

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:	6/09/2024 4:14:08 PM AEST
Date Accepted for Filing:	6/09/2024 4:14:15 PM 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



Sia Lagos

Registrar

Important Information

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

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



Form 59
Rule 29.02(1)

Affidavit

No. NSD701 of 2024

Federal Court of Australia
District Registry: NSW
Division: General

BRUCE LEHRMANN

Appellant

NETWORK TEN LTD LIMITED ACN 052 515 250 and another
Respondents

Affidavit of: **Zali Burrows**
Address: Level 1, 299 Elizabeth ST Sydney NSW 2000
Occupation: Solicitor
Date: 6 September 2024

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Filed on behalf of Bruce Lehrmann, Appellant
Prepared by Zali Burrows
Law firm Zali Burrows at Law
Tel 02 8815 8182 Fax _____
Email Law@zaliburrows.com
Address for service Level 1, 299 Elizabeth Street Sydney NSW 2000

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I Zali Burrows, Level 1, 299 Elizabeth Street Sydney NSW 2000 affirm:

- 1 I am the solicitor for the Appellant ("Mr Lehrmann") and I am authorised to make this affidavit on behalf of Mr Lehrmann.
- 2 The matters contained in this affidavit are based on my own knowledge, save as otherwise stated. Where statements are not made from my own knowledge, they are made to the best of my information and belief, and I have set out the sources of my information.
- 3 By making this affidavit, I do not intend, and have no authority, to waive privilege and/or confidentiality in any communication or record of communication that is the subject of either of the Appellant's legal professional privilege or other privilege. Nothing in this affidavit ought to be construed as constituting a waiver of any privilege.

Response to Legal Costs paid in the 10 proceedings in the Court below

- 4 I refer to the affidavit of Marlia Saunders affirmed 21 June 2024 in these proceedings and in response to paragraph 25 of that affidavit, Mr Lehrmann's former solicitors deducted legal costs from the trust accounts of settlement monies received from other defamation matters in the Federal Court of Australia being NSD104/2023 Bruce

Lehrmann v News Life Media Pty Ltd & Anor and NSD316/2023 Bruce Lehrmann v Australian Broadcast Commission.

A copy of these trust statements for proceedings NSD104/2023, NSD316/2023 and a Statement of Account for NSD103/2023 Bruce Lehrmann v Network Ten Pty Ltd & Anor appears at **pages 1 to 3** of Exhibit ZB-1.

Appellant's impecuniosity arises out of the respondent's conduct

- 5 In or around June 2020, Mr Lehrmann commenced employment with British American Tobacco Australia ("BATA") and his role was the Regulatory Affairs Manager. Mr Lehrmann was headhunted specifically by BATA for his previous experience as a Health Policy adviser for the Turnbull and Morrison Governments. At the time of employment, Mr Lehrmann was on a salary of \$180,000 (excluding superannuation) per annum.

A copy of Mr Lehrmann's letter of employment offer dated 29 June 2020 appears at **pages 4 – 8** of Exhibit ZB-2.

- 6 On or around 8:00am on 15 February 2021, an article entitled "Young staffer Brittany Higgins says she was raped at Parliament House" by Samantha Maiden was published on the website www.news.com. The website page included a promotional advertisement for the Network Ten Project program promoting their exclusive interview with Ms Higgins about her allegation about being raped in Parliament House ("The Project interview"), to be aired at 7pm that night. The promotional advertisements for The Project interview were broadcast on Network 10 and published on Network 10 social media platforms throughout the day.

- 7 On or around 2pm on 15 February 2021, Mr Lehrmann was called into a meeting with his direct manager Joshua Fett as well as the Head of HR at his workplace, British American Tobacco Australia (BATA). Mr Fett showed Mr Lehrmann an email from Ms Rosie Lewis of The Australian and Mr Fett said words to the effect of: "Bruce you are apparently confirmed from Government sources as the man being accused in media reporting earlier that day". Mr Lehrmann was immediately suspended pending an internal investigation to be conducted by BATA. Mr Lehrmann packed his personal effects and departed soon after the 2pm meeting.

- 8 On 18 June 2021, Mr Lehrmann was formerly terminated with immediate effect as the Regulatory Affairs Manager for BATA at a Microsoft Teams meeting with his manager Joshua Fett and HR.

- 9 In late 2021, Mr Lehrmann applied for Centrelink benefits. Mr Lehrmann continues to be unemployed since being dismissed from his employment at BATA on 15 February 2021 and continues to rely upon Centrelink as his sole source of income.

A copy of Mr Lehrmann's Centrelink statement dated 3 September 2024 appears at **page 9** of Exhibit ZB-3.

Mental health

- 10 Since the broadcast on Network Ten, Mr Lehrmann has not gained employment and has been ostracised and harassed on social media and the subject of countless stories nationally and internationally about the allegations that he raped Brittany Higgins, becoming a social pariah. This has in turn caused him severe mental distress, an additional hinderance in his ability to gain employment.
- 11 On 15 February 2021, after Mr Lehrmann viewed The Project interview he presented himself to Royal North Shore Hospital with severe suicidal ideation.
- 12 On 16 February 2021, Mr Lehrmann was admitted to private psychiatric care in the Ramsay Northside Clinic and remained there for 14 days.

A copy of Mr Lehrmann's Royal North Shore Medical Records dated 16 February 2021 appears at **pages 10 to 65** of Exhibit ZB-4.

- 13 Mr Lehrmann continues to seek psychological treatment at regular intervals of approximately every 14 days in the states of Queensland and New South Wales. He continues to participate in ongoing medical exemptions for the purposes of reporting obligations to Centrelink.
- 14 Mr Lehrmann did not have a history of any mental health issues prior to 15 February 2021.

Public interest to comply with Australia's obligation to Article 14 ICCPR

The 'de facto rape trial' and right to appeal enshrined in Article 14 ICCPR

- 15 On 5 November 2021 the Appellant pleaded not guilty to the charge of sexual assault pursuant to s54(1) Crimes Act 1900 (ACT).
- 16 On 4 December 2022 the charge was withdrawn by then ACT Director of Public Prosecutions, Mr Neville Shane Drumgold and a notice declining to proceed with the retrial of the matter was filed, bringing the prosecution to an end.

- 17 On 29 August 2024, I caused a download from the Australian Human Rights Commission for the International Covenant on Civil and Political Rights ("ICCPR") and a download of Australia's ratification status of the ICCPR, ratified by Australia on 13 August 1980.

A copy of ICCPR appears at pages **pages 66 to 76** and Article 14 appears at **pages 74-76** of Exhibit ZB-5.

First Respondent labels the proceedings the 'de facto rape trial' and that Bruce Lehrmann is a rapist

- 18 On 15 April 2024, the First Respondent broadcast a story on its television channel 'The Project'. The program states *inter alia*:

After the criminal case against Lehrmann collapsed due to jury misconduct this defamation case has effectively been a de facto rape trial, Justice Lee today finding on the balance of probabilities Mr Lehrmann is a rapist. The judge has called you a rapist today Mr Lehrmann what do you have to say to that?

- 19 The story titled 'Bruce Lehrmann Branded A Rapist As Defamation Case Fails' is published on the The Project YouTube channel link: https://youtu.be/q6uV1uyTpJk?si=Qa7Hy_FBWjjsh6NU and on the 10 play website.

- 20 On 15 April 2024, Mr Justin Quill ("Mr Quill"), solicitor for the first respondent conducted a press conference on the steps of the Law Court Building. I have viewed Mr Quill's affidavit of 29 April 2024 filed in the proceedings in the Court below which contains a transcript of his press conference of 15 April 2024 which was marked as "JQH-1". The transcript states *inter alia* at page 1:

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

A copy of the transcript of Mr Quill's press conference of 15 April 2024 appears at **pages 77 to 82** of Exhibit ZB-6.

- 21 On 15 April 2024, the solicitor for the first respondent appeared on The Project, the title introduction of the program stated *inter alia*: Expert defamation lawyer Justin Quill explains how significant this decision was. The link to the program is

<https://10play.com.au/theproject/news/2024/judge-found-bruce-lehrmann-raped-brittany-higgins/tpv240415kilnr>

and the program states the following:

Voice over: Judge Found Bruce Lehrmann Raped Brittany Higgins - Federal court judge Justice Michael Lee has found Bruce Lehrmann, on the balance of probabilities, raped Brittany Higgins in Parliament, meaning Lehrmann's defamation case against Network 10 has failed. Expert defamation lawyer Justin Quill explains how significant this decision was. The finding of rape is at the civil standard on the balance of probability.

Justin Quill: It was crazy stuff for him to bring this case ..I would have thought would be a bad decision for him to appeal, I would be confident that we would hang onto the judgment so I will be surprised if he appealed but I'm not going to guess what Bruce Lehrmann would do his judgment hasn't been the best or the most rationale so far ...And hopefully it's a warning to other plaintiffs that want to come to court and con the court, there are rarely complete winners in legal cases but ten is as bigger winner as you can hope for.

- 23 I have viewed the program and I observe that the Respondent has paid advertising.

Significant Public Interest in the Court proceedings and live streaming

- 24 On 29 August 2024, I searched the Federal Court online portal and took a screenshot of the webpage relatable to these proceedings. The website states *inter alia*:

Given the significant public interest in these matters, the Court has adopted a publicly available Online File.

A copy of this page appears at **pages 83 to 84** of Exhibit ZB-7.

- 25 On 29 August 2024, I accessed ABC News online article dated 15 April 2024 and is titled: 'Public interest in Bruce Lehrmann's defamation case has never waned, and there are still questions left unanswered'. The article states *inter alia*:

On Monday the case moved to a much bigger court, and still managed to fill the public gallery, while more than 40,000 people watched online, showing the public interest has never waned.

A copy of this article appears at **pages 85 to 97** of Exhibit ZB-8.

Ongoing Significant Media Public Interest

26 On 29 August 2024, I performed a Google search on the term 'Bruce Lehrmann rapist' and the search resulted in 26 pages of links to websites.

A copy of this appears at **pages 98 to 123** of Exhibit ZB-9.

27 At the time of performing the search I clicked on the link for Bruce Lehrmann Wikipedia.

A copy of this appears at **pages 124 to 140** of Exhibit ZB-10.

28 A sample of a news cartoon ridiculing Mr Lehrmann in these proceedings appears at **page 141** of Exhibit ZB-11.

29 A sample of a news articles related to Mr Lehrmann appears at **pages 142 to 161** of Exhibit ZB-12.

30 On 6 September 2024, this matter was listed for case management. Notwithstanding it is a case management hearing, it caused significant public interest in these proceedings with numerous media articles such as a Daily Mail article published on www.dailymail.co.uk entitled "EXCLUSIVE Bruce Lehrmann was living a life of luxury at Seven's expense, with 'bags of cocaine, sex workers and lavish dinners at top restaurant'...but he's been claiming CENTRELINK ever since he was branded a rapist."

A copy of this Daily Mail article and other media articles dated 6 September 2024 appears at **pages 162 to 187** of Exhibit ZB-12.

Affirmed by the deponent
at Sydney
in New South Wales
on 6 September 2024
Before me:

Signature of witness

Elania Alexander, solicitor

This document was signed [in counterpart] and witnessed over audio visual link in accordance with section 14G of the Electronic Transactions Act 2000.

