

**From:** [Drumgold, Shane](#)  
**To:** [Jerome, Skye](#); [Priestly, Erin](#)  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]  
**Date:** Monday, 27 September 2021 5:39:58 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[Minute to DPP - brief changes and outstanding docs.docx](#)

## UNOFFICIAL

Hi Skye and Erin

I might make you guys primary contact to discuss the disclosure certificate if that is OK.

**Shane Drumgold SC**

Director  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** **REDACTED** (Direct line)  
**T:** **REDACTED** (Executive Officer Katie Cantwell)  
**M:** **REDACTED**  
**E:** **REDACTED**@act.gov.au  
**E:** **REDACTED**@act.gov.au (EO)  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Moller, Scott **REDACTED**@afp.gov.au>  
**Sent:** Monday, 27 September 2021 4:46 PM  
**To:** Drumgold, Shane <**REDACTED**@act.gov.au>  
**Cc:** Frizzell, Emma **REDACTED**@afp.gov.au>; Madders, Trent **REDACTED**@afp.gov.au>;  
**REDACTED**, Robert <**REDACTED**@afp.gov.au>; **REDACTED**, Damien <**REDACTED**@afp.gov.au>;  
 Jerome, Skye <**REDACTED**@act.gov.au>; Priestly, Erin <**REDACTED**@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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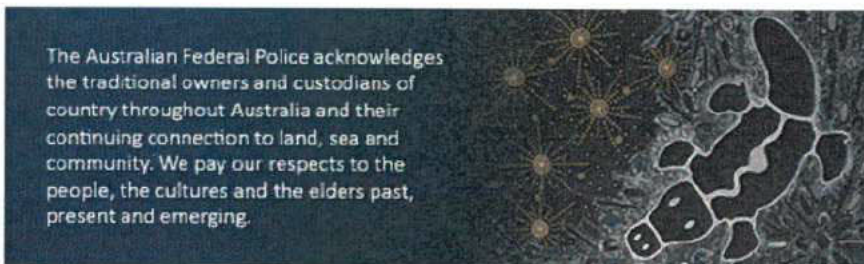
**OFFICIAL:Sensitive**

Shane,  
 Response to your questions attached.  
 Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
 CRIMINAL INVESTIGATIONS  
 ACT POLICING  
 Tel: **REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



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**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Monday, 27 September 2021 10:30 AM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Cc:** Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>;  
**RE:** Robert <[REDACTED]@afp.gov.au>; REDA, Damien <[REDACTED]@afp.gov.au>;  
 Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]  
**Importance:** High

OFFICIAL: Sensitive

Dear Scott

This matter is listed in the ACT Magistrates Court on 14 October (just over 2 weeks) for committal for trial. At this time, we will be required to produce the indictment, cases statement and a Supreme Court questionnaire, and will be required to formally advise the court of the status all outstanding material.

In an email on 17/9/21 at 2.31pm I requested advice of when the following items would be provided, and I have not as yet received a response:

- i. Audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021
- ii. Police statements
  1. Gareth Saunders
  2. Jason McDevitt
  3. Kristy [REDACTED]
- iii. Statements regarding complaint evidence
  4. K Pearson
  5. K Abbott
  6. J Kunkel
  7. D Wong
  8. G Phillips
  9. I Jake
- ii. Documents:
  1. Photos of Lehrmann's Phone – SC James [REDACTED]
  2. [REDACTED] – Trent Madders
  3. Complete download – Complainant's 3 phones
  4. Complete download – Accused's phone
  5. Transcript – John MacGowan
  6. Transcript – Kelly Higgins
  7. Transcript – Nicole Hamer

In an email of 22/9/21 I requested statements in relation to the brief service on defence. On 24/9/21 I received an answer to questions 2 and 3, but have not received a response to the remainder, nor an indication of when the statements will be received:

1. Who from the AFP provided the brief to defence on 6 August 2021?
2. Who it was provided to?
3. How it was provided (posted or handed to defence)?
4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
5. Who made the decision to hand the brief directly to defence?
6. The reasons for the decision to hand the brief directly on defence?

We will also need to add:

7. Directions to defence and their responses regarding potential use of the offending material.
8. The impact of disclosure (ie, any undertakings or responses that offending material was not accessed or distributed to accused)
9. The provision of replacement material for any deleted offending documents.

In the email to John Korn 7.59am 23/9/21 you indicated that replacement documents would be provided, however we have not as yet received those replacement documents. Can you please advise when this will be received. Further, in the same email you sought a response from Mr Korn, and I have not received a response as yet, can you please chase that up.

Can you please respond ASAP to enable us to progress this matter.



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: REDACTED (Direct line)

T: D (Executive Officer Katie Cantwell)

M:

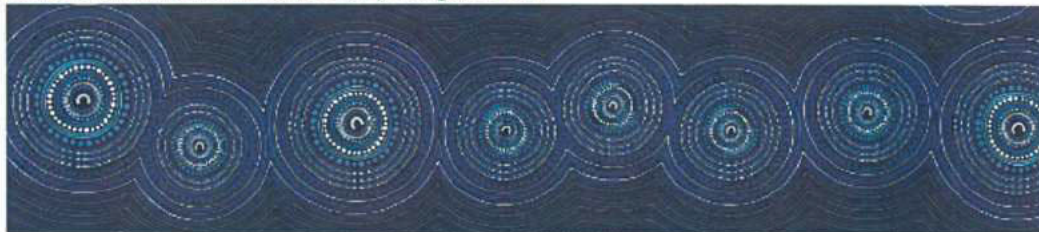
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We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Moller, Scott <@afp.gov.au>

**Sent:** Friday, 24 September 2021 10:41 AM

**To:** Drumgold, Shane REDACTED <@act.gov.au>

**Cc:** Frizzell, Emma <@afp.gov.au>; Madders, Trent <@afp.gov.au>;

**RE:** Robert <REDACTED@afp.gov.au>; REDA, Damien <REDACTED@afp.gov.au>;

Jerome, Skye <REDACTED@act.gov.au>

**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Good morning Shane,

In response to your email dated Wednesday 22 September 2021, I contacted Mr Korn by email (which I CC'd you into) notifying him of the issues that had been identified in the copy of the brief provided to him on 6 August 2021.

I requested that he delete the documents that were identified as not being correctly redacted, as well as the audio copy of the EICI and the complainant's counselling notes. I advised Mr Korn that updated, correctly redacted documents would be provided as soon as possible. I then had a follow up telephone conversation with Mr Korn, **who confirmed to me that he had not accessed the brief, other than to read the fact sheet.** Mr Korn agreed to destroy the brief and provide written confirmation of doing so. I advised Mr Korn that your office will be providing him with a new copy of the brief in due course.

My team has since corrected the documents within the brief ensuring the redactions are accurate and locked. A new defence copy of the brief has been prepared and I will arrange for this to be provided to your office.

With respect to communication with the complainant, advice was received from Heidi Yates and confirmed by yourself on 26 August 2021, that your office would take on responsibility for providing Ms Higgins with all information, updates and advice. As such, and in line with this agreement it is more appropriate that the DPP provide the requested update noting that Mr Korn has not accessed any of the documents.

To briefly answer your questions below regarding service of the brief on Mr Korn. I can confirm that the brief was served on Mr Korn in person shortly after the service of the summons for Mr Lehrmann. Mr Korn requested a copy of the brief at that time and arrangements were made for a copy to be provided. This occurred at his office in Sydney.

Regards

Scott

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

ACT POLICING

Tel: **REDACTED**

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**From:** Drumgold, Shane **REDACTED** [@act.gov.au](mailto:REDACTED@act.gov.au)

**Sent:** Wednesday, 22 September 2021 8:17 AM

**To:** Moller, Scott **REDACTED** [@afp.gov.au](mailto:REDACTED@afp.gov.au)

**Cc:** Frizzell, Emma **REDACTED** [@afp.gov.au](mailto:REDACTED@afp.gov.au); Madders, Trent **REDACTED** [@afp.gov.au](mailto:REDACTED@afp.gov.au);

**RED** Robert <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>; **REDA** Damien <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>;

Jerome, Skye <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>; Priestly, Erin <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>

**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

This is deeply concerning. Can you please advise, as a matter of urgency, what is being done to correct the situation?

May I suggest the following as a start:

1. AFP contact whoever the brief was handed to, and direct them to delete the offending documents.
2. AFP provide my office with a copy of documents that can be served on defence, complete with locked redactions for us to serve as replacements.
3. Write to the complainant through her representatives, and inform her
  - a. Her counselling notes were served on defence
  - b. Other documents were served with unlocked redactions enabling contact information to be revealed
  - c. The recordings of her EIC interviews were served on defence
  - d. What remedial action was taken
4. Copy myself into the actions.

This will also become relevant to a fact in issue, as well as credibility issues in the trial, so can I please also be advised:

1. Who from the AFP provided the brief to defence?
2. Who it was provided to?
3. How it was provided (posted or handed to defence)?
4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
5. Who made the decision to hand the brief directly to defence?
6. The reasons for the decision to hand the brief directly on defence?

I will also require statements from the relevant parties outlining all of the above activity, including the remedial activity.



ACT DPP

**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: [REDACTED] (Direct line)

T: [REDACTED] (Executive Officer Katie Cantwell)

M:

E: [REDACTED]@act.gov.au

E: [REDACTED]@act.gov.au (EO)

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Moller, Scott [REDACTED]@afp.gov.au>

**Sent:** Wednesday, 22 September 2021 6:41 AM

To: Drumgold, Shane <REDACTED@act.gov.au>  
 Cc: Frizzell, Emma <REDACTED@afp.gov.au>; Madders, Trent <REDACTED@afp.gov.au>;  
 RED Robert <REDACTED@afp.gov.au>; REDA Damien <REDACTED@afp.gov.au>  
 Subject: FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,

Please see response below as requested.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

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From: RED Robert <REDACTED@afp.gov.au>  
 Sent: Tuesday, 21 September 2021 3:43 PM  
 To: Moller, Scott <REDACTED@afp.gov.au>  
 Subject: RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Dear Sir,

As requested by Mr Drumgold, I can provide the following response:

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

I can confirm the unlocked redactions in the material referenced below **are** in the defence copy, and that the redactions **could and in fact can** be removed revealing the redacted material from documents listed below.

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to acquire data;

**Can you please confirm the address or telephone number of any person was not disclosed?**

I can confirm the address and/or phone number of the following people **is capable of being disclosed**, should someone with access to the document "click" on the redacted element as referred to above and "drag" the redaction away from the underlying material.

Ms Karen Doolan;

Ms Brittany Higgins;  
Dr Lisa Lloyd  
Mr Dylan Hubbard;

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

I can confirm the counselling records as referred to below **were** included in the defence copy of the brief, apparently without leave under s.79E being sought.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

I can confirm the **audio** recordings of the evidence-in-chief interviews with Ms Higgins **were** disclosed to the defence.

