

INTERROGATORIES TO FIRST RESPONDENT

NSD 206/2021

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

CHARLES CHRISTIAN PORTER

Applicant

AUSTRALIAN BROADCASTING CORPORATION and LOUISE MILLIGAN

Respondents

Definitions

In these interrogatories:

- (a) **SOC** means the Statement of Claim filed on 15 March 2021;
- (b) **First Respondent** means Australian Broadcasting Corporation and/or any of its employees, servants and/or agents;
- (c) **Article** has the same meaning as defined in paragraph 4 of the SOC.
- (d) **Reply** is the Reply dated 4 May 2021;
- (e) Defined terms are as they appear in the SOC and Reply.

EXTENT OF PUBLICATION AND REPUBLICATION

Twitter

1. Does the First Respondent operate or cause to be operated the Twitter Account with the handle @abcnews?
2. How many followers did the Twitter handle @abcnews have as at about February 2021?
3. How many followers did the Twitter handle @abcnews have as at about March 2021?

4. How many interactions (likes etc) did the publication at Annexure B to the SOC generate?
5. How many times was the publication at Annexure B to the SOC retweeted?
6. How many comments did the publication at Annexure B to the SOC receive?
7. Does the First Respondent in any way authorise, supervise or approve the content of Louise Milligan's Twitter account @Milliganreports?
8. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the nature of such supervision, process of supervision, approval or otherwise;
 - (b) the name of the employee, agent or officer(s) of the First Respondent who engaged, between November 2020 to date, in that supervision, approval otherwise;
 - (c) whether the First Respondent has the authority to delete Tweets from that account;
 - (d) which employee, agent or officer(s) had such authority to delete between November 2020 to date.

Facebook

9. Does the First Respondent in any way authorise, supervise or approve the content of Louise Milligan's Facebook account @LouiseMilligan?
10. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the nature of such supervision, process of supervision, approval or otherwise;
 - (b) the name of the employee, agent or officer(s) of the First Respondent who engaged, between November 2020 to date, in that supervision, approval otherwise;
 - (c) whether the First Respondent has the authority to delete posts from that Facebook account;
 - (d) which employee, agent or officer(s) had such authority to delete between November 2020 to date.

CONTINUED PUBLICATION

11. Is the Article still available for publication on the ABC website?
12. If the answer to the preceding interrogatory is in the negative, please state the date it was removed from the ABC website.
13. Is the publication at Annexure B to the SOC still available to be viewed on Twitter?
14. If the answer to the preceding interrogatory is in the negative, please state the date of the removal of that publication from Twitter.

DECISION TO PUBLISH

15. Which officer(s) or employee(s) of the First Respondent made the decision and/or approved the publication of the Article?

REACTION

16. Since the publication of the Article, has any person spoken to the First Respondent or written to the First Respondent or otherwise communicated with the First Respondent about the Article?
17. If the answer to the preceding interrogatory is in the affirmative, please identify:
 - (a) the name of each person;
 - (b) the date of each communication;
 - (c) the substance of each communication. In the case of written communications, please annex a copy to the First Respondent's answers.
18. Since the publication of the Article, has any person spoken to the First Respondent or written to the First Respondent or otherwise communicated with the First Respondent about Mr Porter in relation to the Article?
19. If the answer to the preceding interrogatory is in the affirmative, please identify:
 - (a) the name of each person;
 - (b) the date of each communication;

- (c) the substance of each communication. In the case of written communications, please annex a copy to the First Respondent's answers.

ATTEMPTS TO CONTACT APPLICANT

20. Prior to the publication of the Article did the First Respondent:

- (a) contact; or
- (b) attempt to contact,

Mr Porter with respect to the material in any of the Article?

21. Did the First Respondent give or attempt to give Mr Porter an opportunity to comment on the material in the Article prior to its publication?

22. Prior to publishing the Article, did the First Respondent give or attempt to give Mr Porter an opportunity to respond to the allegations in the Article?

23. If the answer to any of interrogatories 20, 21 or 22 is in the affirmative, specify:

- (a) when the attempt was made;
- (b) by whom was the attempt made;
- (c) how was the attempt made;
- (d) what was the reply, if any.

24. Why did the First Respondent not give Mr Porter an opportunity to deny the accusations in the Article prior to publication?

