

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/05/2021 11:19:08 AM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
File Number:	NSD426/2021
File Title:	JOANNE ELIZABETH DYER v SUE CHRYSANTHOU & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Sia Lagos".

Dated: 20/05/2021 11:19:26 AM AEST

Registrar

Important Information

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 59
Rule 29.02(1)

Affidavit

NSD 426 of 2021

Federal Court of Australia
District Registry: NSW
Division: General

Joanne Elizabeth Dyer

Applicant

Sue Chrysanthou SC

First Respondent

Charles Christian Porter

First Respondent

Affidavit of: **Suzanne Maree Peters**
Address: 42-44 Victoria Avenue, McMahon's Point
Occupation: Business Affairs Manager
Date: 20 May 2021

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I, **Suzanne Maree Peters**, affirm:

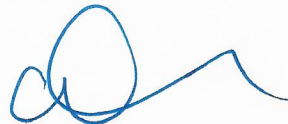
- I am currently working as a Business Affairs Manager. I have a law degree from the University of Western Australia. I previously worked as a solicitor in media law for almost

Filed on behalf of (name & role of party) Charles Christian Porter, Second Respondent
Prepared by (name of person/lawyer) Rebekah Giles
Law firm (if applicable) Company Giles
Tel 1300 204 602 Fax _____
Email admin@companygiles.com.au
Address for service 111 Elizabeth Street
(include state and postcode) Sydney NSW 2000

30 years. I have also worked in television production and film financing at Screen Australia, the ABC, Universal and Endemol Shine.

2. Where I depose that a conversation occurred, I do so with words that have the effect of that conversation.
3. I was friends with the Second Respondent, Christian, in early high school and I was one of the WA state debating team members during 1986 and 1987 with Christian. We both attended the University of Western Australia where we saw each other occasionally. We lost contact after university until I made contact with him in September 2020.
4. I watched the Four Corners episode that aired on Monday, 9 November 2020.
5. The following week, my daughter was invited for a play date with a boy from her class at school. It was arranged by text.
6. On the weekend on 14 or 15 November 2020 I took my daughter to the home of this friend. I did not believe that I had met his mother before and we stayed chatting for a short time when I dropped my daughter off. The mother seemed vaguely familiar to me. Her voice was distinctive. I began to think that I had met the mother before. After about 5 or 10 minutes of chatting, I was leaving the home and I turned back and said to the mother *"By any chance are you from Adelaide and were you a state debater?"* She said *"I wondered if that was you! I wasn't too sure."* I realised that the mother was Jo Dyer, the Applicant in these proceedings. I had met Dyer when I was at high school during interstate debating in both 1986 and 1987 but had not seen her for 30 years.
7. We moved back into the house and sat on the back verandah and had a drink of water. We had a lengthy conversation during which words to the following effect were said:
 Me: *"What on earth was that Four Corners show about? It seemed like such a nothing episode. They just focussed on two politicians. The allegation against Christian was just scandal and hearsay. How on earth did you come to be on that show?"*
 Dyer: *"I was surprised to be one of only two women interviewed. I was under the impression that there would be more people involved."*
 Me: *"It was such a strange way to end the Four Corners season. It was not current news, it was old and didn't lead anywhere. Why focus on just those two? What about Leyonhjelm and Sarah Hanson-Young, or Barnaby Joyce or the other political parties?"*
8. We spoke for about 20 minutes, catching up on each other's lives, what she was doing, what I had done. As the conversation seemed to draw to a close, Dyer then told me something which really surprised and shocked me: *"Look, I do know more information. It was not included in the November Four Corners. Do you remember [AB]?"*

Me: *"Yes, tall, short bob 'Luisa Brooks' haircut, braces?"*



Dyer: *"Yes. [AB] made an allegation that Christian sexually assaulted her in 1988 when they were in Sydney for a university debating competition."*

9. I was confused by the allegation and said to Dyer *"Where was there a debating comp in 1988?"* Dyer said to me: *"It was at the University debating competition. The 'Australian team' got to participate because it was in NSW."*
10. She reminded me that the best four debaters from the state debating competition were named in a notional 'Australian Team' even though they never usually debated as a team anywhere.
11. I was shocked and thrown by this allegation of sexual assault. I was not expecting anything like that to be said. I had known Christian since we were teenagers. I didn't believe he was capable of this.
12. The penny then dropped for me and I said *"So that was what the Four Corners' story was all about"*.
13. Dyer then said to me *"[AB] took her own life earlier this year."* I cannot recall if Dyer told me that [AB] had passed away in June or July of 2020. I was again really shocked and horrified and thrown by that information. I empathised with Dyer as her friend had taken her own life. Being female, I am very sensitive to sexual assault allegations. I wanted to be respectful of the fact that [AB] had taken her own life.
14. Dyer then said to me, words to the effect of:
"I had lost contact with [AB] since debating but she got back in contact a few years ago."
15. She then told me a bit about [AB]'s life since I had last seen [AB].
"She'd become a historian. [AB] had a very difficult life. She struggled with mental health issues for many years. She suffered from bipolar – depression – she was in and out of medical facilities over the time."
"She had chequered relationships. She married a German guy. She was gay. Then she wasn't. She should have gone on to do really well in her life and her career, everyone thought that she was always going to be the one to succeed, but she didn't get there."
"In the last two years, [AB] told lots of people what happened to her."
"[AB] told me that Christian behaved like a misogynist during that competition. She ironed his shirt and he made a comment to her about being a good wife."
"Apparently, there was a dinner. At some stage later, Christian and [AB] were in her room where she was staying and he asked for a blow job but that didn't come to fruition. He said to her 'Don't leave me with blue balls'. [AB] had no idea what he meant. Then there was a sexual assault with a degree of force."
16. I didn't believe what Dyer had told me but I wanted to be respectful of the fact that her friend had suicided. I said to Dyer:



"I am really surprised by this. I think it's really unlikely. I don't even think Christian had even had sex by the age of 17. None of us were even talking about sex at that time. We were all really nerdy in a big group of girls and boys and it was a really nice group of friends."