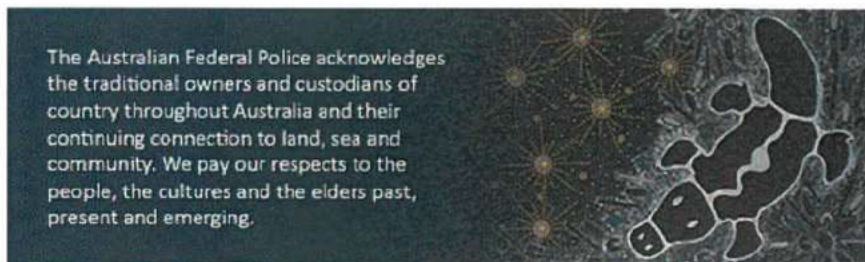
Kind Regards,

Bob

**DETECTIVE SERGEANT ROBERT REDA**  
TEAM LEADER JACET & CSORT - CRIMINAL INVESTIGATIONS  
ACT POLICING  
Tel: **REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



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**From:** Moller, Scott **REDACTED** <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>  
**Sent:** Tuesday, 21 September 2021 1:34 PM  
**To:** Rose, Robert **REDACTED** <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

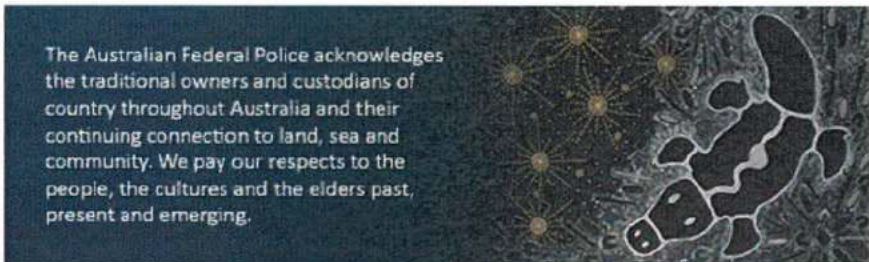
**OFFICIAL:Sensitive**

Bob,  
A response by cob today please.  
Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
CRIMINAL INVESTIGATIONS  
ACT POLICING  
Tel: **REDACTED**  
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**From:** Drumgold, Shane [REDACTED]@act.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:31 PM  
**To:** Moller, Scott [REDACTED]@afp.gov.au>; Frizzell, Emma [REDACTED]@afp.gov.au>;  
Boorman, Marcus <[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye [REDACTED]@act.gov.au>; Priestly, Erin [REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

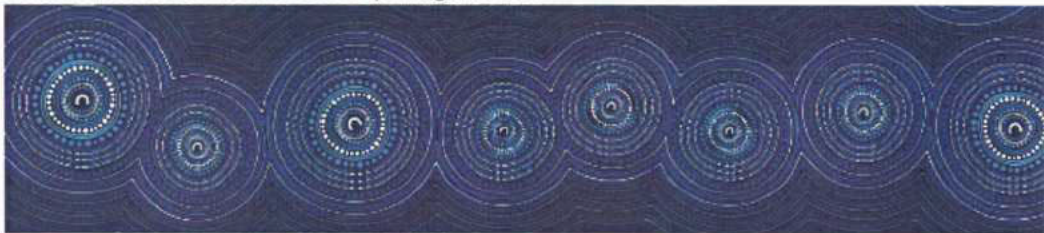
Dear All

Is it possible to get an answer to the questions in red ASAP, as depending on the answer, we may need some urgent remedial activity.



**Shane Drumgold SC**  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** [REDACTED] (Direct line)  
**T:** D [REDACTED] (Executive Officer Katie Cantwell)  
**M:** [REDACTED]  
**E:** [REDACTED]@act.gov.au  
**E:** [REDACTED]@act.gov.au (EO)  
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**From:** Drumgold, Shane  
**Sent:** Friday, 17 September 2021 2:31 PM  
**To:** Moller, Scott [REDACTED]@afp.gov.au>; [REDACTED]@afp.gov.au; Boorman, Marcus  
[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye [REDACTED]@act.gov.au>; Priestly, Erin [REDACTED]@act.gov.au>  
**Subject:** Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

Dear Superintendent Moller et al

We have identified an issue with the crown's copy of the brief of evidence, disclosed to my office with the file on 6 August 2021.



**Unlocked redactions**

Sensitive information redacted electronically from the documents below have not been locked. This means that the redactions are capable of being removed and the sensitive information revealed. We have identified the following documents which have unlocked redactions:

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to access iCloud;
- vii. Consent to acquire data;

**Defence copy of the brief**

As you are aware, section 3.3 of the AFP/DPP Collaborate Agreement outlines that *"The AFP will provide briefs of evidence to the DPP."* Prosecution Policy section 4.4 then requires of the DPP, that 'in fulfilling our disclosure obligations, the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.'

You have confirmed that contrary to the collaborative agreement, a copy of the brief of evidence was served on the accused's legal representatives by the AFP on 06 August 2021.

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

**Can you please confirm the address or telephone number of any person was not disclosed?**

The Counselling Records from both "Her Time" and "Canberra Rape Crisis Centre" are communications for counselling by a person against whom a sexual offence is alleged to have been committed and are accordingly "Protected Confidences" within the definition section 79A *Evidence (Miscellaneous Provisions) Act 1991* making them subject to a general immunity from disclosure under section 79D, requiring leave under s79E before being disclosed.

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

We also understand that a copy of the complainant's evidence in chief interviews dated 24 February 2021 and 26 May 2021 were disclosed to the defence. As you would be aware, the accused is entitled to a copy of the transcript of such recordings pursuant to s 53(2)(b) *Evidence (Miscellaneous Provisions) Act* (EMPA), however, the accused can only access the recording by applying pursuant to ss54 and 55 EMPA.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

**Further evidence**

Please also be advised that the following items remain outstanding on the brief of evidence:

- i. Audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021
- ii. Police statements
  8. Gareth Saunders
  9. Jason McDevitt
  10. Kristy [REDACTED]
- iii. Statements regarding complaint evidence

- 11. K Pearson
- 12. K Abbott
- 13. J Kunkel
- 14. D Wong
- 15. G Phillips
- 16. I Jake
- viii. Documents:
  - 17. Photos of Lehrmann's Phone – SC James [REDACTED]
  - 18 [REDACTED] Trent Madders
  - 19. Complete download – Complainant's 3 phones
  - 20. Complete download – Accused's phone
  - 21. Transcript – John MacGowan
  - 22. Transcript – Kelly Higgins
  - 23. Transcript – Nicole Hamer

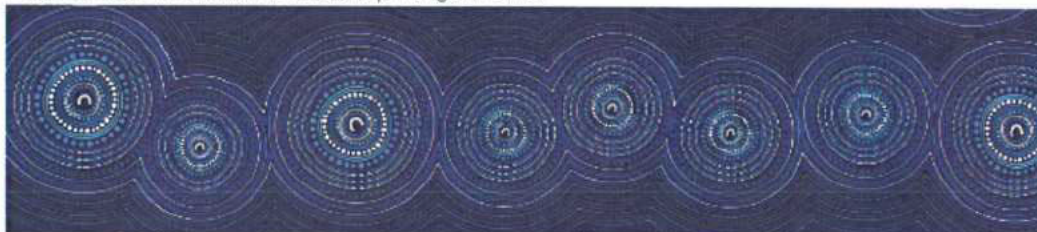
Can you please advise when these items will be provided. Can you please ensure that any redactions from police notes are limited to unrelated investigations and sensitive information. Further, in accordance with the AFP/DPP Collaborative agreement, when available, can you please ensure both prosecution and defence copies are served on the DPP for us to serve defence.



**Shane Drumgold SC**

Director  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
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 T: [REDACTED] (Executive Officer Katie Cantwell)  
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 E: [REDACTED]@act.gov.au (EO)  
 W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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\*\*\*\*\*



27 September 2021

Director of Public Prosecutions  
Reserve Bank Building  
20-22 London Circuit  
Canberra City ACT 2601

**Outstanding documents – Police v Bruce Lehrmann – Sexual Intercourse without consent  
CC2021/8143**

Dear Mr Drumgold,

An updated copy of the mention brief provided to both DPP and Defence on 6 August 2021 will be provided to ACT Policing Judicial Operations on a USB memory device on Tuesday 28 September 2021. The following amendments have been made:

1. Her Time Counselling Records have been removed;
2. Canberra Rape Crisis Centre Records have been removed;
3. Audio only copy of the Evidence in Chief Interviews have been removed;
4. Ochre Medical Records redactions have been locked;
5. Medicare report redactions have been locked;
6. PBS report redactions have been locked;
7. Consent to access iCloud redactions have been locked; and
8. Consent to acquire data redactions have been locked.

The audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021 will be provided on CD on Tuesday 28 September 2021 to ACT Policing Judicial Operations.

Additionally, the following documents obtained since the 6<sup>th</sup> of August 2021 have been included in a separate folder on the USB memory device:

1. [REDACTED];
2. Transcript of Record of Conversation with Kelly Higgins;
3. Transcript of Record of Conversation with Nicole Hamer;
4. Transcript of Record of Conversation with John MacGowan;
5. Image of a Facebook message as described by Kelly Higgins;

Since provision of the brief on 6 August 2021, the investigation team has sought the following further evidentiary items relevant to the brief of evidence and will seek to provide these items to your office as a matter of priority.

1. Diary notes of former Police Assistant Commissioner Leanne Close;
2. Record of Conversation with Reg Chamberline;
3. Transcript of Record of Conversation with Reg Chamberline;

BUSINESS AREA  
insert postal address

Australian Federal Police  
Telephone: insert phone  
afp.gov.au

ABN 17 864 931 143  
Email: insert.email@afp.gov.au

4. Record of Conversation with Heidi Yates;
5. Police Statement of Detective Senior Constable Kirsty [REDACTED];
6. Supplementary Police Statement of Detective Leading Senior Constable Trent Madders;
7. Supplementary Statement of Digital Forensic member Peter [REDACTED];
8. iCloud report for Ms Higgins account;
9. Statement of Forensic member Jennifer [REDACTED];
10. Section 3E Crimes Act 1914 Search Warrant – Premises warrant – Queensland – Not executed;
11. Section 3LA Crimes Act 1914 order – Not executed;
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. Email from Ms Higgins to Mr Lehrmann.

As of 24 September 2021, the following items remain outstanding. It is anticipated that these items will be available for provision to your office by 31 October 2021.

1. Police Statement of Detective Sergeant Gareth Saunders;
2. Police Statement of Detective Sergeant Jason McDevitt;
3. Supplementary Police Statement of Senior Constable Emma Frizzell;
4. Statement of John Kunkel;
5. Statement of Daniel Wong;
6. Transcript of Record of Conversation with Heidi Yates;
7. Section 3E Crimes Act 1914 Search Warrant – Uber records;
8. Uber records of Mr Lehrmann; and
9. Uber records of Ms Higgins.

The following statements requested by your office regarding complaint evidence have not been obtained for the following reasons:

1. K. Pearson – All attempts to contact have gone unanswered. Ms Pearson will be listed in the third schedule;
2. K. Abbott – Determined to have no relevant evidence to offer;
3. Gabrielle Phillips – Police cannot locate or contact Ms Phillips;
4. Isaac Jake – Determined to have no relevant evidence to offer.

The complete downloads of the complainant's 3 phones, and accused's phone consists of many thousands of pages. Each download will require redaction before they can be provided, and this will take considerable time, however the team is currently working through these downloads.

Furthermore, the investigation team is in the process of compiling the disclosure certificate and seek a meeting with your office to discuss items contained within Schedule 1: relevant protected material that is subject of claim of privilege or immunity, prior to its submission.

Yours sincerely,

Scott Moller  
 Detective Superintendent  
 Criminal Investigations  
 ACT Policing

**From:** [Frizzell, Emma](#)  
**To:** [Jerome, Skye](#); [Fleming, David](#); [Priestly, Erin](#)  
**Cc:** [Hughes, Callum](#); [Moller, Scott](#)  
**Subject:** RE: R v LEHRMANN [SEC=OFFICIAL]  
**Date:** Friday, 29 April 2022 1:15:13 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)

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### OFFICIAL

Skye/Erin,

For your records, I will attend the DPP office prior to 4.00pm and provide a USB containing the following material:

1. Full Cellebrite download of the complainant's mobile device – Redacted;
2. Full Cellebrite download of the accused's mobile device – Redacted;
3. Full Cellebrite download of the accused's mobile device – not redacted (as requested);
4. SC/ James [REDACTED] supplementary statement and attached images of the items contained within the 'blue folder' on the accused mobile device;
5. D/Supt Scott Moller statement;
6. Commander Michael Chew statement;
7. [REDACTED] witness statement and signed APH building entrances document;
8. Carolyn Bolling (Department of Defence) witness statement and accompanying gateway logs;
9. Updated disclosure statement – DPP copy;
10. Updated disclosure statement – Defence copy.

In addition to the above, please note the following witness details to speak to the following telco results:

- Optus – The accused CCR results:
  - o Name: Daniel Qamar
  - o DOB: 8/10/1987
  - o ADD: 65 Epsom Rd, Rosebery, NSW 2018
  - o Email: preferred method – [LELU.Statements@optus.com.au](mailto:LELU.Statements@optus.com.au)
  - o Mobile: **REDACTED**
- TPG – The complainants TPG CCR results:
  - o TPG Telecom
  - o The Proper Officer
  - o ADD: 177 Pacific Highway, North Sydney, NSW 2060
  - o Email: [Vodafone.AgencyLiaison@vodafone.com.au](mailto:Vodafone.AgencyLiaison@vodafone.com.au)

Please note the following items remain outstanding:

1. Lisa Wilkinson witness statement – Awaiting response – No ETA;
2. Samantha Maiden witness statement – Awaiting response – No ETA;
3. DFT report – Interim report in regards to specified files ETA 1 week – Report on entire

review 2-3 weeks; and

4. Telco evidentiary certificates – Awaiting provision from providers.

I will be absent from the office next week, please contact Trent Madders or David Fleming should you require anything prior to my return the following week.

