

MS-1

Saunders, Marlia

From: Saunders, Marlia
Sent: Wednesday, 22 June 2022 4:30 PM
To: 'Associate to Chief Justice McCallum'
Cc: Drumgold, Shane; Priestly, Erin; Jerome, Skye; Roff, Emma; [REDACTED]@kslawyers.com.au; Matthew Collins
Subject: R v Lehrmann (ACT Supreme Court Proceeding SC264/21)
Attachments: 20220622160415781.pdf

Dear Associate

R v Lehrmann (ACT Supreme Court Proceeding SC264/21)

We act for Network Ten Pty Limited and Lisa Wilkinson in relation to the above proceedings.

We **attach** a letter to the Court from our clients. We would appreciate it if you could please bring the letter to her Honour's attention.

We understand that Mr Drumgold will tender the letter in Court tomorrow morning.

Kind regards

Marlia Saunders | Partner

THOMSON GEER

[REDACTED]
Level 14, 60 Martin Place, Sydney NSW 2000 Australia

[REDACTED]@tqlaw.com.au | tqlaw.com.au

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Paramount

22 June 2022

The Hon. Chief Justice McCallum
Chief Justice of the Australian Capital Territory

By email to: [REDACTED]@courts.act.gov.au

Copies to:

Office of the Director of Public Prosecutions
Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601

Kamy Saeedi Law
1/1 University Avenue
CANBERRA CITY ACT 2601

Attention: Mr Shane Drumgold SC

Attention: Kamy Saeedi

Dear Chief Justice

**R v Bruce Lehrmann, Supreme Court of the Australian Capital Territory
Proceedings No. SCC 264 of 2021**

I refer to your Honour's decision to vacate the trial in the above proceedings: [2022] ACTSC 145.

I am writing on behalf of Network Ten Pty Limited and Ms Wilkinson.

We take our legal obligations very seriously, including those in respect of sub judice contempt. In particular, Ms Wilkinson takes her obligations as a prospective witness with the utmost seriousness.

We did not intend at any time to interfere with the trial of Mr Lehrmann. Neither Ms Wilkinson nor the Network Ten Senior Legal Counsel present at the conference with the DPP on 15 June 2022 understood that they had been cautioned that Ms Wilkinson giving an acceptance speech at the Logie Awards could result in an application being made to the Court to vacate the trial date. Had they understood that a specific warning had been given, Ms Wilkinson would not have given the speech.

We profoundly regret that the trial has had to be vacated. We did not foresee the volume and damaging nature of the media and social media commentary that followed from Ms Wilkinson's acceptance speech. We apologise for this, and will take steps to ensure that such matters are taken into account in the future.

I have also directed that all future commentary on our platforms and by our journalists concerning Mr Lehrmann, Ms Higgins and this proceeding is to be strictly limited to general news reporting, such as reporting of the proceedings as they are conducted in open court, until the conclusion of the trial.

If your Honour wishes, we will arrange for Senior Counsel to appear before the Court to convey each of the above matters personally.

Yours sincerely



Beverley McGarvey
Chief Content Officer and Executive Vice President

Paramount



MS-2



T/A Shane O'Connell SC 24/10/22

How's fair able to say anything

Never a ~~Q~~ of anything remotely resembling contempt of court

Reports have kind me up for same reasons

This intense media coverage has been new to me have never encountered this

would think they would have moved on

Stay is no longer an operative factor

At a loss to understand how it is still a story

one of the issues that troubles me

Never try to give legal advice

Acutely conscious there was a judgment in place

Can't use my authority to bridge a gap that

the judgment can't bridge

Care for everybody but if I was to jump out &

go on defence for a while

most of media is already suggesting I am

overly protective of LW etc

James Albrecht wrote an column to that effect

if he is asked whether

the contempt of court was

not committed

what was applied was a

safety pause

Probably better to do that

for my own benefit

	WPH	office
	5x5	2
	3	5
	8x2	8x3
5x2	2	16x3
	5	
16x2		

To avoid alleg of favouritism
 B/c I shut down books but didn't charge
 will be circumpect in answer but I will give
 that answer ~~and~~

Has been asked numerous Q re whether demand
 made to lay charges

- haven't been able to answer b/c of trial
 now that concluded will be free to answer q outcome

Think subject of story will turn to Linda
 Reynolds + Michaela Cash

may comment in writing about that

Once trial concluded, inquiry should recommence
 with political interference in trial.

