened, of course, the scale of what we're talking about in terms of you and Brittany Higgins show up into that office.

Lehrmann – So you've got the blue carpet along here. Double doors, the main entrance to the sweep. You're coming into the reception area here is the reception desk. I go to the left, she goes to the right. Two possibilities that she could have gone to Minister Suite, large suite here,

Bartlett – So a separate room?

Lehrmann – separate room across from that Chief of Staff's office. Again, at the time, she could have gone there as well, I don't know,

Bartlett – These are both quite closed off.

Lehrmann – Yes,

Bartlett – Quite soundproof

Lehrmann – in particular the Minister Suite and the Chief of Staff Suite. Absolutely. You've got a bathroom here in the Minister Suite here. And then a door that adjoins to the Media Suite. That's right next door. And then as you're coming out here to the left, you then move out to the the bullpen we call it



and the back door exit. It's just here. My desk is smack in the back corner over here. 'BL' - right near the back exit there.

2:16:34

Bartlett – Right and when you exited, you didn't go back through the front doors.

Lehrmann – No, I mean, it's too far away. It's I was right near the back exit and then the elevators out there back downstairs.

Bartlett – So how many walls have you got between you and where we know she ended up which was in the minister's suite?

Lehrmann – Yeah. Well, you've got about, you've got about two or three there. Counting a bathroom in between as well.

Bartlett – Two or three walls. So sitting at your desk, you can't see her. Or really even hear her.

Lehrmann – No, no, no, absolutely not. I have no vision beyond really the desks around me here.

2:17:17

Bartlett – That's good. Okay. Where's and Bruce and where is her desk? Normally?

Lehrmann – Oh, normally, she sits. There's a there's a sort of a wall of desks sort of along here. There's a wall of desks that, well, there's a dividing wall between me and then another row of desks. She, from memory, sort of sat in the middle here. Yeah, that's ordinarily her desk because she was at the time supporting the senior media advisors. That was the media suite there.

Bartlett – So why didn't she go to her desk?

Lehrmann – That's a great question. Something I would have thought The Project would have asked if we're doing balanced journalism.

Bartlett – But she went left.

Lehrmann – She went right. Sorry.

Bartlett – Sorry.

Lehrmann – Yeah.

Bartlett – But she went right. And you went left?

Lehrmann – Yeah.

2:18:12

Bartlett – So she didn't go into the media office. She went to the minister's office.

Lehrmann – Yeah. And I remember I recall telling the AFP that, that I did find that peculiar.

2:18:24

Bartlett – At the time,

Lehrmann – At the time, and, you know, it's peculiar that she wasn't also asked about potential security breaches by Fiona Brown. I did find that bizarre because she was going into the minister suite. And that's, that's the minister's private suite. So, I mean, I wouldn't dream of going in there without the minister or having been told to go into the minister's suite.

2:18:52

Bartlett – That's good. Thank you. Very good.

## Annexure Certificate

No. NSD701 of 2024

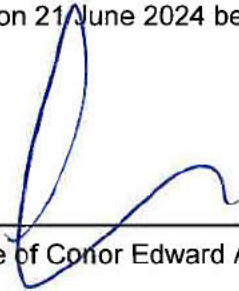
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-3**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



---

Signature of Conor Edward Austin O'Beirne

Solicitor

Level 23, 525 Collins Street

Melbourne VIC 3000

**Transcript of 7NEWS Spotlight, *Bruce Lehrmann Exclusive: Bombshell new interviews and evidence* – 16 August 2023 (<https://www.youtube.com/watch?v=tEhuhkWNn9Em>)**

The speakers are:

- Michael Usher (host) (**Usher**)
- Liam Bartlett (journalist) (**Barlett**)
- Bruce Lehrmann (**Lehrmann**)
- Linda Reynolds (**Reynolds**)
- Steven Whybrow (**Whybrow**)

There is audio from:

- Samantha Maiden (**Maiden**)
- Lisa Wilkinson (**Wilkinson**)
- Brittany Higgins (**Higgins**)
- David Sharaz (**Sharaz**)
- Katy Gallagher (**Gallagher**)
- Shane Drumgold (**Drumgold**)

Higgins (voiceover)	I knew of knew that maybe he sort of liked me a little bit yeah, like I knew that, you know you just kind of know when someone kind of
Maiden	No but there was nothing to
Higgins (voiceover)	No
Voiceover	I've got two people going into Linda Reynolds' suite. Foxtrot four is taking them up.
Bartlett	Mr Sofronoff found that you did not get a fair trial. But that doesn't necessarily mean that Brittany Higgins is lying
Bartlett	<p>Late last week, not long after Brittany Higgins drove out of this service station, she would post an explosive comment on her Instagram.</p> <p>[Image of Instragram post by @brittanyhiggins_]</p> <p>Clearly referring to Bruce Lehrmann as her rapist.</p> <p>Her actions came at the end of yet another tumultuous week of recrimination surrounding the most controversial rape trial in Australian history.</p>
Voiceover	The ACT Government will consider prosecuting Shane Drumgold, who led the failed trial, for misconduct.
Bartlett	<p>The person who broke the original story was Samantha Maiden.</p> <p>She's one of Australia's most respected journalists.</p> <p>In 2022, she won the Gold Walkley for her report on Brittany Higgins' rape allegations.</p>

Maiden (Walkley speech)	This is a huge honour and I'd like to thank the Walkley Foundation
Lehrmann	Samantha maiden was ground zero here really. I mean, Samantha Maiden got the story first.
Maiden (Walkley speech)	I'd love to stand here before you tonight and say that, Brittany Higgins and I knew when we first started that story, the impact that it would have.  I really didn't want to cry, I'm not gonna cry, but that I still remember her, you know, sitting in my lounge room and saying, is anyone gonna care about this story?
Maiden	If you want to do it, that's great. You don't owe anyone anything. You don't have to please me or Lisa Wilkinson, or anyone. Right?  So I just want you to feel like you've got control over the process.
Maiden (Walkley speech)	I do also need to say from the outset something that everybody in this room knows, which is that this is a matter that is before the courts, and that there is a man who has pleaded not guilty.
Higgins	Bruce, sorry, is, do, names?
Maiden	It doesn't matter. You can call him Bruce. You can call him whatever you like, you call him an asshole if you like.
Maiden (Walkley speech)	I'd like to thank our lawyers.
Maiden	Our lawyers are going to wet their pants over naming Bruce.
Higgins	Yeah
Maiden (voiceover)	But if we don't name Bruce in the story, two things will happen. One is we can just get story out beautifully. No problem. Two is people will know it's Bruce.
Lehrmann	03:09  You know what, I actually think she shouldn't hand the Gold Walkley back. She should keep it. Keep your awards because you just look like idiots.
Maiden (Walkley speech)	03:18  There's only one other person I think I would like to thank. Clearly it is Brittany Higgins for trusting me to tell her story.
Bartlett	Her story would eventually lead to the arrest of Bruce Lehrmann and his subsequent trial, as journalists in Australia and overseas...
Voiceovers (voicemails)	<i>Hello, you've reached the voicemail of Brittany Higgins.</i>  <i>Hello Brittany, Amanda Collins from Q&amp;A.</i>  <i>Hi Brittany, it's Barrie Cassidy calling.</i>  <i>Hi Brittany. My name is Olivia.</i>  <i>I'm a reporter with The New York Times.</i>

	<i>It's Michelle Grattan.</i>
Bartlett	... clamoured to speak to his accuser.
Voicemails	<i>Hi Britt, it's Erin Molan here. My apologies it has taken a few days to get back to you.</i>
Bartlett	But it would also raise questions about the conduct of some reporters.
Wilkinson	One of the most courageous women I know. Miss Brittany Higgins.
Bartlett	Did journalists get too close?
Maiden	What do you want me to ask you at the Press Club?
Bartlett	What wasn't revealed?
Maiden	Is there anything pissing you off that you need to talk to me about?
Higgins	Um, oh, Grace Tame's pissed me off.
Bartlett	And was impartiality and the presumption of innocence lost when it came to the accused man.
Higgins	They blocked him from even as a lobbyist from being able to get into parliament house so he can't get a pas anymore.
Maiden	Yeah, which presumably is shitty about
Higgins	Yeah I hope so.
Maiden	But yeah, so I think look what needs to happen now is we need to eat dumplings.
Higgins	Yeah.
Maiden (Walkley speech)	04:59 Thank you. I am so appreciative is a great honour. And I'd like to thank Brittany Higgins. Thank you.
Usher	05:09 I'm Michael Usher, welcome to spotlight. This week the scandal surrounding Brittany Higgins right delegation claimed another victim, Shane Drumgold. The former ACT Chief Prosecutor was forced to resign after the Sofronoff Inquiry into the handling of the case, found he engaged in gross misconduct and denied Bruce Lehrmann a fair trial.
Maiden	05:29 A man has been charged, he has pled not guilty

Usher	05:33 Tonight even more damning revelations and never before heard recordings.
Maiden	05:38 Do you not think that's weird?
Usher	As the senator...
Reynolds	05:41 It was clearly a setup from beginning to end.
Usher	The lawyer
Steven Whybrow	It was appalling. Bruce did not get a fair trial.
Usher	And the accused at the heart of the controversy speak out
Lehrmann	05:52 I mean, a resignation by Mr. Drumgold frankly is not enough.
Bartlett	06:09 To fully appreciate the impact this whole sorry saga has had on so many lives, we really need to return to ground zero.  So I want to take you back to the office of Senator Linda Reynolds.  Linda Reynolds was Australia's Defence Minister, and the boss of both Bruce Lehrmann and Brittany Higgins, at the time of the alleged rape.
Reynolds	We are at the office here the real the real work happens. And this is my office in here, come in.
Bartlett	Until now, until the findings of the Sofronoff Inquiry became public Senator Reynolds has been unable to speak.
Bartlett	I'm pleased to doing this.
Reynolds	Thank you. It's time. Thank you for doing.
Bartlett	06:58 Well, Senator, I know this has been a very rough ride for you. The decision to sit down and have a chat to us, not one you've taken lightly.
Reynolds	07:11 No, it's not. But now that we've had the criminal trial, this rather extraordinary civil payments. And now the Sofronoff Inquiry Report. I think it's time for the truth to be told.
Bartlett	07:25 Shane Drumgold painted you as a cold-hearted political manipulator

Reynolds	He did
Bartlett	Who couldn't care less about a vulnerable young woman in your own office. That's how you were put in the public light. Did that hurt?
Reynolds	07:41 It more than hurt.
Voiceover	Reynolds? Was that a tough day?
Reynolds	And I think that's one of the things that just completely devastated me was that the allegations that were aired about me.  You cannot think of anything worse, any worse allegation to make of any woman that you covered up the rape of a young woman and one in your in your office.  It was it wasn't true. It just simply wasn't true.
Higgins	08:12  We went up the left into a minister Reynolds suite
Reynolds	08:16  From day one. I told the truth.
Wilkinson	<i>How many security guards did you see on the way out?</i>
Higgins	08:22  I saw the two gentlemen when I saw
Reynolds	08:24  When I saw that footage with Lisa Wilkinson on that first day, to see her distress.
Higgins	So yeah,  I went to WA,
Reynolds	08:32  I just couldn't believe what I was seeing.
Higgins	It always sort of came back to sort of being a me issue. And if you can't deal with it, then then you can leave.
Reynolds	08:42  And don't forget Liam when it was reported to Fiona, my chief of staff and myself, three some three days after the incident, it was reported to us just as a security breach.
Lehrmann	08:52  Bruce Lehrmann here with Minister Linda Reynolds who have been requested to pick up some documents,



Reynolds	<p>08:58</p> <p>Because to staff going in after hours into a defence portfolio office, it was a huge security breach. So that's how we dealt with it.</p> <p>What people possibly didn't know and what she wouldn't have known at the time is that that was Bruce's second security breach if you like incident.</p> <p>And so after Fiona talked to him about that incident on the night, we let him go.</p>
Maiden	<p>09:32</p> <p>So were there rumours or</p>
Higgins	<p>Everyone was weirded out that he suddenly left, no goodbye. He packed up a box and he was gone.</p>
Reynolds	<p>09:38</p> <p>Brittany saw that. And then she went in afterwards. And she was quite rightly concerned for her job. But we made it clear that you know she had done the wrong thing. But if she wanted to stay, she could.</p>
Higgins	<p>09:53</p> <p>We had an acting manager we call them Chiefs of Staff named Fiona Brown.</p>
Reynolds	<p>My Chief of Staff Fiona Brown has been utterly devastated by this. And she did everything right.</p>
Higgins	<p>10:05</p> <p>So she came in on the Tuesday morning and asked if the senior colleague and I would go into the office and speak with her.</p>
Wilkinson	<p>10:13</p> <p>So when did Minister Reynolds speak to you about what happened?</p>
Higgins	<p>10:17</p> <p>So I got a WhatsApp from Fiona Brown, indicating that Minister Reynolds would like to have a meeting with me and Fiona on the following Monday, and I kind of expected to walk into Fiona's office where we'd been having all of our other meetings, and we actually went into the room where it happened.</p>
Bartlett	<p>10:35</p> <p>You wanted her to go to the police.</p>
Reynolds	<p>10:36</p> <p>I did I in fact, there's only two people who I know of who who facilitated her going to the police. And that was myself and my Chief of Staff, Fiona Brown.</p>
Bartlett	<p>10:46</p> <p>If you had your way, she would have gone straight to the police</p>

Reynolds	10:49  On that Friday before I'd even met her. Yes. And that was she hadn't said that she had been raped. She hadn't said there'd been a sexual assault. But my concern and Fiona's concern was, by the end of that week, she had said that she thought maybe something sexual had happened. In fact, the expression she used is he was on top of me.
Higgins	11:10  And all of a sudden, he was on top of me and I physically couldn't get him off of me.
Reynolds	11:16  Now the advice we got is that is not an allegation of rape.
Bartlett	Well, she still didn't use the R word did she?
Reynolds	She never she never used the rape word, ever. And in fact, if you go back and have a look at one of the early stories, that on the first day when the story broke, she's quoted in that story saying she never used the rape word with us.
Bartlett	11:37  Well, that was written by Samantha Maiden.
Reynolds	It was
Maiden	11:40  Did they offer you any counselling or anything?
Higgins	11:44  They gave me one of those EAP brochures. [laughing]
Maiden	I love an EAP brochure.
Reynolds	11:49  Fiona demonstrably counselled her provided her support, and taken her to the AFP, and then gave her an option to either stay working in Canberra because some of my ministerial staff were staying here. But others were coming back to Perth to campaign with me in Perth.
Bartlett	12:08  Brittany Higgins told Samantha Maiden that she was given an ultimatum by your office.
Higgins	12:15  It was one or the other so I can take the money and go home.
Maiden	Right.
Higgins	Or I could just stay on board.

