

AUSTRALIAN CAPITAL TERRITORY
BOARD OF INQUIRY
CRIMINAL JUSTICE SYSTEM

**In the matter of the *Inquiries Act 1991*
Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023
Board of Inquiry into the Criminal Justice System in the Australian Capital Territory**

STATEMENT OF LISA WILKINSON AM

I, Lisa Wilkinson, of c/- Gillis Delaney Lawyers, Level 40, 161 Castlereagh Street, Sydney, NSW 2000, state as follows:

The following statement is provided in response to the subpoena I received from the Board of Inquiry into the Criminal Justice System in the Australian Capital Territory requiring me to give information in a written statement regarding my knowledge of matters set out in the Schedule attached to that subpoena. Attached and marked '**Exhibit 1**' is a copy of the relevant subpoena.

Background and Professional History

1. I am a journalist in the employment of Network Ten.
2. My role was as Co-host of *The Project*, narrator of *Ambulance Australia*, and executive editor *Ten Daily* for Network Ten. However, I have not appeared on-air since 20 November 2022.
3. My professional experience includes:
 - a. 1978: Editorial assistant, cadet journalist *Dolly Magazine*, Fairfax;
 - b. 1979: Deputy Editor, *Dolly Magazine*;
 - c. 1980–1985: Editor, *Dolly* magazine;
 - d. 1985–1988: Editor, *Cleo* magazine, Australian Consolidated Press;
 - e. 1988–1995: Editor in Chief, *Cleo* & *Dolly* magazines;
 - f. 1996–2000: panellist, TV talk show, *Beauty & The Beast*, Foxtel & Network 10;
 - g. 1999–2007: Editor-At-Large, *Australian Women's Weekly* magazine, ACP;
 - h. 2000: Co-Host, *The Morning Shift* morning TV talk show, Network 7;
 - i. 2001–2003: panellist, TV talk show, *Beauty & The Beast*, Foxtel & Network 10;
 - j. 2004: News Contributor and regular fill-in co-host, *Sunrise* breakfast TV program, Network 7;

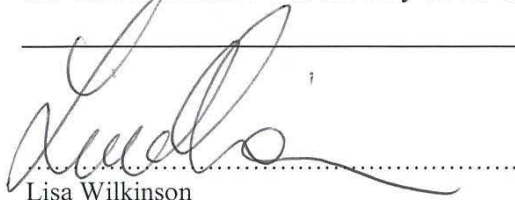
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- k. 2005–2007: Co-Host, Weekend Sunrise, regular fill-in co-host *Sunrise*, Network 7;
- l. 2004–2007: Helped devise and launch *Madison* magazine and remained Editor-At-Large, ACP;
- m. 2000–2007: Wilkinson’s international magazine consultancy business;
- n. 2007–2017: Co-Host, *Today* breakfast show, Network 9;
- o. 2017–2022: Co-Host, *The Project* primetime news and current affairs program, Network 10;
- p. Awarded Order Of Australia, 2016, for services to broadcast and print journalism, and services to women and children’s charities;
- q. Awarded Honorary Doctorate, University Of Wollongong, NSW, recognised for my services to journalism on a national and international level, and my advocacy for issues affecting young women.

Contact with Mr Shane Drumgold SC up to and including 15 June 2022

- 4. On or about 20 May 2022, I was informed by Network Ten’s legal department that I was to be subpoenaed as a potential witness in the trial of *R v Lehmann* by Ms Erin Priestly, Senior Prosecutor, Office of the DPP (ACT).
- 5. On 15 June 2022, I participated in a Teams conference at the Network Ten offices in Pyrmont with the Office of the DPP. I was informed of the arrangements for that conference by Network Ten’s legal department.
- 6. In attendance at that meeting on behalf of the Office of the DPP were Mr Shane Drumgold SC (**Mr Drumgold**), Ms Skye Jerome and Mr Mitchel Greig on behalf of the Office of the DPP.
- 7. I attended that meeting with Ms Tasha Smithies, Network Ten’s Senior Legal Counsel.
- 8. The meeting took more than two hours.
- 9. The majority of the meeting concerned the evidence I was to give as a potential witness in *R v Lehrmann*, including whether I would be cross-examined. At the end of the meeting, I asked Mr Drumgold some questions regarding a speech I had prepared in the event that *The Project* interview with Ms Higgins was awarded a Logie on the following weekend, which is described further at paragraphs 13 to 17 below.
- 10. That conference was the only direct contact I had with Mr Drumgold.