Kind regards,  
Em

**SENIOR CONSTABLE EMMA FRIZZELL**  
CRIMINAL INVESTIGATIONS - SOCA - TEAM 1  
ACT POLICING  
Tel: **REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



POLICING FOR  
A SAFER AUSTRALIA

The Australian Federal Police acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



**From:** Jerome, Skye <**REDACTED**@act.gov.au>  
**Sent:** Thursday, 28 April 2022 8:40 AM  
**To:** Frizzell, Emma <**REDACTED**@afp.gov.au>; Fleming, David <**REDACTED**@afp.gov.au>; Priestly, Erin <**REDACTED**@act.gov.au>  
**Cc:** Hughes, Callum <**REDACTED**@afp.gov.au>  
**Subject:** Re: R v LEHRMANN

Dear Emma and David

Re: R v LEHRMANN

Thank you for your time yesterday afternoon to discuss the following outstanding material:

1. Celebrite Download –
  - a. Can this be disclosed in full with the appropriate redactions
2. Tele Co Statement
3. **REDACTED** supplementary statement addressing what he saw under 'Blue Folder' on Mr Lehrmann's Phone
4. Lisa Wilkinson Statement
5. Samantha Maiden Statement
6. Superintendent Scott Moller Statement
7. Commander Michael Chew Statement

- 8. [REDACTED] Statement
- 9. DFT Report on E-brief erroneously disclosed

Please advise when this material will be disclosed.

Kind regards

Skye



**Skye Jerome**  
 Crown Advocate  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: [REDACTED] (Direct line)  
 E: [REDACTED]@act.gov.au  
 W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and follow the Witnesses and Victims link.



**We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people  
 We acknowledge and respect their continuing culture and the contribution they make  
 to the life of this city and this region**  
 Artwork by Ngarrindjeri artist Jordan Lovegrove

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AFP Web site: <http://www.afp.gov.au>

\*\*\*\*\*

**From:** [Priestly, Erin](#)  
**To:** [Frizzell, Emma](#)  
**Cc:** [SVC DPPCases](#); [Madders, Trent](#); [Jerome, Skye](#)  
**Subject:** R v Lehmann - DPP update - 202113941  
**Date:** Wednesday, 27 April 2022 4:50:00 PM  
**Attachments:** [image001.png](#)

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OFFICIAL

Hi Emma

Thank you for meeting with us today.

We have spoken to Shane and confirm the following:

1. The DPP is of the view that the internal AFP documents discussed today at the meeting are not disclosable. Could they please be placed on the updated disclosure certificate?
2. The DPP would like to disclose the full Cellebrite download of each of the phones. The complainant's Cellebrite report will need to be redacted and locked. There is no need to redact the defendant's Cellebrite report.

Kind regards



**Erin Priestly**

Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTE** Direct

T: (02) 6207 5399 (Reception)

E: **REDAC**@act.gov.au

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** [Rachel Fisher](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Kamy Saeedi](#)  
**Subject:** Request for Disclosure - Lehmann  
**Date:** Thursday, 9 June 2022 11:30:37 AM  
**Attachments:** [Requests for Disclosure 220609.docx](#)

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Dear Erin,

## **THE QUEEN v LEHRMANN**

As foreshadowed yesterday, please find enclosed an updated list of requests for disclosure.

Kind regards,

**Rachel Fisher**  
Lawyer



1 University Ave  
Canberra ACT 2601

T: (02) 6230 6600  
After hours: 1800 266 830

[www.kslawyers.com.au](http://www.kslawyers.com.au)

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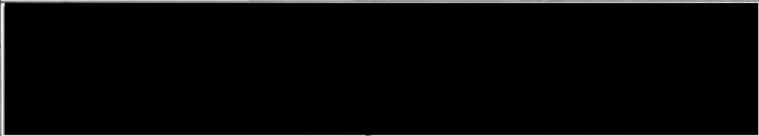
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## THE QUEEN and BRUCE LEHRMANN

## REQUEST FOR DISCLOSURE

ITEM IN DISCLOSURE SCHEDULE	CATEGORY IN DISCLOSURE STATEMENT
Celebrite report of Ms Higgins mobile phone without redactions	Unused material
Full celebrite report of Ms Higgins mobile phone devices	Unused material
Full report of Ms Higgins iCloud and Google drive cloud-based data	Unused material
Correspondence between Police and the Canberra Rape Crisis Centre	Unused material
Correspondence between Police and Her Time Counselling requesting client notes relating to Ms Higgins	Unused material
Cover letter from the Her Time Counselling Service to the Director of Public Prosecutions AND/OR Australian Federal Police enclosing notes	
	
ALL CCTV from the Dock	
ALL communications with AFP and Brittany Higgins including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications. Including full disclosure of any documents or materials provided by Brittany Higgins to AFP.	Unused material
Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representative acting on behalf of the complainant, <b>Brittany Higgins</b>	
Self-prepared statement of Alec Ryan	Unused material
Self-prepared statement of Robyn McIntosh	Unused material
PBS Patient Summary – 01/01/2019 – 09/04/2021 of Ms Higgins and all other medical material held by the Australian Federal Police related to Ms Higgins during this period	Unused material
Draft of Ms Higgins Memoir – Penguin Random House	Material not obtained but in existence
Any Celebrite Report of a phone of David SHARAZ	N/A

All notebooks, diary entries or PROMIS entries related to Detective Inspector Matthew [REDACTED] and Superintendent Greg [REDACTED] regarding conversations with civilian witnesses on the 'security breach' and 'cleaning' of the Ministerial Suite.	Persons who did not provide a statement
All contemporaneous notes or documents from Sergeant Paul Sherring relating to meeting with Linda Reynolds and Fiona Brown in April 2019	Persons who did not provide a statement
ALL communications with AFP and Isaac Cenc including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications	Persons who did not provide a statement
ALL PROMIS 6831473 investigation files – INCLUDING the 'Investigative Review Documents' referred to in the Disclosure Statement	
ALL communications with Philip Gaetjens or his delegates with Brittany Higgins including copies of any emails, letters or other forms of correspondence including briefings, emails, notebook or any other form of contemporaneous note taking or recordings	
ALL communications with Philip Gaetjens or his delegates with anyone interviewed or spoken to in relation to the inquiry being conducted at the request of the former Prime Minister, including copies of any emails, letters or other forms of correspondence including any notebook entries or contemporaneous notes or recordings	
Proofing notes of all Crown witnesses	

**From:** [Fleming, David](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Frizzell, Emma](#); [Hughes, Callum](#)  
**Subject:** RE: R v Lehrmann - Request for further disclosure - 202113941 [SEC=OFFICIAL]  
**Date:** Thursday, 9 June 2022 1:37:25 PM  
**Attachments:** [image004.png](#)

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**OFFICIAL**

Erin,

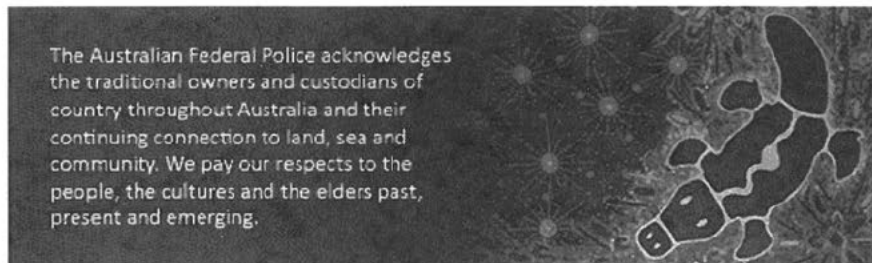
What is the return date for the material to be provided to defence?

Regards

**D/SGT DAVID FLEMING**  
 ACT CRIMINAL INVESTIGATIONS  
 ACT POLICING  
 Tel: +**REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



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**From:** Frizzell, Emma <Emma.Frizzell@afp.gov.au>  
**Sent:** Thursday, 9 June 2022 12:59 PM  
**To:** Hughes, Callum <Callum.Hughes@afp.gov.au>; Fleming, David <David.Fleming@afp.gov.au>  
**Subject:** Fwd: R v Lehrmann - Request for further disclosure - 202113941 [SEC=OFFICIAL]

FYI

**From:** Priestly, Erin **REDACTED** <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Date:** 9 June 2022 at 12:11:48 pm AEST  
**To:** Frizzell, Emma **REDACTED** <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>, Madders, Trent **REDACTED** <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>  
**Cc:** Greig, Mitchell <**REDACTED** <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>, SVC\_DPPCases <[SVC\\_DPPCases@act.gov.au](mailto:SVC_DPPCases@act.gov.au)>  
**Subject:** R v Lehrmann - Request for further disclosure - 202113941

Hi Emma and Trent

Defence have made a request for disclosure (see attached). I would be grateful if you could please start obtaining this material.

A few things:

1. We will provide the unredacted Cellebrite and report of iCloud/Google data to defence on the undertaking they do not provide any personal details contained therein to the accused;
2. I understand requests for correspondence between police and CRCC/Her Time Counselling does not include a request for the actual counselling notes;
3. In terms of items like Ms Higgins' memoir/the Cellebrite report of David Sharaz – obviously it is a matter for those witnesses if they wish to consent to providing those items. If they do not, it is a matter for the AFP as to whether there are sufficient grounds to obtain those materials by way of warrant;
4. We will provide the proofing notes of Crown witnesses.

Please let me know if there are any issues.

Kind regards



**Erin Priestly**  
 Senior Prosecutor  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: **REDACTED** (Direct)  
 T: (02) 6207 5399 (Reception)  
 E: **REDACTED**  
 W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** [Drumgold, Shane](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Jerome, Skye](#)  
**Subject:** RE: R v Lehmann - Request for disclosure of Cellebrite Report, iCloud and Google data, PROMIS investigation files - 202113941  
**Date:** Friday, 17 June 2022 3:15:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

## OFFICIAL

This is my recommended wording

The DPP do not have access to the PROMIS file and we are advised by the AFP that the PROMIS file is an extremely voluminous electronic file with a large and diverse range of material, none of which is capable of being copied electronically so would require printing in the tens of thousands of pages. The items on the electronic file would also contain various protected communications and protected information, with the remaining material falling outside of our disclosure obligations at section 4 of the Prosecution policy. The disclosure certificate certifies that all items meeting section 4 of the prosecution policy have been disclosed, however if you would kindly identify any particular item or group of items we will attempt to facilitate its printing. .

A view would be good if we can (but I doubt they will)



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)

T: **CTED** (Executive Officer Katie Cantwell)

M:

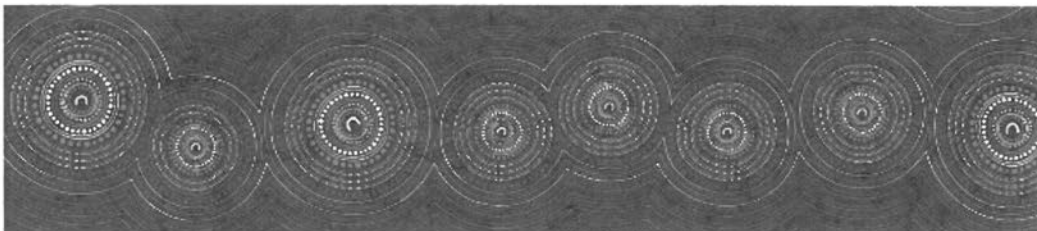
E: **REDACTED**@act.gov.au

E: **D**@act.gov.au (EO)

W:[www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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 We acknowledge and respect their continuing culture and the contribution they make  
 to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Priestly, Erin **REDACTED**@act.gov.au>

**Sent:** Friday, 17 June 2022 2:58 PM

**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>  
**Subject:** FW: R v Lehrmann - Request for disclosure of Cellebrite Report, iCloud and Google data, PROMIS investigation files - 202113941

OFFICIAL

Hi Shane

Please see below.

- PROMIS Investigation File: are you happy for me to quote the prosecution policy re: disclosure and reiterate that if they can outline what specific material they are after that is relevant/possibly relevant to a fact in issue (and is a real as opposed to fanciful prospect of providing a lead) that we will disclose it.
- Did you want me to arrange a view/did you want to attend? If not, I can direct them to [REDACTED] of DPS to arrange the view. I imagine it will need to be done outside of work hours as there will be people working in the area.