Signature of deponent

Annexure Certificate

“ZB1”

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

No. NSD701 of 2024

BRUCE LEHRMANN

Appellant

NETWORK TEN LTD LIMITED ACN 052 515 250 and another

Respondents

This is the annexure marked “ZB1” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB1” being copy of trust statements for proceedings NSD104/2023, NSD316/2023 and a Statement of Account for NSD103/2023 Bruce Lehrmann v Network Ten Pty Ltd & Anor

Before me:



Elania Alexander

Mark O'Brien Legal

ABN 86 002 421 123

19 / 68 Pitt Street
Sydney NSW 2000
Ph. 02 9216 9847

Trust Account Statement

Bruce Lehmann
No address provided

As at: 15/07/2024
Staff Responsible: Paul Svilans

Matter: MOBL695
Client: Bruce Lehmann
Description: Bruce Lehmann v News Life Media Pty Ltd & Anor

Institution: Czar Holdings Pty Ltd t/as Mark O'Brien Legal Trust Account
Account: Z MOBL TRUST

[REDACTED]
* Indicates entry date

Date	Transaction No.	Description	Withdrawal	Deposit	Balance
29/05/2023	Receipt 312	Received from: Bruce Lehmann	-	\$295,000.00	\$295,000.00
*31/05/2023		Reason: Settlement monies			
06/07/2023	Payment E275	Paid by EFT to: Mark O'Brien Legal Acc Name: Mark O'Brien Legal [REDACTED] Reason: Trust to Office Transfer	\$267,608.27	-	\$27,391.73
13/12/2023	Payment E294	Paid by EFT to: Mark Obrien Legal Acc Name: Mark O'Brien Legal [REDACTED] Reason: Payment of invoice 1988 (Lehmann v Ten)	\$27,391.73	-	-
			\$295,000.00	\$295,000.00	-

Mark O'Brien Legal

ABN 86 002 421 123

19 / 68 Pitt Street
Sydney NSW 2000
Ph. 02 9216 9847

Trust Account Statement

Bruce Lehmann
No address provided

As at: 15/07/2024
Staff Responsible: Mark O'Brien

Matter: MOBL698
Client: Bruce Lehmann
Description: Advice - Bruce Lehmann v Australian Broadcasting Corporation

Institution: Czar Holdings Pty Ltd t/as Mark O'Brien Legal Trust Account
Account: Z MOBL TRUST

[REDACTED]
* Indicates entry date

Date	Transaction No.	Description	Withdrawal	Deposit	Balance
04/12/2023 *08/12/2023	Receipt 325	Received from: Bruce Lehmann Reason: Settlement monies	-	\$143,000.00	\$143,000.00
20/12/2023	Payment E295	Paid by EFT to: Mark O'Brien Legal Acc Name: Mark O'Brien Legal [REDACTED] Reason: Trust to Office Transfer	\$2,741.16	-	\$140,258.84
20/12/2023	Payment E296	Paid by EFT to: Czar Holdings Pty Ltd Acc Name: Czar Holdings Pty Ltd [REDACTED] Reason: Payment of invoice 2009 - Lehmann v Ten matter	\$90,258.84	-	\$50,000.00
20/12/2023	Payment E297	Paid by EFT to: Bruce Lehmann Acc Name: Bruce Lehmann [REDACTED] Reason: Settlement monies	\$50,000.00	-	-
			\$143,000.00	\$143,000.00	-

Mark O'Brien Legal

ABN 86 002 421 123

19 / 68 Pitt Street
Sydney NSW 2000
Ph. 02 9216 9847

Statement of Account

Bruce Lehrmann
No address provided

Date: 15/07/2024
Person Responsible: Paul Svilans

Matter: MOBL694
Client: Bruce Lehrmann
Description: Bruce Lehrmann v Network Ten Pty Ltd & Anor

Date	Invoice No	Description	Inv.Total	Amt. Paid	Balance Due
30/11/2023	1988	MOBL694 Lehrmann, Bruce Lehrmann v Network Ten Pty Ltd & Anor	\$27,405.76	\$27,391.73	\$14.03
19/12/2023	2009	MOBL694 Lehrmann, Bruce Lehrmann v Network Ten Pty Ltd & Anor	\$111,202.90	\$90,258.84	\$20,944.06
					<hr/> \$20,958.09

Ageing as at 15/07/2024

Current	> 30 Days	> 60 Days	> 90 Days	Less Credit	Less Trust	Total Due
-	-	-	\$20,958.09	-	-	\$20,958.09

Annexure Certificate

“ZB2”

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

No. NSD701 of 2024

BRUCE LEHRMANN

Appellant

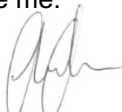
NETWORK TEN LTD LIMITED ACN 052 515 250 and another

Respondents

This is the annexure marked “ZB2” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB2” being copy of Mr Lehrmann’s letter of employment offer dated 29 June 2020

Before me:



Elania Alexander



29 June 2020

Bruce Lehrmann
C/- British American Tobacco Australia
166 William Street
Woolloomooloo, NSW, 2011

166 William Street
Woolloomooloo
NSW 2011
Australia
Locked Bag 6000
Potts Point 1335
NSW Australia
Tel +61 (0)2 9370 1500
Fax +61 (0)2 9370 1188
www.bata.com.au

Dear Bruce,

On behalf of British American Tobacco Australia ("Company") I have great pleasure in confirming your offer of permanent full-time employment, subject to successful completion of the following pre-employment checks:

1. Satisfactory reference checks
2. Receipt of a satisfactory Australian Federal Police Clearance;
3. Australian working rights confirmation;

The purpose of this letter is to set out the Terms and Conditions of your new position and to document your acceptance of the same.

The Position

1. Your appointment will be in the position of Regulatory Affairs Manager, reporting to Joshua Fett, Head of Corporate and Government Affairs based at head office- Sydney, or elsewhere as reasonably directed by the Company.
2. The grade for your role is Grade 36.
3. You will commence on 13 July 2020.
4. Your normal hours of work will be determined between your manager and yourself. You may also be required to work reasonable additional hours. No additional payment is made for additional hours worked.

Remuneration

5. Your remuneration in the role of Regulatory Affairs Manager will be reviewed in April 2021 and each year thereafter in accordance with our "Performance Management and Review" practices. Any adjustment to your remuneration will be effective from April 2020. You will undertake performance reviews as they are required by the Company.
6. Your salary will be paid by electronic funds transfer to a bank account nominated by you. Salaries are currently transferred on the 15th day of each month, two weeks in arrears and two weeks in advance. Where the 15th day of a month falls on a Friday, Weekend or Public Holiday, salaries will be transferred on the preceding working day.

7. Your remuneration will consist of the following:

- a) \$180,000 AUD (excluding superannuation) per annum.
- b) Employer superannuation contributions of 11% of your Annual Salary to be made under the trust deed of the Company's default fund, the British American Tobacco Australia Superannuation Plan.

If you wish to have the Company make superannuation contributions to another fund, you will need to complete and return a Choice of Fund form ("Choice form"). A Choice form has been included in the attached pack.

Immigration Status

- 8. It is a condition of your employment with the Company that you are legally entitled to work in Australia. Your continued employment with the Company is dependent upon you maintaining citizenship, permanent residency or a current and appropriate work visa approved with the Australian Department of Immigration and Citizenship.
- 9. If your entitlement to work in Australia changes at any time during your employment with the Company, you are required to immediately notify the Company. Failure to do so may result in your employment being terminated.

Leave

- 10. You will be entitled to four (4) weeks Annual Leave each year, and Long Service Leave in accordance with the Long Service Leave policy of British American Tobacco Australia Limited. No annual leave loading is payable.
- 11. If you are unable to attend work due to personal illness or injury, the Company will allow a reasonable leave of absence without deduction from pay in accordance with Company policy.

Probationary Period

- 12. Your appointment is subject to a six (6) month probationary period from the date of commencement of employment. At any time during this period, either party may terminate your employment with one (1) weeks' notice or payment of salary in lieu of notice. Upon successful completion of the six (6) month probationary period, this contract of employment will be one of full time employment and unless you are advised to the contrary, all contents of this letter, with the exception of the probationary conditions contained within this clause, will continue to apply.

Travel & Role Responsibilities

- 13. You may be required to spend days away from your normal workplace depending upon the requirements of your position. You may be transferred to another site at the Company's discretion. The basic duties and responsibilities you are required to fulfil, if engaged, are those necessary for performance of your role.
- 14. The evolving needs of the Company may require that your duties and responsibilities be altered from time to time. Such an alteration shall not be deemed to be a variation of this contract or a breach of its Terms and

Conditions providing you have the skills and competencies to carry out the work and the work is of a substantively similar nature.

Termination of Employment

15. Except where inconsistent with legislative requirements, the employment relationship may be terminated by either party on the giving of twelve (12) weeks' notice in writing, or by the payment or forfeiture of twelve (12) weeks salary in lieu of such notice as the case may be. This period of notice will continue throughout your employment with the Company, unless a new period is agreed upon.
16. Your employment may be terminated without notice, including in the probationary period, for any serious breach of this agreement or for misconduct, incompetence or behaviour which is prejudicial to the business or interests of the Company as per Company policy.
17. Upon termination of employment for any reason whatsoever, you must immediately return to the Company any property of the Company that is in your possession, custody or control.
18. This offer and your employment with the Company are at all times conditional upon the following:
 - a. any representations made by you or a person on your behalf as to your qualifications, skills, experience, industry knowledge, business influence, client contacts, employment history, and the circumstances of you leaving a prior employer are true and correct; and
 - b. the reasons for you leaving your prior employer did not relate in any way to any allegation or finding of misconduct or serious misconduct against you, including any breach of policy, contract, or law.

Conflict of Interest

19. You are required to declare to the Company any conflict of interest or potential conflict of interest arising from any other work you may wish to undertake whilst employed by the Company. Work for a competitor or a business involved in the same industry or involved in a business relationship with the Company would be examples of a potential conflict of interest.

Restraint

20. For a period of two (2) months after the Termination of Employment, you must not undertake paid or unpaid employment, directly or indirectly, with any competitor of BATA's within Australia.
21. Both parties acknowledge that the restraint in clause 20 is reasonable in the circumstances and necessary to protect confidential information, trade secrets and competitive advantage.

Policy and Procedure

22. You are required to conform with all legislative requirements including Occupational Health and Safety, Workers Compensation and the BATA Policies

and Procedures that have been developed to conform with these legislative requirements and best practice.

23. Discrimination, sexual harassment and victimisation are unlawful and will not be tolerated. Engaging in any such conduct may result in disciplinary action, including the termination of your employment.
24. In accepting this offer you agreed to abide by BATA's policies and procedures as amended from time to time. These policies and procedures are directions by BATA and do not form part of your contract of employment. The policies and procedures can be found on the company's intranet website and should be reviewed by the employee on commencement of the employment.

Confidentiality

25. In accepting this offer, you agreed that you shall not, either during the continuance of your employment (except in the proper course of your duties) or at any time thereafter divulge or communicate to any other persons, firm, or corporation without previous consent in writing from the Company, any confidential information relating to the Company or a related company of the Company or its or their respective businesses or any trade secrets of which you shall become possessed while employed by the Company or prior thereto, nor shall you use or attempt to use any such confidential information in any manner which may cause or be calculated to cause injury or loss to the Company or its related or associated companies and during the continuance of your employment you shall use your best endeavours to prevent the disclosure of any such information by third parties, and to maintain the integrity of data with which you have been entrusted.
26. "Confidential information" shall include, but not be limited to, all improvements, discoveries, ideas, and inventions made or conceived alone or in conjunction with others arising out of or in the course of your employment, whether or not patentable, (herein called "the inventions") and will be the sole and exclusive property of the Company. You will promptly disclose in writing to the Company all the inventions. You will request and at the Company's expense, enter into any agreements or documents reasonably required by the Company to assign to it any right, title, and interest in any or all of the inventions.
27. On termination, you shall deliver forthwith to the Company all files, documents, correspondence, papers records, materials, books, memoranda (together, **the Content**), electronic accessories on which Company Content has been copied or saved, keys, credit cards, motor vehicles, and any other property of the Company which is in my possession or under your control.
28. Your obligations under this agreement shall survive the termination of your employment regardless of the manner of such termination.

General

29. This agreement shall be construed subject to any applicable statute or enactment and to any rule, regulation or industrial by-law to the extent only that they are inconsistent with this agreement.
30. The Terms and Conditions of this agreement will continue to apply during your employment with the Company regardless of any changes to your position, title, duties, remuneration or the location of your employment.

31. This document represents the entire agreement of the parties to your employment by the Company and all previous negotiations, understandings, representations or agreements shall be superseded by this agreement.

32. To remain valid, this offer needs to be accepted by signing and returning the attached copy of this letter to Human Resources.

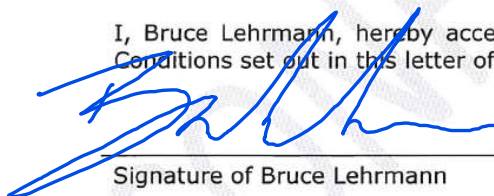
Bruce, I wish you well in your new position and I am certain that together, we will ensure British American Tobacco Australia's position as the leading tobacco company in Australia.

Yours sincerely,



Joshua Fett
Head of Corporate and Government Affairs

I, Bruce Lehrmann, hereby accept this offer of employment on the Terms and Conditions set out in this letter of which this is the last page.



Signature of Bruce Lehrmann

Bruce Lehrmann

Full name of Bruce Lehrmann

1/07/2020

Date of signature



Signature of Witness

Lynden Lehrmann (mum)

Full name of Witness

1/07/2020

Date of signature

Annexure Certificate

“ZB3”

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

No. NSD701 of 2024

BRUCE LEHRMANN

Appellant

NETWORK TEN LTD LIMITED ACN 052 515 250 and another

Respondents

This is the annexure marked “ZB3” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB3” being copy of Mr Lehrmann’s Centrelink statement dated 3 September 2024

Before me:



Elania Alexander

Annexure Certificate

“ZB4”

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

No. NSD701 of 2024

BRUCE LEHRMANN

Appellant

NETWORK TEN LTD LIMITED ACN 052 515 250 and another

Respondents

This is the annexure marked “ZB4” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB4” being copy of Mr Lehrmann’s Royal North Shore Medical Records dated 16 February 2021

Before me:



Elania Alexander

Annexure Certificate

“ZB5”

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

No. NSD701 of 2024

BRUCE LEHRMANN

Appellant

NETWORK TEN LTD LIMITED ACN 052 515 250 and another

Respondents

This is the annexure marked “ZB5” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB5” being copy of the ICCPR

Before me:



Elania Alexander

International Covenant on Civil and Political Rights - Human rights at your fingertips

 Commission – General



Human rights at your fingertips

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5 International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966

ENTRY INTO FORCE: 23 March 1976, in accordance with article 49

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2 (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

2 (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

Annexure Certificate

“ZB6”

Federal Court of Australia

No. NSD 496 of 2024

District Registry: New South Wales

Division: General

Plaintiff S111A/2018

Applicant

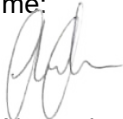
Minister for Home Affairs and Others

Respondents

This is the annexure marked “ZB6” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB6” being copy of the transcript of Mr Quill’s press conference of 15 April 2024

Before me:



Elania Alexander

"JHQ-1"

15 April 2024, Federal Court Precinct

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

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

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

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

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

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

So, I'm happy to take questions.