 Lisa Wilkinson


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Speeches given after 15 June 2022

11. On or about 4 May 2022, I was informed that an interview with Brittany Higgins that I had conducted for *The Project* had been nominated for a Logie Award in the ‘Most Outstanding News Coverage or Public Affairs Report’ category.
12. Following this, the production team at *The Project* made a decision that, if we were awarded the Logie for which we were nominated, I would give the speech on behalf of *The Project* team. In consultation with Network Ten, I prepared a speech which was reviewed by the Network Ten Legal Department.
13. When I met with Mr Drumgold on 15 June 2022, as described at paragraphs 5 to 10 above, I took with me a draft of the speech I had prepared, as I wished to avoid risk that the speech could impact in any way on the scheduled criminal trial in *R v Lehrmann*.
14. At the end of the meeting, I specifically raised with Mr Drumgold my concerns over me possibly having to give a speech at the Logies in the coming days, to the following effect:

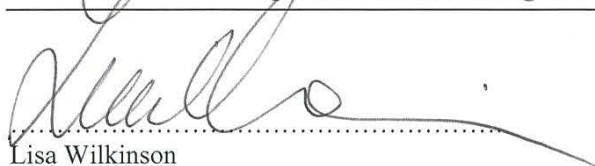
Me: *I want to speak to you about the upcoming Logie Awards next Sunday night, because my interview with Ms Higgins has been nominated for the Logie for Outstanding Journalism. I don't expect that we will win, but I have written a very carefully prepared speech I will read from, just in case we do. I want to make sure that I don't say anything in the speech that would in any way obstruct or legally compromise the upcoming criminal trial. I have a copy of my speech with me.*

Mr Drumgold: *If you give a speech, you can't mention the trial.*

Me: *Mr Drumgold, I can assure you I'm very aware that I can't mention the trial – I wouldn't do that. As a journalist, and particularly on a matter as sensitive as this, I take my legal obligations very seriously. The speech I've prepared doesn't mention the trial, it doesn't mention the accused, it doesn't mention the charges and it doesn't even mention Parliament House where this alleged crime is alleged to have taken place. Let me read the speech to you so you can see if you think it would be in any way problematic. So it reads, "The truth is, this honour, belongs to Brittany. It belongs to a 26 year-old woman's unwavering courage. It belongs to a woman who said, 'Enough' ..."*

Mr Drumgold: *I don't want to hear any more. If I listen to the whole speech, I could be accused at a later date of endorsing it, which could cause problems. I am not a speechwriter.*

Me: *Mr Drumgold, I'm not seeking your guidance as a speechwriter. As the person who is running this case for the Crown, I am seeking your*


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learned knowledge to make sure that nothing I say could in any way cause a problem with the upcoming trial.

15. Mr Drumgold did not:

- a. Warn me that I should not give a speech if *The Project* won a Logie;
- b. Tell me that it was a bad idea for me to give the speech;
- c. Tell me that “*publicity*” posed a risk to the trial in *R v Lehrmann*.

16. In relation to this:

- a. If Mr Drumgold had told me not to give the speech, I would have followed that advice;
- b. If Mr Drumgold had given advice about what I should or should not say if I was to give a speech, I would have followed that advice exactly;
- c. If any such advice had been given, I believe that Ms Smithies, who was also in attendance at that meeting, would also have advised me to follow such advice;
- d. If Mr Drumgold had told me that “*publicity*” posed a risk to the trial, I would have further questioned that issue, especially given the publicity that had already occurred regarding the Logies, and the inherent publicity that could follow from the Logie award nomination irrespective of any speech given by me;
- e. I specifically raised the issue of the speech with Mr Drumgold because I was concerned to ensure that it did not in any way impact on the trial, and trusted that he would appropriately advise or warn me of any risk that he perceived. The only clear warning I was given was not to mention the trial, and I did not.

17. Network Ten have claimed privilege over its detailed file note of that meeting. I am not able to share that file note without the consent of Network Ten.

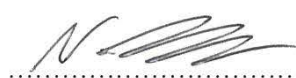
18. On 19 June 2022, *The Project* interview with Ms Higgins won the Logie award for which we had been nominated. I gave my prepared speech, in a form approved by Network Ten, a transcript of which is at **Exhibit 2** to this Statement. That speech was in the same form as I had with me during my meeting with Mr Drumgold, apart from the removal of a date.

Contact with Mr Shane Drumgold SC from 15 June 2022

19. On 21 June 2022, McCallum CJ published a judgment in *R v Lehrmann*, a copy of which is at **Exhibit 3**. In that judgment, Her Honour excerpted a note tendered which purported



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to describe the conference I had with Mr Drumgold on 15 June 2022 in the following terms:

At conclusion Lisa was asked if she had any questions:

- *I am nominated for a Gold Logie for the Brittany Higgins interview*
- *I don't think I will get it because it is managed by a rival network*
- *I have, however, prepared a speech in case*
- *Lisa read the first line and stopped by the director who said*
 - o *We are not speech editors*
 - o *We have no power to approve or prohibit any public comment that is the role of the court*
 - o *Can advise, however, that defence can reinstitute a stay application in the event of publicity*

