

Form 59  
Rule 29.02(1)

## Affidavit

No. NSD103 of 2023

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

### BRUCE LEHRMANN

Applicant

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

Affidavit of: **Benjamin Ian Dillaway**

Address: [REDACTED]

Occupation: External Affairs Principal

Date: 21 November 2023

### Contents

I, Benjamin Ian Dillaway, of [REDACTED], External Affairs Principal, say on oath:

1. The matters set out in this affidavit are based on my own knowledge, except where I have stated or qualified otherwise. Where I have set out my recollection of conversations in this affidavit I have included the effect of the words spoken as I recall them.
2. Where I refer to a document in this affidavit, that document was produced to me at the time of swearing this affidavit and verified by me as a true copy of the relevant document.
3. Text messages reproduced in this affidavit reflect the actual messages sent and received, including any typographical errors.
4. This is the second affidavit I have sworn in this proceeding.

Filed on behalf of (name & role of party) First Respondent, being Network Ten Pty Limited

Prepared by (name of person/lawyer) Marlia Saunders

Law firm (if applicable) Thomson Geer

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(include state and postcode) \_\_\_\_\_

[Version 3 form approved 02/05/2019]

**Messages with Karly Abbott**

- 5. On the morning of 15 February 2021, I read the article written by journalist Samantha Maiden about Brittany Higgins on the news website news.com.au.
- 6. At 8.20am, I sent a text message with a screenshot of a tweet by Ms Maiden to Karly Abbott, who is a friend of mine. The tweet contained a link to the news.com.au article. The words in the screenshot were: "EXCLUSIVE: a Liberal staffer has alleged she was raped in the Defence Ministers office and then forced to attend a formal employment meeting about the incident in the room where it occurred." Ms Abbott and I then had a text message conversation to the following effect:

*Mr Dillaway: [screenshot]*

*Ms Abbott: What the fuck!!!!*

*Mr Dillaway: It was your mate*

*Ms Abbott: I've heard the rumor but not sure I believe it*

- 7. My reference to "your mate" was a reference to Bruce Lehrmann, as I knew he and Ms Abbott were friends.
- 8. We probably spoke on the phone shortly after this, however I cannot recall the conversation.

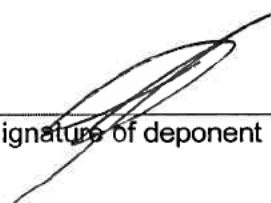
**Identification of the Applicant**

- 9. That morning the story broke, I spoke with at least two journalists and one other former colleague. They did not know who the man in the story was and were keen to know if I did. The general reaction from them in the hour or so after the news.com.au story was published was: "who is it?"
- 10. No one that I spoke to knew that the alleged perpetrator was Mr Lehrmann.

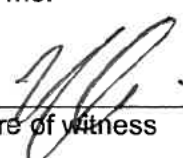
Sworn by the deponent  
at Brisbane  
in Queensland  
on 21 November 2023  
Before me:

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)  
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Signature of deponent



Signature of witness



Michelle Fanning  
Solicitor  
Level 28, Waterfront Place, 1 Eagle St, Brisbane QLD 4000  
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law