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

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Justin Quill:

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

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

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

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

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

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

Question from journalist:

Does Tasha Smithies still work for you?

Justin Quill:

Oh absolutely, absolutely.

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

Sorry.

Question from journalist:

How does this rate in crushing losses? *Inaudible.

Justin Quill:

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

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

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

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

Question from journalist:

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

Justin Quill:

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

Question from the journalist:

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

Justin Quill:

324-page judgment from his Honour.

Question from journalist:

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

Justin Quill:

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

Annexure Certificate

“ZB7”

Federal Court of Australia

No. NSD 496 of 2024

District Registry: New South Wales

Division: General

Plaintiff S111A/2018

Applicant


Minister for Home Affairs and Others

Respondents

This is the annexure marked “ZB7” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB7” being copy of the Federal Court online portal

Before me:



Elania Alexander

Bruce Lehmann v Network Ten (Appeal)

Online File


As at 16 August 2024

Given the significant public interest in these matters, the Court has adopted a publicly available Online File. Documents will be placed onto the Online File when they are considered by the Court to be publicly accessible. In particular, affidavits read and documents tendered in the proceeding (with appropriate redactions) may be placed onto the Online File.

The Court will endeavour to upload documents read or tendered in Court on the day that they are read or tendered.

Other information- The case file on Federal Law Search: [NSD701/2024: Bruce Lehmann v Network Ten](#)
- The [online file](#) in the first instance matter.

Lehrmann v Network Ten: Online File (Appeal)

Date published to website	Document date	Document title	Filed by
02 August 2024	02 August 2024	Interlocutory application , (PDF, 359.3 KB).	Appellant
25 July 2024	25 July 2024	Orders 	-
05 July 2024	31 May 2024	Notice of Appeal (redacted), (PDF, 2.8 MB).	Appellant

05 July 2024	19 June 2024	<u>Notice of Contention (PDF, 482.0 KB)</u>	Second Respondent
05 July 2024	21 June 2024	<u>Notice of Contention (PDF, 476.1 KB)</u>	First Respondent
05 July 2024	21 June 2024	<u>Interlocutory Application (PDF, 482.3 KB)</u>	First Respondent

Annexure Certificate

“ZB8”

Federal Court of Australia

No. NSD 496 of 2024

District Registry: New South Wales

Division: General

Plaintiff S111A/2018

Applicant

Minister for Home Affairs and Others

Respondents



This is the annexure marked “ZB8” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB8” being copy of ABC News online article dated 15 April 2024, titled:
‘Public interest in Bruce Lehrmann’s defamation case has never waned, and there
are still questions left unanswered’

Before me:



Elania Alexander

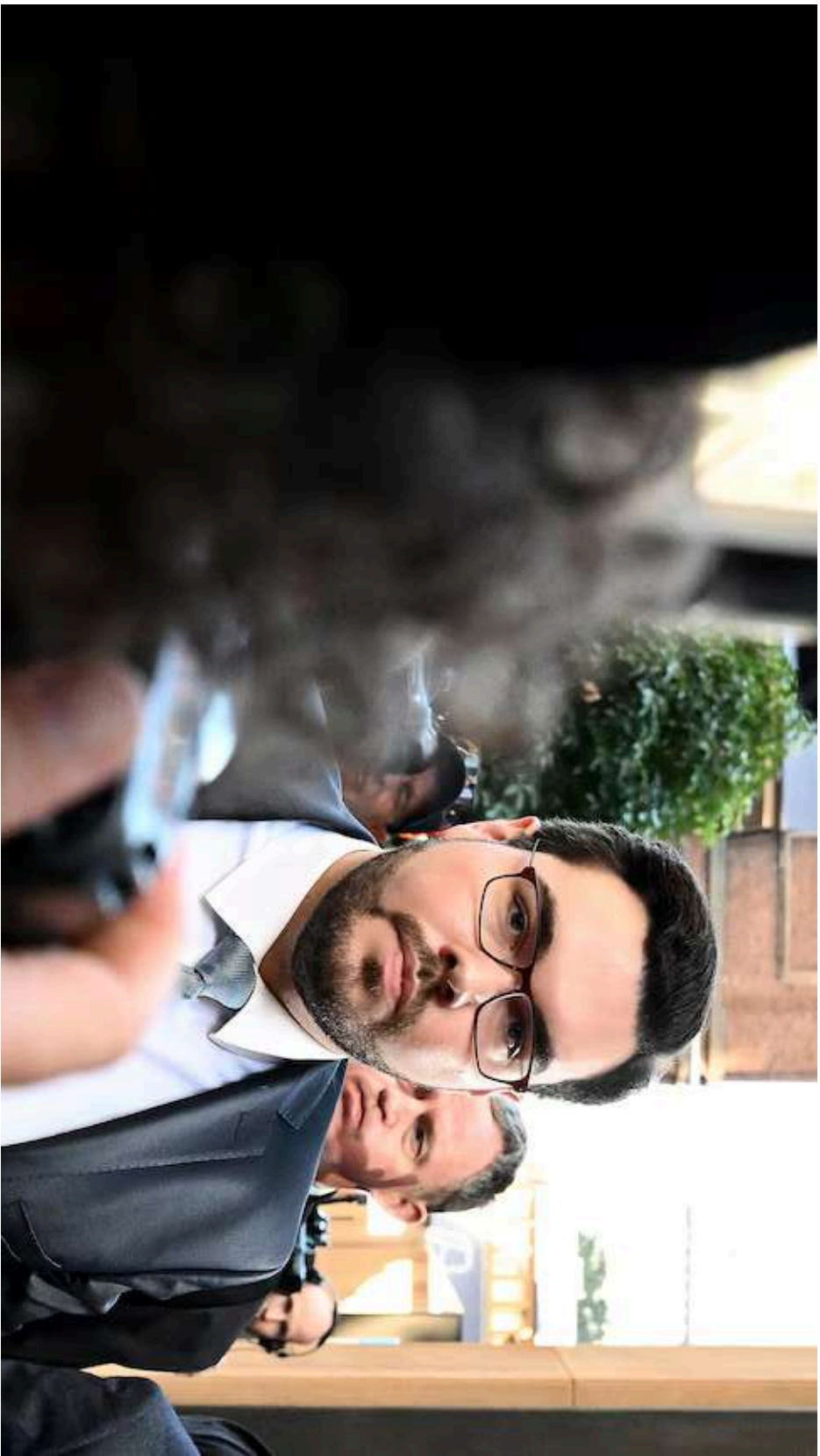
ABC News has a  fresh look  We've made it easier to find the stories that matter to you with a new homepage, personalised sections and more.

Analysis

Public interest in Bruce Lehmman's defamation case has never waned, and there are still questions left unanswered

 By Elizabeth Byrne Law, Crime and Justice

Mon 15 Apr 2024 at 8:58pm



Justice Michael Lee ruled Bruce Lehrmann raped Brittany Higgins on the balance of probabilities (AAP: Bianca De Marchi)

As the judge put it, having escaped the lion's den Bruce Lehrmann made the mistake of going back for his hat.

Monday was the full catastrophe.

Mr Lehrmann launched his defamation case against Network Ten and Lisa Wilkinson over their interview with Brittany Higgins after his trial was abandoned with no findings against him.

Now there are findings against him.

Justice Michael Lee of the Federal Court has found that on the balance of probabilities he raped Brittany Higgins in the office of then minister Linda Reynolds after a night out drinking in 2019.

One of Mr Lehrmann's claims was that he had gone to Parliament House to make Question Time notes on the French submarine contract, but Justice Lee wasn't buying it.

"It is obvious there was one dominant thought running through the mind of Mr Lehrmann as he was approaching Parliament House, and it was nothing to do with French submarine contracts," Justice Lee said in his judgement.

Defamation case saw Bruce Lehmann cross examined for first time



Bruce Lehrmann arrives at the Federal Court in Sydney to hear Justice Michael Lee's judgment (*ABC News: Brendan Esposito*)

Monday was the end of a long and extraordinary case.

But it nearly didn't get off the ground.

When Mr Lehrmann first lodged his defamation claim it was more than a year after the broadcast and out of time.

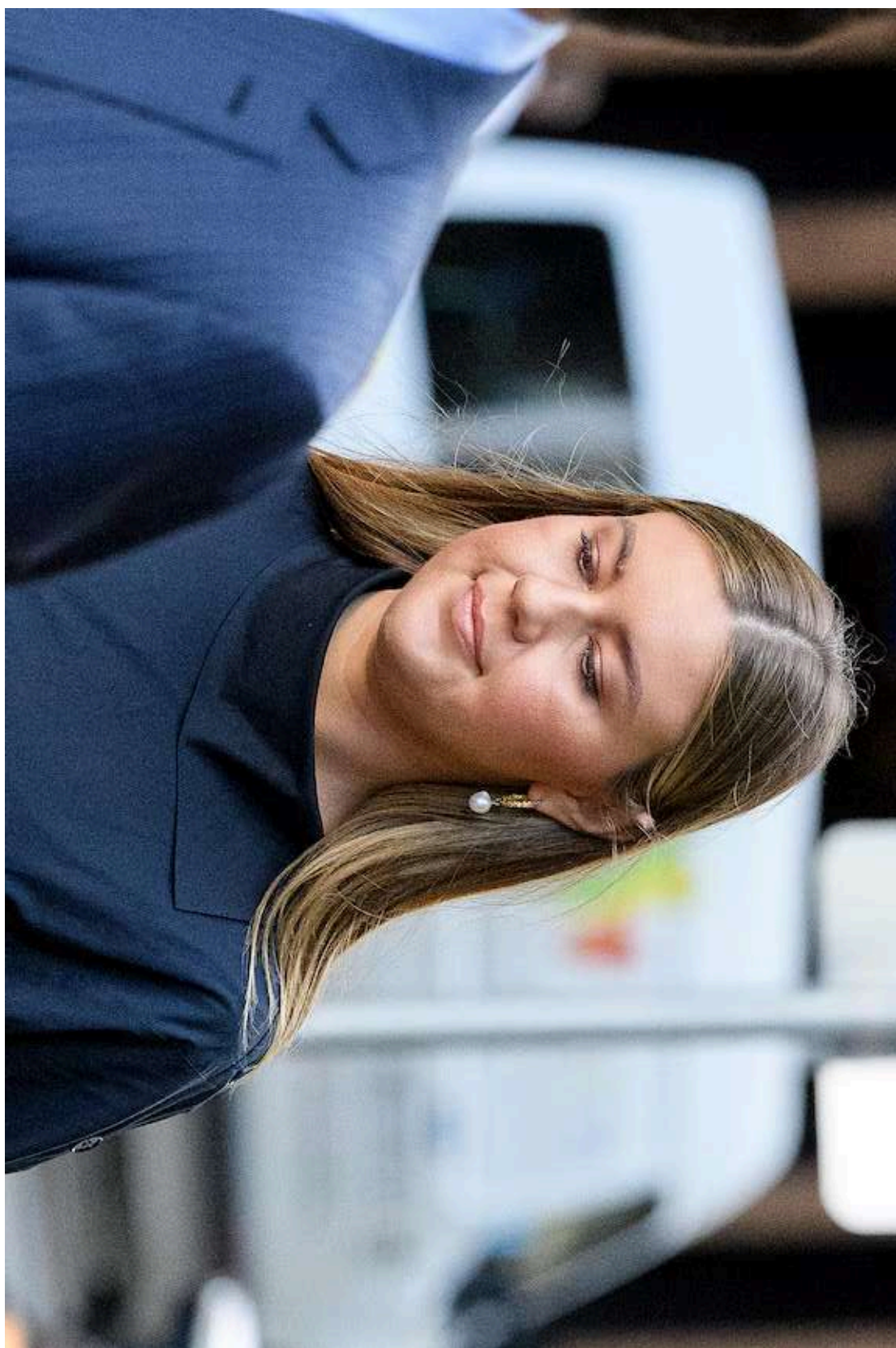
He had to make a special application to the Federal Court to run the case.

And that was how the world first heard Mr Lehrmann's account, from his own mouth, and it was the first time he was cross examined.

Mr Lehrmann had not given evidence in his criminal trial, with only his police interview played.

Justice Lee ruled he could have an extension of time after hearing evidence that it was not reasonable to have expected him to lodge the defamation case earlier because he was tied up in the criminal trial.