Maiden	It was a lot to give up for something that wasn't your fault
Higgins	Yeah.
Maiden	That's pretty f****ed up
Bartlett	12:26  So she could either take the money and go home, or stay and work on the election campaign. No counselling, no support. Is that true?
Reynolds	12:37  No.  Demonstrably not true.  And my Chief of Staff testified to that in the criminal trial.
Bartlett	12:44  Brittany also says, tells Samantha Maiden, without a shadow of a doubt, she tells her that you hated them.
Brittany	She hated me.
Maiden	Right
Brittany	12:56  Yeah, she's still to this day, hates having to be around me.
Maiden	Really?
Brittany	Yeah. So much
Maiden	You can tell?
Brittany	It's so awkward.
Reynolds	13:04  Of course, I didn't.
Bartlett	Well, you obviously gave her a second chance.
Reynolds	Absolutely gave her a second chance. Because, you know, bright, keen, you know, politically aware, exactly the sort of person that you know, we we want in here. I mean, that was me, you know, when I first started working here in this building, many years ago, you know that that was me.
Bartlett	13:28  The Sofronoff Inquiry has outlined the fact that the police have a list of what they call-

	discrepancies, that they were worried about fibs, if you like that, she may have told 18 of them.
Reynolds	13:49  There were many discrepancies. I was aware of some of them from that first day, because and when I uttered, you know, the comments that were widely reported,
Bartlett	14:00  You called her a lying cow.
Reynolds	14:02  I did. But that was not about and this is why a lot of misunderstanding is that wasn't about what did or didn't happen on that night. Because there was only two people who knew what happened that night. And that was in dispute.
Bartlett	14:15  Is she still a lying cow?
Reynolds	14:18  I can't, you know, we've got settlements. And yeah, we've sort of agreed. So I
Bartlett	14:25  You've got a non-disparagement clause, have you?
Reynolds	14:28  So I think - our recollections today vary greatly.
Bartlett	14:37  That's a nice way of putting it.  Brittany sued you for defamation.
Reynolds	Yes
Bartlett	And you had to pay out of your own pocket.
Reynolds	I did.
Bartlett	You are now suing her.
Reynolds	14:48  I am.  The reason I'm doing that Liam is that for, you know, for nearly two and a half years...
Higgins	I'm worried what too many people...
Reynolds	... Brittany has had control of the narrative and it was designed to hurt.
Bartlett	15:01  So essentially, can I just paraphrase you've had enough.

Reynolds	I've had enough.
Bartlett	This all started early on before it became public, the pile on against you started very early on he did. One of the reasons we know that is true, Senator, is from the recordings that were made with Brittany Higgins and the crew from Channel 10. Can I just play you a little bit?
Reynolds	Please.
Bartlett	If you don't mind, just to refresh your memory.
Higgins	15:28  So Linda Reynolds hated me, it was very awkward.
Sharaz	She didn't want to be in photos with you?
Higgins	No, she kept me like an arm's length.
Wilkinson	15:36  I'm a great believer in people's time will come. I'm incredibly pleased.
Sharaz	Is it Linda's time? Please god let it be Linda's time.
Wilkinson	And if anybody wants to feel fired up about zeroing in on Linda Reynolds, I just found our private messages. Did you see our private exchange?
Higgins	I did I did it was very scary.
Wilkinson	So I said, you know, we she went for me publicly. And then I tried to come back reasonably. And then I thought, I'm not going to do this publicly. I'm trying to work out who this [fucking] woman is. Like, I've never heard of her, she's a nobody. I've never heard of her. I've so got her in my sights now, now that I've refreshed my memory on that.
Wilkinson	16:21  Lisa Wilkinson, I've got her in my sights now. That effing woman
Reynolds	16:28  A woman I've never met. And this is one of the, you know, where does where does that hatred come from? Where does that nastiness? It's, you know, it's visceral. And where does it come from? I'd never, I mean, I've never met Lisa. We had a private message exchange because she tweeted something rude about liberal women. She's not a big fan of liberal women. And we took it off privately. And we had a you know, an exchange. And that was it.
Bartlett	17:08  Well, you're clearly the target.
Reynolds	17:10  Yes. But why? i It's I don't I I don't understand it. And it's, you know, it hurts.
Bartlett	17:27

	How do you explain these things because she goes into detail about this. She says you avoided being in photos with her because you, quote, hated her out of hand.
Higgins	17:40  She avoided being in photos, she avoided being near me like I was toxic. She hated me out of hand.
Maiden	How, why?
Higgins	I don't know, because like she'd worked her entire life to finally get MINDEF and I was like it her first two weeks of MINDEF some little twit she doesn't know it just gets assaulted in her office and she hates it, and she hated me.
Maiden	Right
Higgins	Yeah
Reynolds	17:59  From my perspective, it is simply not true. There are plenty of photos. And in fact, I note that she had provided many of these photos of us together on a campaign trail, in Perth out and about campaigning with me with my team.
Bartlett	18:18  And you were happy with it.
Reynolds	Oh absolutely. She was young, smart, keen, enthusiastic, and she loved politics.
Bartlett	18:27  So why would she make this stuff up?
Reynolds	18:29  I cannot, I cannot put myself in her mind. But there was no outward sign to me that there was anything wrong, in fact.  [ringing]  Oh, am I gonna have to go?  Sorry just happens.  Can you just, sorry Rob, because I haven't got leave yet, so I might have to go for quick division. That's a real .Sorry. I have to go. I'll be back.
Reynolds	18:50  Can You just remind me Yeah, because when we came back here, I offered her a job. And she gave me flowers and thanked me for being a great boss.
Bartlett (voiceover)	19:03  Coming up, Shane Drumgold painted you as a political manipulator.
Reynolds	19:08

(voiceover)	Every good political hit job needs a villain
Voiceover	19:10  You're the person who has avoided answering any facts relating to this matter.  Senator Gallagher.  It's all about protecting yourself.
Reynolds (voiceover)	19:29  In politics and in a democracy, the truth has to matter.
Bartlett	19:37  The truth as it relates to Shane Drumgold. His conduct, grossly unethical. Yes.
Reynolds	Yes
Bartlett	I'll just go through a few of the headlines, serious malpractice
Reynolds	Yes
Bartlett	Knowingly lied to the Supreme Court.  What should happen to Director Drumgold in your opinion?
Reynolds	19:54  I think that it was unfortunate that he was able to resign. I think the government should have had the courage, the ACT government, to have stood him down or sacked him.
Bartlett	20:07  Shane Drumgold painted you as a cold-hearted political manipulator?
Reynolds	20:13  He did. I was the perfect villain, although none of it was absolutely true.  So every good political hit job, and every good story like this, and every social crusade needs a villain.  And I've now learned a lot more about how that was set up through you know, through those recordings with Miss Higgins and Lisa Wilkinson.
Sharaz	Do you have friendly MPs? You know, that could fire questions at question time.
Wilkinson	Oh, certainly Albo. Tanya Plibersek definitely.
Sharaz	And then the Senate Estimates is in March and that's when I'm doing to talk to, I've got a friend in Labor, Katy Gallagher on the Labor side who will probe and continue it going
Gallagher	21:02  I've got some questions around the termination of a staff member from your office.

	And the meetings that were held across ministerial offices about that.
Reynolds	Senator Gallagher again those all go...
Gallagher	They are not subject...
Reynolds	it was clearly a setup from beginning to end with respect and Kimberly kitchen had told me about before it happened. So she warned me out of the ... she did a good thing to warn me about you know that in her words, the hell that Labor was about to rain on me to get to, you know, Scott Morrison
Bartlett	21:42  Explain this to me. How does a senator in Katy Gallagher, how does she tell the Senate of Australia that she didn't know about any of the details before this became public?  And we now learn that she did know, but she says that's not misleading the Senate. Explain that to me.
Reynolds	I can't
Gallagher	22:08  You're person who has avoided out of all of this, has avoided answering or providing information about your state of knowledge or any facts related to this matter
Reynolds	Senator Gallagher, that is absolutely not true
Gallagher	It is absolutely true.
Reynolds	22:21  Senator Gallagher, I did answer your questions to the point that you ground me to the ground, I ended up in hospital. But I'm back here. I'm answering questions. I'm answering questions. And I'm assisting, so I'm assisting the AFP with their enquiries. Senator Wong, please do not please do not talk over me Senator Wong. It's not appropriate to talk over me.
Reynolds	It achieved it's intent
Reynolds	I have full confidence that my then Chief of Staff and I, at all times acted in what we believed were in the best interests of Brittany.
Reynolds	Everybody could see I collapsed in the Senate,
Speaker	The minister representing the Minister for Home Affairs, Senator Reynolds
	And I've now been diagnosed that brought on a serious heart condition, which I'm now managing.
Reynolds	23:21  If I could ask, Mr. President, if I could have indulgence to answer this on Monday.  I think I'd be in a better position to answer this on Monday. I will, if you can just give



	me a minute. Or can I take it on notice. Thank you.
Reynolds	23:33  So Liam what I focus on now is where did this actually start? It didn't start with my team. It started with the Me-Too movement. It found the poster child for this. It found the cause célèbre for the Australian version of the Me-Too movement.
Footage	We believe Brittany, we believe Brittany
Bartlett	23:57  After her alleged rape, Brittany Higgins continued to work for Linda Reynolds, including later that year, the 2019 campaign that resulted in the re-election of the Morison government
Reynolds	24:13  Just before the election, it was coincided with my birthday and the end of the election. So I had all my staff and we had a really wonderful dinner.  And Britney was sitting next to me. And it wasn't until the trial that I realized she was in the white dress that she said she was in that night of the alleged incident.  And that floored me because I thought you know, just a handful of weeks afterwards. That dress was in Perth. And it was still being worn - that I could not understand.
Bartlett	24:50  Well, I think it became painfully obvious then from those photographs that her narrative on the white dress was not what actually happened
Reynolds	25:00  No. Because her recollection was at the time, it is understanding the court case, that she had wrapped it up and put it under her bed.
Bartlett	25:09  That's clearly untrue.
Reynolds	Well I think the photographic evidence demonstrates that there wasn't the case,
Bartlett	25:16  Which raises one of the major issues for me and for Australian taxpayers. And I'd ask you to comment on this. So she's paid millions of dollars in compensation, depending on who you believe between two and \$3 million. Let's call it two and a half million dollars in compensation for the way she was treated during her employment...
Reynolds	Yes,
Bartlett	with you ...
Reynolds	and Senator cash
Bartlett	... on the basis of a crime that may not have been committed.

Reynolds	Yes, and the reason that I'm going to be referring this claim to the national anti-corruption commission is that the Attorney General of this nation, through the government solicitors wrote to both myself and Senator Cash, and instructed us not to defend ourselves, and that we were not to attend the mediation. And we were not to do anything to impede the successful resolution of that mediation in one day.
Bartlett	26:11  Is it true that Attorney General Dreyfus told you and Senator cash, that if you did turn up, if you weren't part of that mediation process, that he would refuse to pay your legal bill?
Reynolds	26:23  Was the clear implication in the letter? Yes, very clear implication.
Bartlett	26:27  But how is it possible to have a mediation process on a claim that relates to employment, without the people who were the bosses of the employee being present?
Reynolds	26:36  It's inexplicable, which is why I'm referring it to the national anti-corruption commission.
Bartlett	26:41  So in short, it stinks.
Reynolds	Absolutely
Voiceover	26:48  Usher: Next  Whybrow: Bruce did not get a fair trial.  Bartlett: Did you feel as though you were being kept in the dark and trying to defend Bruce Lehrmann?  Whybrow: Absolutely.
Bartlett	27:09  One of the most experienced criminal defense lawyers here in the National Capital is Bruce Lehrmann's barrister, Steve Whybrow, is so incensed about what's been revealed this week in Canberra that he's chosen to sit down with me exclusively.  I know in your position, it's a significant decision to sit down and take questions.  Why have you finally chosen to do that publicly?
Whybrow	27:38  The criminal justice system is something that is very important to me in this report that Sofronoff has released and I've had a chance to read now is, contains some fairly

	significant findings.
Bartlett	You think it goes right to the heart of public interest?
Whybrow	27:53 Oh, absolutely.
Lehrmann	Did you print the whole thing?
Whybrow	I printed 200 pages. I did it as two to the page. There's about 800 pages. Imagine if he hadn't called for this report.
Lehrmann	Yeah it's a massive own goal. It's incredible
Whybrow	28:08 Well, I'm just more worried about how many other cases there might be? Well, you're going to be I suspect fairly traumatised by some of the things that were going on behind the scenes that we didn't even know about.
Lehrmann	Really, so there's more stuff?
Whybrow	It's the fix was in from the start.
Bartlett	28:25 We may never have known the full extent of the shady conduct behind the scenes of Bruce Lehrmann's rape trial if Chief Prosecutor Shane Drumgold hadn't demanded an inquiry.
Drumgold	28:40 Miss Higgins has faced a level of personal attack that I've not seen in over 20 years of doing this work.
Bartlett	28:45 Bizarrely, he's become its biggest scalp. Amid findings, he engaged in serious misconduct, knowingly lied to the trial judge and kept the defence in the dark about critical elements of the police investigation. Did you feel as though you were being kept in the dark and trying to defend Bruce Lehrmann?
Whybrow	29:10 Absolutely.
Bartlett	29:11 How do you describe his conduct?
Whybrow	29:14 Based on what was there it was appalling.
Drumgold	29:21

	I've made the difficult decision that it is no longer in the public interest to pursue a prosecution
Bartlett	29:27  And Drumgold's misconduct didn't end when the case against Lehrmann was abandoned, following a mistrial.
Drumgold	29:34  There was a reasonable prospect of conviction. And this is a view that I still hold today.
Bartlett	29:40  He has just denied in that one sentence effectively, your client the presumption of innocence.
Whybrow	29:46  Well, that was our impression as soon as we heard what was said.
Bartlett	29:51  Because he's telling the world that even though you can't have another trial, he still thinks Bruce is guilty.
Whybrow	29:57  This statement will go with him forever with some people.  We have all heard of cases where an individual police officer has become probably quite genuinely convinced of somebody's guilt and may have added some extra evidence in or knocked something out that didn't suit the case, genuinely believing in the guilt of somebody and then subsequently, it's found that they were not guilty all along.  People are human beings, people get invested, they lose objectivity.  I know I do at times.  But, you know, even as a defence counsel, your primary obligation and duty is to the court.  Yeah, somebody asked me, have you ever seen anything like this before? And I said only in a movie.
Bartlett	30:48  So you've seen both sides of the law, haven't you, over a long career? I mean, you used to be a Shane Drumgold really in a sense, you used to prosecute rape cases?
Whybrow	Well I still do, I prosecuted one last month for the military.  I worked in that office for 12 years.  I only missed working with Mr. Drumgold by about three or four months.