25. In deciding whether or not to contact Mr Porter prior to publication of the Article, did the First Respondent consider that he might seek an injunction to prevent the publication of the Article if he had notice of it.

26. At the time of publication of the Article did any employee or agent of the First Respondent have Mr Porter's (please answer separately in relation to each):

- (a) email address;
- (b) work phone number;

- (c) mobile telephone number?

APOLOGY

- 27. Has the First Respondent ever apologised to Mr Porter in relation to the content of the Article?
- 28. If the answer to the preceding interrogatory is in the affirmative, please state:
 - (a) the date of the apology;
 - (b) the substance of the apology; and
 - (c) the form of the apology (whether it was oral or in writing).

IDENTIFICATION

- 29. Did the First Respondent intend that Mr Porter be identified as the cabinet minister the subject of the Article?
- 30. If the answer to the preceding interrogatory is in the negative, what steps, if any, did the First Respondent take to avoid identification of Mr Porter as the subject of the Article?
- 31. At the time of publication of the Article, did the First Respondent believe that Mr Porter would eventually identify himself as the minister the subject of the Article?
- 32. In relation to the belief asserted in answer to the preceding interrogatory, please state:
 - (a) the basis upon which such belief was formed; and
 - (b) which relevant employee or officer of the ABC held that belief.
- 33. Please look at Schedule 1 to these interrogatories (Milligan profile page from ABC website). How many pageviews has that page had from the ABC website in:
 - (a) November 2020;
 - (b) December 2020;
 - (c) January 2021;
 - (d) February 2021; and

- (e) March 2021.
34. What was the total estimated audience size of the November 4C (including the original broadcast of it, any subsequent broadcast, any views from ABC iView and any other internet platform operated or controlled by the First Respondent)?
 35. How many views did the November 4C receive from ABC iView (or any other internet platform operated or controlled by the First Respondent) from 26 February 2021 until about 3pm on 3 March 2021?
 36. How many hits and/or views did the transcript of the November 4C receive from the ABC website from 26 February 2021 until about 3pm on 3 March 2021?
 37. How many hits and/or views did the article entitled "*Christian Porter was warned over public behaviour with young female staffer by then-prime minister Malcolm Turnbull*" receive?
 38. How many hits and/or views did the article entitled "*Christian Porter was warned over public behaviour with young female staffer by then-prime minister Malcolm Turnbull*" receive from 26 February 2021 until about 3pm on 3 March 2021?
 39. How many hits and/or views did the article entitled "*Investigation reveals history of sexism and inappropriate behaviour by Attorney-General Christian Porter*" receive?
 40. How many hits and/or views did the article entitled "*Investigation reveals history of sexism and inappropriate behaviour by Attorney-General Christian Porter*" receive from 26 February 2021 until about 3pm on 3 March 2021?
 41. What was the total estimated audience size of the programme 'the Drum' first broadcast on 10 November 2020 (including the original broadcast of it, any subsequent broadcast and any views from ABC iView or any other internet platform operated or controlled by the First Respondent)?
 42. How many views did the 10 November 2020 'the Drum' programme receive from ABC iView (or any other internet platform operated or controlled by the First Respondent) from 26 February 2021 until about 3pm on 3 March 2021?
 43. What was the total estimated audience size of the ABC News first broadcast at about 6pm on 26 February 2021 (including the original broadcast of it, any subsequent

broadcast and any views from ABC iView or any other internet platform operated or controlled by the First Respondent)?

44. In including quotes from Jo Dyer in the 1 March article, did the First Respondent consider that readers might make the connection between the cabinet minister the subject of the Article and the November 4Corners, given Ms Dyer also appeared in that, and in which she made adverse comments about Mr Porter?
45. If the answer to the preceding interrogatory is in the affirmative:
 - (a) what consideration was given;
 - (b) why was Ms Dyer included in the 1 March article?
46. How many hits (or estimated number of hits) did the 1 March article receive from the time it was uploaded until 3pm on 3 March 2021?
47. Did the 1 March article appear on Milligan's profile page on the ABC website at any time (see Schedule 1 to these interrogatories)?
48. If the answer to the preceding interrogatory is in the affirmative:
 - (a) when was it deleted; and
 - (b) why was it deleted.
49. In including parts of an interview with Jo Dyer in the 7:30 story, did the First Respondent consider that viewers might make the connection between the cabinet minister the subject of the Article and the November 4Corners, given Ms Dyer also appeared in that, and in which she made adverse comments about Mr Porter?
50. If the answer to the preceding interrogatory is in the affirmative:
 - (a) what consideration was given;
 - (b) why was Ms Dyer included in the 7:30 story?
51. What was the total estimated audience size of the 7:30 story first broadcast on 2 March 2021 (including the original broadcast of it, any subsequent broadcast and any views from ABC iView or any other internet platform operated or controlled by the First Respondent)?