Narrative may change

Seems to me that a story is no longer a story.
 If there was any home, it's now non-existent

Never ^{been} any suggestion that any contempt has
 been committed.

April 2021 - called for inquiry into political
 interference with criminal process.



MS-3

Saunders, Marlia

From: Saunders, Marlia
Sent: Thursday, 1 December 2022 6:24 PM
To: 'Drumgold, Shane'
Subject: R v Lehrmann - Lisa Wilkinson [TGLAW-Legal.FID3626446]

Dear Mr Drumgold

I refer to our telephone discussion on 24 October 2022 regarding my client, Lisa Wilkinson. On that occasion, we discussed your intention to make a public statement following the resolution of the Lehrmann proceedings to the effect that no contempt of court was committed by Ms Wilkinson and the ODPP has no intention of pursuing contempt charges against her.

You may be aware that, since that conversation, Ms Wilkinson has left her role on *The Project* due to the unwarranted media attention she has received in connection with these proceedings.

I note that you will be making a media statement tomorrow at 10am. Without speculating as to what will be said by you during that conference, I request that consideration be given to you also making a statement in relation to Ms Wilkinson during the conference. Ms Wilkinson is very concerned that the injustice she has experienced be addressed at the earliest opportunity.

Thank you in advance for your consideration of this request. If you would like to discuss this further, please let me know.

Kind regards

Marlia Saunders | Partner
THOMSON GEER

Level 14, 60 Martin Place, Sydney NSW 2000 Australia
@tglaw.com.au | tglaw.com.au

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MS-4

Saunders, Marlia

From: Saunders, Marlia
Sent: Tuesday, 6 December 2022 1:59 PM
To: 'Drumgold, Shane'
Subject: RE: R v Lehrmann - Lisa Wilkinson [TGLAW-Legal.FID3680207]

Dear Mr Drumgold

Can you please let me know when is a convenient time for a brief discussion regarding my email below?

Kind regards

Marlia Saunders | Partner

THOMSON GEER

Level 14, 60 Martin Place, Sydney NSW 2000 Australia

marlia@tglaw.com.au | tglaw.com.au

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Please note that our offices will be closed from COE Friday 23 December 2022 and will reopen on Monday 9 January 2023. However, if you require urgent prepublication advice or urgent advice generally, please email prepub@tglaw.com.au. The prepub email address is being constantly monitored. If you need to speak with me, please call my mobile as set out above.

From: Saunders, Marlia
Sent: Thursday, 1 December 2022 6:24 PM
To: 'Drumgold, Shane' <shane@act.gov.au>
Subject: R v Lehrmann - Lisa Wilkinson [TGLAW-Legal.FID3626446]

Dear Mr Drumgold

I refer to our telephone discussion on 24 October 2022 regarding my client, Lisa Wilkinson. On that occasion, we discussed your intention to make a public statement following the resolution of the Lehrmann proceedings to the effect that no contempt of court was committed by Ms Wilkinson and the ODPP has no intention of pursuing contempt charges against her.

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Kind regards

Marlia Saunders | Partner

THOMSON GEER

Level 14, 60 Martin Place, Sydney NSW 2000 Australia

marlia@tglaw.com.au | tglaw.com.au

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MS-5

Saunders, Marlia

From: Saunders, Marlia
Sent: Tuesday, 13 December 2022 9:20 AM
To: 'Drumgold, Shane'
Subject: R v Lehrmann - Lisa Wilkinson [TGLAW-Legal.FID3680207]
Attachments: Lisa Wilkinson - Letter to Mr Shane Drumgold SC - December 2022.pdf

Dear Mr Drumgold

Please see our correspondence **attached**.