Bartlett	<p>31:07</p> <p>And given what a powerful position he was in, do you think Shane Drumgold effectively has abused his power?</p>
	<p>31:15</p> <p>Well, in that case, for whatever reason, there was a loss of objectivity, and there was conduct which is inconsistent with the fair administration of justice. According to the Sofronoff report and my experience, Bruce did not get a fair trial.</p> <p>Getting sick of having dinner with you Bruce.</p>
Lehrmann	Did you see Bar Association statement today?
Whybrow	I haven't had a chance to see anything.
Lehrmann	Pretty damning.
Whybrow	Everything about this case has just had an element of surrealness to it
Lehrmann	Exactly.
Bartlett	<p>31:50</p> <p>Although the findings against Drumgold have offered Bruce and his legal team some cause for celebration, there remain ongoing concerns about the role some journalists played in seemingly convicting Lehrmann well before his criminal trial</p>
Whybrow	<p>32:10</p> <p>There was not an aspect of this case that wasn't influenced by everything to do with the media.</p>
Voiceover	<p>32:18</p> <p>Brittany Higgins interview, The Project.</p>
Bartlett	Ironically, though, it was one of those journalists who may have saved to Bruce Lehrmann from going to jail.
Wilkinson	The most important work I have ever done.
Bartlett	<p>When Lisa Wilkinson gave this ill-advised speech at the Logies last year, it ended up delaying the trial for three months, and gave Lehrmann's legal team that much needed time to uncover critical documents Shane Drumgold had been attempting to hide.</p> <p>So safe to say, without that trial being delayed in that manner, Bruce may well have gone to prison</p>
Whybrow	<p>Given the pretrial publicity and now, the conduct that Sofronoff Inquiry has found was engaged in, you know, to some extent, it's extraordinary that that there wasn't a perverse guilty verdict.</p> <p>The fix was in, you know, there was things happened. There was a, almost, I don't know how to explain it, but you know, we were up against it from the start. And this case, it already had a cause célèbre before we started. And it was, it was hard. It was</p>

	hard.
Bartlett	33:45  In the past year, Steve Whybrow has become more than Bruce Lehrmann's legal counsel...
Whybrow	33:52  You'll take some comfort.
Lehrmann	That's good. All right.
Bartlett	33:55  In Bruce's darkest moments, he's also played the role of personal counsellor and continues to worry about his client's future. Even if he can't always show it outwardly
Whybrow	34:10  The thing that you've heard in the movies and in television and etc. that's actually true about law is, crime doesn't pay. And we're living proof of that by acting for you.
Lehrmann	Yeah, yeah.
Bartlett	34:27  Do you think Bruce is innocent?
Whybrow	34:30  Personally, you know, the correct, the correct answer is it's none of my business. And in this interview, that's a question that goes to an area that I'm, it's not appropriate for me to even express an opinion on and I still act for him in other proceedings, and it's not for me to express an opinion about that matter. Certainly not at this moment in time.
Bartlett	35:01  As you know, there was a lot of conjecture at trial as to why Bruce didn't take the stand.  You relied on his police statement.  Why did you choose or he chose not to do that, not to be cross examined.
Whybrow	35:20  That's one of the issues that has caused a great deal of angst to me about the way it's been discussed in the media, and has, in my view, undermined some of the fundamental concepts of the rule of law in Australia that anybody is entitled to the presumption of innocence.  Everybody is entitled to have an allegation that's laid against them proved by the prosecution beyond a reasonable doubt.  Nobody's under any obligation to say or do anything in their own defence.
Higgins	35:55

	I was required to tell the truth under oath for over a week on the witness stand and was cross examined at length.
Bartlett	Brittany Higgins made a big deal out of that, in her speech afterwards, didn't she.
Higgins	My life has been publicly scrutinized, open for the world to see. His was not.
Bartlett	36:15 So I was put on the stand, I had to answer all my questions. But he didn't.
Whybrow	36:20 Well, again, I don't want to talk about the specific case. But there has been a, a lot of talk and a lot of uninformed talk. And it's been twisted as, because somebody doesn't give evidence in their own defence, therefore they are guilty.  And that's just so dangerous because it inexorably leads to a train of reasoning, which is prove you are innocent.
Bartlett	36:43 Well, where does your client, where does Bruce go from here then?
Whybrow	36:47 I don't know. It's to many people, whatever happens in the rest of his life, he will always be the person who wrote Brittany Higgins.
Voiceover	37:04 Coming up:  Reynolds: That was a mistake. And he has acknowledged that that was a mistake.  Lehrmann: Doesn't get much worse than that.  Reynolds: It could have been handled so much better.  Lehrmann: just...
Usher	37:24 Welcome back.  What began as a quiet evening out between government colleagues may end up costing taxpayers almost \$10 million.  Brittany Higgins has already received a payment from the government rumoured to be between two and 3 million.  Now the man she accused, Bruce Lerman, says he's launching legal proceedings for millions of dollars in compensation, following revelations that he was denied a fair trial.
Voiceover	Voiceover: I've got two people going into Linda Reynolds's suite.  Higgins: I was raped inside Parliament House.

	Lehrmann: There's only one truth.
Bartlett	Did you rape Brittany Higgins?
Bartlett	Well the results are in Bruce.
Lehrmann	They certainly are.
Bartlett	So let's look at the net result. Shane Drumgold has been disgraced. But where does that leave you?
Lehrmann	<p>38:31</p> <p>Well, still in no man's land.</p> <p>I mean, the responses so far have been insufficient.</p> <p>They've been unacceptable.</p> <p>If I or Steve or Joe Blow down the street and had done any of the things that this inquiry report has found him to have done, we would be hauled over the coals and I'd probably be sitting in a prison cell.</p> <p>Lying to the Chief Justice is... Doesn't get much worse than that.</p>
Bartlett	<p>38:57</p> <p>But he's been forced out. He's lost his job.</p>
Lehrmann	He should have been fired. He should have been fired
Bartlett	Well, with his job also goes his license to practice as it should. So he's in a world of hurt, but you want more do?
Lehrmann	<p>39:09</p> <p>Absolutely. I mean, there, on the face of it, there would appear to be some criminal conduct here.</p>
Bartlett	<p>39:19</p> <p>But after all, you've been through the threat of jail, you know better than anyone is a pretty horrible thing.</p>
Lehrmann	Absolutely.
Bartlett	You're quite happy to visit that upon Mr. Drumgold?
Lehrmann	Well, if a Federal Court judge can go to prison for a year for lying on an affidavit about a parking ticket, I mean, this isn't a parking ticket Liam. This is someone's life. My life.
Bartlett	Is there a hint of bitterness in there to Bruce?
Lehrmann	Yeah well I'm fired up, because he stuffed my life.
Bartlett	<p>39:50</p> <p>Samantha Maiden's article and Lisa Wilkinson's interview proved to be the catalyst that would turn Bruce Lehrmann's world up side down.</p>



Police and Lehrmann (video recording)	40:00  Anything you say or do may be used in evidence. Do you understand that?  Lehrmann: Yes
Bartlett (voiceover)	He was formally questioned by police then arrested and finally put on trial. In the process Lehrmann lost his job, his reputation, and very nearly his liberty.
Bartlett Bartlett	40:23  Compensation, you're looking for millions of dollars?
Lehrmann	Oh, no, well, it will, it will have to be a multi million dollar claim, because I need to consider the very real possibility that I may never work again, not that I might have 40 years of economic loss, I will never ever be able to work again. So that needs to be factored in.
Bartlett	Well, who would employ you, Bruce?
Lehrmann	Exactly. I agree after being smeared and slammed, as I have been for the last two or three years now.
Bartlett	40:50  It was found that Director Drumgold denied you the presumption of innocence. But that doesn't mean that you are innocent, does it?
Lehrmann	Well, it well, I am innocent Liam as I said to you last time we sat down I mean this, this entire saga was made up. I mean, if we were able to have a fair trial and a trial at all, I'm entirely confident that it would have rendered a not guilty verdict. But Mr. Drumgold took that away from me.
Bartlett (voiceover)	41:20  On the day we interviewed Bruce Lehrmann, indeed, almost at the exact moment he was talking to us. Brittany Higgins was visiting her parents in Byron Bay and posted this provocative message on Instagram.
Bartlett	Despite all this, Britney Higgins is still saying you raped her
Lehrmann	That's completely false and I mean, I'm in a position where we really need to stop giving oxygen to this. I mean
Bartlett	But Bruce, it's it's very public. She has published on social media this morning and I quote, talking about the police involved in the case the Federal Police, these police never wanted to charge my rapist. That's you.
Lehrmann	42:10  Totally defamatory, totally defamatory.
Bartlett	So are you going to sue her for defamation?
Lehrmann	Well, as I, it is always a live option. There's a lot of trickery going on here. And I think there's some elements of poking the bear, so to speak

Bartlett	But she's still calling you her rapist? Does she think she can win in a civil proceeding?
Lehrmann	Well, I don't know. We'll I suppose we'll find out with the upcoming trial because I'm pressing ahead. We're going, I'm not backing down. I'm ready to go toe to toe.
Bartlett	42:42  You're talking about the Channel Ten defamation.
Lehrmann	Yeah.
Female voice over (cut to Higgins clip)	So what's happened to the man that you say raped you on Minister Reynold's couch?  Higgins: He's fine. He's working in Sydney. He's, he's got a good job. People don't know why he left and I don't think he has suffered any consequences for it at all.
Bartlett	This is looking like a very, very bad train wreck. Brittany Higgins says she will never work again. Fiona Brown has never come back to work again. Lisa Wilkinson looks to never to go back to work again. Your virtually unemployable. Is there anyone else? I mean, well, Drumgold's lost his job.
Lehrmann	43:25  Well, let's talk about Drumgold and the list of people you've just talked about. He is central to the effects on all of those people you've just listed. You know, allegations of unethical treatment of Fiona Brown, how he treated Lynda Reynolds, even how he's treated Miss Wilkinson. I mean, I'm against her and another set of proceedings, but how she was treated by the Director is also pretty bad. So to varying degrees, we all we've all been touched by Shane Drumgold and his social justice crusade that he was on.
Bartlett	So you think he's the root cause of all this trouble?
Lehrmann	Absolutely. This case should never have gone to trial. The police said that and he's he he used it to ram it through the court system for his own agenda.
Bartlett	44:15  Don't you look back and wish to wish I had just gone home that night. I wish I had knocked on the door, woken my girlfriend up and said sorry, I left the keys in the office.
Lehrmann	Not even that Liam. I probably just should have had my dinner with Austin at the Kingo Hotel and pissed off back home.
Bartlett	There are some things that still troubled people. We know from the Sofronoff Inquiry Report the police listed something like 18 discrepancies in Brittany's evidence. 18 areas where they thought hang on a minute. The truth is not right.
Lehrmann	Yeah. And from a very early point
Bartlett	But but there are some discrepancies still in your evidence.
Lehrmann	And they did note that as well. And I explained in the last time we sat down the discrepancies in relation to my evidence
Bartlett	Can I ask you about one of those discrepancies again? Because in our original interview, you made the point to me that on the Monday morning back at work,

	<p>following the early Saturday morning alleged rape, you had sat down with Brittany Higgins and had a cup of coffee. Now we have since learned, we have discovered from a recording that was made between Samantha Maiden and Brittany Higgins, that Britney tells Samantha, that that morning, you didn't talk. She says, You didn't even look at each other.</p>
Voice recording clip between Maiden and Higgins	<p>45:51</p> <p>Maiden: So you went into work on the Monday? And was he there on the Monday?</p> <p>Higgins: Yeah.</p> <p>Maiden: And did you say anything to him?</p> <p>Higgins: We didn't talk. We didn't look at each other. It was really weird. It was obviously really tense. . But I still was in that shock space where you just like it's it's kind of like, you know, you have a hit an impact of a car crash and the whole world kind of goes fuzzy. It's like that sound. And I felt like that entire day. I just wasn't connected to anything else doing.</p>
Bartlett	<p>46:20</p> <p>What's the truth?</p>
Lehrmann	<p>Well, if what you're telling me is the case, that is entirely false. And the AFP did find that we ended up having coffee on the Monday. So that's just a plain lie.</p>
Bartlett	<p>That's black and white, isn't it? And then Brittany Higgins telling Samantha Maiden, you didn't talk, you didn't even look at each other.</p>
Lehrmann	<p>Because why, why would she say that we had a coffee. It doesn't look good for her then the on the Monday, the next Monday after. And after a night where nothing happened. You know, when she's trying to concoct this story</p>
Bartlett	<p>So you say she's telling a fib and Samantha Maiden swallowed it?</p>
Lehrmann	<p>47:00</p> <p>Absolutely. I mean, Samantha Maiden was ground zero here, really.</p>
Bartlett	<p>She also told Samantha Maiden that at the time, she was excited to learn that your defence was that nothing happened, as opposed to it was consensual.</p>
Voice recording clip between Maiden and Higgins	<p>Maiden: How are you going?</p> <p>Higgins: Yeah, I'm good. How are you?</p> <p>Maiden: Good. Look I just want to alert you to something.</p> <p>Higgins: Oh god.</p> <p>Maiden: No, it is what it is and I don't think you'd be surprised by it.</p> <p>Higgins: Yeah.</p> <p>Maiden: I've got a statement from his lawyers saying that he's going to fight the charges. He basically says my client absolutely and unequivocally denies that any</p>