Kind regards



**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** [REDACTED] (Direct)  
**T:** (02) 6207 5399 (Reception)  
**E:** [REDACTED]  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Rachel Fisher <[REDACTED]@kslawyers.com.au>  
**Sent:** Friday, 17 June 2022 2:45 PM  
**To:** Priestly, Erin <[REDACTED]@act.gov.au>  
**Cc:** Kamy Saeedi <[REDACTED]@kslawyers.com.au>; Greig, Mitchell <[REDACTED]@act.gov.au>; SVC\_DPPCases <[REDACTED]@act.gov.au>  
**Subject:** Re: R v Lehrmann - Request for disclosure of Cellebrite Report, iCloud and Google data, PROMIS investigation files - 202113941

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Dear Erin,

We require the PROMIS Investigation File as a matter of urgency. Can you please outline what the Director will rely upon which prohibits disclosure of the PROMIS records.

We wish to also urgently arrange a viewing of the Ministerial Wing and relevant Suite next week. Can you enquire as to when this can be arranged? It would be required to take place after 4:00pm due to Counsel (and myself) being in trial.

Kind regards,

**Rachel Fisher**  
Lawyer

1 University Ave  
Canberra ACT 2601

T: (02) 6230 6600  
After hours: 1800 266 830

[www.kslawyers.com.au](http://www.kslawyers.com.au)

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On Fri, 17 Jun 2022 at 11:17, Priestly, Erin <**REDACTED**@act.gov.au> wrote:

**OFFICIAL**

Dear Rachel

I refer to your request for disclosure on 9 June.

1. Full Cellebrite Report of Higgins' mobile (unredacted) – we cannot provide this completely unredacted. We have legislative obligations in relation to the personal

information of complainant's and their families which would prohibit providing, amongst other things, their personal contact details. Can you please narrow the request as to what redacted material is sought?

2. iCloud, Google Data and PROMIS investigation files - we are not in a position to provide this. As noted previously, the amount of material sought is impossibly voluminous, and potentially contains material that is prohibited from disclosure such as personal data or other protected information. Further, it may be that not all the material falls within the disclosure regime. If the requests could be refined, we will reconsider our position.

Kind regards



**Erin Priestly**

Senior Prosecutor

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** Direct)

T: (02) 6207 5399 (Reception)

E: **REDACTED**@act.gov.au

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** [Greig, Mitchell](#)  
**To:** [Rachel Fisher](#)  
**Cc:** [Jerome, Skye](#); [Priestly, Erin](#); [SVC\\_DPPCases](#)  
**Subject:** RE: REQUEST FOR DISCLOSURE: LEHRMANN (DPP Ref: 202113941)  
**Date:** Wednesday, 31 August 2022 3:31:41 PM  
**Attachments:** Disclosure response.pdf  
 Witness List (003) (002).pdf  
 image001.png

---

OFFICIAL

Dear Rachel,

I have attached a letter in response to your request from the Director and the most up to date witness list.

Detective Sergeant Gareth John Miles Saunders is still listed in Witness List A until we receive a response from you.

Kind regards,



**Mitchell Greig**  
 Prosecutor Associate  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** **REDACTED**  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Rachel Fisher <**REDACTED**@kslawyers.com.au>  
**Sent:** Monday, 29 August 2022 3:06 PM  
**To:** Priestly, Erin <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>;  
 Jerome, Skye <**REDACTED**@act.gov.au>  
**Subject:** Re: REQUEST FOR DISCLOSURE: LEHRMANN

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Dear Skye and Erin,

I confirm the material disclosed to the DPP in relation to my subpoena has been received by my office. Mitchell has been extremely helpful in assisting us locate material and providing us updated USB's.

I write to request whether the unredacted cellebrite and any PROMIS, icloud or google data material will be disclosed.

Additionally, can I please also be provided with the most up-to-date witness list? I understand there are some police witnesses the Crown are contemplating not calling - I'll get back to you with our position on that imminently.

Kind regards,

**Rachel Fisher**  
Lawyer



1 University Ave  
Canberra ACT 2601

T: (02) 6230 6600  
After hours: 1800 266 830

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On Tue, 23 Aug 2022 at 12:04, Rachel Fisher <[REDACTED@kslawyers.com.au](mailto:REDACTED@kslawyers.com.au)> wrote:

Dear Erin,

**Cellbrite**

We request that the Cellbrite report is unredacted and provided. We understand that personal contact details have been redacted for but that is not the only material redacted. The Cellbrite is heavily redacted, over 4,500 pages just completely blacked out. This cannot be attributed to personal information. This seems to include communications prior to 23 April 2019. Additionally, the Cellbrite does not provide images shared or movies on the phone, just thumbnails (some of which are redacted). There appears from the report to be hypertext links to the actual images and movies, none of which have been disclosed.

We press for the production of the complete and unredacted cellbrite report which is not "locked down" so as to not be searchable or able to have excerpts extracted from, and notwithstanding the personal information such as contact detail etc. If that cannot be blacked out to allow us to access the cellbrite in a practical way, we will give undertakings to ensure that the material is not disseminated outside the legal team. We note in the course of examining various other material disclosed or produced in this matter personal information in the form of mobile numbers, email addresses and other personal information has already been disclosed to the defence – and we of course respects the private nature of such information.

### **PROMIS**

We have no disclosure of PROMIS entries or police diaries relating to anything done or conducted at Australian Parliament House before 1 April. We press for that material. This material is particularly important given the repeated assertions by the complainant that she first spoke with police at APH on 26 or 27 March 2019.

Additionally, the AFP have confirmed the material disclosed to the DPP in relation to my subpoena contained:

- Case note entries between Ms Higgins or her representatives and the AFP;
- Email correspondence between AFP Members and Ms Higgins or her representatives; and
- SMS correspondence between AFP Members and Ms Higgins.

We do not have such material. We request this material be disclosed forthwith and placed on a USB with all material provided by the AFP to your office in response to that subpoena in June 2022. It is now almost 8 weeks since that subpoena was returnable but not called on after discussions with the AFP and on the understanding that the material set out in the Schedule had been provided to your office and would be disclosed to the defence.

I note that an additional USB was prepared on Friday which contained additional material that we had not yet been provided and I have requested an updated disclosure record request because it is very difficult to ascertain what has and has not been disclosed in this matter. If the material is on that USB, as it contains over 2000 documents, I am still making my way through it - please advise and outline its location.

Further, the PROMIS file as well as the icloud and google data is stated to be too voluminous to disclose. We do not understand that to be a valid basis to refuse disclosure of any of that material. We request disclosure of all the material already provided to the DPP by the AFP and we can reconsider whether it is necessary to press for further disclosure.

Please advise whether your office intends to comply with this request and if it will be done a timely manner, failing which we will request a listing in front of the Chief Justice.

Kind regards,

**Rachel Fisher**  
Lawyer



1 University Ave  
Canberra ACT 2601

T: (02) 6230 6600  
After hours: 1800 266 830

[www.kslawyers.com.au](http://www.kslawyers.com.au)

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Thank you for your email of 23 August 2022 in relation to disclosure in the R v Lehrmann matter seeking the following:

- 1) Unredacted Cellebrite report.
- 2) Images shared or movies on the phone that are not thumbnails.
- 3) All case notes, email and SMS correspondence between Higgins and AFP.
- 4) PROMIS file.
- 5) iCloud and Google data.

The Prosecutions duty of disclosure is outlined at section 4 of the Prosecution Policy as follows:

#### 4. DISCLOSURE

*4.1 The prosecution is under a continuing obligation to make full disclosure to the accused in a timely manner of all material known to the prosecution which can be seen on a sensible appraisal by the prosecution:*

- *to be relevant or possibly relevant to an issue in the case;*
- *to raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use; or*
- *to hold out a real as opposed to fanciful prospect of providing a lead to evidence which goes to either of the previous two matters.*

*4.2 The prosecution is also under a duty to disclose to the defence information in its possession which is relevant to the credibility or reliability of a prosecution witness, for example:* • *a relevant previous conviction or finding of guilt;*

- *a statement made by a witness which is inconsistent with any prior statement of the witness;*
- *a relevant adverse finding in other criminal proceedings or in non-criminal proceedings; • evidence before a court, tribunal or Royal Commission which reflects adversely on the witness;*
- *any physical or mental condition which may affect reliability;*
- *any concession which has been granted to the witness in order to secure their testimony for the prosecution.*

*4.3 The prosecution must fulfil its duty of disclosure as soon as reasonably practicable. The prosecution's duty of disclosure continues throughout the prosecution process and any subsequent appeal.*

*4.4 In fulfilling its disclosure obligations the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone*

number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.

4.5 The prosecution's duty of disclosure does not extend to disclosing material:

- relevant only to the credibility of defence (as distinct from prosecution) witnesses;
- relevant only to the credibility of the accused;
- relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or
- for the purpose of preventing an accused from creating a forensic disadvantage for themselves, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.

4.6 The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.

4.7 Where material has been withheld from disclosure on public interest grounds, the defence should be informed of the claim of immunity and the basis for the claim in general terms unless to do so would reveal that which it would not be in the public interest to reveal. In some cases it will be sufficient to delay rather than withhold disclosure. For example, if disclosure might prejudice ongoing investigations, disclosure could be delayed until after the investigations are completed.

4.8 Legal professional privilege will ordinarily be claimed against the production of any document in the nature of an internal DPP advice or opinion. Legal professional privilege will not be claimed in respect of any record of a statement by a witness that is inconsistent with their previous statement or adds to it significantly, including any statement made in conference and any victim impact statement, provided the disclosure of such records serves a legitimate forensic purpose.

4.9 The duty on the prosecution to disclose material to the accused imposes a concomitant obligation on the police and other investigative agencies to notify the prosecution of the existence and location of all such material. If required, in addition to providing the brief of evidence, the police or other investigative agency shall certify that the prosecution has been notified of the existence of all such material.

4.10 Where known, in accordance with Director's disclosure guideline which has been in effect since 3 August 2020 (see Annexure 1), the prosecution is under a duty to disclose the existence of:

- (a) Relevant protected material that is subject of a claim of privilege or immunity;
- (b) Relevant material that is subject of a statutory publication restriction;
- (c) Relevant unprotected material that is not subject to a claim of privilege or immunity or a statutory publication restriction

This disclosure policy is consistent with the authority on disclosure.

Further, as outlined in *Mallard v The Queen* (2005) 224 CLR 157 at [17] it is a duty to disclose all relevant evidence that a failure may result in a quashing of a conviction.

We also acknowledge that the duty applies to all material in possession of the prosecution and material which it should obtain: the prosecutorial “obligation to disclose includes, in an appropriate case, an obligation to make enquiries” (see *AJ v The Queen* [2010] VSCA 331 at [22])

**With regards to both the material sought, and evidence in general, we confirm that all material and evidence falling within the duty to disclose both within the possession and to the knowledge of the Crown has been disclosed in full.**

**We further confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that all material both in the possession and to the knowledge of investigators has been disclosed in full.**

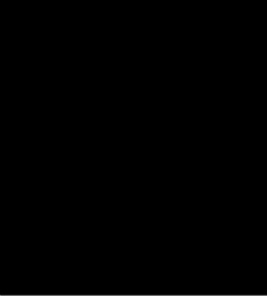
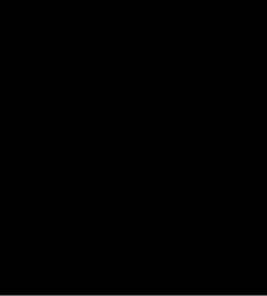
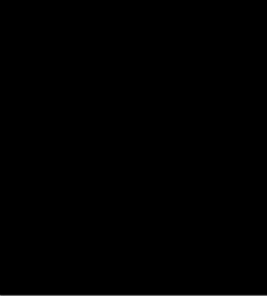
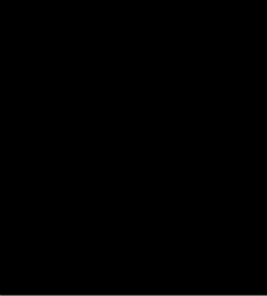
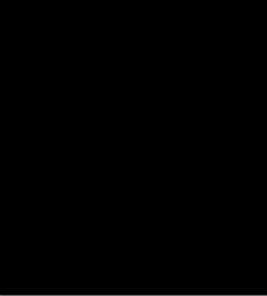
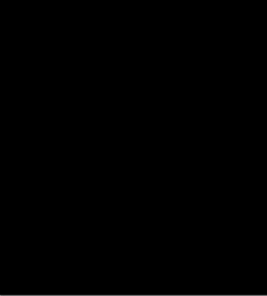
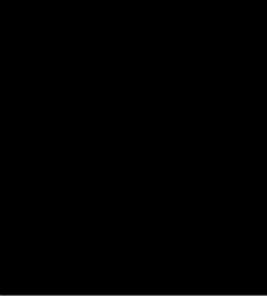
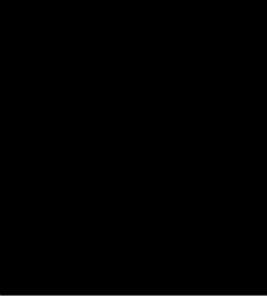
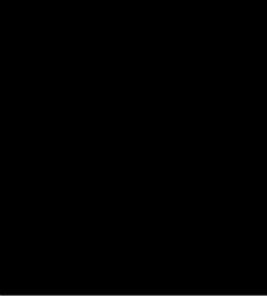