A battle at close quarters



Brittany Higgins gave evidence during the defamation case brought by Bruce Lehrmann against Network Ten and Lisa Wilkinson (AAP: Bianca De Marchi)

It was clear from the judge's comments during the trial he was not impressed by the credibility of Mr Lehrmann or Ms Higgins.

But the case was like a battle at close quarters.

A central piece of evidence was hours of footage from the Dock where the pair were drinking before the incident.

Network Ten wanted to say that Mr Lehrmann had been plying Ms Higgins with drinks, encouraging her to get drunk.

To ensure there was no doubt about it they brought a lip reader, an interpreter from England who was able to tell the court what was being said.

The lip reader told the court that in footage of Mr Lehrmann pushing drinks towards Ms Higgins, he was saying "all hers: all hers".

A captivating case

Looking on were tens of thousands of viewers glued to the Federal Court's website.

And many days the court public gallery was close to capacity.

The spectators were mostly journalists and other lawyers having a sticky beak, along with a few dedicated court watchers.

Notably there were also a couple of separate groups of school girls who came to see Ms Higgins give her evidence.

On Monday the case moved to a much bigger court, and still managed to fill the public gallery, while more than 40,000 people watched online, showing the public interest has never waned.

Not a complete win for Network Ten



Perhaps the strangest element of the trial was Taylor Auerbach's testimony (*AAP: Bianca De Marchi*)

The question is what happens now.

Brittany Higgins is still processing the result.

There is no word on whether Bruce Lehmann will appeal against the ruling.

As the court rose Lisa Wilkinson's lawyer Sue Chrysanthou hugged her client, saying "you won".

It wasn't a complete win, amid the criticism of The Project program, but it wasn't a loss either.

The court action isn't over yet, with costs to be decided later this month.

That includes how costs for Lisa Wilkinson's personal lawyers should be worked out after Network Ten had to concede she was entitled to separate counsel.

When Ms Wilkinson first lodged her claim for costs against Ten the total was around \$700,000, but that was before the defamation hearing.



Lisa Wilkinson was all smiles as she left the Federal Court alongside her lawyer Sue Chrysanthou (AAP: Bianca De Marchi)

Perhaps the strangest part of the case was the sudden appearance of former Seven Network producer Taylor Auerbach with claims of drugs and sex workers for Mr Lehmann as he was reeled in for an exclusive interview with the Spotlight program.

He also told the court Mr Lehmann had passed on material from the criminal trial which should have remained confidential.

The claims were denied by Seven, which said it was "appalled".

And the judge didn't think much of it either, with no real bearing on the final result.

Since the Spotlight program however it has been clear someone handed over the confidential material to Seven.

That has the capacity to generate a contempt of court case.

Seven is not revealing its contact, and Mr Lehmann has always denied it was him, but Justice Lee said he couldn't find another alternative.

The ACT government says it is a matter for the Director of Public Prosecutions, who is not commenting.

Posted Mon 15 Apr 2024 at 8:58pm, updated Tue 16 Apr 2024 at 8:42am

Annexure Certificate

“ZB9”

Federal Court of Australia

No. NSD 496 of 2024

District Registry: New South Wales

Division: General

Plaintiff S111A/2018

Applicant

Minister for Home Affairs and Others

Respondents

This is the annexure marked “ZB9” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB9” being copy of Google search on the term ‘Bruce Lehrmann rapist’

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Elania Alexander

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In April 2024, Lehrmann was found at fault in a civil trial to have raped a colleague in Parliament House. The finding was made by Justice Michael Lee at the Australian Federal Court in a defamation trial initiated by Lehrmann against Network Ten and other media operators.

 **Wikipedia**
https://en.wikipedia.org/wiki/Bruce_Lehrmann

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The Sydney Morning Herald

<https://www.smh.com.au/National/Defamation>

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SBS Australia
<https://www.sbs.com.au/news/podcast-episode/cou...>


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Independent Australia
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Court finds Lehrmann raped Higgins, MSM: Sure, but did ...

18 Apr 2024 — The Federal Court finding that Bruce Lehrmann raped Brittany Higgins, though a huge step forward, will not reverse years of victim bashing, ...


The Saturday Paper
<https://www.thesaturdaypaper.com.au/2024/06/22/t...>


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Bruce Lehrmann named as alleged rapist in Toowoomba ...

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South China Morning Post
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 3 July 2024 — In his submission, Mr Hoare said the young woman at the centre of the allegations and Mr Lehrmann had consensual sex prior to the alleged rapes.




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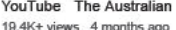
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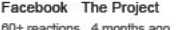
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Bruce Lehrmann, left, is accused of raping Brittany Higgins, right, at Parliament House in 2019. Pictures: Supplied, Karleen Minney.



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
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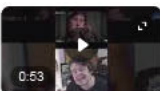
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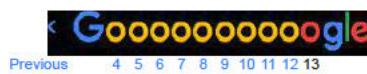
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No. NSD 496 of 2024

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Division: General

Plaintiff S111A/2018

Applicant

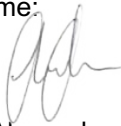
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Respondents

This is the annexure marked “ZB10” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB10” being copy of Bruce Lehrmann’s Wikipedia page

Before me:



Elania Alexander

Bruce Lehrmann

Bruce Lehrmann (born June 1995) is an Australian former political staffer. He is primarily known to the public for his involvement in the 2021 Australian Parliament House sexual misconduct allegations.

In April 2024, Lehrmann was found at fact in a civil trial to have raped a colleague in Parliament House. The finding was made by Justice Michael Lee at the Australian Federal Court in a defamation trial initiated by Lehrmann against Network Ten and other media operators.

The rape was first alleged publicly in February 2021 by the victim. Lehrmann's criminal trial in October 2022 was abandoned after juror misconduct resulted in a mistrial. A retrial did not proceed due to concerns about the health and welfare of the victim.

Early life

Born in College Station, Texas, in June 1995,^[1] Lehrmann grew up in Toowoomba.^[2] He moved to Canberra to study at the Australian National University,^[3] where he began his political career.

Career

Lehrmann commenced work with the office of the Attorney-General of Australia and worked for various ministries until he joined Linda Reynolds's office in 2018. He has worked as a political staffer for the Liberal Party, and as a lobbyist for British American Tobacco.^[4]

Rape allegations

<div>Bruce Lehrmann</div>	
Born	<div>June 1995 (age 29)</div> <div>College Station, Texas, US</div>
Nationality	Australian
Alma mater	<u>Australian National University</u>
Occupation(s)	Lobbyist, political staffer
Known for	Rape at Parliament House (civil finding)

On 15 February 2021, Liberal Party staffer Brittany Higgins alleged to two media outlets, news.com.au and *The Project*,^[5] that she was raped in the early hours of 23 March 2019 in then-Defence Industry Minister Senator Linda Reynolds' office in the ministerial wing of Parliament House by a colleague, later named as Bruce Lehrmann, after security guards admitted the pair into the building.^{[6][7]} Higgins said she became heavily intoxicated at a work party and left with her colleague in a taxi, believing they would both be dropped at their respective homes; instead she said she was taken to Parliament House and raped while slipping in and out of consciousness,^{[8][9]} waking to find her skirt around her waist.^[10] In contrast, Lehrmann told police that he and Higgins returned to Parliament House because he needed to pick up his keys, and as Higgins indicated she also needed to return to the office he offered to share his Uber ride.^[11] Once they arrived in Reynolds' suite, Lehrmann said he "turned left towards his desk, while Ms Higgins turned right and went to a different part of the office".^[11] After working "on a briefing for Parliament's question time", Lehrmann said he left the office without seeing Higgins again.^{[11][12]} Higgins was later found by a security guard in the early hours of the morning in the minister's office, naked,^{[7][5]} inebriated and disoriented.^[5]

Three days later, on 26 March 2019, Lehrmann was told by Fiona Brown, Reynolds' chief of staff, to "collect his belongings from the office and leave" because of his late-night entry into the office at 1:48 am on the previous Saturday, and an earlier unrelated incident of him mishandling a classified document.^{[7][13]} With Reynolds consequently terminating Lehrmann's employment formally on 5 April 2019,^[14] On 1 April 2019, Reynolds called Higgins to her office to discuss Higgins' late-night entry into the office, which Reynolds "believed to be a security breach [...]" describing the decision of two staff to come into the office at 1:40 am as 'highly unusual' and not appropriate.^[15] Higgins went to the police after the alleged rape, but dropped the complaint in April 2019, fearful the report would result in termination of her employment.^[16] Eventually Higgins transferred to work for Employment, Skills, Small and Family Business Minister Michaelia Cash for a year before resigning a month before going public with her allegations.^[6]

Higgins made her allegations public following a *Four Corners* report "Inside the Canberra Bubble" in November 2020, which had reported on sexism within the Liberal Party and the Parliament House workplace culture.^[17] She alleged political cover-up of the rape ahead of the 2019 Australian federal election, and sparked a nationwide movement of protests.^[18] Prime Minister Scott Morrison made a formal apology to her in February 2022.^[19] In response to Higgins's allegations, the Australian Human Rights Commission conducted a review into the prevention and handling of bullying, sexual harassment and sexual assault at Commonwealth Parliamentary workplaces.^[20] Morrison's loss of the 2022 election, with safe Liberal seats going to female Teal independents, was partially attributed to dissatisfaction with the Liberal government's handling of the rape.^{[21][22]}

Over the following weeks, three more women alleged they had been sexually harassed or assaulted by Lehrmann, between 2016 and 2020.^{[23][24]} One woman alleged on 20 February 2021 that she was raped in 2020 by him after the pair had dinner and drinks.^{[25][26]} On 22 February 2021, a second woman alleged she was sexually assaulted by Lehrmann in 2016.^[26] A third woman also accused him of unwanted advances and stroking

her thigh under the table at a Canberra bar in 2017.^{[23][26]} After the story went public, and even though Lehrmann was not named in publications,^[27] he was stood aside from his job at a large corporation where he had worked from July 2020.^[23] He checked himself into a Sydney hospital and the next day he was in a private rehabilitation clinic.^[23]

Rape trial

Lehrmann, appeared by telephone at the Magistrates Court of the Australian Capital Territory (ACT) on 5 November 2021 and pleaded not guilty to raping Higgins. He was committed for trial in the Supreme Court of the Australian Capital Territory.^[28] In April 2022 Lehrmann's defence team applied to have his trial halted indefinitely as an apology from then-prime minister Scott Morrison to Higgins "imputed the accused with guilt of the offence or at least implicitly assumed the truthfulness of the complaint",^[29] and could endanger Lehrmann's right to a fair trial.^{[30][31]} The judge dismissed the application, saying that a jury member being aware of pre-trial publicity "is not of itself problematic".^[29] Higgins made a complaint against the Australian Federal Police for unlawfully giving Lehrmann's defence team protected evidence, including counselling notes and video recordings.^[32] The trial was further delayed in June 2022 following the judge warning that the line between allegation and a finding of guilt had been "obliterated" in an acceptance speech by Lisa Wilkinson at the Logie Awards of 2022 and in commentary following the speech.^[33]

The trial of Lehrmann began on 4 October 2022.^[34] It concluded on 19 October, and the jury retired to consider its verdict.^{[35][36]} After four days' deliberation, the jury could not reach a unanimous verdict and were issued with a "Black direction".^{[37][38]} On 27 October, the trial was abandoned after it was discovered that a juror had conducted private research and taken their findings into the jury room.^{[39][40]} Higgins subsequently criticised the criminal justice system on live television, saying it "has long failed to deliver outcomes to victims of sexual assault".^[41] Lehrmann's lawyer said "We have brought [Higgins'] comments to the attention of the court and the Australian Federal Police ... as to whether the complainant's statements might amount to a contempt of court or offences against the ACT Criminal Code".^[41]

The matter was relisted for 20 February 2023,^{[39][40]} although a senior barrister soon after said it remained to be seen if the case is retried, given the extent of comments by politicians and media personalities now making Lehrmann virtually untriable.^[42] In December 2022 the case was dropped by Shane Drumgold, the Director of Public Prosecutions,^{[43][44][45]} stating it was "no longer in the public interest to pursue a prosecution" after receiving evidence "that the ongoing trauma associated with this prosecution presents a significant and unacceptable risk to the life of the complainant".^{[46][47]} The accused "consistently maintained his innocence and the case against him was not proven",^[46] with the Director of Public Prosecutions declaring that "this brings the prosecution to an end."^[46] However, the manner in which the case transpired was criticised.^{[45][48]}

Rape trial inquiry

Following the collapse of the criminal trial, Drumgold sent a letter to the ACT chief police officer calling for a public inquiry into the case to look at "both political and police conduct". The letter also alleged that police investigators were "clearly aligned with the successful defence of this matter".^{[49][50][51]} The Australian Federal Police Association published a statement calling the allegations a "smear" and unproven while also calling for an investigation into the case.^[50] The ACT government subsequently announced an independent inquiry into the case.^[52]