	<p>form of sexual activity took place at all.</p> <p>Higgins: What?</p> <p>Maiden: He will defend the the charge.</p> <p>Higgins: Nothing happened.</p> <p>Maiden: Apparently not. What a charmer. We could have maybe named him, but my concern is that I just don't want to do anything that his lawyer is going to use to try and scuttle everything.</p> <p>Higgins: Yeah. Right.</p> <p>Maiden: And my discussions with other legal sources who shall remain nameless is that it's highly unlikely that he will be able to get a suppression.</p> <p>Higgins: Honestly, I'm just so excited to learn that his defence is that nothing happened. I thought that he would say that it was consensual. And that would be much like harder to defend. But the fact that he's trying to argue that nothing happened feels better. So thank you that actually made my weekend, I'm going to thank you. That's great.</p> <p>Maiden: Alright, that's good. If anything else you need, let me know.</p> <p>Higgins: Ok bye.</p> <p>Maiden: Alright bye.</p>
Bartlett	<p>48:47</p> <p>Why would she say that?</p>
Lehrmann	<p>Well, if again, if what you're telling me is the case, did people want me to say it was consensual and lie? Because no sex occurred. So, you know, is it the case that they wanted me to lie? Because it would sort of fit the story like I was never going to do that. No sex occurred. So of course, that was always going to be my defence</p>
Video clip of Samantha Maiden speech	<p>49:00</p> <p>I do also need to say from the outset, something that everybody in this room knows, which is that this is a matter that is before the courts, and that there is a man who has pleaded not guilty. And as flawed and as imperfect as the justice system is. You know, I believe in it. And I don't want to say anything that would impact on that.</p>
Bartlett	<p>49:25</p> <p>Samantha Maiden won a Gold Walkley from this story, Bruce. But it doesn't get any higher an award in journalism</p>
Lehrmann	<p>It's terrible. But you know what? I actually think she shouldn't hand the Gold Walkley back. She should keep it because the longer that these journalists keep their awards for these stories that they've peddled for the last two to three years. It really devalues these awards. So, quite frankly, keep your awards because you just look like idiots.</p>
Bartlett	<p>50.00</p> <p>You see apart from you and Brittany Higgins, the only people that I can see that have</p>

	paid the price in is is the poor old taxpayer. The trial cost how much Bruce, do you think?
Lehrmann	I've heard estimations up to \$2 million. The inquiry up to about 4 million, 4 million plus.
Bartlett	There's 6 million.
Lehrmann	And the only people that went in all of this are the lawyers.
Bartlett	And then Brittany Higgins got almost 3 million in compensation. So that's 9 million. And you want what? How much from the ACT government and channel 10 and ABC. How much?
Lehrmann	50.33  Well, we haven't we haven't put we haven't put figures on it. But there needs to be some compensation for me.
Bartlett	All right. So you want at least four or 5 million? I'll put words in your mouth, maybe maybe 6 million. So we're up to 15 million.
Lehrmann	Yeah. It's extraordinary.
Bartlett	So we're left with a hole in the in the treasury. And your life's ruined and Brittany Higgins's life ruined.
Lehrmann	Well, this didn't need to happen.  [Sit down interview finished]
Lehrmann  [Driving car interview]	51.10  I wish none of this actually happened. I wish that Mr. Drumgold was actually objective and not so politically influenced and didn't commence this in the first place. But I mean, I've got to make lemonade with the lemons. And that's what I'm trying to do. I'm studying law. I'm trying to get back on with things. And a big part of that has been in this report to shed some light on what we always suspected as the defence team.
Clip of Scott Morrison apology	51.40  I am sorry. We are sorry. I'm sorry to Miss Higgins, for the terrible things that took place here. This is a...
Bartlett	I mean, here's a guy got up on the floor of the House, as Prime Minister of Australia and apologized, apologized for an alleged criminal act that hadn't even been to trial yet.
Reynolds	52.03  That was a mistake, and he has acknowledged that that was a mistake.
Bartlett	Has he apologised since?
Reynolds	Yes. He has.

Bartlett	But you know, personally privately.
Reynolds	Yes. So
Bartlett	Not that that does here much good either.
Reynolds	Well, the thing, on reflection, it could have been handled so much better.
Lehrmann	52.25  The heart of him as well, to give that speech under the cover of parliamentary privilege, to grandstand in effect because he probably needed the women's vote or whatever, for the upcoming election. It just shows the character of the man and I've got no time for him.
Lehrmann's criminal barrister (Steven Whybrow)	52.40  12 months ago, never thought that I'd be potentially feeling sorry for Linda Reynolds or Michaelia Cash. There were things that were said and done about them that, you know, were just unacceptable.
Shane Drumgold SC (Video clip of Bord of Inquiry)	In retrospect it was a failing.
Bartlett	52.56  If we agree with Mr Sofronoff's findings, that Shane Drumgold acted unethically - for a man who was so experienced in the law. What was the reason that someone could be so emotionally invested in this case?
Lehrmann	Well, I don't think that will ever know because I think Mr Drumgold is too scared to step up to a lectern or sit down for an interview and explain his motives.
Bartlett	And yet, Shane Drumgold called the inquiry himself.
Lehrmann	53.25  Yeah
Bartlett	It was the ultimate kamikaze act wasn't it?
Lehrmann	That's just, I mean, this just goes to how deep his head was in the sand. I mean, he thought that the inquiry was going to be really good for him. Just phew
Lehrmann's criminal barrister (Steven Whybrow)	53.44  For whatever reason, this case has become almost like, what it must be like to barrack for a football team in Melbourne that you, you choose a team and you stay with it. And it doesn't matter what your team does, how well they go, how badly they go. Whether they misbehave, whether they're saints or sinners, you follow them through thick or thin and people have become very tribal in respects to this case and have chosen teams and there's a lot of people who it doesn't matter what the evidence is, or what the arguments are either way about any issue. Haven't got an open mind.

Bartlett	54.21 I have to ask you this. Did you ever get that Carla Zampatti jacket back?
Reynolds	No. I did not. You know, and this is one of the examples I didn't I just thought I'd lost it. And it wasn't until pre a criminal trial that I was showing the footage and asked whether it was my jacket.
Bartlett	We can see from the CCTV footage that Britney wears it home the next morning.
Reynolds	Yes, but no, I never got it back.
Bartlett	Sorry to laugh.
Reynolds	It was claimed in the in the court case when she was asked that she got it from a charity bin and it made me laugh because my charity bin was my wardrobe
Bartlett	I don't know too many charity bins that carry Carla Zampatti
Reynolds	But, no I haven't got the jacket back.

## Annexure Certificate

No. NSD701 of 2024

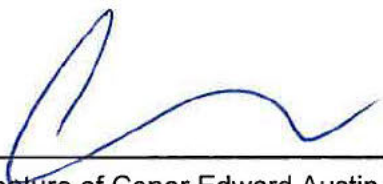
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-4**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



---

Signature of Conor Edward Austin O'Beirne

Solicitor

Level 23, 525 Collins Street

Melbourne VIC 3000



Interview with Sunrise Transcript

EXHIBIT/MFI: R46  
 Description: AIDE MEMOIRE  
 Return to: (party/non-party, if produced on subpoena)  
 Associated with Spotlight the

*In studio*

BARR: Taxpayers could be looking at a compensation bill of up to Higgins rape allegation. It comes after Bruce Lehrmann revealed personal cost of what he believes was not a fair trial.

*Cutaway to Seven News Spotlight*

LEHRMANN: It'll have to be a multi-million claim because I need to consider the very real possibility that I may never work again. Not that I might have, um, forty years of economic loss, I will never ever be able to work again, so that needs to be factored in.

*In studio*

SHIRVINGTON: Spotlight also spoke with former Defence Minister Linda Reynolds who claims she was the victim of a political hit job driven by the Me-Too movement. Bruce Lehrmann joins us now, the, good morning to you Bruce, um.

LEHRMANN: Morning.

SHIRVINGTON: Let's start with this one, why do you think you received ahh, a fair trial, didn't receive a fair trial?

LEHRMANN: Well, the report was pretty clear it was incredibly damning, um, and it's an indictment on, um, the ACT justice system quite frankly, umm, and the ACT government doesn't seem to want to take any action so I will.

BARR: How's this affected your day-to-day life?

LEHRMANN: Aah, completely shattered, um, I'm virtually unemployable, um, as I explained last night, um, aah, and you know, there has to be some justice here, I mean, um, this was a prosecutor who, um, as Mr Sofronoff said, um, treated a criminal trial, trial like a poker game, um, and where in which, in which he, um, didn't reveal cards.

SHIRVINGTON: Mmm, aah, you say Shane Drumgold who has resigned over this matter stuffed up your life. Why do you say he was the root cause of all of this?

LEHRMANN: Well, he, he commenced the prosecution, he maintained it, and then he gave that ridiculous speech when he dropped the charge as well where he effectively told the country that um, he's dropping the charge but he still could of won the case, I mean, that now, that's not, umm, (*stammering*) that is just abhorrent, umm, to, to even suggest that, particularly from a statutory office holder like himself.

BARR: If (*stammering*) if you haven't been proven guilty, you know, there, there's nothing, you know, against your name here, so why can't you go and hold your head high and live a normal life now.

LEHRMANN: And, well that's what I intend to do Nat, I mean, I have to get on with things, and Mr Drumgold, umm, took my opportunity for a non-guilty verdict away, umm, (*chuckles*) not only that, the report found so many other, umm, examples of misconduct and bad behaviour, aah, and I think everything that been out there in the past few months really speaks for itself now.

BARR: There's so much out there, and the trouble is, everyone in the country has a view on this which you would know.

LEHRMANN: Yep

BARR: Everyone talks about it

LEHRMANN: Yep

BARR: Ahh, at every coffee shop, at every dinner party, at every barbeque.

LEHRMANN: Yep, I get all the looks, yep.

BARR: Do you?

LEHRMANN: Yep, yep.

BARR: What do you get?

LEHRMANN: Ohh you know, just side eyes and things like that but, at, by the same token, I get a lot of support as well, umm, I've been quite heartened to see a lot of people, umm, particularly, ahh, since the brilliant work the Spotlight team have done, ahh, in just the, Liam Bartlett has been like a dog with a bone with this stuff and I think it's changed a lot of people's views and I think they've got the courage now to come up.

BARR: You know, you (*Cut off by SHIRVINGTON*)

SHIRVINGTON: What do people say to you, what, when they come up?

LEHRMANN: Ohh, just, just that I've been hard done by, they don't express a view either way and I'm not expecting that, but everybody is entitled to the presumption of innocence, and everybody is entitled to a fair trial.

BARR (Bruce affirming throughout): You know a lot of people say to me, cause it's interesting as you say, everyone has a view, but a lot of people say to me, I don't get they went back to Parliament House, and you went and did, you explained it, we've all watched the Spotlight, and you went into your section, and she went up, up there, into her section, cause it was a complicated sort of, and then you left, why didn't you just say goodbye, why didn't you just yell in the general direction "Going now Britt, seeya later, bye", nothing?

LEHRMANN: Yeah and as I said to Liam in the first interview, in hindsight, umm, probably, but, umm, you know, she was a staffer in her own right as well, same security clearance, umm, I had no reason to suspect that I needed to check in on her, umm, you know, she's an adult, she's, ahh, you know, same level staffer as I was.

BARR: But isn't it, isn't that a bit weird you going back with someone in the middle of the night to do work and then you just take off?

LEHRMANN: Well, I mean I had no reason, reason to suspect that she was black out drunk or anything, umm, to that extent, so I, you know, I didn't, I didn't suspect that she needed to be checked on, she, she also had to go back to do work as she indicated.

BARR: But not even checking, like if, just a sort of "See you, bye". Just a natural human behaviour, wouldn't it be "see you later"?

LEHRMANN: Sure, and in hindsight, umm, probably, but, you know, I also had missed calls from my girlfriend when I turned around and saw my phone on my desk, so I thought, well, I better get out of here and get home.

SHIRVINGTON: Mmm, Spotlight spoke to former Defence Minister Linda Reynolds, umm, who claims she was a victim of a political hit job, umm, how do you feel about that?

LEHRMANN: Yeah, (*stammering*), it's quite sad seeing that last night, I, I didn't know a lot of the background there with, um, Senator Reynolds and umm, you know, how she's been treated, how Senator Cash has been treated, umm, yeah (*chuckles*) there's a lot of rabbit holes to this and, umm, there's been a lot of misbehaviour and a lot of misconduct that's (*stammering*) coming out, umm, as, it's alarming, it's shocking, it's sad as well, umm, and there's still a lot of questions people need to answer so.

BARR: There's a lot of people who'll believe you, but you know there's a lot of people who never will, don't you?

LEHRMANN: Mmm.

BARR: Would you take a lie detector test?

LEHRMANN: Ohh, absolutely, yeah, I mean that's, I get that this has divided the nation and that's just because of the high-profile nature of it and how this was advanced in the first place, it wasn't advanced through the normal means as it should have been through the Police. It was advanced on another network, umm, and you know, I think, ahh, that's unfortunate and you know, as my, as my barrister said last night, it's very triable now so, and it's just a fact of it.