52. Were the following statements (or statements to the same effect) made during an episode of Media Watch on 8 March 2021? (please answer separately in relation to each):
- (a) the ABC and Milligan broke the story by the publication of the Article on Friday 26 February 2021;
 - (b) the allegations the subject of the Article made front page headlines in the weekend papers across Australia;
 - (c) by Monday 28 February 2021 it was widely known in Canberra that Mr Porter was the subject of the Article;
 - (d) by Monday 28 February 2021 Mr Porter had been identified on the internet as the subject of the Article;
 - (e) by Monday 28 February 2021 Mr Porter's name was trending on Twitter;
 - (f) mentions of Mr Porter's name on Twitter increased by 500 per cent on Saturday 27 February 2021, then doubled from Sunday 28 February 2021 to Monday 1 March 2021 and doubled again on Tuesday 2 March 2021;
 - (g) by Tuesday 2 March 2021, a tweet was published every 6 seconds naming Mr Porter?
53. Did any Twitter user refer to Mr Porter by name or otherwise (such as his position as Attorney-General or part of his name) in response to or as part of the Twitter feed being Schedule B to the SOC?
54. If the answer to the preceding interrogatory is in the affirmative, please annex a copy of each such Tweet to the First Respondent's answers to interrogatories.
55. Did the First Respondent delete, or cause to be deleted any references to Mr Porter (in tweets, retweets, comments or otherwise) (by his name, position or otherwise) in connection with the Tweet being Schedule B to the SOC?
56. If the answer to the preceding interrogatory is in the affirmative, please set out in relation to each such tweet, retweet, comment or otherwise when it was deleted.

57. Did the First Respondent set up (or cause to be set up) a filter on its Twitter account on about 26 February 2021 which caused any Tweet that referred to Mr Porter to be hidden?
58. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) when such filter was applied;
 - (b) what key words were used in such filter?
59. Did any Twitter user refer to Mr Porter by name or otherwise (such as his position as Attorney-General or part of his name) in response to or as part of the Twitter feed being Schedule C to the SOC?
60. If the answer to the preceding interrogatory is in the affirmative, please annex a copy of each such Tweet to the First Respondent's answers to interrogatories.
61. Did the First Respondent delete, or cause to be deleted any references to Mr Porter (by his name, position or otherwise) in connection with the Tweet being Schedule C to the SOC?
62. If the answer to the preceding interrogatory is in the affirmative, please set out in relation to each such Tweet when it was deleted.
63. Did the First Respondent set up (or cause to be set up) a filter on Louise Milligan's Twitter account on about 26 February 2021 which caused any Tweet that referred to Mr Porter to be hidden?
64. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) when such filter was applied;
 - (b) what key words were used in such filter?
65. After the publication of the Article and before 3pm on 3 March 2021, the did the First Respondent receive any enquiries about whether the Article was connected to the November 4Corners?
66. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the discovery number of such enquiries if in writing;

- (b) how many such enquiries it received;
 - (c) the substance of each enquiry (if not in writing);
 - (d) the response to each enquiry.
67. Were there any internal directives, notices or communications with employees of the First Respondent relating to Mr Porter after the publication of the Article and before 3pm on 3 March 2021?
68. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the discovery numbers identifying such communications;
 - (b) if not in writing, the date of such communications and the substance of them.
69. Were there any internal directives, notices or communications with employees of the First Respondent relating to the identification the cabinet minister the subject of the Article after the publication of the Article and before 3pm on 3 March 2021?
70. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the discovery numbers identifying such communications;
 - (b) if not in writing, the date of such communications and the substance of them.
71. After the publication of the Article and before 3pm on 3 March did the First Respondent receive any communication (email, phone message, social media post or otherwise) naming Mr Porter (by his first name, surname, title or otherwise) in connection with the Article?
72. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the discovery number for each such communication if in writing;
 - (b) if not in writing, the date and substance of each such communication.
73. After the publication of the Article and before 3pm on 3 March did the First Respondent receive any communication (email, phone message, social media post or otherwise) asking whether Mr Porter (by his first name, surname, title or otherwise) had a connection with the Article?

74. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the discovery number for each such communication if in writing;
 - (b) if not in writing, the date and substance of each such communication.

INFORMATION

75. When did the First Respondent first become aware that AB had made an allegation of rape against Mr Porter?
76. How did the First Respondent first become aware that AB had made an allegation of rape against Mr Porter?
77. Did the First Respondent attempt to contact AB prior to her death (directly or through an intermediary)?
78. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the date of that attempt(s)
 - (b) the name of the employee(s) who made the attempt(s);
 - (c) the result of the attempt(s);
 - (d) AB's response, if any.
79. Was the First Respondent given a 2 page statement said to have been written by AB about Mr Porter?
80. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) who gave the First Respondent that statement;
 - (b) when it was given to the First Respondent;
 - (c) the discovery number for that document.
81. Was the First Respondent given an 88 page statement said to have been written by AB about Mr Porter?
82. If the answer to the preceding interrogatory is in the affirmative please state:

- (a) who gave the First Respondent that statement;
 - (b) when it was given to the First Respondent;
 - (c) the discovery number for that document.
83. As to the following words in the Article “*The letter, shared with Four Corners by a friend of the complainant, attaches a detailed statement prepared by the complainant for her lawyer about the brutal rape she alleges took place*” please identify by reference to discovery number the letter and detailed statement referred to (**Dossier**).
84. When did the First Respondent become aware of the existence of the Dossier?
85. How did the First Respondent become aware of the existence of the Dossier?
86. Did the First Respondent know before the Dossier was sent to the Prime Minister about the Dossier?
87. If the answer to the preceding interrogatory is in the affirmative:
- (a) what did the First Respondent know about the Dossier;
 - (b) how did the First Respondent know it;
 - (c) who was the source of that information?
88. Did the First Respondent participate in any way in the preparation of the Dossier?
89. If the answer to the preceding interrogatory is in the affirmative:
- (a) how did the First Respondent participate;
 - (b) when did the First Respondent participate;
 - (c) what is the name of the employee(s) or agent(s) who participated?
90. When did the First Respondent first receive the Dossier (date and time)?
91. How was the Dossier provided to the First Respondent?
92. Please state the name of the person who gave the First Respondent the Dossier.

93. What steps, if any, did the First Respondent take to check the truth or otherwise of the assertions in the Dossier. In this answer please include:
- (a) the date of any enquiries about the allegations made;
 - (b) the names of the persons of whom inquiries were made;
 - (c) what the inquiries were;
 - (d) the outcome of the inquiries.
94. Prior to the publication of the Article, did the First Respondent take any steps to ascertain who drafted or participated in the drafting of the Cover Letter?
95. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) what steps were taken;
 - (b) who took those steps;
 - (c) when the steps were taken;
 - (d) what the outcome of those enquiries were.
96. Did AB give the First Respondent any statement which included her allegations against Mr Porter?
97. If the answer to the preceding interrogatory is in the affirmative please:
- (a) identify the document by reference to discovery number;
 - (b) state when it was given to the First Respondent by AB;
 - (c) state how it was provided by AB to the First Respondent.
98. Did any member of AB's family give the First Respondent any statement which included her allegations against Mr Porter?
99. If the answer to the preceding interrogatory is in the affirmative please:
- (a) identify the document by reference to discovery number;
 - (b) state the name of the family member;

- (c) state the relationship of that person to AB;
 - (d) state when it was given to the First Respondent by that member of AB's family;
 - (e) state how it was provided by that family member to the First Respondent.
100. Did AB give the First Respondent permission to publish the content of the Dossier, or any part of it?
101. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the extent of such permission;
 - (b) the form of it;
 - (c) the date it was given.
102. Did AB give the First Respondent permission to publish any statement that she had made about Mr Porter (or any part of it)?
103. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the extent of such permission;
 - (b) the form of it;
 - (c) the date it was given.
104. Did AB give the First Respondent permission to publish the details of any of her medical records or history?
105. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the extent of such permission;
 - (b) the form of it;
 - (c) the date it was given.
106. Did any relative of AB give the First Respondent permission to publish the content of the Dossier, or any part of it?
107. If the answer to the preceding interrogatory is in the affirmative please state:

- (a) the name of the relative;
 - (b) the relationship that person had with AB;
 - (c) the extent of such permission;
 - (d) the form of it;
 - (e) the date it was given.
108. Did any relative of AB give the First Respondent permission to publish any statement that she had made about Mr Porter (or any part of it)?
109. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the name of the relative;
 - (b) the relationship that person had with AB;
 - (c) the extent of such permission;
 - (d) the form of it;
 - (e) the date it was given.
110. Did the First Respondent seek the consent of anyone with the capacity to provide that consent, to publish the content of any statement made by AB (or purportedly made by her) or any other personal information, including medical information of AB?
111. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the material or information in relation to which consent was sought;
 - (b) the name of the person(s) whose consent was sought;
 - (c) the nature of their authority to provide consent;
 - (d) the date(s) such consent was sought;
 - (e) the response to the request for consent;
112. Did AB's parents, at any point in time, inform the First Respondent that they opposed the publication of any information, material or otherwise concerning AB?

113. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the date of the communication;
 - (b) the substance of the communication.
114. Did the First Respondent at any time communicate with AB's parents?
115. If the answer to the preceding interrogatory is in the affirmative please state:
- (a) the date(s) of the communication(s);
 - (b) the name of the employee or agent who communicated'
 - (c) the substance of the communication.
116. Has the First Respondent ever become aware that the parents of AB have publicly requested that AB not be named, and that there be no images or recordings published from which she might reasonably be identified?
117. If the answer to the preceding interrogatory is in the affirmative, when did the First Respondent become so aware?
118. In publishing the Article, did the First Respondent intend to convey any of the following imputations about the cabinet minister referred to in the Article (or imputations that did not differ in substance) (please answer separately in relation to each imputation):
- (a) he brutally raped a 16-year-old girl in 1988;
 - (b) he anally raped a 16-year-old girl in 1988;
 - (c) his brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
 - (d) he is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him;
 - (e) in 2020 he was reasonably suspected by NSW Police of raping a 16 year-old-girl in 1988;
 - (f) there are reasonable grounds for suspecting that he brutally and anally raped a 16-year-old girl;

- (g) there are reasonable grounds for suspecting that his brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
- (h) he had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988;
- (i) there are reasonable grounds for suspecting that he brutally raped a 16-year-old girl in 1988;
- (j) there are reasonable grounds for suspecting that his brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
- (k) there are reasonable grounds for suspecting that he is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him;
- (l) there are reasonable grounds for suspecting that he was reasonably suspected in 2020 by NSW Police of raping a 16-year-old girl in 1988;
- (m) there are reasonable grounds for suspecting that he had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988;

119. In publishing the Article, did the First Respondent intend to convey any of the following imputations about Mr Porter (or imputations that did not differ in substance) (please answer separately in relation to each imputation):

- (a) Mr Porter brutally raped a 16-year-old girl in 1988;
- (b) Mr Porter anally raped a 16-year-old girl in 1988;
- (c) Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
- (d) Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him;
- (e) In 2020 Mr Porter was reasonably suspected by NSW Police of raping a 16 year-old-girl in 1988;

- (f) There are reasonable grounds for suspecting that Mr Porter brutally and anally raped a 16-year-old girl;
- (g) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
- (h) Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988;
- (i) There are reasonable grounds for suspecting that Mr Porter brutally raped a 16-year-old girl in 1988;
- (j) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
- (k) There are reasonable grounds for suspecting that Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him;
- (l) There are reasonable grounds for suspecting that Mr Porter was reasonably suspected in 2020 by NSW Police of raping a 16-year-old girl in 1988;
- (m) There are reasonable grounds for suspecting that Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.