**With specific regard to the redacted Cellebrite report, we confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that not disclosable material has been redacted.**

**R V LEHRMANN**

**No. SCC 264 of 2021**

**LIST OF WITNESSES**

Witness List A – witnesses the Crown will call to give evidence at trial

1. Brittany HIGGINS
2. Nicole HAMER
3. Lauren GAIN
4. Austin WENKE
5. 
6. 
7. 
8. 
9. 
10. 
11. 
12. 
13. 
14. Ben DILLAWAY
15. Michelle LEWIS
16. Alex HUMPHREYS
17. Samuel O'CONNOR
18. Matthew HIGGINS
19. Kelly HIGGINS
20. Christopher PAYNE
21. Nikita IRVINE
22. Fiona BROWN
23. Linda REYNOLDS
24. Reg CHAMBERLAIN
25. Federal Agent Rebecca Anne 
26. Federal Agent Katie Anne 
27. Detective Sergeant Robert Heath LANGLANDS
28. Detective Senior Constable Kristy 
29. Detective Senior Constable Sarah Elizabeth HARMAN
30. Regina Celia CAMARA
31. Robert Thomas Keith BOWER
32. Daniel John TRY
33. David SHARAZ
34. Samantha MAIDEN
35. Lisa WILKINSON
36. Detective Sergeant Kylie 

37. Senior Constable Emma Louise FRIZZELL
38. Detective Inspector Marcus Colin BOORMAN
39. Detective Leading Senior Constable Trent Robert MADDERS
40. Detective Sergeant Gareth John Miles SAUNDERS Peter John [REDACTED]
41. Toby AMODIO
42. Jennifer [REDACTED]
43. [REDACTED]
44. [REDACTED]
45. Carolyne Michelle BOLLING
46. Daniel QAMAR
47. Jagadish MOHAN

Witness List B – witnesses whose statements the Crown will tender or whose evidence will be called through the informant unless notified by defence that the witness is required

1. Detective Leading Senior Constable Kirsten Ellen [REDACTED]
2. Federal Agent Hugh [REDACTED]
3. Kylie ABBOTT
4. Isaac JAKE
5. Bernadette FABBO
6. Detective Leading Senior Constable Michael [REDACTED]

Witnesses who have not provided a statement and in relation to whom it is unknown if they will be called to give evidence

1. Detective Superintendent Scott MOLLER
2. Kristy PEARSON
3. Daniel WONG
4. Gabrielle PHILLIPS

**From:** Frizzell, Emma  
**To:** Pitney, Sarah  
**Cc:** SVC DPPCases; Priestly, Erin; Madders, Trent; Hughes, Callum; [REDACTED], Stephanie; [REDACTED], Helen  
**Subject:** RE: Disclosure - R v Lehmann [202113941] [SEC=OFFICIAL]  
**Date:** Wednesday, 24 August 2022 3:41:58 PM  
**Attachments:** image003.png

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### OFFICIAL

Hi Sarah,

I confirm that the AFP has provided all documentation that was deemed to be relevant by the investigation team.

Of note, in relation to the complainant's celebrite report, I confirm that DPP has been provided the following copies and may be well placed to also provide advice to Defence's query in support of our position:

- Content deemed relevant to the investigation within the brief;
- Redacted full celebrite report – redactions relate only to personal information ie phone numbers, email address etc;
- Un-redacted full celebrite report.

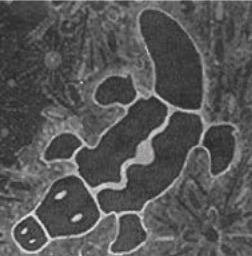
Kind regards,  
 Em

**ACTING SERGEANT EMMA FRIZZELL**  
 CRIMINAL INVESTIGATIONS - SACAT TEAM 1  
 ACT POLICING  
 Tel: [REDACTED]  
[www.afp.gov.au](http://www.afp.gov.au)



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The Australian Federal Police acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



**From:** Pitney, Sarah <[REDACTED]@act.gov.au>  
**Sent:** Wednesday, 24 August 2022 3:13 PM  
**To:** Frizzell, Emma <[REDACTED]@afp.gov.au>

**Cc:** SVC\_DPPCases <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>;  
Madders, Trent <[REDACTED]@afp.gov.au>; Hughes, Callum <[REDACTED]@afp.gov.au>;  
[REDACTED] Stephanie <[REDACTED]@afp.gov.au>; [REDACTED] Helen  
<[REDACTED]@afp.gov.au>  
**Subject:** RE: Disclosure - R v Lehrmann [202113941] [SEC=OFFICIAL]

OFFICIAL

Good afternoon

Thank you for your response.

We confirm that our view remains the same.

However, in light of the further somewhat clarified request, can you please confirm that in your view, on a sensible appraisal of the case, there is nothing in the redacted elements of the Celebrite report, the full PROMIS file, or the iCloud and Google data not already disclosed, that could be seen to be relevant or possibly relevant to a fact in issue, or to the credibility or reliability of a witness?

Kind regards



**Sarah Pitney**  
Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: [REDACTED]  
T: (02) 6207 5399 (Reception)  
E: [REDACTED]@act.gov.au  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Frizzell, Emma <[REDACTED]@afp.gov.au>  
**Sent:** Wednesday, 24 August 2022 3:01 PM  
**To:** Pitney, Sarah <[REDACTED]@act.gov.au>  
**Cc:** SVC\_DPPCases <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>;  
Madders, Trent <[REDACTED]@afp.gov.au>; Hughes, Callum <[REDACTED]@afp.gov.au>;  
[REDACTED] Stephanie <[REDACTED]@afp.gov.au>; [REDACTED] Helen  
<[REDACTED]@afp.gov.au>  
**Subject:** RE: Disclosure - R v Lehrmann [202113941] [SEC=OFFICIAL]

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OFFICIAL

Good afternoon Sarah,

On 16 June 2022, the AFP and DPP held a meeting in relation to disclosure matters in relation to R v LEHRMANN. Following the meeting, there was email correspondence between Stephanie [REDACTED] of AFP Legal and Erin Priestly on 16 and 17 June 2022 whereby Erin confirmed that DPP advised Defence the iCloud and Google drive data, as well as the PROMIS investigation files would not be disclosed unless they narrowed their request. Defence were also advised the DPP could not provide the un-redacted Cellebrite report for privacy reasons.

Noting DPP's advice that the reports would not be disclosed due to either privacy reasons or, unless Defence refined their request, given the request below from Defence appears to be unchanged, can I confirm DPP's advice remains the same? If not, please advise and I will arrange a meeting to discuss further.

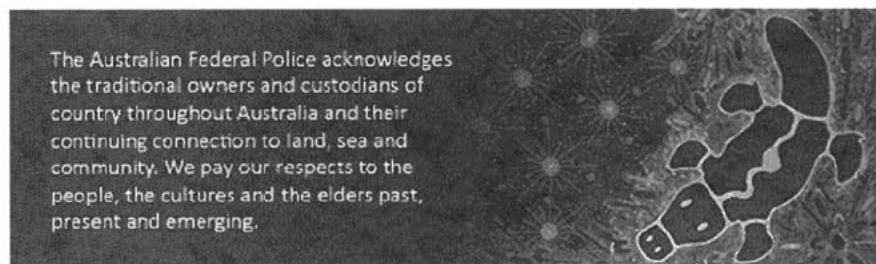
Furthermore, in relation to your request seeking to confirm whether there are any PROMIS entries or diary entries of anything done in APH prior to 1 April 2019, I confirm you have all relevant material held by the investigation team.

Kind regards,  
Em

**ACTING SERGEANT EMMA FRIZZELL**  
CRIMINAL INVESTIGATIONS - SACAT TEAM 1  
ACT POLICING  
Tel: [REDACTED]  
[www.afp.gov.au](http://www.afp.gov.au)



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**From:** Pitney, Sarah [REDACTED]@act.gov.au>  
**Sent:** Wednesday, 24 August 2022 1:25 PM  
**To:** Frizzell, Emma [REDACTED]@afp.gov.au>  
**Cc:** SVC\_DPPCases [REDACTED]@act.gov.au>; Priestly, Erin [REDACTED]@act.gov.au>  
**Subject:** Disclosure - R v Lehmann [202113941]

OFFICIAL

Dear Senior Constable Frizzell



We have received a further request from defence asking for:

- an unredacted copy of the Cellbrite report
- the full PROMIS file
- the complainant's iCloud and Google data

Could you please confirm that, on a sensible appraisal of the case, there is nothing in the redacted elements of the Cellebrite report, the full PROMIS file, and the iCloud and Google data not already disclosed, that could be seen to be relevant or possibly relevant to a fact in issue, or to the credibility or reliability of a witness?

Further, can you please confirm if there are any PROMIS entries or police diary notes of anything done in Australian Parliament House before 1 April 2019?

Kind regards



**Sarah Pitney**  
 Prosecutor  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: **REDACTED**  
 T: (02) 6207 5399 (Reception)  
 E: **REDACTED**@act.gov.au  
 W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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\*\*\*\*\*  
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\*\*\*\*\*

\*\*\*\*\*  
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AFP Web site: <http://www.afp.gov.au>  
\*\*\*\*\*

**From:** [Drumgold, Shane](#)  
**To:** [Priestly, Erin](#); [Pitney, Sarah](#); [Greig, Mitchell](#); [Jerome, Skve](#)  
**Subject:** Disclosure response  
**Date:** Tuesday, 30 August 2022 7:13:52 AM  
**Attachments:** Disclosure response.docx  
image001.png  
image002.png

---

OFFICIAL

Hi All

I have reconsidered this response in light of the comments about the Cellebrite report and have included specific mention to it, for your views.



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)

T: **D** (Executive Officer Katie Cantwell)

M:

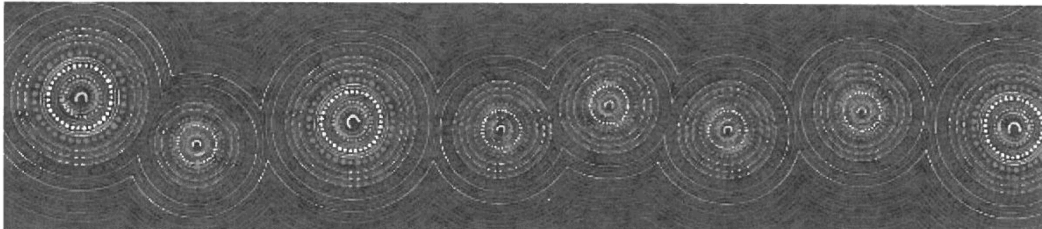
E: **REDACTED**@act.gov.au

E: **REDACTED**@act.gov.au (EO)

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and follow the Witnesses and Victims link.

Please consider the environment before printing this e-mail



**We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people  
We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

Thank you for your email of 23 August 2022 in relation to disclosure in the R v Lehmann matter seeking the following:

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*number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.*

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- relevant only to the credibility of defence (as distinct from prosecution) witnesses;*
- relevant only to the credibility of the accused;*
- relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or*
- for the purpose of preventing an accused from creating a forensic disadvantage for themselves, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.*

*4.6 The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.*

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- (b) Relevant material that is subject of a statutory publication restriction;*
- (c) Relevant unprotected material that is not subject to a claim of privilege or immunity or a statutory publication restriction*

This disclosure policy is consistent with the authority on disclosure.

Further, as outlined in *Mallard v The Queen* (2005) 224 CLR 157 at [17] it is a duty to disclose all relevant evidence that a failure may result in a quashing of a conviction.