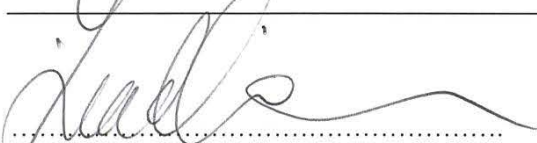
20. In relation to the file note excerpted in the preceding paragraph:

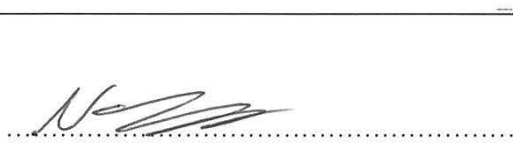
- a. The Logie award for which *The Project* and I were nominated was not a Gold Logie – it was a Logie for journalism. No mention was ever made of a Gold Logie.
- b. As noted above, to the best of my recollection, Mr Drumgold did not at any time say to me that the “*that defence can reinstitute a stay application in the event of publicity*”.

21. I was advised by my then-solicitor, Marlia Saunders of Thomson Geer Lawyers, that, on 22 June 2023, she contacted Mr Drumgold by telephone, during which call Mr Drumgold:

- a. Confirmed to Ms Saunders that he had not given a warning to me not to give the Logies speech and that McCallum CJ’s statement to that effect was not correct; and
- b. Told Ms Saunders that he would give some thought as to how he could try and correct the public record, and may say something in open court;
- c. Told Ms Saunders that, in his view, the media had misreported what was said in evidence on the application to vacate the trial.

22. On 23 June 2022, Network Ten CEO Ms Beverley McGarvey wrote to McCallum CJ. A copy of that letter is at **Exhibit 4**.

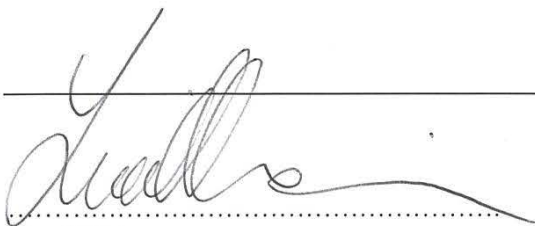

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23. I was advised by Ms Saunders, that, on 23 October 2023, she contacted Mr Drumgold by telephone, during which call:
- a. She requested that Mr Drumgold consider how he might correct the public record as discussed in their earlier conversation of 22 June 2022;
 - b. Mr Drumgold told Ms Saunders he would seek to find a way to do that upon completion of the trial.
24. In December 2022, I am advised that Ms Saunders made the following further attempts to contact Mr Drumgold:
- a. Email to Mr Drumgold on 1 December 2022, a copy of which is at **Exhibit 5**;
 - b. Email to Mr Drumgold on 6 December 2022, a copy of which is at **Exhibit 6**;
 - c. Letter to Mr Drumgold on 13 December 2022, a copy of which is at **Exhibit 7**;
 - d. Attempted telephone call to Mr Drumgold on 15 December 2022.
25. I am further advised that she did not receive any response to those communications.

Concerns regarding any breach of duty, failure to act in accordance with a duty, or failure to act in accordance with relevant statutory framework

26. At **Exhibit 8** is a copy of the submissions made by Ms Sue Chrysanthou to the Board of Inquiry on my behalf, excluding annexures which are (in order) the documents at Exhibits 2, 4, 5, 6 and 7. Those submissions set out my concerns regarding any breach of duty, failure to act in accordance with a duty, or failure to act in accordance with relevant statutory framework.


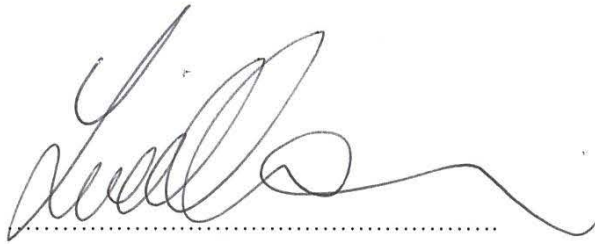


Lisa Wilkinson



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SWORN/AFFIRMED before me at Sydney in the State of New South Wales on 5 May 2023.



Lisa Wilkinson

Signature of witness

Nicola Rebecca Sanchez.....

Name of witness:

AUSTRALIAN CAPITAL TERRITORY

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No.	Description
1.	Notice 2023/S/00 – subpoena to provide written statement
2.	Transcript of Logies speech
3.	R v Lehrmann (No 3) [2022] ACTSC 145
4.	Letter from Beverley McGarvey wrote to McCallum CJ of 23 June 2022
5.	Email from Marlia Saunders to Shane Drumgold SC of 1 December 2022
6.	Email from Marlia Saunders to Shane Drumgold SC of 6 December 2022
7.	Letter from Marlia Saunders to Shane Drumgold SC of 12 December 2022
8.	Submissions to Board of Inquiry