120. At the time of publication of the Article did the First Respondent believe any of the following imputations to be true (please answer separately in relation to each imputation):

- (a) Mr Porter brutally raped a 16-year-old girl in 1988;
- (b) Mr Porter anally raped a 16-year-old girl in 1988;
- (c) Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
- (d) Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him;
- (e) In 2020 Mr Porter was reasonably suspected by NSW Police of raping a 16 year-old-girl in 1988;

- (f) There are reasonable grounds for suspecting that Mr Porter brutally and anally raped a 16-year-old girl;
 - (g) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
 - (h) Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988;
 - (i) There are reasonable grounds for suspecting that Mr Porter brutally raped a 16-year-old girl in 1988;
 - (j) There are reasonable grounds for suspecting that Mr Porter's brutal and anal rape of a 16-year-old girl contributed to her taking her own life;
 - (k) There are reasonable grounds for suspecting that Mr Porter is reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988, warranting criminal charges being brought against him;
 - (l) There are reasonable grounds for suspecting that Mr Porter was reasonably suspected in 2020 by NSW Police of raping a 16-year-old girl in 1988;
 - (m) There are reasonable grounds for suspecting that Mr Porter had so conducted himself that it warranted him being reasonably suspected by police of brutally and anally raping a 16-year-old girl in 1988.
121. If the answer to the preceding interrogatory is in the affirmative as to any part, separately as to any such imputation:
- (a) please state the name of the officer(s) and/or employee(s) of the First Respondent who relevantly held any such belief;
 - (b) the information that each such person had to base such belief at the time of publication of the Article.
122. At the time of publication of the Article did the First Respondent have any information with respect to any of the material in the Article? If so:
- (a) state what information the First Respondent had;

- (b) who or what was the source of the information (identify specifically what information was received from each source);
 - (c) identify all documents containing such information which the First Respondent had in its possession at the time of the publication of the Article (and annex them to the First Respondent's answers);
 - (d) identify all documents containing such information as to which the First Respondent had been informed of their contents or parts thereof but which you did not have in your possession at the time of publication of the Article and provide a complete description as to the terms by which these documents were described to the First Respondent;
 - (e) state the use made of each of the documents described or referred to in (c) and (d) above;
 - (f) identify any such information which consisted of an oral communication and state the substance of what was said by each such person.
123. In respect of each source of information for the Article (specifying each source) at the time of publication of the Article, did the First Respondent have a view as to:
- (a) the nature and/or quality of the information furnished by the source;
 - (b) the accuracy of the information furnished by the source;
 - (c) whether the source was biased against Mr Porter;
 - (d) whether information furnished by the source required corroboration?
124. If the answer to the preceding interrogatory is in the affirmative as to any part, in respect of each such part (specifying it):
- (a) what was that view;
 - (b) on what facts, matters and circumstances was the view based;
 - (c) when precisely was that view formed?
125. Did the First Respondent use Signal (or any other encrypted messaging system) to communicate with sources in relation to Mr Porter?

126. If the answer to the preceding interrogatory is in the affirmative:
- (a) have any of those communications been deleted (whether automatically because of a set time function or otherwise);
 - (b) how many such communications have been deleted;
 - (c) please list the names of sources with whom communications have been deleted;
 - (d) please set out the date and substance of each such communication.

AGGRAVATED DAMAGES/MALICE

127. At the time of publication of the Article did the First Respondent believe that the allegations by AB could not be proved in any criminal proceeding?
128. At the time of publication of the Article did the First Respondent believe that there was insufficient evidence for the police to charge Mr Porter in relation to the allegations by AB?
129. At the time of publication of the Article did the First Respondent believe that there was insufficient evidence for the police to investigate the allegations by AB against Mr Porter?
130. At the time of publication of the Article did the First Respondent believe that the police did not have a reasonable suspicion that Mr Porter was guilty of the offences alleged by AB?
131. At the time of publication of the Article did the First Respondent believe that there was insufficient objective evidence for there to be reasonable grounds to suspect that Mr Porter was guilty of the offences alleged by AB?
132. At the time of publication of the Article did the First Respondent understand that persons charged with offences in New South Wales that allegedly occurred when they were under 18 could not be identified in connection with those alleged offences?
133. At the time of publication of the Article did the First Respondent believe that the publication of the Article would cause substantial damage to Mr Porter's reputation?
134. At the time of publication of the Article did the First Respondent intend to cause damage to Mr Porter's reputation?