We also acknowledge that the duty applies to all material in possession of the prosecution and material which it should obtain: the prosecutorial "obligation to disclose includes, in an appropriate case, an obligation to make enquiries" (see *AJ v The Queen* [2010] VSCA 331 at [22])

**With regards to both the material sought, and evidence in general, we confirm that all material and evidence falling within the duty to disclose both within the possession and to the knowledge of the Crown has been disclosed in full.**

**We further confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that all material both in the possession and to the knowledge of investigators has been disclosed in full.**

**With specific regard to the redacted Cellebrite report, we confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that not disclosable material has been redacted.**

**From:** [Drumgold, Shane](#)  
**To:** [Priestly, Erin](#); [Jerome, Skye](#); [Pitney, Sarah](#); [Greig, Mitchell](#)  
**Subject:** RE: My proposed response - for your views  
**Date:** Monday, 29 August 2022 10:13:47 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

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No I think that suffices



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)

T: **D** (Executive Officer Katie Cantwell)

M: **REDACTED**

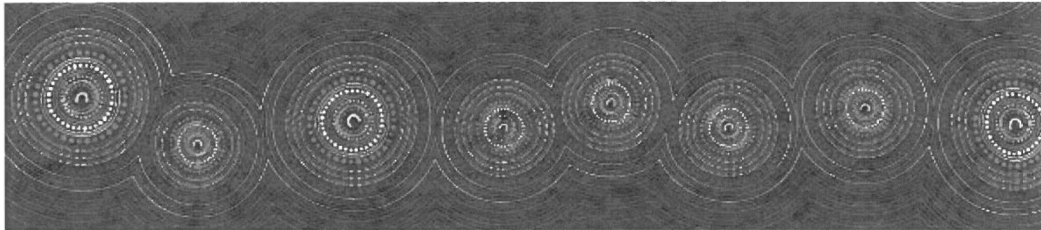
E: **REDACTED**@act.gov.au

E: **REDACTED**@act.gov.au (EO)

W:[www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

**Artwork by Ngarrindjeri artist Jordan Lovegrove**

**From:** Priestly, Erin <**REDACTED**@act.gov.au>  
**Sent:** Monday, 29 August 2022 10:04 AM  
**To:** Drumgold, Shane <**REDACTED**@act.gov.au>; Jerome, Skye **REDACTED**@act.gov.au>;  
Pitney, Sarah **REDACTED**@act.gov.au>; Greig, Mitchell **REDACTED**@act.gov.au>  
**Subject:** RE: My proposed response - for your views

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Thanks Shane.

I don't believe anyone from our office has read/reviewed the full unredacted Cellebrite report.  
Emma Frizzell stated the following:

"I confirm that the AFP has provided all documentation that was deemed to be relevant by the investigation team.

Of note, in relation to the complainant's celebrite report, I confirm that DPP has been provided the following copies and may be well placed to also provide advice to Defence's query in support of our position:

- Content deemed relevant to the investigation within the brief;
- Redacted full celebrite report – redactions relate only to personal information ie phone numbers, email address etc;
- Un-redacted full celebrite report"

Would you like someone from our team to separately review it, or are you happy to proceed on the basis that AFP have reviewed/redacted the Celebrite and signed the disclosure certificate?

Kind regards



**Erin Priestly**  
 Senior Prosecutor  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: **REDACTED** (Direct)  
 T: (02) 6207 5399 (Reception)  
 E: **REDACTED**@act.gov.au  
 W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Drumgold, Shane **REDACTED**@act.gov.au  
**Sent:** Monday, 29 August 2022 9:56 AM  
**To:** Priestly, Erin <**REDACTED**@act.gov.au>; Jerome, Skye **REDACTED**@act.gov.au>; Pitney, Sarah <**REDACTED**@act.gov.au>; Greig, Mitchell **REDACTED**@act.gov.au>  
**Subject:** RE: My proposed response - for your views

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I think we should confirm that there is nothing disclosable in the celebrite report, and declare as such. At this stage, there is no specific LPP claim – as this is a claim made by the AFP rather than the DPP – but the position is that there is nothing disclosable.

**Shane Drumgold SC**  
 Director  
 Office of the Director of Public Prosecutions (ACT)



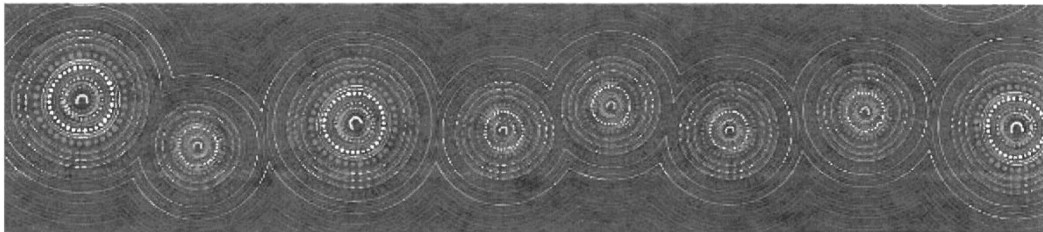


GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)  
T: **D** (Executive Officer Katie Cantwell)  
M: **REDACTED**  
E: **REDACTED**@act.gov.au  
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Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Priestly, Erin **REDACTED**@act.gov.au  
**Sent:** Monday, 29 August 2022 9:49 AM  
**To:** Drumgold, Shane **REDACTED**@act.gov.au>; Jerome, Skye **REDACTED**@act.gov.au>;  
Pitney, Sarah **REDACTED**@act.gov.au>; Greig, Mitchell **REDACTED**@act.gov.au>  
**Subject:** RE: My proposed response - for your views

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Thanks Shane.

Do you think we should specifically address:

- That we are in possession of the full unredacted Cellebrite report?
- That there is a claim of LPP over the investigation file, previously requested?

Or is the above sufficiently addressed by your statement that anything in our possession, that is disclosable, has been disclosed?

Kind regards

**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)



T: **REDACTED** (Direct)  
T: (02) 6207 5399 (Reception)  
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---

**From:** Drumgold, Shane **REDACTED** @act.gov.au>  
**Sent:** Monday, 29 August 2022 9:09 AM  
**To:** Jerome, Skye <**REDACTED**@act.gov.au>; Pitney, Sarah **REDACTED**@act.gov.au>; Priestly, Erin <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>  
**Subject:** My proposed response - for your views

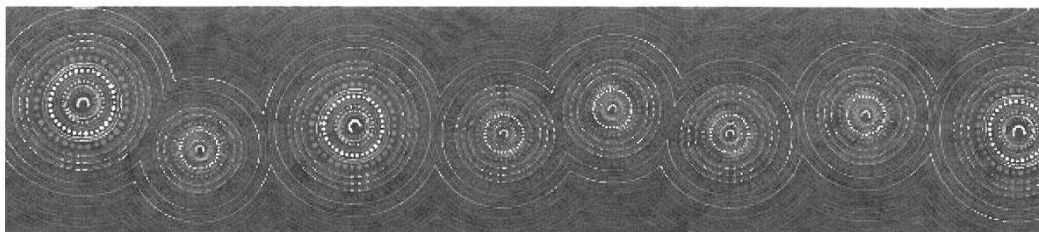
UNOFFICIAL



**Shane Drumgold SC**  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: **REDACTED** (Direct line)  
T: **REDACTED** (Executive Officer Katie Cantwell)  
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Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** [Greig, Mitchell](#)  
**To:** [Jerome, Skye](#); [Priestly, Erin](#)  
**Subject:** RE: Disclosure response  
**Date:** Wednesday, 31 August 2022 3:24:02 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

OFFICIAL

Great, I'll send through the response now.

Kind regards,



**Mitchell Greig**  
Prosecutor Associate  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (02) **REDACTED**  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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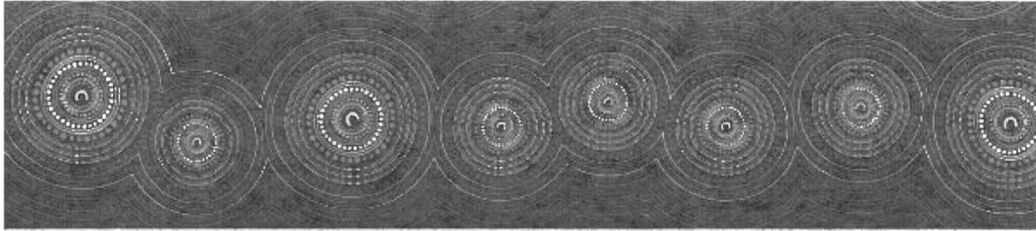
**From:** Jerome, Skye [\[REDACTED\]@act.gov.au](#)>  
**Sent:** Wednesday, 31 August 2022 3:22 PM  
**To:** Priestly, Erin [\[REDACTED\]@act.gov.au](#)>  
**Cc:** Greig, Mitchell [\[REDACTED\]@act.gov.au](#)>  
**Subject:** RE: Disclosure response

Shane is happy for the letter to be sent.



**Skye Jerome**  
Crown Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (02) **REDACTED** (Direct line)  
E: [\[REDACTED\]@act.gov.au](mailto:[REDACTED]@act.gov.au)  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Wednesday, 31 August 2022 12:43 PM  
**To:** Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

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Thanks Skye

**From:** Jerome, Skye <REDACTED@act.gov.au>  
**Sent:** Wednesday, 31 August 2022 12:42 PM  
**To:** Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

Hi Erin

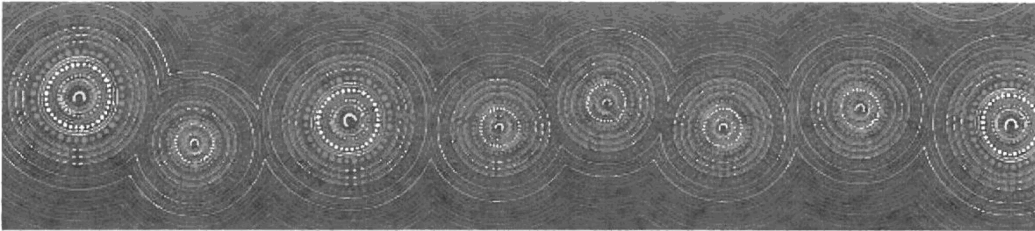
I'm heading out with him now and will ask him.

S



**Skye Jerome**  
Crown Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (02) REDACTED (Direct line)  
E: REDACTED@act.gov.au  
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**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Wednesday, 31 August 2022 12:41 PM  
**To:** Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

OFFICIAL

Hi Skye

Just checking if Shane has confirmed with you whether he would like me to respond (I appreciate he's probably just very busy!)?

Thanks  
Erin

**From:** Jerome, Skye <REDACTED@act.gov.au>  
**Sent:** Tuesday, 30 August 2022 9:44 AM  
**To:** Drumgold, Shane <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

Hi Shane

I think this is very well worded.

Should Erin send the response this morning?

Kind regards

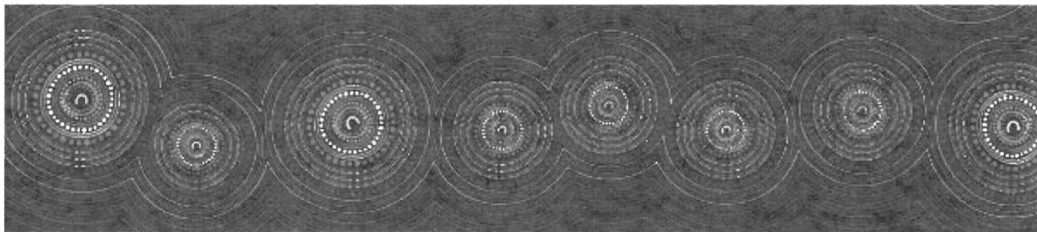
Skye

**Skye Jerome**  
Crown Prosecutor  
Office of the Director of Public Prosecutions (ACT)



GPO Box 595, Canberra ACT 2601 (DX 5725)  
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**From:** Drumgold, Shane REDACTED@act.gov.au  
**Sent:** Tuesday, 30 August 2022 7:14 AM  
**To:** Priestly, Erin <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>; Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** Disclosure response

OFFICIAL

Hi All

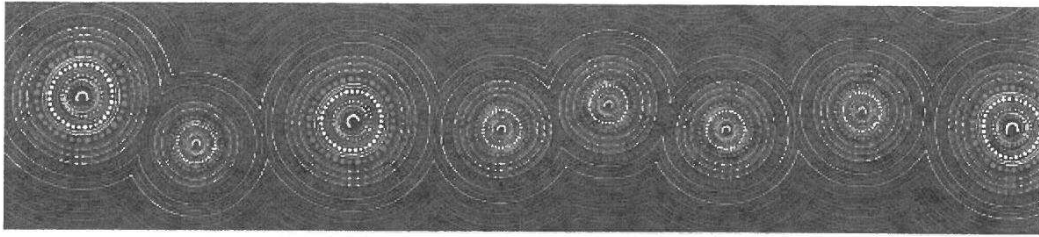
I have reconsidered this response in light of the comments about the Cellebrite report and have included specific mention to it, for your views.