Kind regards

Marlia Saunders | Partner
THOMSON GEER

Level 14, 60 Martin Place, Sydney NSW 2000 Australia
@tglaw.com.au | tglaw.com.au

Advice | Transactions | Disputes

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THOMSON GEER

LAWYERS

Level 14, 60 Martin Place
Sydney NSW 2000 Australia

GPO Box 3909 Sydney NSW 2001

Our ref MS:5142487

13 December 2022

Mr Shane Drumgold SC
Office of the Director of Public Prosecutions
Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601

Dear Mr Drumgold SC

**R v Bruce Lehmann, Supreme Court of the Australian Capital Territory
Proceedings No. SCC 264 of 2021**

As you are aware, we act for Lisa Wilkinson.

As we have previously conveyed to you on a number of occasions, our client continues to be extremely concerned about the targeted, widespread and ongoing media reports which have criticised her role in the three month delay of the trial in the above proceedings in connection with the Logie Awards speech she gave on 19 June 2022. In this regard, we refer to our phone calls with you on 22 June 2022 and 24 October 2022 and our emails to you on 2 December 2022 and 6 December 2022.

As you have acknowledged during our two phone calls referred to above, Ms Wilkinson was never warned by you, during your meeting on 15 June 2022 or otherwise, not to give a Logies speech. As also confirmed by Network Ten Senior Litigation Counsel Tasha Smithies, who was in that meeting, your only advice was that Ms Wilkinson could not mention the trial as that could give rise to a stay.

The reason Ms Wilkinson voluntarily raised the issue of the Logies speech with you during your meeting was because she was concerned to ensure that she did not do anything that may jeopardise the approaching trial. Following the meeting, Ms Wilkinson took care to ensure that she did not mention the trial, the accused, the charges or even Parliament House in the speech that she gave.

Despite this, her Honour Chief Justice McCallum found on the basis of a note of the 15 June 2022 meeting (which was tendered in Court without notice to Ms Wilkinson): "*Notwithstanding that clear and appropriate warning, upon receiving the award, Ms Wilkinson gave a speech in which she openly referred to and praised the complainant in the present trial*". This finding has gone on to be reported as fact by the media that Ms Wilkinson was specifically warned by you not to give a speech but that she went ahead and gave the speech anyway.

In our phone call on 22 June 2022, you said that you felt the need to correct reports that there was a positive direction by you not to give a speech and that you felt Ms Wilkinson had been poorly treated. You said you would give some thought as to how you could deal with it in open court the following day. However, you did not say anything in Court that next day, and the record has still not been corrected since that time. This omission has provided a basis for our client's ethics as a journalist to be strongly and repeatedly criticised.

THOMSON GEER

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At the height of the publicity in the weeks immediately after the Logies, and more recently during the trial itself, there have been calls by influential journalists for Ms Wilkinson to be imprisoned for contempt of court. As a direct result of the ongoing criticism both in mainstream media and on social media, Ms Wilkinson has chosen to permanently stand down from her role hosting *The Project*.

Ms Wilkinson feels that she has been treated unfairly by the Office of the Director of Public Prosecutions in that:

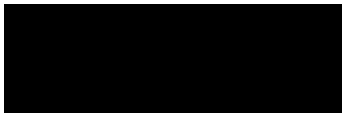
1. you have not corrected the record in relation to what occurred during the 15 June 2022 meeting by clarifying that there was no positive direction from you to Ms Wilkinson not to give a speech; and
2. you have not publicly confirmed that you do not consider Ms Wilkinson's conduct amounted to contempt of court and that you will not be pursuing any contempt charges against her.

Ms Wilkinson has continued to honour her commitment to the Court not to speak publicly about the trial, nor about this issue. Now that the prosecution has been withdrawn, there is no reason to prevent these matters being addressed by you. It is imperative that this occurs given that the media reports about Ms Wilkinson have not subsided.

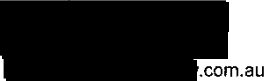
Ms Wilkinson respectfully requests that you release a public statement that clarifies the true situation and corrects the public record so that her name and reputation on this issue can be restored. Ms Wilkinson would like the opportunity to review and approve the statement before it is released.

We would be happy to discuss this request with you further if required. We look forward to hearing from you at your earliest convenience.

Yours faithfully
THOMSON GEER



Marlia Saunders
Partner



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