The inquiry was chaired by Walter Sofronoff. The inquiry heard that police assessed the evidence as insufficient to prosecute,^{[53][54]} and "expressed a number of concerns about the case".^[53] The inquiry subsequently heard that ACT police had been using the wrong legal threshold for charging suspects,^[55] and that the ACT had the lowest rate of charging for sexual assault in Australia.^[56] The senior investigating officer admitted that police made a mistake in providing Higgins' private counselling notes to Lehmann's legal team.^[57]

The final report was leaked to News Corp journalist Janet Albrechtsen before being submitted to the ACT Chief Minister.^[58] It contained adverse findings against Drumgold, who resigned following its release to the media.^{[59][60]} The review found that it was appropriate to prosecute the matter.^{[61][62]} Recommendations issued included training police on handling of protected confidential material, disclosures to the defence, and the threshold for charging over sexual offences.^[63]

Drumgold successfully challenged the adverse findings against him in the ACT Supreme Court. The Supreme Court found that contact between Sofronoff and Albrechtsen gave rise to an impression of bias.^[64] Sofronoff's conduct is under investigation by the ACT Integrity Commission.^[65]

Spotlight interview

In June 2023, Lehmann gave an interview on Seven News' *Spotlight* current affairs program.^[66] In October 2023, Seven Network's nomination for a Walkley Award was revoked after it was revealed that the network had paid for one year's rent as well as other expenses for Lehmann, and the network had not accurately declared it.^[67] The interview was the subject of much media attention during subsequent defamation proceedings as consequence of revelations during court proceedings.^{[68][69]}

Subsequent rape trial

On 26 October 2023, it was revealed that, in December 2022, Lehmann was charged with two counts of rape in a matter unrelated to the allegations made by Brittany Higgins. The alleged events occurred in Toowoomba in October 2021. He is awaiting trial on that matter. Lehmann's identity had been the subject of a suppression order, which his lawyers had attempted to continue on the basis of a psychologist's

report which claimed the publication of his identity would lead to "serious adverse consequences" to his mental health. Justice Peter Applegarth in ruling against the continuation of the suppression order made reference to media interviews that Lehrmann had engaged in, and how his participation in them was hard to reconcile with the psychologist's report.^{[70][71][72]}

Defamation trial

Lehrmann settled defamation proceedings against News Corp and the Australian Broadcasting Corporation (ABC) for \$295,000 and \$150,000 respectively without admission of liability. The news.com.au article was appended with an editor's note. The ABC removed footage of Brittany Higgins and Grace Tame's National Press Club address.^[73]

In 2023, Lehrmann sued Lisa Wilkinson and Network Ten for defamation over the interview with Higgins that aired on *The Project* in 2021.^[74] Lehrmann told the court that Wilkinson destroyed his right to a "fair criminal trial".^[75] Lehrmann said in court that he felt isolated and ostracised after Higgins' interview on *The Project*. He said "I became severely isolated", and admitted to a private hospital suffering emotional distress.^[76]

On 15 April 2024, Justice Michael Lee of the Federal Court ruled that, on the balance of probabilities, Lehrmann raped Brittany Higgins at Parliament House in 2019.^{[77][78]} The finding of fact resulted in the defence of substantial truth being made available to the respondents.^{[77][79]} During his judgment Lee said "Mr Lehrmann raped Ms Higgins", and shortly after "Having escaped the lion's den, Mr Lehrmann made the mistake of coming back for his hat."^[79]

Further defamation proceedings have been initiated or settled in at least ten other cases amongst parties related to the case.^{[80][81][82][83]} A total of twenty legal threats, claims, counterclaims or investigations have been reported in connection to the alleged rape.^[84]

In describing the legal proceedings and media reporting, Lee said "the underlying controversy has become a cause célèbre. Indeed, given its unexpected detours and the collateral damage it has occasioned, it might be more fitting to describe it as an omnishambles".^[85]

Costs

Following the decision of Lee, Network Ten's submission for costs stated that Lehrmann should pay all Network Ten's legal costs. As part of their submission they stated that Lee had found Lehrmann would have known when he filed for defamation "that he had raped Ms Higgins".^[86] The submission, prepared by Matt Collins, argued it was an abuse of process because Lehrmann came to the Federal Court seeking substantial damages when he knew the allegations he complained about were true. "Mr Lehrmann brought this proceeding on a deliberately wicked and calculated basis."^[86]

On 10 May 2024, Lee order that Lehrmann pay for almost all of the expenses of Ten and Lisa Wilkinson on an indemnity basis.^{[87][88]} Lehrmann was condemned for bringing the civil proceedings on an "knowingly false premise" and for making his barrister "cross-examine the complainant of sexual assault in two legal proceedings".^{[87][88]} As part of Lee's orders he noted that "Mr Lehrmann had sexual intercourse with Ms Higgins and yet ran a primary case premised upon the fanciful and knowingly false premise that in the early hours of 23 March 2019 he was preoccupied with noting up details as to French submarine contracts".^[88]

Speaking role at conference

Lehrmann was initially due to speak at a Restoring the Presumption of Innocence conference organised by Bettina Arndt in June 2024. Arndt, described as one of Lehrmann's central supporters, has denied raising money for or asking anyone to pay money to Lehrmann.^[89] However, Lehrmann later withdrew as a speaker a day after the conclusion of his defamation trial, being "concerned that his participation may threaten the audience, jeopardise this important event, and distract from its main purpose".^[90]

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Annexure Certificate

“ZB11”

Federal Court of Australia

No. NSD 496 of 2024

District Registry: New South Wales

Division: General

Plaintiff S111A/2018

Applicant

Minister for Home Affairs and Others

Respondents

This is the annexure marked “ZB11” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB11” being copy of news cartoon ridiculing Mr Lehrmann

Before me:



Elania Alexander

Warren Brown



Annexure Certificate

“ZB12”

Federal Court of Australia

No. NSD 496 of 2024

District Registry: New South Wales

Division: General

Plaintiff S111A/2018

Applicant

Minister for Home Affairs and Others

Respondents

This is the annexure marked “ZB12” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB12” being copy of a sample of a news articles related to Mr Lehrmann

Before me:



Elania Alexander

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Thomson Geer partner on the biggest impact of the Bruce Lehrmann defamation ruling

The decision could set a precedent for future sexual assault/DV cases, Marlia Saunders says



Marlia Saunders

By [Jacqueline So](#)

27 May 2024

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Last month, a long-running legal saga came to an end when the Federal Court shot down the defamation suit filed by Bruce Lehrmann against Network Ten Pty Limited and Lisa Wilkinson.

Partner Marlia Saunders [led Thomson Geer's team](#) in successfully bringing about a favourable outcome for Network Ten; Saunders described the court's decision as "long overdue vindication for Brittany Higgins".

In the first part of this interview, Saunders talks to Australasian Lawyer about what she believes will be the most important impact of the court's judgment, and the public scrutiny on the case.

Can you tell us about the work that [Thomson Geer](#) did on the Network 10 case?

My team of solicitors worked really closely with our barristers Dr Matt Collins KC and Tim Senior. Together, we prepared and ran the case in the proceedings, where we successfully proved on the balance of probabilities that Bruce Lehrmann raped Brittany Higgins. It was a huge amount of work, and all done in quite a tight timeframe; the trial was brought on quite quickly after proceedings commenced; the proceedings commenced in February and the trial started in November.

So we had to go through the ACT DPP and review all of the contemporaneous records, from CCTV to text messages. There were downloads off mobile phones that were tens of thousands of pages long that we went through. We conducted independent investigations, we went through the transcripts of evidence from the criminal trial, we spoke to witnesses and prepared affidavits and outlines of evidence from more than 20 witnesses, prepared expert reports from a forensic psychologist, a toxicologist and a lip reader. And ultimately, we pieced together what happened on the night, which the judge found was the most likely version of what occurred.

What is going to be the biggest impact of that ruling, in your opinion?

Well, it's hugely significant because it's the first time that a court has made a finding about what happened at Parliament House on that night over five years ago because the criminal trial was aborted due to juror misconduct. So it does provide long overdue vindication for Brittany Higgins. And I hope it also provides a level of comfort and support and hope for other sexual assault survivors.

The reason for that is, I'm hopeful that the way Justice Lee approached his factfinding task in his judgment by recognising the impact of trauma on memory, and the difference between a false memory and a lie, will be applied in future cases involving allegations of sexual assault and even other types of cases like domestic violence cases. Justice Lee recognized that inconsistencies in versions of events are just a byproduct of the frailties of human memory and the effects of trauma, and shouldn't be used to undermine a core allegation of sexual assault. I think that the use of rape myths against complainants in an attempt to discredit them needs to stop and I think that this judgment is an excellent step in the right direction.

[The issue of sexual assault] is incredibly topical at the moment, so there's the timing of it all. And I don't know whether this decision has kind of had that flow-on effect and has really put this issue at the forefront of the agenda for Australians. And I'm hoping that there is momentum to have positive change going forward.

How do you feel about the announcement that Lehrmann's side intends to appeal the ruling?

At the moment, they've got a new senior counsel, who is looking at all of the evidence in the case and the judgment (which is 324 pages long), and giving some advice about the prospects of an appeal. So the applicant, Mr Lehrmann, will have until the 31st of May to file any appeals. So at the moment, it's a wait and see – we'll know more by the end of the month.

In your opinion, what does this legal victory for Network 10 mean for the legal profession overall, in addition to its impact on the wider community?

Well, I think it shows that this was a really important story that needed to be told. The fact that it's been found that a rape did occur in the nation's capital, in the very building where our government operates from – that was a hugely important story. It was very much in the public interest for it to be reported, so it does provide a level of support for public interest journalism.

And the other aspect of this case that I think was really important for the wider community is the emphasis that Justice Lee put on open justice. The way he ran the case to provide access to the public – all of the hearings, documents, evidence. It meant that the public really had a firsthand view of the legal process and direct access to the evidence to be able to view it and see the wheels of justice turning.

So I think that that was a really interesting aspect of the case; it meant that there was a huge level of scrutiny, which was challenging in terms of running the case, and always trying to act in a responsible and diligent way. I think we achieved that really well.

Later this week, Saunders shares her thoughts regarding the ruling's impact on defamation law in Australia.

— Analysis

The stupidity of Bruce Lehrmann

The ex-political adviser turned victory into defeat in the quest for money. He will now be known as the rapist who put himself on trial, and lost.

Aaron Patrick *Senior correspondent*



Apr 15 2024 5:57pm



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4 min

When the final moment came, five years and 24 days after that fateful, drunken night in Parliament House, Bruce Lehrmann couldn't bring himself to look at his judge.

As Michael Lee uttered the definitive "Mr Lehrmann raped Miss Higgins" in Federal Court at about 1.15pm on Monday, the 28-year-old ex-ministerial adviser stared at his phone, as though it might save him from the eternal ignominy of being known as the rapist who put himself on trial and lost.



Bruce Lehrmann departs court on Monday after Justice Michael Lee found he raped Brittany Higgins **Wolter Peeters**

The victim wasn't present. One of the prosecutors was. Broadcaster Lisa Wilkinson, who was more responsible than anyone else for making Brittany Higgins famous, sat through the two-and-half-hour summary judgment on the far side of room.

After Lee left, Wilkinson faced her barrister, Sue Chrysanthou, who held her by the shoulders for two minutes and talked intently. (The lawyer later said they discussed "secret women's business".) Chrysanthou then embraced Wilkinson, turned to her solicitor, Anthony Jefferies, and slapped him loudly on the back.

"Well done!" she said.

Monday was indeed a victory for Network Ten and Wilkinson, in that Lehrmann's defamation lawsuit failed. Who will have to pay their mammoth legal costs hasn't been determined, but logic points to Lehrmann, a man unemployed and probably unemployable.

Wilkinson and Ten won, but lost too. What Wilkinson had called the "most important work I would ever do" failed to meet the standards of basic journalism.



Brittany Higgins outside the Federal Court in Sydney last November with partner David Sharaz (left) and lawyer Leon Zwiernicki (right). **James Brickwood**

There was no fact-checking of Higgins' story, Lee said. Lehrmann wasn't even asked for his side, and Wilkinson, heading towards the Logie podium, never questioned the underlying truth of the allegations. Lee accused her of "a lack of candour in the witness box".

The Higgins hassle

While Lee ruled Lehrmann had non-consensual sex with Higgins – the deciding question in the case – he refuted the politically devastating allegation in her 2021 interview on the Ten's *The Project* program: that Scott Morrison's Coalition government wanted to suppress the rape to protect itself.

Three years later, it can be hard to remember how intense the anger was. Some of the people who marched on March 15, 2021, on behalf of Higgins held the prime minister responsible for Higgins' assault.

Her boss, then defence industry minister Linda Reynolds was accused, unfairly, of callously hoping the Higgins hassle would solve itself.

"I was just this sudden problem for her," Higgins told

[<https://www.news.com.au/national/politics/parliament-house-rocked-by-brittany-higgins-alleged-rape/news-story/fb02a5e95767ac306c51894fe2d63635>] News Corp journalist

Samantha Maiden, who Lehrmann also sued. “I felt like they were ticking a box. That they had to have this conversation with me in order to say on the record ‘We told her she could go to the police.’”