**Shane Drumgold SC**  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: REDACTED (Direct line)  
T: D (Executive Officer Katie Cantwell)  
M: REDACTED  
E: REDACTED@act.gov.au  
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**From:** [Drumgold, Shane](#)  
**To:** [Priestly, Erin](#); [Jerome, Skye](#); [Pitney, Sarah](#); [Greig, Mitchell](#)  
**Subject:** RE: My proposed response - for your views  
**Date:** Monday, 29 August 2022 9:55:34 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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I think we should confirm that there is nothing disclosable in the celebrité report, and declare as such. At this stage, there is no specific LPP claim – as this is a claim made by the AFP rather than the DPP – but the position is that there is nothing disclosable.



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)

T: **REDACTED** (Executive Officer Katie Cantwell)

M:

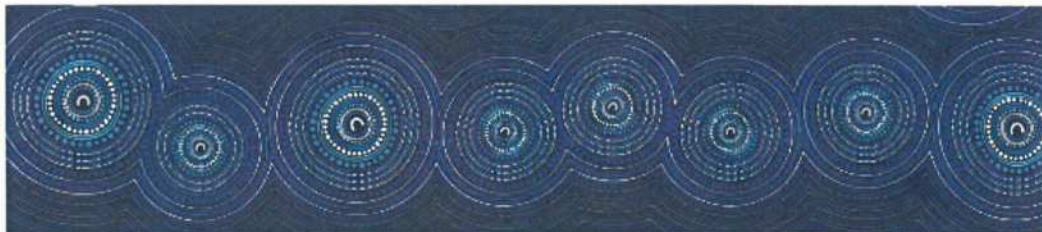
E: [shane.drumgold@act.gov.au](mailto:shane.drumgold@act.gov.au)

E: [shane.drumgold@act.gov.au](mailto:shane.drumgold@act.gov.au) (EO)

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Priestly, Erin **REDACTED**@act.gov.au>  
**Sent:** Monday, 29 August 2022 9:49 AM  
**To:** Drumgold, Shane **REDACTED**@act.gov.au>; Jerome, Skye **REDACTED**@act.gov.au>;  
Pitney, Sarah **REDACTED**@act.gov.au>; Greig, Mitchell **REDACTED**@act.gov.au>  
**Subject:** RE: My proposed response - for your views

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Thanks Shane.

Do you think we should specifically address:

- That we are in possession of the full unredacted Cellebrite report?
- That there is a claim of LPP over the investigation file, previously requested?

Or is the above sufficiently addressed by your statement that anything in our possession, that is disclosable, has been disclosed?

Kind regards



**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** REDACTED (Direct)  
**T:** (02) 6207 5399 (Reception)  
**E:** REDACTED@act.gov.au  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Drumgold, Shane <REDACTED@act.gov.au>  
**Sent:** Monday, 29 August 2022 9:09 AM  
**To:** Jerome, Skye <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>  
**Subject:** My proposed response - for your views

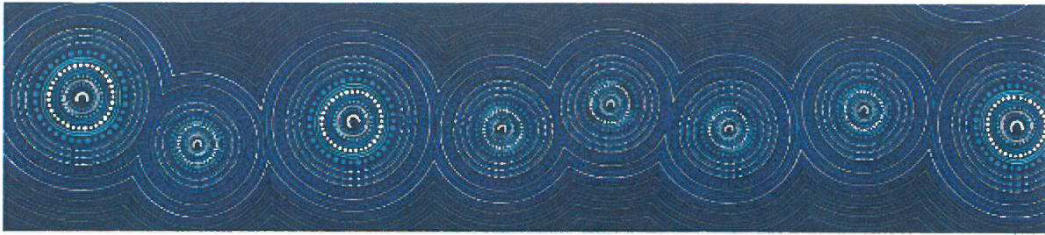
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**Shane Drumgold SC**  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** REDACTED (Direct line)  
**T:** D (Executive Officer Katie Cantwell)  
**M:** [REDACTED]  
**E:** [REDACTED]@act.gov.au  
**E:** [REDACTED]@act.gov.au (EO)  
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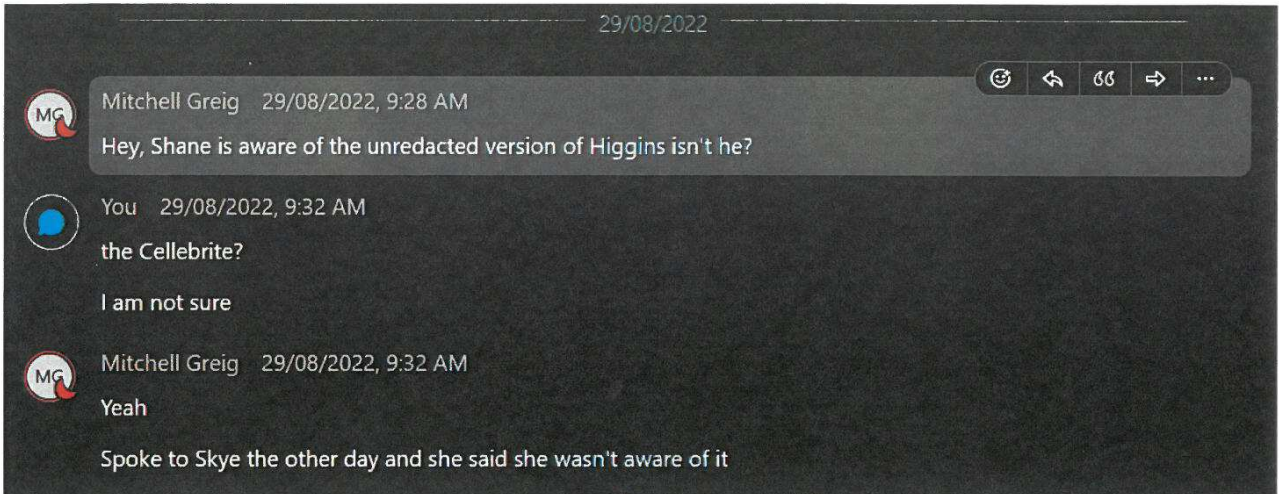
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You 29/08/2022, 9:36 AM

they must have forgotten, I got it off Skye originally, but I think it was provided in the advice brief not the actual brief of evidence

so not surprised no one recalls

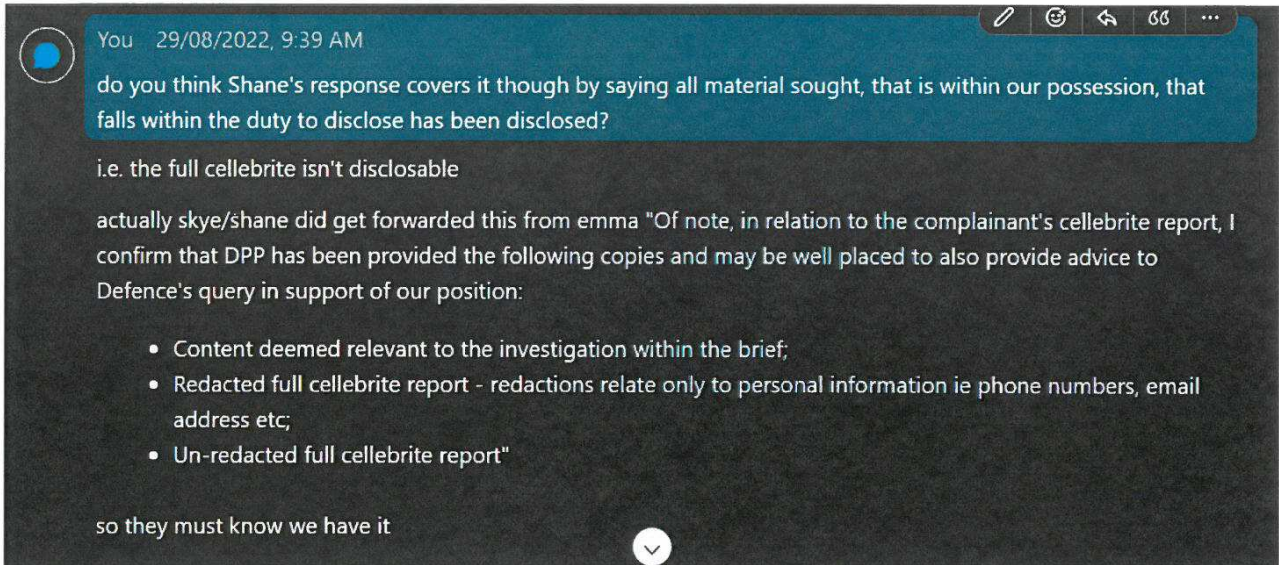


You 29/08/2022, 9:39 AM

do you think Shane's response covers it though by saying all material sought, that is within our possession, that falls within the duty to disclose has been disclosed?

i.e. the full celebrite isn't disclosable

actually skye/shane did get forwarded this from emma "Of note, in relation to the complainant's celebrite report, I confirm that DPP has been provided the following cop[redacted] and may be well placed to also provide advice to Defence's query in support of our position:



A screenshot of a text message conversation. The message is from 'You' and is dated '29/08/2022, 9:39 AM'. The message content is as follows:

do you think Shane's response covers it though by saying all material sought, that is within our possession, that falls within the duty to disclose has been disclosed?

i.e. the full celebrite isn't disclosable

actually skye/shane did get forwarded this from emma "Of note, in relation to the complainant's celebrite report, I confirm that DPP has been provided the following copies and may be well placed to also provide advice to Defence's query in support of our position:

- Content deemed relevant to the investigation within the brief;
- Redacted full celebrite report - redactions relate only to personal information ie phone numbers, email address etc;
- Un-redacted full celebrite report"

so they must know we have it

The screenshot also shows a standard text message interface with a blue header bar containing the sender and time, a toolbar with icons for editing, emojis, replies, quote, and more options, and a white circular button with a downward arrow at the bottom center.



Mitchell Greig 29/08/2022, 9:40 AM

That's what I'm thinking. I just want to confirm with him that he is definitely aware that we have a copy of the unredacted version.



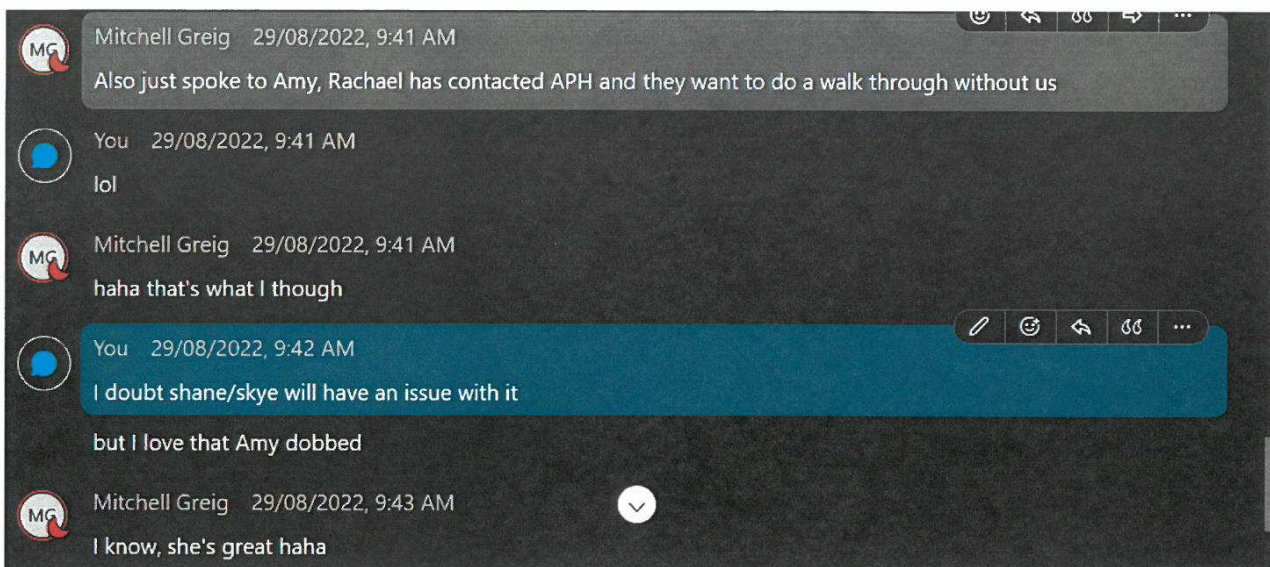
Ok, well Rachael asked me the other day if I had seen the unredacted version, I informed he I didn't as I wasn't even aware of it at the time.