BARR: Would you like another trial; how would you like to clear your name now?

LEHRMANN: Well, we've got, umm, we've got defamation proceedings at foot and Channel 10 are running a truth defence so in effect, it's a re-run of umm, the trial, ahh, but ahh absolutely, (*stammering*) I'm entirely confident that on the balance of the material we had and the defence team that I had, umm, I would of got a not guilty verdict.

BARR: The other thing that people say to me is why would she go to all this trouble, by all accounts this has almost broken her, why would she go to all this trouble and make it up?

LEHRMANN: Well, I'm not, I'm not in her mind and I think I expressed in my first interview with Liam that I have, umm, I have a lot of sympathy for her, I think she's been surrounded by people who don't have her interests at heart, umm, and I think, I think we're seeing that in some of the material that's been coming out in the last few months, it's been quite alarming.

SHIRVINGTON: Mm, ahh Bruce, thanks for joining us.

LEHRMANN: Thank you.

SHIRVINGTON: Appreciate it.

## Annexure Certificate

No. NSD701 of 2024

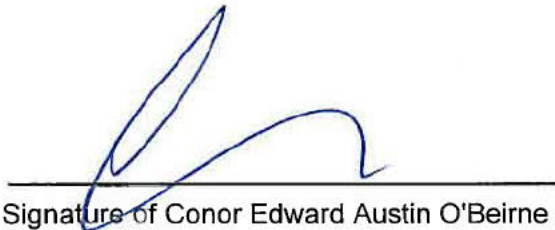
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-5**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



Solicitor

Level 23, 525 Collins Street  
Melbourne VIC 3000

Level 14, 60 Martin Place  
Sydney NSW 2000 Australia

GPO Box 3909 Sydney NSW 2001

T +61 2 8248 5800  
F +61 2 8248 5899

Our ref MS:5263490  
Your ref MOBL657

7 September 2023

Paul Svilans and Monica Allen  
Mark O'Brien Legal  
Level 19  
68 Pitt Street  
SYDNEY NSW 2000

Dear Colleagues

**Bruce Lehrmann v Network Ten Pty Limited & Anor**  
**Federal Court of Australia Proceedings No. NSD 103 of 2023**

We understand that your client has engaged a litigation funder.

Please confirm by **5pm 11 September 2023**:

- (a) if our understanding is correct, and your client has a litigation funder; and
- (b) if so, who the litigation funder is.

In our view, the fact and identity of any litigation funder may be relevant to the issues in and conduct of the proceedings. Further, in the event that our client obtains costs orders against your client, it reserves the right to seek a third party costs order against any litigation funder your client has engaged.

We look forward to hearing from you.

Yours sincerely



**Marlia Saunders**  
Partner  
T +61 2 8248 5836  
M +61 417 435 251  
E msaunders@tglaw.com.au

Copy Anthony Jeffries, David Collinge and Nicola Sanchez  
Gillis Delaney Lawyers

## Annexure Certificate

No. NSD701 of 2024

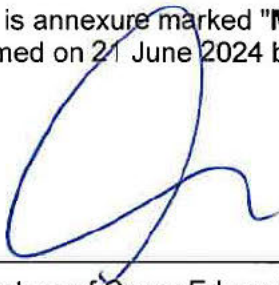
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-6**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



---

Signature of Conor Edward Austin O'Beirne

Solicitor

Level 23, 525 Collins Street  
Melbourne VIC 3000

**MARK  
O'BRIEN  
LEGAL**

ABN 86 002 421 123

Level 19, 68 Pitt Street  
Sydney NSW 2000  
Australia

Our Ref: MOBL:694  
Your Ref: MS:5263490

12 September 2023

Marlia Saunders  
Partner  
Thomson Geer  
Level 14  
60 Martin Place  
SYDNEY NSW 2000

By email: [msaunders@tqlaw.com.au](mailto:msaunders@tqlaw.com.au)

Dear Ms Saunders

**Bruce Lehrmann v Network Ten Pty Limited & Anor  
Federal Court of Australia Proceedings No. NSD103/2023**

We refer to your letter to us of 7 September 2023.

Your understanding is incorrect.

Yours faithfully



**Paul Svilans**

Principal  
T +61 2 9216 9830  
M +61 410 687 900

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

## Annexure Certificate

No. NSD701 of 2024

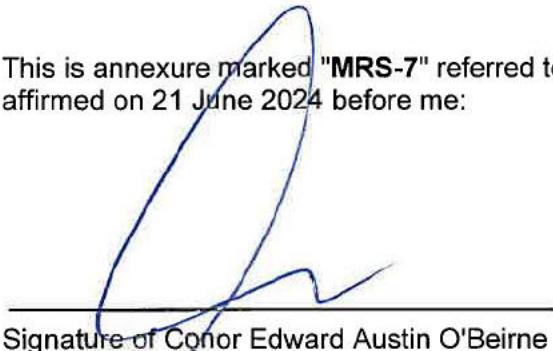
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-7**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



Signature of Conor Edward Austin O'Beirne

Solicitor

Level 23, 525 Collins Street

Melbourne VIC 3000



Form 61  
Rule 30.28(1)

## Notice to produce

No. NSD 103 of 2023

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

### BRUCE LEHRMANN

Applicant

**NETWORK TEN PTY LIMITED (ACN 052 515 250)** and another  
Respondents

To the Applicant

The First Respondent requires you to produce the following documents or things to the Registrar at \_\_\_\_am on \_\_\_\_ April 2024:

1. One copy of all documents evidencing or recording the payment of legal costs by or on behalf of the Applicant in this proceeding, including but not limited to:
  - (a) invoices;
  - (b) receipts;
  - (c) trust account statements; and
  - (d) communications between the legal representatives for the Applicant and either the Applicant or any third party regarding the payment of legal costs.
2. One copy of all documents evidencing or recording any agreement to pay the Applicant's legal costs in this proceeding.

Filed on behalf of (name & role of party)	<u>First Respondent being Network Ten Pty Limited</u>
Prepared by (name of person/lawyer)	<u>Marlia Saunders, Partner</u>
Law firm (if applicable)	<u>Thomson Geer Lawyers</u>
Tel <u>02 8248 5836</u>	Fax _____
Email <u>msaunders@tglaw.com.au</u>	
<b>Address for service</b> (include state and postcode)	<u>Thomson Geer Lawyers, Level 14, 60 Martin Place, Sydney NSW 2000</u>
Ref <u>MSA COB 5263490</u>	[Form approved 01/08/2011]
Legal/86241476_2	

Date: 17 April 2024



---

Signed by Conor O'Beirne  
Level 23, 525 Collins Street  
Melbourne VIC 3000  
Solicitor for the First Respondent

*Note*

If this notice specifies a date for production, and is served 5 days or more before that date, you must produce the documents or things described in the notice, without the need for a subpoena for production.

If you fail to produce the documents or things, the party serving the notice may lead secondary evidence of the contents or nature of the document or thing and you may be liable to pay any costs incurred because of the failure.

## Annexure Certificate

No. NSD701 of 2024

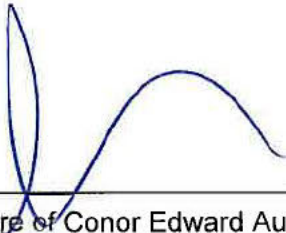
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-8**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



Signature of Conor Edward Austin O'Beirne

Solicitor

Level 23, 525 Collins Street

Melbourne VIC 3000

**MARK  
O'BRIEN  
LEGAL**

ABN 86 002 421 123

Level 19, 68 Pitt Street  
Sydney NSW 2000  
Australia

Our Ref: MOBL657

15 December 2022

Bruce Lehrmann

By Email: [REDACTED]

Dear Mr Lehrmann

**Costs Disclosure and Conditional Costs Agreement**

We acknowledge your instructions in this matter.

This letter is our costs disclosure and an offer to enter into a conditional costs agreement with you. It sets out the terms and conditions of our retainer.

**Instructions**

1. We confirm that we are instructed by you to act on your behalf in respect of investigating, advising you, making claims for defamation, and instituting proceedings for defamation against various publishers in the Federal Court of Australia, including obtaining advice and assistance from Senior Counsel.

**Costs**

2. We charge our professional fees ("costs") at a specified rate each hour engaged on your work. Our current rates for professional personnel are set out below. These rates may change in the future. We will review the rates at the end of each calendar year or financial year. We will give you 30 days' notice of our intention to vary the rates and how they are to change.
3. We charge our professional time and administration assistants on the basis of 10 units per hour. 1 unit is equal to 6 minutes and 5 units are equal to 30 minutes. The professional rates are set out below:

	Rate	GST	Total
Principal	\$790.00	\$79.00	\$869.00
Special Counsel	\$725.00	\$72.50	\$797.50
Senior Associate	\$690.00	\$69.00	\$759.00
Associate	\$500.00	\$50.00	\$550.00
Paralegal	\$220.00	\$22.00	\$242.00

The solicitors with principal responsibility for assisting you in this matter are:

- (a) Principals – Mark O'Brien, Paul Svilans and Steven Lewis
- (b) Special Counsel – Monica Allen
- (c) Senior Associate – Tihana Mandic

4. We reserve the right to amend the rates at the end of each financial year and/or calendar year.

#### **Disbursements**

5. In addition to costs we may incur expenses ("disbursements"). These include but are not limited to the disbursements set out below:

#### ***Disbursements we pay to third parties:***

- legal process agents for court filing, service and searches;
- court filing and hearing fees;
- service fees;
- government enquiries;
- experts and other reports or expenses;
- non-legal consultants;
- courier and taxi fees;
- bulk photocopying;
- witness expenses and conduct money;
- fees for barristers;
- investigation fees;
- interest on any unpaid third party disbursements.
- court transcript costs

- travel costs

#### **Costs and disbursements**

6. In this agreement and the schedule to it, at times we use the term "**legal costs**". Legal costs are collectively costs and disbursements and GST.

#### **Provisions relating to the retainer of counsel (barristers)**

7. The circumstances of your matter are such, particularly as litigation is involved, that a barrister will be briefed to advise and to perform work in respect of the matter.
8. Barrister's fees will be billed to you in accordance with the barrister's costs agreement and/or this costs agreement, as a disbursement.

#### **Uplift**

9. We will charge you an uplift fee pursuant to section 182 of the *Legal Profession Uniform Law (NSW) 2015*. The uplift fee will be calculated at 25% of the costs (that is, professional fees) applicable as at the time of successful completion of your matter.
10. The uplift fee will not exceed 25% of the costs applicable as at the time of completion of your claim, and the uplift fee will vary depending upon the amount of those costs and the amount of work that has been performed as at the time of completion.
11. The major variable that affects the calculation of the uplift fee will be the amount of costs payable (without the uplift fee) as at the time of completion.
12. The uplift fee on the estimated costs is set out below.

#### **Estimate of legal costs**

13. At this stage there are potentially six or more separate claims against media publishers and/or journalists. Our present estimate of legal costs for completing the claims to conclusion at trial is set out below:

At this stage we estimate costs at: \$1,000,000

Based on the above estimate of costs,  
at this stage we estimate the uplift to the  
conclusion of the claim at: \$250,000

At this stage we estimate our  
disbursement charges (including  
Counsel fees) at: \$1,000,000

Total estimate: \$2,250,000

14. The estimates are exclusive of GST.
15. We cannot and will not quote you a fixed sum fee in advance. It can be impossible to determine with any degree of real certainty what the work will involve. As your matter progresses we will have a clearer idea of the issues involved. When this occurs we will review our estimates of legal costs and inform you by letter.
16. We will advise you of any additional work required and its estimated cost. The estimates given are only estimates and we make no representations whatsoever that

we can complete your instructions for the estimates provided. The estimates have been provided based on your initial instructions. The estimate is provided only to comply with the *Legal Profession Uniform Law (NSW) 2015* and should not be relied upon for any other purpose. The variables which can affect the estimates include as follows:

- (a) the number and duration of telephone calls or other communications;
- (b) your prompt and efficient response to requests for information or instructions;
- (c) whether you change your instructions;
- (d) whether documents have to be revised in light of varied instructions;
- (e) the level of co-operation of others with whom we deal;
- (f) the complexity or uncertainty concerning the issues affecting your matter;
- (g) the number of witnesses required to be interviewed; and
- (h) changes in the law.

#### **Conditional costs agreement**

17. We will bill you for our costs (that is, professional fees) at the end of the matter (or an individual claim as applicable). We will not bill you for our costs unless we are successful in the matter (or an individual claim as applicable) at which time a bill will be sent to you and by this agreement you authorise us to deduct our costs and outstanding disbursements from the settlement or award or verdict monies.

In the event that your matter (or an individual claim as applicable) is not successfully completed, we will not render you a bill of costs for our costs, and you will not be liable for the payment of our costs.

18. Success for any claim means the following:
- i. either a verdict or award of money made by the Court in the first instance proceedings (ie not an appeal) in your favour for a sum of money;
  - ii. settlement or resolution of the claim in accordance with your written instructions whereby monies will be paid to you, for or on your behalf arising out of the circumstances relating to your claim;
  - iii. this retainer being terminated by this firm as a consequence of you rejecting our advice concerning any offer of settlement made to you or our advice as to the manner in which your matter should be conducted.
19. It is a condition of this agreement that you agree to accept our advice as to conduct of, and settlement or otherwise of the case and we reserve the right to terminate the agreement if you do not accept our advice as to settlement or conduct. In the event that this agreement is terminated because of a failure to accept our advice as to conduct of and/or settlement or otherwise of the case, then you must pay our legal costs to the date of termination as if this agreement was an unconditional fee agreement from the date hereof.
20. This agreement does not apply to an appeal.

21. We will retain Counsel on a conditional basis, and will provide to you copies of their agreements when received by us.