Lisa Wilkinson outside court on Monday with sister Sue Chrysanthou on her right **Wolter Peeters**

In reality, chief of staff Fiona Brown, the point person on Higgins’ allegations, risked her professional standing by trying to help the young woman.

There was more that wasn’t true, or questionable: that the Australian Federal Police investigation was politically compromised (Lee praised the expertise of its specialist sex-crime investigators); that a bruise on Higgins’ thigh was caused by Lehrmann (Lee pointed out it was on the wrong leg); or that the Liberal Party had tried to get rid of Higgins (it offered her three jobs after winning the 2019 election).

As for Lehrmann, Lee made the obvious conclusion from the video and testimony of March 22, 2019, when the pair gathered at The Dock in Canberra: the 24-year-old got his colleague drunk because he wanted to have sex with her.

After some passionate kissing at another bar, they returned to Reynold’s ministerial suite because Lehrmann’s girlfriend was at home. The girlfriend rang around the time that he was on top of Higgins, who was so drunk she couldn’t stop him. (Lee didn’t accept that Higgins yelled out: “No, no!”)

It wasn't a simple case. Both sides lied. Evidence went missing. The media became a participant.

At its heart, though, the lawsuit was a monument to Bruce Lehrmann's stupidity. Having won the criminal case in Canberra, he went looking for money.

Instead, he exposed himself as a liar and a rapist.

Support services

- ◆ **National Sexual Assault, Domestic Family Violence Counselling Service**

<https://www.1800respect.org.au/> 1800 737 732

- ◆ **Lifeline 13 11 14**



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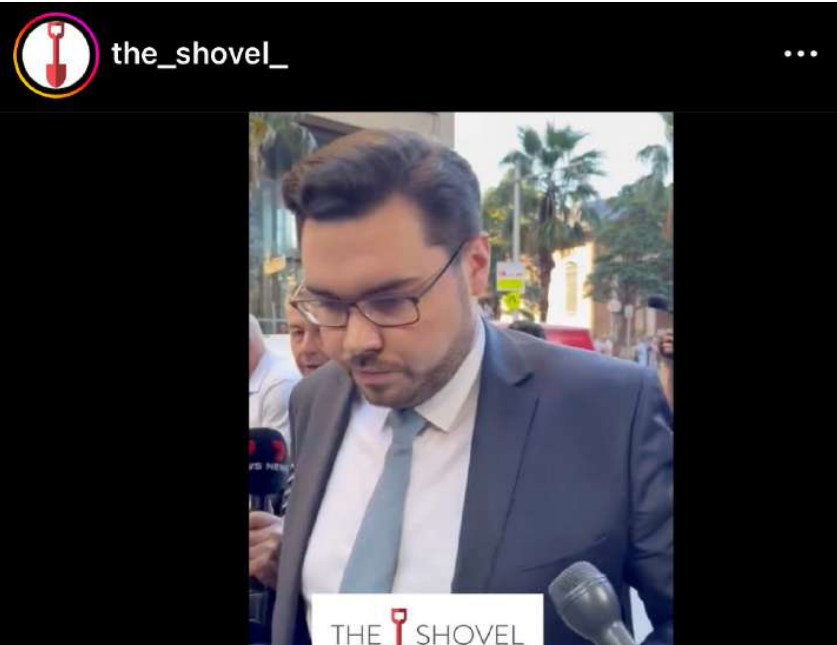


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Bruce Lehrmann Says He Cannot Recall if He Won or Lost Defamation Trial



Liked by rmacfarling and others
the_shovel_ "It was a long time ago.

"I don't recall ever initiating defamation action. And if I did, I certainly don't have any recollection of losing the case"

EXCLUSIVE PHOTO: Bruce Lehrmann spotted near Sydney beach looking for washed up bricks of cocaine



"He kept muttering something about hitting the jackpot," said one witness.



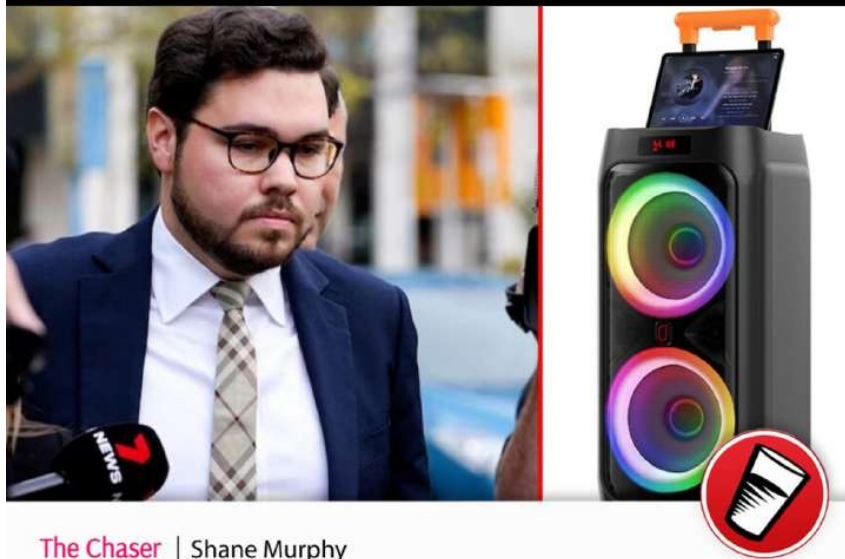
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doublebaytoday ROCK BOTTOM: Just three days after his failed defamation case closed against Network TEN, Bruce Lehrmann has been photographed pacing furiously along the rocky coastline near Freshwater Beach in Sydney's north.

"He was combing every nook and cranny," said one witness. "He was still wearing his suit and he was so focused!"



chaserwar



The Chaser | Shane Murphy

Tearful Bruce Lehrmann forced to sell Karaoke machine to pay legal fees

— Analysis

How Lehrmann's many lies added up to rape

In this contest of credibility between Bruce Lehrmann and Brittany Higgins, the judge decided it was no contest.

Michael Pelly *Legal editor*



Updated Apr 15 2024 10 03pm
first published at 6 16pm



Listen to this article
5 min

Justice Michael Lee just couldn't believe Bruce Lehrmann. And he didn't like him. It's as simple as that.

Lee found the evidence of Brittany Higgins about what happened at Parliament House in 2019 [<https://www.afr.com/companies/media-and-marketing/bruce-lehrmann-raped-brittany-higgins-loses-defamation-case-judge-20240415-p5fjtj>] to be “unsatisfactory” – partly because key aspects of her story shifted over time to suit her narrative. And he didn't think much of the way she treated her Bumble date, Nick.

But in this contest of credibility, it was no contest.



Mendacious Bruce Lehrmann after the verdict **Wolter Peeters**

The judge [<https://www.afr.com/companies/media-and-marketing/destined-for-greatness-lehrmann-judge-tested-his-arm-with-former-pm-20240411-p5fj8m>] said he hesitated to call people liars, but this was a “mendacious” man who had “no compunction about departing from the truth if he thought it expedient”.

Lehrmann could tell some whoppers, but the little fibs about the “fateful night” (as Lee called it) were crucial.

Like denying he bought Higgins a drink. Or saying he didn’t find her attractive. And explaining why he didn’t just call his girlfriend if he had left his house keys at work (as he told a security guard).

CCTV footage showed Lehrmann buying Higgins a drink. A “pash” with her later that night gave lie to his insouciance. And the suggestion that his relationship with a girlfriend morally inhibited him from engaging in intimacy with Higgins was laughable for Lee.

“This was an example of Mr Lehrmann being mendacious about a centrally important part of the case,” he added.

For Lee, the one about the house keys was telling.

Lee asked Lehrmann during the trial why he didn’t text or call his then girlfriend and ask her to let him in when he got home. Lehrmann explained it was “a process

to get in”, so Lee came up with his own process.

“To avoid this complication, [Lehrmann] preferred to: (a) go out of his way to go back to work in the early hours; (b) lie to Parliament House security; (c) sign the necessary register; (d) be issued with a pass; (e) go through a metal detector; (f) be escorted by a security guard to his office; (g) obtain his keys from his office; (h) book another Uber; (i) go back through a Parliamentary exit; (j) meet the ride share car; and then (k) ride home.

“Even if he was in the doghouse because he had stayed out late, I think it is safe to conclude that the process of getting into a flat he shared with his girlfriend would have been a significantly less elaborate exercise.”

The biggest lie of all by Lehrmann was that no sex took place; that he simply left Parliament House 40 minutes after they arrived – without checking on Higgins or saying goodbye.

Lee had reservations about whether Higgins was saying “no in a loop”

[<https://www.afr.com/companies/media-and-marketing/ten-flips-the-higgins-narrative-against-seven-20240403-p5fgxw>] during intercourse as she testified, but not that intercourse took place. Or that Lehrmann left in a hurry after sex.

“Given he had satisfied himself, and that he knew his girlfriend was awake and was attempting to contact him, calling an Uber and getting out of the ministerial private office with celerity (and leaving Ms Higgins undressed) is the action of a cad, but is nonetheless explicable.”

A cad who was “recklessly indifferent to whether there was consent”. And that was rape.

If Lehrmann is the biggest loser from the case – suing for defamation and losing is a spectacular fail – he isn’t the only one.

The Ten Network might have proved the “substantial truth” of the imputations Lehrmann drew from Lisa Wilkinson’s interview with Higgins on *The Project* in 2021.

Pivotal witness

But Lee was scathing about the way the story was put together, and how Wilkinson accepted Higgins’ narrative – especially when it came to Fiona Brown.



Fiona Brown pictured in December 2023 after giving her evidence in the defamation trial **Steven Siewert**

Lee regarded Brown – the chief of staff to Defence Industry minister Linda Reynolds – as someone whose evidence he could accept, especially on a central claim of *The Project* was that there had been a political cover-up of the incident.

“The cover-up allegation was objectively short on facts, but long on speculation and internal inconsistencies,” said Lee.

Chief among them was a Higgins text to Brown in 2019 saying Brown had been “absolutely incredible, and I’m so appreciative”.

“To be later vilified as an unfeeling apparatchik willing to throw up roadblocks in covering up criminal conduct at the behest of one’s political overlords must be worse than galling.”

Lee also felt sorry for “Nick”, who was discarded by Higgins on the night in favour of partying with her work colleagues. She testified he had left because he was getting bullied, but later conceded she had been “really rude”.

“After being forsaken like a shag on a rock for an extended period and despite then making successful attempts to interact with some of the group on the larger table, Nick understandably left The Dock, no doubt ruing swiping right.”

Just as Lehrmann would now regret pressing “go” on his defamation case, after his criminal trial was discontinued after juror misconduct.

He was the man, as Lee said, who escaped the lions’ den but “made the mistake of coming back for his hat”.

Support is available from the National Sexual Assault, Domestic Family Violence Counselling Service [<https://www.1800respect.org.au/>] on 1800RESPECT (1800 737 732) and Lifeline on 13 11 14.



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Michael Pelly is the legal editor, based in our Sydney newsroom. He has been a senior adviser to federal and state attorneys-general and written two books, one a biography of former High Court Chief Justice Murray Gleeson. *Email Michael at michael.pelly@afp.com*

Bruce Lehrmann: Judge finds Brittany Higgins was raped inside parliament

15 April 2024

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Tiffanie Turnbull
BBC News, Sydney



Bruce Lehrmann was silent as he left court after a judge found he was a rapist

Three years after the claim a young woman was raped inside Australia's Parliament House shocked the world, a civil court has found it is true.

Political staffer Bruce Lehrmann has always denied sex with Brittany Higgins and sued Network 10 for defamation over a 2021 TV interview with her.

The outlet defended their story - which sparked public outrage - as true.

A judge on Monday ruled in their favour, finding Mr Lehrmann had raped Ms Higgins and told "deliberate lies".

In the interview, a teary Ms Higgins had detailed how she had woken up on a couch in a minister's office to find a colleague on top of her in 2019.

However, Mr Lehrmann says the pair had shared an Uber back to their office after a night out drinking in Canberra, before going their separate ways.

Ruling that Mr Lehrmann's defamation case be thrown out, Federal Court Justice Michael Lee said the 28-year-old had been "hellbent" on having sex with Ms Higgins and was "indifferent" to whether she wanted to as well.

"So intent upon gratification... [Mr Lehrmann] went ahead with sexual intercourse without caring whether or not she consented."

The standard of proof in defamation cases is lower than in criminal proceedings - a defendant must only prove the claims are more likely to be true, than not.

But this is the first legal ruling on a case that has captivated and horrified the nation for years.

Ms Higgins' claims triggered a cultural reckoning, protests attended by tens of thousands of people, and a landmark review into the culture of parliament.

Mr Lehrmann faced a criminal trial in 2022, however it was aborted due to juror misconduct. A retrial was later abandoned out of concern for Ms Higgins' mental health.