135. Did the First Respondent intend, at some time prior to 9 November 2020 to include the rape allegation against Mr Porter in the November 4Corners?
136. If the answer to the preceding interrogatory is in the affirmative, please state:
- (a) the date from which it was intended that the rape allegation be included;
 - (b) the date when it was decided to exclude it;
 - (c) who decided that it not be included;
 - (d) why that decision was made.
137. Why did the First Respondent publish the rape allegation against Mr Porter in the Article, having not published it in November 2020?
138. At the time of publication of the Article did the First Respondent believe or understand that (please answer separately in relation to each):
- (a) prior to her death AB had the opportunity to make a statement to New South Wales police and/or South Australian police in relation to her allegations against Mr Porter and declined to do so;
 - (b) prior to her death AB did not give the police a copy of the Material or any statement by her;
 - (c) because Mr Porter and AB were minors at the time of the alleged offences, had he been charged, neither he nor AB could be identified by reason of the operation of s15A *Children (Criminal Proceedings) Act 1987 (NSW)* and s578A *Crimes Act 1900 (NSW)*;
 - (d) there was insufficient evidence for the police to charge Mr Porter;
 - (e) there was insufficient evidence to pursue an investigation of Mr Porter;
 - (f) the police did not hold a reasonable suspicion that Mr Porter was guilty of the offences alleged;
 - (g) there was insufficient objective evidence for there to be reasonable grounds to suspect Mr Porter was guilty of the offences alleged;

- (h) there was no evidence of any type before the police that would have allowed for any objective judgment about the credibility of any complaint, let alone any admissible evidence that any person of reasonably sound judgment would regard as sufficient to pursue an investigation.
139. At the time of publication of the Article did the First Respondent believe that the content of the Article would likely cause Mr Porter to have to step down as Commonwealth Attorney-General.
140. Was it ever intended by the First Respondent to include the allegation by AB against Mr Porter in the November 4Corners?
141. If the answer to the preceding interrogatory is in the affirmative, please state the time period that such an intention existed?
142. Why was the allegation by AB against Mr Porter not included in the November 4Corners?
143. When was it decided that the allegation by AB against Mr Porter would not be included in the November 4Corners?
144. Which employee or agent of the First Respondent made the decision not to include the allegation by AB against Mr Porter in the November 4Corners?
145. Between the November 4Corners and the publication of the Article:
- (a) what information did the First Respondent receive about the allegations by AB against Mr Porter;
 - (b) from whom did it receive that information;
 - (c) please identify by reference to discovery numbers which documents were received in that period.
146. As to the beliefs, intentions and knowledge held by the First Respondent in answer to interrogatories [127] - [145] please state, for each one separately, the name(s) of the employee(s) and officer(s) who relevantly held such beliefs, intentions and knowledge.
147. Please look at Schedule 2 to these interrogatories (Sally Neighbour Tweet):
- (a) what job title did Sally Neighbour have in November 2020;

- (b) what did she mean when she said "*And rest assured, our work on this story is not finished yet*"?
148. Please look at Schedule 3 to these interrogatories (Milligan Tweet): what did she mean when she said "*The story was only the tip of the iceberg. The iceberg is large. The broader story is grim*"?
149. In about November 2020 what position did Morag Ramsay hold?
150. In about November 2020 did Morag Ramsay say (after there was a discussion about the ABC not being able to get the rape allegation about Mr Porter past the lawyers) words to the following effect "*One way or the other, we are going to get that allegation out. This is not over.*"
151. In about November 2020 did Morag Ramsay say (after there was a discussion about the ABC not being able to get the rape allegation about Mr Porter past the lawyers) words to the following effect "*One way or the other, Louise is going to get that allegation out. This is not over.*"
152. As to the following words in the Article, were they obtained from the Dossier (please answer separately in relation to each):
- (a) "*This is my story, plain and simple*"
- (b) "*This is my story, plain and simple. It's not pretty, but it is mine.*"
- (c) "*And I stand by it, every single word and image in this document is true.*"
- (d) "*All I really want, in the end, is for this to have been reported to the NSW Police Force and to know that a copy of this document, and a transcript of any interview they might do with me, is in their archives...*"
- (e) "*If this story does become public knowledge, I hope that it will encourage other women to come forward.*"
- (f) "*Not for me, but for themselves... I also hope that other people who have endured similar traumas, should these facts become public knowledge, will feel less alone.*"
153. As to the following words in the Article, from which document (by reference to discovery number) were they from (please answer separately in relation to each):