#### **Payment at successful conclusion**

22. The legal costs will be paid out of any verdict or settlement monies received. You irrevocably authorise us to withhold any monies payable to you to meet our costs and as well as any other monies owed by you in respect of this matter for any disbursements, and by this agreement you authorise us to withdraw money held in our trust account on your behalf, to our office account, for payment of our legal costs.
23. By this agreement you provide security to us in the event of success in respect of our legal costs. This security is limited to any monies payable to you because of any judgment, arbitration, compromise, award, judicial proceedings or settlement of your matter. For this purpose, you agree to assign and transfer to us by way of security the whole of the proceeds of the litigation, which is the subject of the work. Any amount not applied towards payment of your obligations under this agreement will be paid to you after we have been paid. This security acts as a first ranking security and no subsequent security is to be provided over the proceeds of the litigation without prior written consent. You also agree that if required you will sign any further document that we may request in order to support your promise to pay our legal costs on successful completion of the case. The security created by this clause is in addition to and not in substitution for any rights we may have, whether at law or in equity, over a judgment, arbitration, compromise, award, judicial proceedings or settlement of your matter.

#### **Another party's costs**

24. If, in the proceedings to which this agreement relates, an order is made requiring another party to pay your legal costs of the proceedings, that order will not affect your liability to pay our legal costs under this agreement, but the amount recovered (if any) may be applied towards satisfaction of our legal costs.

#### **Legal Costs Payable and Recoverable on Litigation Outcome**

25. Even if you are successful in proceedings and have a cost order in your favour it is unlikely that you will recover all of the legal costs you must pay us from another party. If you do have a cost order in your favour, it may still be necessary to seek to enforce such order e.g. through the assessment system. This can be time consuming and costly. The possible legal costs associated with such potential enforcement proceedings are not dealt with in this document, but will be advised to you should the relevant circumstances arise. It is also possible that you cannot recover the legal costs from the other party (for example if the party goes into liquidation or becomes bankrupt); nonetheless you will still have to pay us.
26. If you lose the litigation, then you will likely have to pay the legal costs of the other party - either an amount you can both agree on or if no agreement can be reached then an amount of costs assessed by a costs-assessor as payable. However, the Court always has a discretion in relation to cost orders.

#### **Goods and Services Tax**

27. The professional services and disbursements we pay in supplying the services are a taxable supply under the provisions of *A New Tax System (Goods & Services) Act 1999* ("the GST Act") and those services and most disbursements will be subject to the Goods & Services Tax. As a result, we will be required to pay tax of approximately one eleventh of the account rendered to you.



Our costs at the rates stated above and most disbursements are effectively increased, therefore, by 10%.

The amount of GST we pay on your account is reduced by any input credit received by us. We do this by debiting you with only the GST exclusive portion of the disbursement and then adding the disbursement to the bill before then adding GST to the total.

#### **Appointment of Mark O'Brien Legal as your agent**

28. From time to time it may be necessary in the conduct of your matter to obtain and pay for goods and services from third parties. You appoint us as your agent for the purpose of obtaining these goods and services. Our appointment takes place on and from the date of this agreement. We may pay for any goods or services from any monies that you lodge into our trust account. You may be entitled to any input tax credits, which arise as a consequence of the purchase of these goods or services.

#### **Termination, your right to transfer the file & retention of your documents**

29. We will not continue to do the work if you fail to provide us with adequate instructions or you indicate to us we have lost your confidence. We may also not continue with the work in the circumstances set out below or for any other just cause or in the circumstances set out in paragraph 19.
- (a) If you wish to terminate our retainer and wish to instruct another solicitor, you will be required to do the following:
    - (i) you will be required at the time of termination of our retainer, to pay all legal costs to the date of termination including counsel's fees outstanding as at the date of termination of the retainer. This is an exception to the principle of "no win, no pay". You should instruct your new solicitors to recover that money as part of the legal costs arising out of the same set of proceedings which that solicitor will be continuing on with on your behalf;
    - (ii) you acknowledge that we are not obliged and will not be providing your file and/or papers to your new solicitors until there has been compliance with the terms and conditions set out above in this paragraph.
  - (b) This paragraph applies to termination of our retainer for other reasons or in other circumstances including but not limited to abandonment of the claim by you. If you choose to abandon the claim or fail to provide us with instructions or for other reason(s) not within our control the claim does not proceed then you will be liable to pay our legal costs calculated in accordance with this agreement up to the time of abandonment. A bill will be provided to you and if it is not paid, we reserve our rights to recover our legal costs from you. This is a second exception to the principle of "no win, no pay".
  - (c) You acknowledge that it is a term and condition of this agreement that you will conduct your dealings with Mark O'Brien Legal in good faith and shall give us true, correct and accurate instructions. We shall regard it as a breach of our retainer and a breach of this agreement if you wilfully mislead us or provide us with instructions which in our opinion are not true, accurate or correct and we shall reserve our rights to recover all legal costs payable under this retainer regardless of whether the matter is successful or not and which arise out of the breach of your duty to deal fairly, honestly and truthfully with us.
  - (d) We advise that the outcome of litigation is often uncertain and that our advice may change or be amended as evidence comes to light or advice is received

from counsel during the course of the case. This agreement remains fully conditional subject to the continued viability of your claim. If we receive notice or it becomes apparent in our opinion that the claim is likely not to succeed, we reserve the right to impose further terms to it or to amend the terms and conditions of the agreement as we believe appropriate, including provision that you provide to us security for legal costs, and you accept our right to do this.

30. We will give you at least 7 days notice of our intention to terminate this agreement and of the ground on which the notice is based. You may be required to pay our costs for that part of the work which has been done and for disbursements incurred up to the time of termination.
31. We are entitled to retain possession of your papers and documents while there is money owing to us for our legal costs even if we terminate this agreement .
32. In some situations and at our absolute discretion we may agree to release your file once we have from you signed written arrangements in place protecting our rights under this agreement in respect of legal costs.

#### **Standard terms and conditions**

33. The schedule to this agreement sets out the standard terms and conditions of the Mark O'Brien Legal retainer.

#### **Right to seek independent legal advice and cooling-off period**

34. You acknowledge that you have been informed of your right to seek independent legal advice prior to entering into this agreement.
35. This agreement contains a cooling-off period of five clear business days from the date of signature, during which you may terminate the agreement, by written notice to us and delivered to our office.

#### **Acceptance of this offer**

36. You may accept this offer in writing only. Please sign and date the **duplicate** in the spaces provided and return it.

We thank you for your instructions.

Yours faithfully



**Mark O'Brien**

Principal

T +61 2 9216 9828

M +61 412 637 304

E [mark.obrien@markobrienlegal.com.au](mailto:mark.obrien@markobrienlegal.com.au)

**Client Acknowledgment and Signature**

Matter number           MOBL:657  
Matter description       Bruce Lehrmann – Defamation claims  
Client                    Bruce Lehrmann

I, **Bruce Lehrmann**, have carefully read the costs agreement and schedule and I have been given the opportunity to discuss these terms and conditions with Mark O'Brien Legal, and I understand and accept the terms and conditions as set out in the costs agreement and schedule.



\_\_\_\_\_  
Signed

16/12/2022

\_\_\_\_\_  
Dated

## General Terms of Business

### 1. Your rights

It is your right to:

- (a) negotiate a costs agreement with us;
- (b) negotiate the method of billing (e.g. task based or time based);
- (c) receive a lump sum bill in respect of legal services provided;
- (d) request and receive an itemised bill within 30 days after a lump sum bill or partially itemised bill is payable;
- (e) be notified as soon as is reasonably practicable of any substantial change to any matter affecting costs;
- (f) request in writing, and be provided with, a written report of the progress of any matter in which you retain us or a written report of the legal costs incurred by you to date;
- (g) accept or reject any offer we make for an interstate costs law to apply to your matter; and
- (h) notify us that you require an interstate costs law to apply to your matter.

If you request an itemised bill and the total amount of the legal costs specified in it exceeds the amount previously specified in the lump sum bill for the same matter, the additional costs may be recovered by us only if:

- (i) when the lump sum bill is given, we inform you in writing that the total amount of the legal costs specified in any itemised bill may be higher than the amount specified in the lump sum bill, and
- (ii) the costs are determined to be payable after a costs assessment or after a binding determination under section 292 of the *Legal Profession Uniform Law (NSW)* ("the Uniform Law").

Nothing in these terms and conditions affects your rights under the Australian Consumer Law.

### 2. Your rights in relation to a dispute concerning Costs

If you have a dispute in relation to any aspect of our legal costs you have the following avenues of redress:

- (a) in the first instance we encourage you to discuss your concerns with us so that any issue can be identified and we can have

the opportunity of resolving the matter promptly and without it adversely impacting on our business relationship;

- (b) you may seek the assistance of the designated local regulatory authority (the NSW Commissioner);
- (c) you may refer a dispute about a tax invoice to the NSW Commissioner for a binding determination if:
  - i. the total bill for legal costs is less than \$100,000 (indexed) payable in respect of any one matter; or
  - ii. the total bill for legal costs equals or is more than \$100,000 (indexed) payable in respect of any one matter, but the total amount in dispute is less than \$10,000 (indexed).
- (d) you may apply to the Manager, Costs Assessment located at the Supreme Court of NSW for an assessment of our costs. This application must be made within 12 months after the bill was provided or request for payment made or after the costs were paid;
- (e) you may apply to the Costs Assessor to set aside some or all of these terms on the grounds they are not fair or reasonable.

### 3. Billing arrangements

Our usual policy is to issue a tax invoice on a monthly basis but we may issue tax invoices on a more frequent basis depending on the nature of the work. All tax invoices are due and payable 14 days from the date of the tax invoice. You consent to us sending our tax invoices to you electronically at your usual email address or mobile phone number as specified by you.

### 4. Interest charges

Interest at the maximum rate prescribed in Rule 75 of the *Legal Profession Uniform General Rules 2015* ("Uniform General Rules") (being the Cash Rate Target set by the Reserve Bank of Australia plus 2%) will be charged on any amounts unpaid after the expiry of 30 days after a tax invoice is given to you. Our tax invoices will specify the interest rate to be charged.

### 5. Recovery of costs

The Uniform Law provides that we cannot take action for recovery of legal costs until 30 days after a tax invoice (which complies with the Act) has been delivered to you.

## 6. Payment methods

It is our policy that when acting for new clients, we do one or more of the following:

- (a) approve credit;
- (b) ask the client to pay monies into our trust account;
- (c) ask the client for their credit card details.

Unless otherwise agreed with you, we may determine not to incur fees or expenses in excess of the amount that we hold in trust on your behalf or for which credit is approved.

## 7. Authorisation to transfer money from trust account

You authorise us to receive directly into our trust account any judgment or settlement amount, or money received from any source in furtherance of your work, and to pay our professional fees, internal expenses and disbursements in accordance with the provisions of Rule 42 of the Uniform General Rules. A trust statement will be forwarded to you upon completion of the matter.

## 8. Retention of your documents

On completion of your work, we will retain your documents for 7 years. Your (express or implied) agreement to these terms constitutes your authority for us to destroy the file 7 years after the date of our final tax invoice. The authority does not relate to any documents which are deposited in safe custody which will, subject to agreement, be retained on your behalf indefinitely. We are entitled to retain your documents while there is money owing to us for our costs.

On completion of your work or following termination (by either party) of our services you will be liable for the cost of retrieving documents in storage and also any photocopying charges we incur and our professional fees in connection with the provision of your file to you or as directed by you.

## 9. Termination by us

We may cease to act for you or refuse to perform further work:

- (a) while any of our tax invoices remain unpaid;
- (b) if you do not, within 7 days, comply with a request to pay an amount in respect of disbursements or future costs;
- (c) if there are any ethical grounds which we consider require us to cease acting for you, for example a conflict of interest;

- (d) for any other reason outside our control which has the effect of compromising our ability to perform the work required within the required timeframe;
- (e) if you refuse to accept our advice;
- (f) if you indicate to us or we form the view that you have lost confidence in us;
- (g) if you fail to provide us with clear or timely instructions to enable us to advance your matter, for example, compromising our ability to comply with Court directions, orders or practice notes; or
- (h) if in our sole discretion we consider it is no longer appropriate to act for you;
- (i) for just cause

We will give you reasonable written notice of termination of our services. You will be required to pay our costs incurred up to the date of termination

## 10. Termination by you

You may terminate the Retainer by written notice at any time. If you terminate the Retainer you will be required to pay our costs for work done, and for expenses and disbursements incurred, up to the date of termination (including, if the matter is litigious, any cancellation fees or other fees such as hearing allocation fees for which we remain responsible).

## 11. Lien

Without affecting any lien to which we are otherwise entitled at law over funds, papers and other property of yours in our possession:

- (a) we shall be entitled to retain by way of lien any funds, property or papers of yours, which are from time to time in our possession or control, until all costs, disbursements, interest and other moneys due to us have been paid; and
- (b) our lien will continue notwithstanding that we cease to act for you.

## 12. Privacy

We will collect personal information from you in the course of providing our legal services. We may also obtain personal information from third party searches, other investigations and, sometimes, from adverse parties.

We are required to collect the full name and address of our clients by Rule 93 of the Uniform

General Rules. Accurate name and address information must also be collected in order to comply with the trust account record keeping requirements of Rule 47 of the Uniform General Rules and to comply with our duty to the courts.

Your personal information will only be used for the purposes for which it is collected or in accordance with the *Privacy Act 1988* (Cth). For example, we may use your personal information to provide advice and recommendations that take into account your personal circumstances.

If you do not provide us with the full name and address information required by law we cannot act for you. If you do not provide us with the other personal information that we request our advice may be wrong for you or misleading.

Depending on the nature of your matter the types of bodies to whom we may disclose your personal information include the courts, the other party or parties to litigation, experts and barristers, the Office of State Revenue, PEXA Limited, the Land and Property Information Division of the Department of Lands, the Registrar General and third parties involved in the completion or processing of a transaction.

We do not disclose your information overseas unless your instructions involve dealing with parties located overseas. If your matter involves parties overseas we may disclose select personal information to overseas recipients associated with that matter in order to carry out your instructions.

We manage and protect your personal information in accordance with our privacy policy [which can be found on our firm website or a copy of which we shall provide at your request]. Our privacy policy contains information about how you can access and correct the personal information we hold about you and how you can raise any concerns about our personal information handling practices. For more information, please contact us in writing.