"Having escaped the lion's den Mr Lehrmann made the mistake of coming back for his hat," Justice Lee said of his decision to launch defamation proceedings against Network 10 and presenter Lisa Wilkinson.

The judge was at times critical of the outlet, Ms Wilkinson and Ms Higgins - although he said the 29-year-old's evidence was "not inconsistent with the conduct of a genuine victim of sexual assault struggling to process what happened, seeking to cope, and working through her options".

He said the allegation that Ms Higgins' bosses in the Liberal Party - the government of the day - had tried to cover up the allegation or pressure Ms Higgins were "objectively short on facts, but long on speculation".

However he ruled the evidence around the core rape allegation had "the ring of truth".



Ms Higgins' claims sparked a cultural reckoning

Overall though, the case has been an "omnishambles", Justice Lee said.

In defamation trials, judges often allow reams of seemingly tangential evidence to help them make judgements on the credibility or character of witnesses.

Over five weeks, this trial heard from more than a dozen witnesses who gave at times bizarre evidence.

The court heard analysis from a lip reader flown in from the UK, emotional testimony from Ms Higgins parents, and from the pair's colleagues in parliament.

The case was even reopened at the last minutes to hear claims that another major television network - Seven - had paid for sex and drugs for Mr Lehermann while chasing an exclusive interview.

Seven denies the claims, but on Monday confirmed the Executive Producer of the Spotlight programme had left the network, after the actions of his team came under scrutiny.

- **TV network denies buying interviewee sex and drugs**

Speaking outside court, Ms Wilkinson said: "I feel glad for the women of Australia today".

Network Ten also released a statement saying Justice Lee's judgment was "vindication for the courageous Brittany Higgins who gave a voice to women across the nation".

"This judgment is a triumph for truth."

Mr Lehmann - who did not speak as he left court - will now be liable for millions of dollars in legal costs, accumulated by both parties. The exact sum will be calculated at a later date.

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Annexure Certificate

“ZB13”

Federal Court of Australia

No. NSD 496 of 2024

District Registry: New South Wales

Division: General

Plaintiff S111A/2018

Applicant

Minister for Home Affairs and Others

Respondents

This is the annexure marked “ZB13” produced and shown to Zali Burrows at the time of affirming her affidavit on 6 September 2024

Annexure “ZB13” being copy of Daily Mail article and other media articles dated 6 September 2024

Before me:



Elania Alexander

Daily Mail

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EXCLUSIVE Bruce Lehrmann was living life of luxury at Seven's expense, with 'bags of cocaine, sex workers and late dinners at top restaurants'... but he's been claiming CENTRELINK ever since he was branded a rapist



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- **Bruce Lehmman**n is collecting Centrelink benefits
- He was on benefits while Seven was covering his rent
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By CHARLOTTE KARP FOR DAILY MAIL AUSTRALIA

PUBLISHED: 11:39 AEST, 6 September 2024 | UPDATED: 13:32 AEST, 6 September 2024

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Bruce Lehmmann has been collecting \$1300 a month in Centrelink benefits since he was publicly accused of rape, and while **Channel Seven** continued to fund his lavish lifestyle.

The network paid Lehmman's rent in **Balgowlah**, on **Sydney**'s northern beaches, for 12 months as part of a lucrative \$105,000 arrangement in exchange for last year's exclusive interviews on the Spotlight program.

Former Spotlight producer **Taylor Auerbach** told the **Federal Court** the network paid thousands for Lehmman's use of sex workers, massages, cocaine, and expensive dinners in a bid to entice him to do the exclusive interviews.

Seven and the former Liberal staffer have fiercely denied those claims.

The accommodation deal **came to an end in April** - just weeks after Federal Court Justice Michael Lee found, on a balance of probabilities, that he had raped former colleague **Brittany Higgins** in Parliament House in 2019.

Lehrmann lodged an appeal to overturn that civil judgement, with a case made at a hearing on Friday morning.

His lawyer Zali Burrows told the court a bitter argument over \$117,000 has emerged between Lehrmann and his former defamation firm Mark O'Brien.

Ms Burrows said there were filing fees associated with his defamation case against Network Ten and **Lisa Wilkinson**, but Lehrmann did not have to pay them because the case was on welfare.

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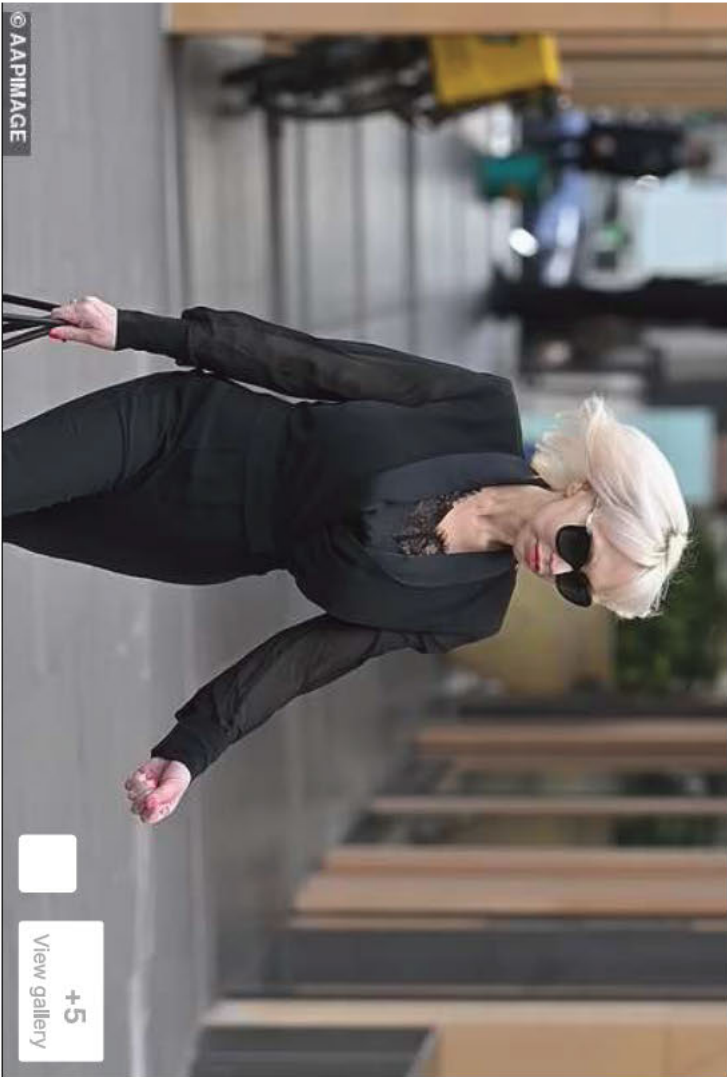
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Bruce Lehrmann is pictured enjoying a long lunch with a friend in Bondi last year

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Lehrmann was represented in the Federal Court on Friday by his solicitor, Zali Burrows (pictured)

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Daily Mail Australia understands Lehrmann has been on the benefit scheme called Austudy since about 2021, when Ms Higgins first went public with her rape allegations against him in an interview with Wilkinson on Ten's show, The Project.

Lehrmann - who has not had a job since 2021 - was eligible to receive Austudy, rather than employment scheme Job Seeker, because he is a part-time law student.

Before the appeal can proceed, Ten has asked Lehrmann to pay \$200,000 surety to cover their costs in the event that he loses.

The network made an application to permanently stay the appeal, which means it would not be allowed to proceed, if he could not pay the deposit within 42 days.

However, he will fight that application in a hearing on October 14.

At Frida's hearing, Network Ten's lawyer Tim Senior told the court Lehrmann's team did not file an amended notice of appeal by the August 29 deadline, and he had no explanation why.

He said there was a lack of clarity around Lehrmann's legal representation and the extent of Ms Burrow's involvement, and the timeline of the appeal.

'We don't have a date, and it's a matter for the court, but it's very difficult to consider our position in these circumstances where [legal] counsel may or be briefed,' he said.

'We don't know why there's been this delay after so much time.'

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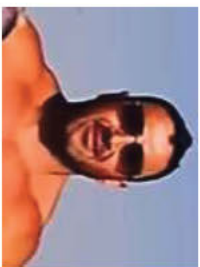
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Bruce Lehrmann is pictured during one of his two Spotlight interviews last year

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Lisa Wilkinson (pictured outside court in April) interviewed Brittany Higgins about her rape claims in 2021

Ms Burrows told the court there were costs issues to deal with before filing an amended notice of appeal.

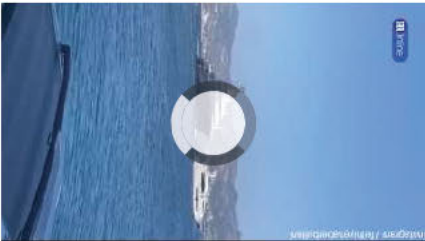
The costs issues were in relation to Lehrmann's defamation case against Network Ten and Wilkinson last year. As the loser of the trial, he is expected to cover his opponent's costs – worth about \$2million.

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Justice Lee handled those costs proceedings, but they have been paused until there is an appeal outcome.

Ms Burrows told the court Lehmann's former law firm, Mark O'Brien, was holding \$117,000 in a trust.

The money came from Lehmann's combined \$445,000 **defamation settlements with the ABC and news.com.au last year**. Terms of the settlement meant the money would cover his legal fees, rather than going into his personal bank account.

After those fees were paid, there was \$117,000 left over which Ms Burrows argued should be used to fund Lehmann's appeal.

Mark O'Brien worked for Lehmann on a no-win no-fee basis.

Justice Wendy Abraham appeared confused why Ms Burrows would mention a costs matter - which is being handled by Justice Lee - in relation to the appeal.

'What's this got to do with me?' she said.

'This is an appeal ... Why isn't Justice Lee dealing with it?'



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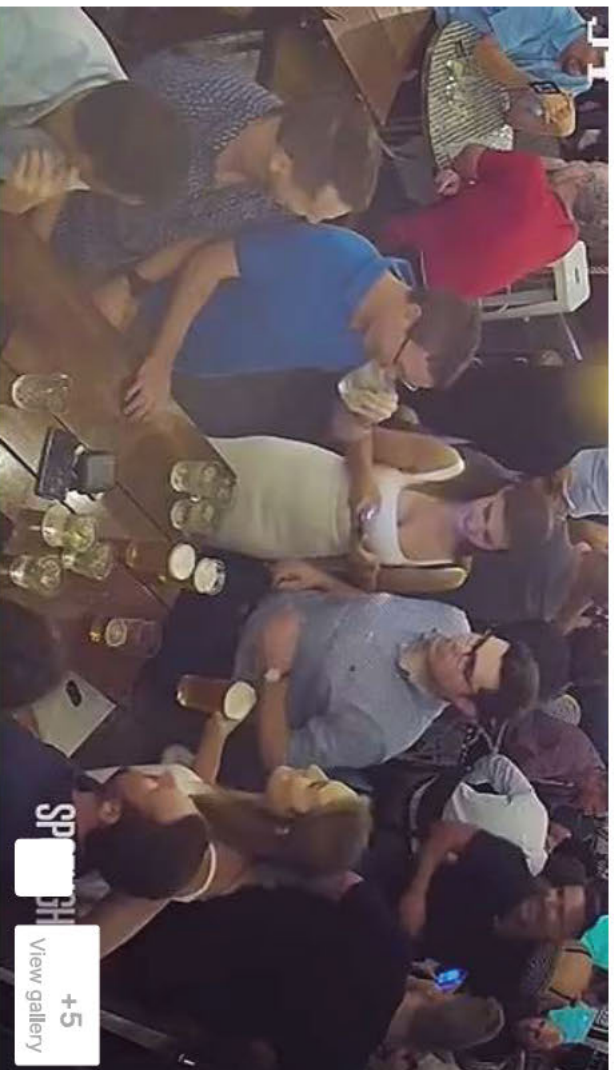


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Pictured: CCTV from the night Bruce Lehrmann raped Brittany Higgins in 2019. She is pictured in white, he is standing next to her in a light blue shirt

Ms Burrows said she would file an application to the registrar in relation to the \$117,000, but asked for Justice Abraham's assistance in hastening the process.

'The reason, Your Honour, why I'm asking you to deal with the application in the registrar is so it can be dealt with expeditiously,' Ms Burrows said.

Justice Abraham: 'Why couldn't the registrar deal with it expeditiously?'

Ms Burrows: 'I'm not saying the registrar can't, but I'd be grateful if perhaps you could give a recommendation if it could be dealt with priority.'

The judge said: 'So, without any notice, you want this court - me - to deal with matter you have yet to file before the registrar so you can succeed and settle

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'You raise this now, when one assumed this has been going on for some time, while you're in breach of orders and I have no explanation as to why.'

Ms Burrows said: 'It has taken some time to consider the costs agreements and my client has filed an application for a refund of those [\$117,000] fees, but it was returned on a technical issue, and will be refilled.'

Ten's lawyer Mr Senior told the court it was 'very concerning' Ms Burrows intended to 'hijack' the appeal proceedings with a costs matter that was being dealt with in a different case.