- (a) *“This is my story, plain and simple.”*
 - (b) *“This is my story, plain and simple. It’s pretty, but it is mine.”*
 - (c) *“And I stand by it, every single word and image in this document is true.”*
 - (d) *“All I really want, in the end, is for this to have been reported to the NSW Police Force and to know that a copy of this document, and a transcript of any interview they might do with me, is in their archives... “*
 - (e) *“If this story does become public knowledge, I hope that it will encourage other women to come forward.*
 - (f) *“Not for me, but for themselves... I also hope that other people who have endured similar traumas, should these facts become public knowledge, will feel less alone.”*
154. Has the First Respondent, since the commencement of these proceedings, amended the Article include the words *“Help keep family & friends informed by sharing this article”*.
155. At the time of the publication of the Article did the First Respondent consider itself bound by the ABC Code of Conduct and Associated Standards (15 January 2019)?
156. If the answer to the preceding interrogatory is in the affirmative, what steps did the First Respondent take to comply with the following standards (please answer separately in relation to each):
- (a) opportunity to respond;
 - (b) attribution of sources;
 - (c) privacy;
 - (d) not causing undue stress to bereaved relatives.
157. From about 3 May 2021 until 7 May 2021 which employee, officer or agent had a copy of the Defence?
158. From about 3 May 2021 until 7 May 2021 please state the name of any third party who was given a copy of the Defence by the First Respondent.
159. Please look at Schedule 4 to these interrogatories (Justinian tweet):

- (a) which employee agent or officer spoke to a representative of Justinian before the publication of this tweet;
- (b) what did that person say?

Signature of legal representative

A handwritten signature in black ink, consisting of several fluid, connected loops and a trailing line.

Capacity

Solicitor for the Applicant

Date of signature

6 May 2021

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Posted Mon 10 Jun 2019 at 5:08am / Updated Wed 18 Nov 2020 at 5:03pm

ANALYSIS

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Posted Fri 31 May 2019 at 5:12am

ANALYSIS

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Posted Wed 13 Mar 2019 at 4:40pm /

Updated Thu 14 Mar 2019 at 12:25am

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SCHEDULE 2

11:04



AA mobile.twitter.com

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 **Sally Neighbour** ✓
@neighbour_s ...

...#4Corners has done many stories in the past on all political parties - incl Labor, the Greens, Pauline Hanson's One Nation, Clive Palmer's UAP.. We will continue to do so. And rest assured, our work on this story is not finished yet.
#auspol

9:02 PM · Nov 9, 2020 · TweetDeck

520 Retweets 71 Quote Tweets 3,159 Likes



 **JGWN** @Ng88Mr · Nov 9, 2020 ...
Replying to @neighbour_s
Keep up the good work 🌟🌟🌟🌟🌟



SCHEDULE 3

1:27 mobile.twitter.com

Search Twitter

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 **Glen** @glenpen60 · Feb 17
Around the time of the Four Corners report on Porter & Tudge, there was a comment on Twitter saying things were about to blow up & that this story was only the tip of the iceberg. Does anyone recall this or who tweeted? My memory is failing me.....
46 165 659

 **Doing Gawd's work... 3 days...** · Feb 17
@Milliganreports wasn't you was it, legend?
1 3 40

 **Louise Milligan** ✓ @Milliganreports
Replying to @Roscommon_Cat @glenpen60 and @bradhooperarch
The story was only the tip of the iceberg. The iceberg is large. The broader story is grim.
8:46 AM · Feb 17, 2021 · Twitter for iPhone

165 Retweets 9 Quote Tweets 563 Likes

 **Doing Gawd's work... 3 days...** · Feb 17
Replying to @Milliganreports @glenpen60 and @bradhooperarch

SCHEDULE 4

7:06 ↗

◀ WhatsApp

📶 4G 🔋



Tweet



Justinian
@JustinianNews



A person who has read the ABC defence says that the particulars are graphic ... There also appears to be admissions by Porter to the former boyfriend of the victim in 1992 ...

6:49 pm · 6/5/21 · Twitter Web App

7 Retweets 17 Likes



Ian Mannix @sedvitae · 10m
Replying to @JustinianNews



Can you clarify...is it usual in defo cases not to allow allegations levelled like this? And is the standard of proof lower than criminal courts? Is it fair? (In 140 characters).



Tim Anger @timangerphoto · 10m
Replying to @JustinianNews



Sounds like he may regret the action.



1



Tweet your reply