I then said to her *"So where did [AB] take this? Did [AB] she go to the police?"* She replied to me and said *"She didn't make a formal statement."*

I said words to the effect of *"It can't be easy, but the trouble is, you sort of have to go the police and take it further, you can't really be going around telling everyone but not doing anything through proper channels."*

Dyer said to me *"I asked [AB] the same question. [AB] said she just didn't want Christian to become Prime Minister."*

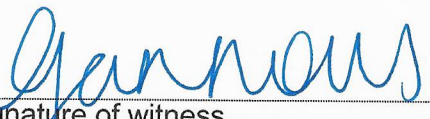
17. We talked about how hard it would be for [AB] to make the allegation given her mental health history. We also talked about the difficulty with making allegations against high profile men. At one stage Dyer said to me words to the effect of *"[AB]'s friends see that Christian had the career that [AB] should have had."*
18. I then asked Dyer: *"Did the ABC know about this allegation?"* She said: *"The ABC were going to interview [AB] but she committed suicide."* Dyer also said *"But it never happened. She was due to talk with the ABC two days after she committed suicide."* My recollection is that Dyer then said *"That is how I found out [AB] had committed suicide. Louise Milligan told me"*.
19. I felt uncomfortable about what I was hearing from Dyer. The allegations were really seedy and sordid and a girl had taken her own life and I felt embarrassed to know about them and I wished that I had not been told. Towards the end of the conversation I said to Dyer *"I need to let you know that Four Corner's contacted me in September asking if I was aware of any inappropriate behaviour toward girls during state debating. I never experienced any inappropriate behaviour. We were all really good friends. Christian was like the brother I didn't have. I assumed that the ABC were looking for dirt on Christian, so I tracked down his number to give him a heads up as I thought he should be aware that the ABC were asking. I spoke to Christian who said he had no problems with me speaking with the ABC, and I then called back the journalist at the ABC and told her exactly this information. But given what you have told me, I won't speak to Christian about [AB's] allegations."*
20. I made the decision myself not to tell Christian about the allegations made by [AB] as I really didn't know what to do with the information and I was really wishing I hadn't been told. I had just also just met Dyer after 30 years, I liked her a lot on meeting her, and I had hoped to strike up a friendship with her given our children were good friends. I felt extremely awkward about the whole scenario. I really didn't want to be in the middle of anything. I preferred to pretend I didn't know anything. I didn't expect to come to a play

date and receive this information. I was shocked and my head was spinning.

21. In response she said to me "*In full disclosure I should also tell you that I ran for a Labor seat in South Australia.*" I did not tell Christian about this conversation.
22. Dyer and I spoke about other matters during this conversation but the above is an account of what she told me about the allegations made by [AB].
23. Shortly after the first playdate I had told my partner about the assault allegations. At a subsequent playdate, Dyer came to collect her son from my house and the three of us discussed the allegations made by [AB].
24. I saw the various headlines in late February and read many articles including the article published by the ABC in late February 2021 about a letter and a statement being sent to the Prime Minister and other politicians regarding a historical rape by a senior cabinet minister. Given what Dyer had told me, I immediately knew that the minister referred to was Christian and the deceased person was [AB]. I was curious that the allegation came to light. I had expected the allegation wouldn't go anywhere without a person to actually make the allegation directly. I sent her a text message which I annexe hereto and mark **SMP1**.

Affirmed by the deponent
at Camperdown
in New South Wales
on 20 May 2021
Before me:


)
)
)
)
)
Signature of deponent


Signature of witness
Alanah Tannous, Solicitor, 111 Elizabeth Street, Sydney

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1 I saw the face of the deponent.
- 2 I have confirmed the deponent's identity using the following identification document:

Driver Licence , 14473951


Signature of witness
Alanah Tannous, Solicitor

Annexure "SMP1"
To the Affidavit of Suzanne Maree Peters
Affirmed 20 May 2021

No. NSD426 of 2021

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

Joanne Elizabeth Dyer

Applicant

Sue Chrysanthou SC


First Respondent

Charles Christian Porter

First Respondent

This is the annexure marked '**SMP1**' produced and shown to **Suzanne Maree Peters** at the time of affirming her affidavit on 20 May 2021.

Before me:



Alanah Tannous, Solicitor, 111 Elizabeth Street, Sydney

New Message

Cancel

To: Jo Dyer

Fri, 26 Feb, 7:11 pm

Bonza we will drop her off with snacks :)

Sat, 27 Feb, 3:23 pm

En route late . Interesting headlines

Very. One of Kate's friends has gone rogue. Bad timing for me! Has triggered a bit of media meltdown.

Stopped me going to bed at a reasonable hour !

Thu, 18 Mar, 3:46 pm