### **13. Sending material by email**

We are able to send and receive electronic mail. However, as such mail is not secure it may be copied, recorded, read or interfered with by third parties while in transit. If you ask us to transmit any document electronically, you release us

from any claim you may have as a result of any unauthorised copying, recording, reading or interference with that document after transmission, for any delay or non-delivery of any document and for any damage caused to your system or any files by a transfer.

### **14. GST**

Where applicable, GST is payable on our professional fees and expenses and will be clearly shown on our tax invoices. By accepting these terms you agree to pay us an amount equivalent to the GST imposed on these charges.

### **15. Governing law**

The law of New South Wales governs these terms and legal costs in relation to any matter upon which we are instructed to act.

For more information about your rights, please read the facts sheet titled Legal Costs – your right to know. You can ask us for a copy, or obtain it from your local law society or law institute (or download it from their website – the facts sheet provided by the NSW Law Society can be accessed at <http://www.lawsociety.com.au/community/thelawyer/clientrelationship/index.htm>)

## Annexure Certificate

No. NSD701 of 2024

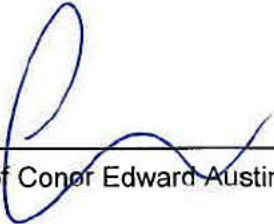
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-9**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:

  
\_\_\_\_\_  
Signature of Conor Edward Austin O'Beirne  
Solicitor

Level 23, 525 Collins Street  
Melbourne VIC 3000



**VIQ SOLUTIONS**

**T:** 1800 287 274

**E:** [clientservices@viqsolutions.com](mailto:clientservices@viqsolutions.com)

**W:** [www.viqsolutions.com.au](http://www.viqsolutions.com.au)

**Ordered by:** Rachel Stellas

**For:** Thomson Geer (VIC)

**Email:** [cobeime@tglaw.com.au](mailto:cobeime@tglaw.com.au)

## **TRANSCRIPT OF PROCEEDINGS**

---

O/N H-1934972

**FEDERAL COURT OF AUSTRALIA**

**NEW SOUTH WALES REGISTRY**

**LEE J**

**No. NSD 103 of 2023**

**BRUCE LEHRMANN**

**and**

**NETWORK TEN PTY LIMITED and ANOTHER**

**SYDNEY**

**10.16 AM, WEDNESDAY, 8 MAY 2024**

**MR P. SVILAN appears for the applicant**

**MS Z. GRAUS appears for the 1<sup>st</sup> respondent**

Copyright in Transcript is owned by the Commonwealth of Australia. Apart from any use permitted under the Copyright Act 1968 you are not permitted to reproduce, adapt, re-transmit or distribute the Transcript material in any form or by any means without seeking prior written approval.



MR P. SVILANS: Svilans for the applicant, your Honour.

5 HIS HONOUR: Yes, Mr Svilans.

MS Z. GRAUS: Yes, your Honour. And Graus for the first respondent, and I mention the appearance of Ms Wilkinson today.

10 HIS HONOUR: Yes. Thank you, Ms Graus.

MS GRAUS: Your Honour, this matter is listed today for the purpose of calling on a notice to produce, and - - -

15 HIS HONOUR: Yes.

MS GRAUS: - - - I would intend to call on that, if that's convenient.

HIS HONOUR: Yes.  
20

MS GRAUS: I call on the notice to produce issued on behalf of Network Ten to Mr Bruce Lehrmann dated 17 April 2024 and issued with leave of this court on 1 May.

25 MR SVILANS: Your Honour, I produce documents in response to paragraph 1 of the notice to produce. In relation to paragraph 2, I'm not sure whether your Honour has - - -

HIS HONOUR: So paragraph 1 is:

30 *One copy of all documents evidencing or recording the payment of legal costs by or on behalf of Mr Lehrmann in this proceeding, including but not limited to invoices, receipts, trust account statements, communications between legal representatives for the applicant and either the applicant or any third party regarding the payment of legal costs.*

35 Yes. And then paragraph 2 is:

40 *One copy of all documents evidencing or recording any agreement to pay the applicant's legal costs of this proceeding.*

Yes.

45 MR SVILANS: In relation to paragraph 2, your Honour, there are no documents to produce in that we read that paragraph as requiring production of any agreement by a third party to pay the applicant's costs. However, there is none such agreement. There is only a costs agreement between my firm and the applicant. That agreement

makes no reference to any third party. I have a copy here, and I'm happy to produce it to your Honour to have a look at, if your Honour is minded to.

5 HIS HONOUR: Well, I think actually it probably does fall within paragraph 2, so I think you should produce it. So what I'm going to do is to mark the documents produced in response to the notice to produce together with the notice to produce as MFI79.

10 **MFI #MFI79 DOCUMENTS PRODUCED IN RESPONSE TO NOTICE TO PRODUCE TOGETHER WITH THE NOTICE TO PRODUCE**

15 HIS HONOUR: Bear with me for one moment. So it was a conditional costs agreement, whereby there's no obligation to pay the amount of costs in the event that the proceedings were unsuccessful.

MR SVILANS: Yes, your Honour.

20 HIS HONOUR: All right. Well, do you seek access to the documents, Ms Graus?

MS GRAUS: Yes, your Honour.

25 HIS HONOUR: Any objection to access?

MR SVILANS: No, your Honour.

30 HIS HONOUR: All right. Well, I will grant access then to the respondents. In the light of the fact that there is – it appears from those documents, Ms Graus, that there is no agreement by third party to pay the costs and the nature of the conditional costs agreement, what I think I will do is stand the matter down so you can obtain instructions as to whether there's any further issue relating to costs. The reason I do that is I intend to deliver judgment in respect of the costs issues at 2.15 on Friday, and I would like to make that the last judgment I need to deliver in relation to this  
35 matter, and potentially the last appearance, subject to any issue arising upon the adoption of the costs referee's report. So I would like to have some understanding, in the light of that material, as to whether or not essentially there's no other costs order that's sought, other than the costs orders that at the moment I'm reserved on and I intend to resolve or costs issues subject to the reference at 2.15 on Friday. How  
40 long do you think you will need in order to obtain instructions?

MS GRAUS: Your Honour, without having seen how many documents have been produced in that first packet - - -

45 HIS HONOUR: Well, I - - -

MS GRAUS: - - - I would assume we would be able to obtain those - - -

HIS HONOUR: Yes. But the - - -

MS GRAUS: - - - instructions relatively quickly, but we will.

5

HIS HONOUR: The two key points are – yes, there has been a lot of costs rendered, but they’re not recoverable because Mr Lehrmann – it may have come to your notice – lost.

10 MS GRAUS: Yes, your Honour. It’s only noting the breadth of the first category.

HIS HONOUR: Certainly. And there’s no third-party agreement to pay costs, so they’re the two key pieces of information, it seems to me. So perhaps what I might do is stand it down to 11.30 and you may be in a position to let me know one way or the other as to whether or not I can now proceed on the basis that all issues have been agitated concerning costs. I appreciate that you’re not being paid for being here. So if you don’t – I excuse you coming at 11.30 - - -

15

MR SVILANS: I’m happy to come at 11.30, your Honour.

20

HIS HONOUR: 11.30 - - -

MS GRAUS: I’m sure we can have some discussions, your Honour.

25 HIS HONOUR: 11.30 if you wish to do so. All right. Well, I adjourn the matter, then, to 11.30.

**ADJOURNED**

**[10.22 am]**

30

**RESUMED**

**[12.47 pm]**

35 MS GRAUS: Thank you for that time, your Honour. I’ve obtained those instructions, and you will be relieved to hear that I do not intend to burden your Honour with any further applications in respect of costs in this matter.

40 HIS HONOUR: All right. Well, thank you very much, Ms Graus, for your assistance and, in those circumstances, then what I will do is simply adjourn this matter to 2.15 on Friday, at which time I will deliver judgment in respect of the outstanding costs matters. The court will now adjourn.

45 **MATTER ADJOURNED at 12.48 pm UNTIL FRIDAY, 10 MAY 2024**

**Index of Exhibits and MFIs**

MFI #MFI79 DOCUMENTS PRODUCED IN RESPONSE TO  
NOTICE TO PRODUCE TOGETHER WITH THE NOTICE TO  
PRODUCE

P-3

## Annexure Certificate

No. NSD701 of 2024

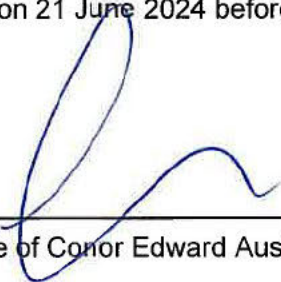
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-10**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



---

Signature of Conor Edward Austin O'Beirne  
Solicitor

Level 23, 525 Collins Street  
Melbourne VIC 3000

## National Property Ownership Report

---

Client: Thomson Geer  
Matter: 5263490  
Date Ordered: 6/5/2024

No. of Pages: 9 Pages including cover page

---

### Search Criteria

Company Name:  
First Name: Bruce  
Second Name: Emery  
Last Name: Lehrmann

---

### Result Overview

State/Territory	Result
ACT	Nil Result
NSW	Nil Result
NT	Nil Result
QLD	Nil Result
SA	Nil Result
TAS	Nil Result
VIC	Nil Result
WA	Nil Result

---

*The information displayed on this page is a summary only. The detailed information attached to this page is derived from each state and territory authority and is valid as at the time of it being ordered. Please check the results to ensure they correspond to the summary information above.*

## AUSTRALIAN CAPITAL TERRITORY

---

**Search Summary:**

Family / Organization Name:      Lehrmann  
Given Name:                          Bruce Emery

---

**Result:**

**No matching results found with the supplied search criteria.**



No results found.

Name

\* denotes a mandatory field

Surname / Company      Lehrmann

Given Name(s)          Bruce Emery

Include Historical      ☐

Search

## NEW SOUTH WALES

---

### Search Summary:

Search Type:	Individual
Name:	Bruce Lehrmann
Name Order:	Exact
Include properties previously owned	Yes

---

### Search Results:

No results found.

This information is provided as a searching aid only. The Registrar General does not guarantee that the information provided discloses details of all land/premises owned/leased by the party searched against. The information returned relates to owners/lessees registered from 1971 onwards except in relation to current lease information which is returned from 1998 onwards. Manual indexes are available for records registered prior to 1971. Note: \* indicates Lessee name.



**NORTHERN TERRITORY**

---

**Search Summary:**

Owner Name:	Bruce Emery
Owner Name:	Lehmann
Search Type:	Individual

---

**Search Results:**

No results found.

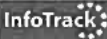


## QUEENSLAND


### Search Summary:

Family / Organization Name:   Lehrmann  
Given Name:                   Bruce Emery

### Result:

**No matching results found with the supplied search criteria.**

 Search services, orders, and more... All Services  

 **Titles**  
QUEENSLAND

**QLD Title Search**

Title search **Historic title** Previous title Title alerts

How do you want to search for a title?

Title Reference or Lot/Plan

Address Search

Owner Name

Matter \*  
5263490

Person  
Company

Given name/initial \*  
Bruce Emery

Surname \*  
Lehrmann

No results found  
AT01007 - No Title records found matching selection.

## SOUTH AUSTRALIA

---

### Search Summary:

Family / Organization Name:      Lehrmann  
Given Name:                        Bruce Emery

---

### Result:

**No matching results found with the supplied search criteria.**

Title for Owner Name Search	
* Family / Organisation Name	<input type="text" value="Lehrmann"/> ⓘ
Given Name	<input type="text" value="Bruce Emery"/> ⓘ
ACN	<input type="text"/>
<input type="button" value="Search"/>	

\* Denotes a mandatory field

No results found

**TASMANIA**

---

**Search Summary:**

Search Type:	Individual
Name:	Bruce Emery%
Surname:	Lehrmann%

% denotes prefix searching

---

**Search Results:**

No results found.

Documents lodged prior to 1972 are not available via this search.

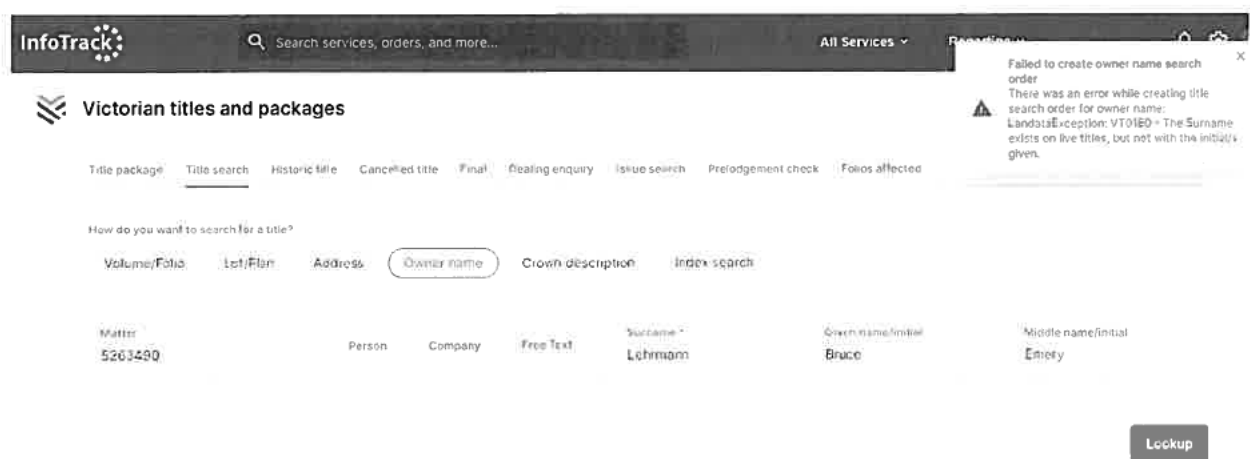
## VICTORIA

### Search Summary:

Family / Organization Name: Lehrmann  
Given Name: Bruce Emery

### Result:

No matching results found with the supplied search criteria.