'I don't really know what to say,' he said, turning around to look at his colleague, Marilia Saunders, who appeared equally confused.

'I'm very concerned about the possibility of an amended notice of appeal being filed and messing up the timetable.'

The matter will return to court later in September.

Channel Ten

Channel Seven

Bruce Lehrmann

Share or comment on this article: Bruce Lehrmann was living a life of luxury. Seven's expense, with 'bags of cocaine, sex workers and lavish dinners ; restaurants'... but he's been claiming CENTRELINK ever since he was bra rapist

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Judge Drags Bruce Lehrmann's Lawyer For Missing Deadline: 'What's This Got To Do With Me?'



By Lachlan Hodson
Published September 6, 2024



CONTENT WARNING: *This article discusses rape.*

Former Liberal staffer, nightmare tenant, law student, liar, and probable rapist **Bruce Lehrmann** is in the bad books of another judge, after his lawyer requested an extension to [file an appeal](#) to his infamously self-destructive defamation case and copped an absolute pasting.

The scoldings against Bruce Lehrmann simply won't stop, after the Federal Court's Justice **Wendy Abraham** spoke plainly following the 29-year-old's request for an extension on the paperwork for his appeal of his defamation loss earlier this year.

Lehrmann is appealing the ruling in his defamation case against **Lisa Wilkinson** and Network 10, after a justice found earlier this year that, on the balance of probabilities, he did [in fact rape Brittany Higgins](#) in 2019.



Lehrmann leaves after his defamation failure. (Source: PEDESTRIAN.TV)

However, he missed the deadline to file the appeal amendments, with his lawyer **Zali Burrows** arguing this was due to his struggles to pay a barrister \$117,000 to finalise appeal, which was due to be filed last Thursday.

“There were a lot of monies paid in respect of hearing allocation fees, filing fees, to which my client didn’t have to pay at the time, because he was on Centrelink,” said Burrows.

To which Justice Abraham asked bluntly: “What’s this got to do with me?”

“This is an appeal ... Why isn’t Justice **Lee** dealing (with it)? This is an order he made ... Not an appeal from the order,” Abraham said, per [The Australian](#).

Burrows explained that the money Lehrmann received in settlements from News Life Media and the ABC had not been reimbursed by the lawyers from his high-stakes defamation case ([who are glad it’s over!](#)), and therefore could not be afforded to the barrister to complete the appeal.

In addition to owing various lawyers huge legal costs, Lehrmann received a court order from Network 10 that he pay a \$200,000 security deposit, to help the network secure legal costs should he be unsuccessful in the appeal. This has also not been paid.

And so, the reason why Abraham had been dragged into the matter was so she could make the reimbursement of \$117,000 into Lehrmann's trust account a priority.

(Photo by Don Arnold/Getty Images)

"You want this court — as in me — to deal with a matter that you haven't yet filed before the registrar so that — one assumes — you succeed in that matter so that you can brief somebody ... and we're not going to get the amended grounds until after that," Abraham asked.

Ultimately, the judge gave Lehrmann's legal team until the end of next week to file the amended notice of appeal, but she didn't do so without some stern words on the importance of keeping a schedule

"One assumes this has been an issue for some time," Justice Abraham said.

"You don't wait until it's breached and then come to the court."

Bruce Lehrmann has quite a trail of receipts following him at the moment that will make paying for all these trials a predicament.

In addition to the court [ordering he pay \\$2 million in legal costs](#) for the failed defamation case

against Network 10 and Wilkinson, he is also being hounded by his [former landlord for \\$13,000](#) to pay for the “extensive damage” he did to the property.

Lehrmann maintains his innocence. A criminal trial in 2022 was aborted due to juror misconduct, and a retrial was not held due to concerns for Higgins’ mental health.

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- *If you’d like to speak to someone about sexual violence, please call the [1800 Respect hotline on 1800 737 732 or chat online](#).*
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Tags: [Bruce Lehrmann](#) [Defamation](#) [Federal Court](#)

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UPDATED

Bruce Lehrmann on Centrelink as he fights high-stakes defamation loss

Bruce Lehrmann's case has returned to court as he appeals against his devastating defamation suit loss to Network 10 and Lisa Wilkinson.



Steve Zemek



@stevezemek



5 min read

September 6, 2024 - 12:10PM

NewsWire



Bruce Lehrmann's lawyers failed to meet two key deadlines, with the fate of the former political staffer's appeal against his devastating defamation loss to be decided next month.

Network 10's lawyers requested the matter be listed in Federal Court before Justice Wendy Abraham on Friday, with Lehrmann's lawyer putting the missed deadline down to the fact he had filed to receive a \$117,000 refund from his lawyers and was on Centrelink.

Lehrmann has launched an appeal to the Full Court of the Federal Court after losing his high-stakes lawsuit over Ms Wilkinson's 2021 The Project interview with Brittany Higgins.

Justice Michael Lee found, on the balance of probabilities, that Lehrmann sexually assaulted Ms Higgins inside the office of Senator Linda Reynolds in Parliament House on the morning of March 23, 2019 following a night out drinking in Canberra.

Ten's lawyers earlier this year filed an application asking the court to order that Lehrmann deposit \$200,000 as a security for their legal costs for the appeal to go ahead.

The court heard that Ms Burrows had not filed evidence in relation to the security for costs application and an amended notice of appeal.

According to orders made by Justice Abraham in July, Lehrmann's legal team were required to file and serve the evidence by last Thursday.

"The reasons the first respondent requested the listing is because there's been a default on the order made by Your Honour on the 25th of July," Ten's barrister Tim Senior told the court on Friday.



Bruce Lehrmann earlier this year lost his Federal Court defamation suit against Ten and Lisa Wilkinson.
Picture: NewsWire/John Appleyard.

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Mr Lehmann's solicitor Zali Burrows has sought an order for a stay on the \$2m costs order made against Lehmann following his defamation suit loss.

In June, Lehmann was ordered to pay Network Ten \$2m for the legal costs following the failed defamation case.

The court was previously told Lehmann could be forced into bankruptcy if he couldn't meet the costs order.

Ten asked that Lehmann pay a \$200,000 surety to secure Network 10's legal costs in the event he is unsuccessful in his appeal.

They made an application for the Federal Court to permanently stay the appeal proceedings if he cannot deposit the surety within 42 days.

No order has been made yet, and the court was earlier this year told that Lehmann's legal team would argue against the application at a hearing scheduled for October 14.

Mr Senior told the court that Lehmann's legal team had provided no explanation why the amended appeal and the evidence relating to the \$200,000 surety had not been filed by the deadline.

The matters are due to be argued at an interlocutory hearing on October 14, and Mr Senior said he was worried that the failure to meet the deadline could impact the hearing.

"We're concerned about the impact on this timetable for the security and stay application," Mr Senior said.

"If we get an amended notice of appeal with 100 new grounds, that's bound to affect the issues for consideration on those applications."

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Man ordered to pay \$170k to parents-in-law defamation suit.

"The issue now is that there was about \$117,000 which were paid for Ten's costs out of the trust account funds," Ms Burrows said.

"Which we say were not payable on the conditional costs agreement and there were a lot of moneys paid in hearing allocation fees and filing fees to which my client didn't have to pay at the time because he was on Centrelink."

Protesters guilty of disrupting Mardi Gras

She said she was now seeking a costs assessment on his former lawyers.

But Justice Abraham said she couldn't deal with the matter because it did not relate to the appeal and concerned matters in the court below.

Bruce Lehrmann's solicitor Zali Burrows. Picture: NewsWire/Nikki Short.

"What has this got to me with me? This is an appeal," Justice Abraham said.

Ms Burrows said the money was needed so she could brief barrister Guy Reynolds SC, who it was proposed would draft the amended appeal.

"You want this court - as in me - to deal with a matter that you haven't yet filed before the registrar so that - one assumes - you succeed in that matter so that you can brief somebody ... and we're not going to get the amended grounds until after that," Justice Abraham said.

Ms Burrows said she could write a draft amended appeal and wait for the money so that Mr Reynolds could produce the final amended appeal.

Ultimately, Justice Abraham on Friday gave Lehrmann's legal team an extension to file the evidence relating to the security for costs application and their notice of appeal.

They were given until 4pm to file their evidence relating to the \$200,000 security for costs, and until the end of next week to file the amended notice of appeal.

The matter will return to court on October 14.

CCTV of Bruce Lehrmann and Brittany Higgins entering parliament. Picture: Supplied.

THE APPEAL

Lehrmann lodged his appeal in May, having consistently denied sexually assaulting his

former colleague.

In a notice of appeal filed with the court, Lehrmann claims he was denied procedural fairness and challenged Justice Lee's findings.

He has claimed that Justice Lee made findings that were neither advanced by Ten and Ms Wilkinson nor put to him in cross examination.

As well, he argued that Justice Lee should not have made his findings because Ms Higgins had "significant credibility problems" and he did not properly apply the "Briginshaw principle".

According to the "Briginshaw" principle, in civil cases involving serious allegations, courts are required to make findings at a higher standard.

Brittany Higgins gave evidence as Ten's star witness. Picture: NewsWire/Nikki Short.

THE TRIAL

The former Liberal staffer sued Ten and Ms Wilkinson over her interview with Ms Higgins on The Project in which the former political staffer said that she was raped by a former colleague.

In a landmark ruling, Justice Lee in April found, on the balance of probabilities, Lehrmann had raped Ms Higgins, dismissing Mr Lehrmann's lawsuit.

Justice Lee said "it is more likely than not" that Lehrmann was "so intent upon gratification to be indifferent to Ms Higgins' consent, and hence went ahead with sexual intercourse without caring whether she consented."

Justice Lee said of Lehrmann's decision to sue for defamation after criminal proceedings were abandoned: "Having escaped the lion's den, Mr Lehrmann made the mistake of going back for his hat."

It is unclear whether Mr Lehrmann has the funds for an appeal – the court has previously heard he has been unemployed since 2021 and is a legal student.

Lehrmann has consistently denied sexually assaulting Ms Higgins.

He faced trial in the ACT Supreme Court in 2022 after pleading not guilty to one count of sexual intercourse without consent.

The trial was abandoned due to juror misconduct and the Director of Public Prosecutions dropped the charges due to concerns about Ms Higgins' welfare.

Bruce Lehrmann given extra time in appeal to overturn the result of failed defamation case against Network Ten and Lisa Wilkinson

By Patrick Bell



By Elizabeth Byrne

Courts and Trials

Fri 6 Sep 2024 at 10:09am



Bruce Lehrmann is appealing after Justice Michael Lee found on the balance of probabilities he did rape Brittany Higgins at Parliament House in 2019 (AAP: Bianca De Marchi)

In short:

Former Liberal staffer Bruce Lehrmann has been given extra time to file amended grounds of appeal, as he seeks to overturn the result of his failed defamation case against Network Ten and Lisa Wilkinson.

Bruce Lehrmann is appealing after Justice Michael Lee found on the balance of probabilities he did rape Brittany Higgins at Parliament House in 2019.

What's next?

Mr Lehrmann's lawyer has been given until next Thursday to file amendments.

Former Liberal staffer Bruce Lehrmann has been given extra time to file amended grounds of appeal, as he seeks to overturn the result of his failed defamation case against Network Ten and Lisa Wilkinson.

Mr Lehrmann drafted the original notice of appeal himself, after the Federal Court found, on the balance of probabilities, [he had raped Brittany Higgins at Parliament House in 2019](#).

He has always denied the allegation, and a criminal trial in the ACT Supreme Court collapsed without a verdict due to juror misconduct.

In a hastily arranged case management hearing today, the Federal Court heard Mr Lehrmann missed the original deadline of last Thursday to file any amendments to the appeal.

His lawyer Zali Burrows argued Mr Lehrmann has

struggled to recover \$117,000 in court costs which he should have been exempt from, and which he now intends to use to pay senior barrister Guy Reynolds to finalise the amended appeal.

"There were a lot of monies paid in respect of hearing allocation fees, filing fees, to which my client didn't have to pay at the time, because he was on Centrelink," Ms Burrows said.

The money was disbursed from a trust account, into which News Life Media and the ABC paid money upon settling Mr Lehrmann's defamation actions against them.

Much of Mr Lehrmann's defamation case centered around an interview Brittany Higgs gave to The Project (*Supplied: Network Ten*)

While Justice Wendy Abraham agreed to give Mr Lehrmann until next Thursday to file any amendments, she was critical of Ms Burrows for not raising the issues earlier.

"One assumes this has been an issue for some time," Justice Abraham said.

"You don't wait until [an order is] breached and then come to the court."

Justice Abraham also declined to consider Mr Lehrmann's application for cost recovery herself, instead referring that to the court's registry.

The case will be back in court in October, when the court will consider duelling applications over costs.

Network Ten is seeking a court order for Mr Lehrmann to provide a security of costs in the event the appeal fails.

Meanwhile, Mr Lehrmann wants to delay the enforcement of the costs order against him in the original case, which could cost him millions of dollars.

Posted Fri 6 Sep 2024 at 10:09am

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