InfoTrack Search services, orders, and more... All Services

**Victorian titles and packages**

Title package Title search Historic title Cancelled title Final Dealing enquiry Issue search Prelodgement check Folios affected

How do you want to search for a title?

Volume/Folio Text/Plan Address Owner name Crown description Index search

Matter: 5263480 Person: Bruce Company: Lehrmann Given name/initial: Bruce Middle name/initial: Emery

Lookup

Failed to create owner name search order  
There was an error while creating title search order for owner name: LandataException: VT01ED - The Surname exists on live titles, but not with the initials given.

**WESTERN AUSTRALIA**

---

**Search Summary:**

Search Type:	Individual
Name:	Bruce Emery
Surname:	Lehrmann

---

**Search Results:**

Owner Name	Address	Parcel Description
------------	---------	--------------------

## Annexure Certificate

No. NSD701 of 2024

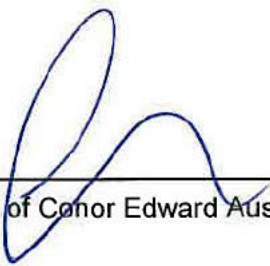
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-11**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



Signature of Conor Edward Austin O'Beirne  
Solicitor

Level 23, 525 Collins Street  
Melbourne VIC 3000

Sixty Martin Place  
Level 14, 60 Martin Place  
Sydney NSW 2000 Australia

GPO Box 3909 Sydney NSW 2001

T +61 2 8248 5800  
F +61 2 8248 5899

Our ref MS:5263490

7 June 2024

**CONFIDENTIAL - NOT  
FOR PUBLICATION**

By email: [REDACTED]

Bruce Lehrmann  
[REDACTED]

Dear Mr Lehrmann

**Bruce Lehrmann v Network Ten Pty Limited and Anor, Federal Court of Australia, Proceedings No. NSD701/2024**

We refer to your Notice of Appeal filed in the above proceeding.

The purpose of this correspondence is to invite you to agree to provide security for our client's costs of the appeal, and to obviate our client making an interlocutory application for such security.

**1 Reasons security for costs is sought**

- 1.1 The power of the Court to make an order for security for costs and the form of such order is provided by s 56 of the *Federal Court of Australia Act 1976* (Cth) (the **Act**) and rule 36.09 of the *Federal Court Rules 2011* (Cth) (the **Rules**).
- 1.2 Our client is extremely concerned that you will not be able to pay our client's costs of the appeal if ordered to do so. Its concern arises from at least the following matters:
- (a) Your interview with 7News Spotlight which was broadcast on 4 June 2023, in which you said "I don't have any money".
  - (b) Correspondence from Mark O'Brien Lawyers on 12 September 2023, in which they advised that you did not have a litigation funder for your costs of the proceedings below.
  - (c) The documents produced on your behalf in response to the notice to produce issued in the proceedings below on 17 April 2024 showed:
    - (i) No evidence of you having a third party funder for your legal costs.
    - (ii) That you entered into a conditional costs agreement with Mark O'Brien Lawyers, whereby there was no obligation to pay in the event the proceedings below were unsuccessful.
    - (iii) That the four barristers acting for you in the proceedings below did not issue invoices for their fees, and public statements made by Mr Whybrow SC that he acted pro bono.
  - (d) You have not been engaged in paid employment since your employment with British American Tobacco was terminated in mid-2021.



- (e) Recent real property searches in the States of Victoria, New South Wales, South Australia, Western Australia, Tasmania and Queensland, as well as the ACT and the Northern Territory, indicate that you do not own any real property in any States or Territories of Australia.
  - (f) You have been ordered to pay the Respondents costs of the proceedings below, which for both Respondents are likely, in aggregate, to exceed \$4 million.
  - (g) The fact that you appear to be self-represented in the appeal.
- 1.3 We assume that there is no dispute that you currently have no capacity to pay the existing liabilities referred to above, let alone any costs which may be ordered against you in the appeal. Please confirm if that assumption is incorrect.

## 2 Relevant legislation

### 2.1 Section 56 of the FCA Act relevantly provides:

- (1) *The Court or a Judge may order an applicant in a proceeding in the Court ... to give security for the payment of costs that may be awarded against him or her.*
- (2) *The security shall be of such amount, and given at such time and in such manner and form, as the Court or Judge directs.*
- (3) *The Court or a Judge may reduce or increase the amount of security ordered to be given and may vary the time at which, or manner or form in which, the security is to be given.*
- (4) *If security, or further security, is not given in accordance with an order under this section, the Court or a Judge may order that the proceeding ... be dismissed.*

### 2.2 Rule 36.09 of the Rules relevantly provides:

- (1) *A party may apply to the Court for an order that:*
  - (a) *the appellant give security for the costs of the appeal, and for the manner, time and terms for giving the security; and*
  - (b) *the appeal be stayed until security is given; and*
  - (c) *if the appellant fails to comply with the order to provide security within the time specified in the order — the appeal be stayed or dismissed.*
- (2) *An application under subrule (1) must be accompanied by an affidavit stating the facts in support of the application.*

## 3 Relevant principles

- 3.1 The provisions set out above create a broad and unfettered discretion: *Lim v Comcare* [2016] FCA 1346 at [18]. Relevant matters to be considered by the Court in exercising this discretion include:
- (a) the prospects of success of the appeal;
  - (b) the likelihood that a costs order will not be satisfied;
  - (c) whether the making of the order would be oppressive in that it would stifle a reasonably arguable appeal;
  - (d) whether the appellant's impecuniosity arises out of the respondent's conduct; and
  - (e) whether there are aspects of public interest which weigh against the making of the order,
- (see, eg, *Mathews v All Options Pty Ltd* [2019] FCA 1972 at [13], recently followed in *Nugawela v Dudley (Trustee)* [2023] FCA 1603 at [13]-[14]).

- 3.2 While there is a reluctance by Courts at first instance to order security for costs due to impecuniosity, this does not necessarily apply to appeals, where the appellant already has had the benefit of a decision of a court at first instance: *Dye v Commonwealth Securities Ltd* [2012] FCA 992 (*Dye*) at [27].
- 3.3 These principles were recently applied in an appeal context in *Chawk v Callan* [2024] FCA 92, with the Court ordering that the appellant provide security for the respondent's costs in the amount of \$50,000 within 42 days of the orders, failing which the appeal proceeding would be dismissed.

#### 4 Relevant principles applied

- 4.1 We consider that it is clear that these principles, when applied to the circumstances of this proceeding, favour the granting of an order for security for costs against you for at least the following reasons:
- (a) the appeal does not have substantial prospects of success having regard to the grounds of appeal set out in your Notice of Appeal. You have not raised any "substantial questions of law" and it seems that the appeal grounds turn "largely on questions of fact": *Dye* at [27];
  - (b) you do not have any money, including any ongoing income;
  - (c) you do not own any real property in Australia;
  - (d) you have a liability to our client which, together with your liability to the second Respondent, will exceed the sum of \$4 million in costs from the proceedings below. It appears that you have no capacity to pay this liability, let alone any costs which may be ordered against you in the appeal;
  - (e) our client has a legitimate concern that you would not be able to meet an order for costs of the appeal and its request for security is not oppressive;
  - (f) our client is not responsible for your impecuniosity;
  - (g) there is no public interest consideration that would outweigh an order for security for costs given a decision at first instance has been delivered at substantial cost to our client, which it will not recover; and
  - (h) our client has brought its request promptly and without delay.
- 4.2 In the circumstances, we consider there are a number of compelling factors that favour the granting of our client's foreshadowed application for security for costs.

#### 5 Amount of security

- 5.1 Our client seeks security for its costs of the appeal proceeding in the sum of **\$200,000**. This amount of security for costs is based on the estimate that our client will incur the following costs (not including the costs of the security for costs application):

Item	Task description	Estimate
<b>Professional fees</b>		
<b><i>Pleadings and preliminary matters</i></b>		
1	Reviewing and considering Notice of Appeal filed by Applicant	\$5,000.00
2	Taking instructions (including conferences with client and counsel, and reviewing submissions and transcript)	\$10,000.00
3	Preparing any Notice of Contention	\$15,000.00

<b>Case management</b>		
4	Corresponding with appellant regarding draft orders and procedural matters	\$5,000.00
5	Corresponding with the Court regarding case management and orders	\$5,000.00
6	Attendance on client to obtain instructions on ongoing conduct of the matter	\$5,000.00
<b>Appeal books</b>		
7	Liaising with appellant regarding preparation of appeal books	\$10,000.00
8	Preparation of appeal books	\$10,000.00
<b>Submissions</b>		
9	Preparing written submissions, including liaising with counsel and client	\$15,000.00
10	Reviewing appellant's submissions, including providing advice to client	\$5,000.00
<b>Appeal hearing</b>		
11	Preparing for appeal hearing, including conferring with counsel and client (estimated 2 days)	\$20,000.00
12	Attendance at appeal hearing to instruct counsel (estimated 3 days)	\$30,000.00
<b>Subtotal</b>		<b>\$135,000.00</b>
<b>Disbursements</b>		
13	Senior Counsel's fees (\$11,000 per day, estimated 8 days for advice, preparation for and attendance at appeal hearing)	\$88,000.00
14	Junior Counsel's fees (\$4,000 per day, estimated 8 days for advice, preparation for and attendance at appeal hearing)	\$32,000.00
15	Fee for transcript of appeal hearing	\$7,500.00
<b>Subtotal</b>		<b>\$127,500.00</b>
<b>Total – professional fees and disbursements</b>		<b>\$262,500.00</b>

5.2 This estimate is based upon the following:

- (a) our review of the Notice of Appeal;
- (b) the complexity of the matters in dispute and our experience in similar matters;
- (c) our client filing a Notice of Contention if the appeal proceeds;
- (d) that there will be no requirement to attend case management hearings in person;
- (e) that the appeal hearing will take 3 days; and
- (f) the fact you appear to be self-represented.

**6 Right to ask for further security**

- 6.1 Should it become apparent from the way in which you conduct yourself in the proceeding that there are likely to be more costs incurred than usual, our client reserves the right to seek the provision of additional security.
- 6.2 In particular, the amount of security for costs assumes that you will:
- (a) not make any substantial amendments to your Notice of Appeal; and
  - (b) strictly comply with the Court timetable and all directions given by the Court in all respects.
- 6.3 If any of these assumptions become incorrect due to your actions, our client will seek further security.

**7 Form of security that will be acceptable to our client**

- 7.1 Our client is willing to discuss the amount and form of security provided. However, it would prefer the security to be by way of one of the following:
- (a) cash deposit into an appropriate account (such as our trust account to be held under our undertaking not to deal with the money until further order of the Court);
  - (b) irrevocable bank guarantee; or
  - (c) payment into Court.

**8 Relief that will be sought from the Court**

- 8.1 Our client is very reluctant to take any steps in the appeal proceeding that expose it to unprotected costs, until the issue of security has been resolved or determined.
- 8.2 If you decline to voluntarily provide security, our client will file an interlocutory application seeking the following orders from the Court pursuant to s 56 of the Act and r 36.09 of the Rules:
- (a) an order that you provide security for the First Respondent's costs of and incidental to defending the appeal proceeding, by payment into court or in such other form as the Court may determine, in the sum of \$200,000.00, or to such monetary value as the Court may determine, within 42 days from the date of the order;
  - (b) an order that the appeal proceeding be stayed until the security for costs is provided;
  - (c) an order that, if you fail to comply with the order to provide security for costs within the timeframe provided, the appeal proceeding be dismissed pursuant to s 56(4) of the Act and r 36.09(1)(c) of the Rules;
  - (d) that you pay our client's costs of the application; and
  - (e) any further orders and directions the Court considers appropriate.

**9 Next steps**

- 9.1 Our client gives you until **4pm on 13 June 2024** to provide the security that has been sought, or to explain and substantiate how you will be able to meet any adverse costs orders made against you in the appeal.
- 9.2 Alternatively, we invite you to discontinue your appeal and our client will not pursue you for its costs incurred in relation to the appeal to date.
- 9.3 Failing an adequate response by the above deadline, we will file an application and supporting affidavit material which seeks the orders that have been set out above without further notice. This correspondence will be placed before the Court as part of our client's foreshadowed application.

We await your response.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'msaunders', with a long horizontal flourish extending to the right.

**Marlia Saunders**

Partner

T +61 2 8248 5836

M +61 417 435 251

E [msaunders@tglaw.com.au](mailto:msaunders@tglaw.com.au)

## Annexure Certificate

No. NSD701 of 2024

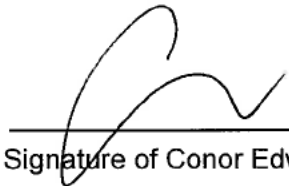
Federal Court of Australia  
District Registry: New South Wales  
Division: General

**BRUCE LEHRMANN**

Appellant

**NETWORK TEN PTY LIMITED ACN 052 515 250** and another  
Respondents

This is annexure marked "**MRS-12**" referred to in the affidavit of MARLIA RUTH SAUNDERS affirmed on 21 June 2024 before me:



---

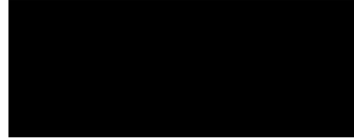
Signature of Conor Edward Austin O'Beirne

Solicitor

Level 23, 525 Collins Street

Melbourne VIC 3000

Bruce Lehrmann



By email: [msaunders@tglaw.com.au](mailto:msaunders@tglaw.com.au)

Marlia Saunders  
Partner  
Thomson Geer Lawyers  
Level 14/60 Martin Place  
Sydney NSW 2000

Dear Ms Saunders

**Lehrmann v Network Ten Pty Ltd and Anor, FCA, No. NSD701/2024**

I refer to your letter of 7 June 2024 on behalf of your client Network Ten Pty Ltd regarding a request of me for security for costs.

I am firmly of the view that my appeal grounds have significant legal merit and are of high public interest.

I decline your request.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Lehrmann', written over a horizontal line.

Bruce Lehrmann

20<sup>th</sup> June 2024