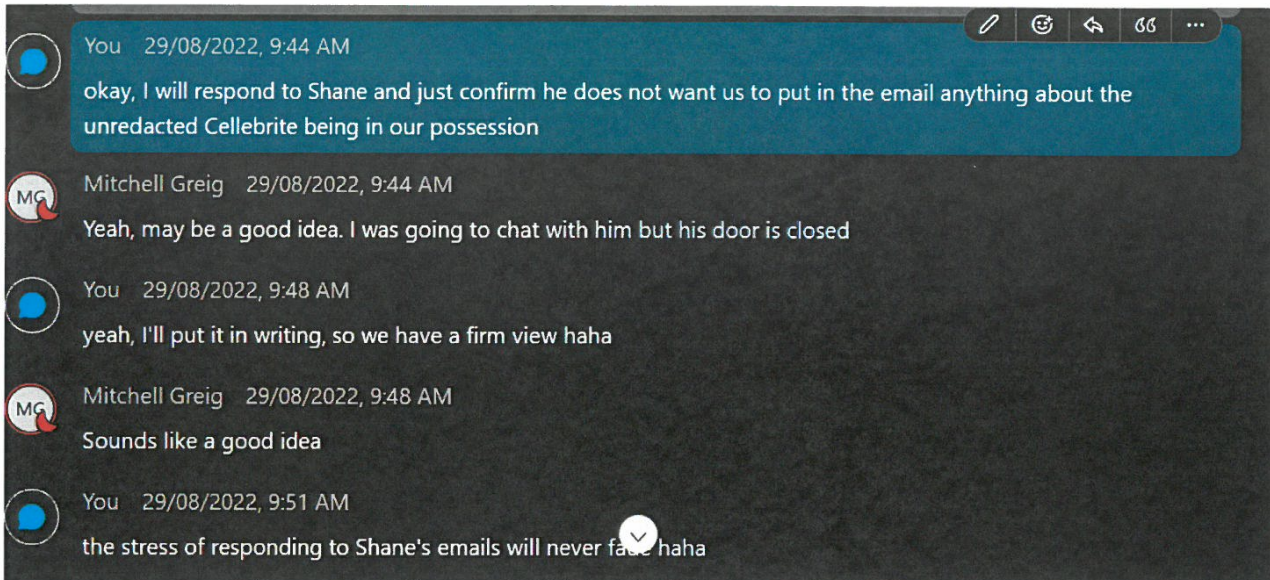
You 29/08/2022, 9:41 AM

well i mean you haven't seen it, which is true haha

I haven't even gone through it







**From:** [Greig, Mitchell](#)  
**To:** [Jerome, Skye](#); [Priestly, Erin](#)  
**Subject:** RE: Disclosure response  
**Date:** Wednesday, 31 August 2022 3:24:02 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

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Great, I'll send through the response now.

Kind regards,



**Mitchell Greig**  
Prosecutor Associate  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** (02) **REDACTE**  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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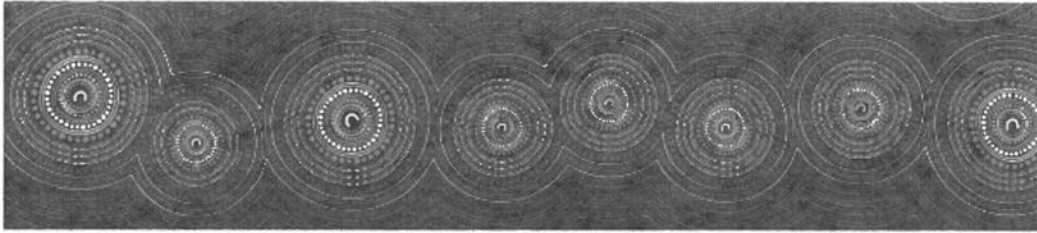
**From:** Jerome, Skye <**REDACTE**@act.gov.au>  
**Sent:** Wednesday, 31 August 2022 3:22 PM  
**To:** Priestly, Erin <**REDACTE**@act.gov.au>  
**Cc:** Greig, Mitchell <**REDACTE**@act.gov.au>  
**Subject:** RE: Disclosure response

Shane is happy for the letter to be sent.



**Skye Jerome**  
Crown Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** (02) **REDACTE** Direct line)  
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**Artwork by Ngarrindjeri artist Jordan Lovegrove**

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**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Wednesday, 31 August 2022 12:43 PM  
**To:** Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

OFFICIAL

Thanks Skye

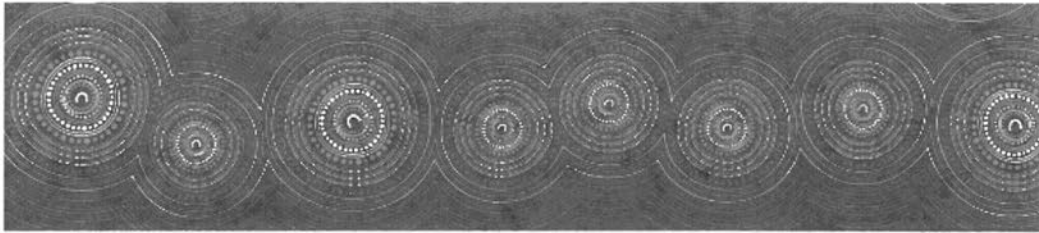
**From:** Jerome, Skye <REDACTED>  
**Sent:** Wednesday, 31 August 2022 12:42 PM  
**To:** Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

Hi Erin  
I'm heading out with him now and will ask him.  
S



**Skye Jerome**  
Crown Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** REDACTED (Direct line)  
**E:** REDACT@act.gov.au  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and follow the Witnesses and Victims link.



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to the life of this city and this region**

**Artwork by Ngarrindjeri artist Jordan Lovegrove**

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**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Wednesday, 31 August 2022 12:41 PM  
**To:** Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

OFFICIAL

Hi Skye

Just checking if Shane has confirmed with you whether he would like me to respond (I appreciate he's probably just very busy!)?

Thanks  
Erin

**From:** Jerome, Skye <REDACTED@act.gov.au>  
**Sent:** Tuesday, 30 August 2022 9:44 AM  
**To:** Drumgold, Shane <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>  
**Subject:** RE: Disclosure response

Hi Shane

I think this is very well worded.

Should Erin send the response this morning?

Kind regards

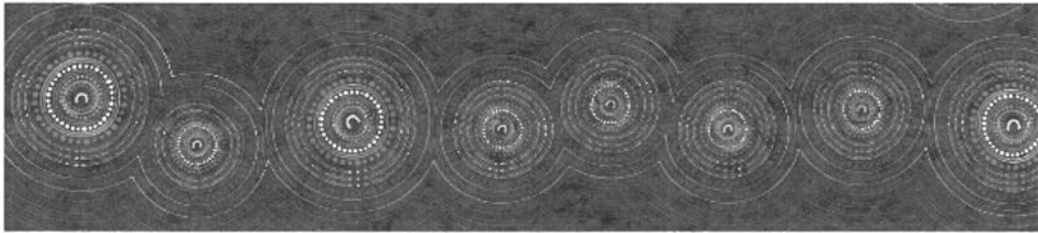
Skye

**Skye Jerome**  
Crown Prosecutor  
Office of the Director of Public Prosecutions (ACT)



GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (02) REDACTED (Direct line)  
E: REDACTED@act.gov.au  
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Artwork by Ngarrindjeri artist Jordan Lovegrove

Please consider the environment before printing this e-mail

**From:** Drumgold, Shane <REDACTED@act.gov.au>  
**Sent:** Tuesday, 30 August 2022 7:14 AM  
**To:** Priestly, Erin <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>; Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** Disclosure response

OFFICIAL

Hi All

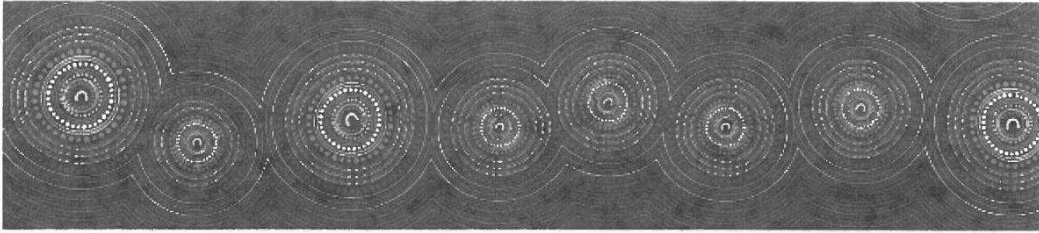
I have reconsidered this response in light of the comments about the Cellebrite report and have included specific mention to it, for your views.



**Shane Drumgold SC**  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: REDACTED (Direct line)  
D: REDACTED (Executive Officer Katie Cantwell)  
M: REDACTED  
E: REDACTED@act.gov.au  
E: REDACTED@act.gov.au (EO)  
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**Artwork by Ngarrindjeri artist Jordan Lovegrove**

**From:** Greig, Mitchell  
**To:** Rachel Fisher  
**Cc:** Jerome, Skye; Priestly, Erin; SVC DPPCases  
**Subject:** RE: REQUEST FOR DISCLOSURE: LEHRMANN (DPP Ref: 202113941)  
**Date:** Wednesday, 31 August 2022 3:31:41 PM  
**Attachments:** Disclosure response.pdf  
 Witness List (003) (002).pdf  
 image001.png

---

OFFICIAL

Dear Rachel,

I have attached a letter in response to your request from the Director and the most up to date witness list.

Detective Sergeant Gareth John Miles Saunders is still listed in Witness List A until we receive a response from you.

Kind regards,



**Mitchell Greig**  
 Prosecutor Associate  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** (02) **REDACTED**  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and go to the Witnesses and Victims link.

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**From:** Rachel Fisher <**REDACTED**@kslawyers.com.au>  
**Sent:** Monday, 29 August 2022 3:06 PM  
**To:** Priestly, Erin <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>;  
 Jerome, Skye <**REDACTED**@act.gov.au>  
**Subject:** Re: REQUEST FOR DISCLOSURE: LEHRMANN

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Dear Skye and Erin,

I confirm the material disclosed to the DPP in relation to my subpoena has been received by my office. Mitchell has been extremely helpful in assisting us locate material and providing us updated USB's.

I write to request whether the unredacted cellebrite and any PROMIS, icloud or google data material will be disclosed.

Additionally, can I please also be provided with the most up-to-date witness list? I understand there are some police witnesses the Crown are contemplating not calling - I'll get back to you with our position on that imminently.

Kind regards,

**Rachel Fisher**  
Lawyer



1 University Ave  
Canberra ACT 2601

T: (02) 6230 6600  
After hours: 1800 266 830

[www.kslawyers.com.au](http://www.kslawyers.com.au)

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On Tue, 23 Aug 2022 at 12:04, Rachel Fisher <[REDACTED@kslawyers.com.au](mailto:REDACTED@kslawyers.com.au)> wrote:

Dear Erin,

**Cellbrite**

We request that the Cellbrite report is unredacted and provided. We understand that personal contact details have been redacted for but that is not the only material redacted. The Cellbrite is heavily redacted, over 4,500 pages just completely blacked out. This cannot be attributed to personal information. This seems to include communications prior to 23 April 2019. Additionally, the Cellbrite does not provide images shared or movies on the phone, just thumbnails (some of which are redacted). There appears from the report to be hypertext links to the actual images and movies, none of which have been disclosed.



We press for the production of the complete and unredacted cellbrite report which is not "locked down" so as to not be searchable or able to have excerpts extracted from, and notwithstanding the personal information such as contact detail etc. If that cannot be blacked out to allow us to access the cellbrite in a practical way, we will give undertakings to ensure that the material is not disseminated outside the legal team. We note in the course of examining various other material disclosed or produced in this matter personal information in the form of mobile numbers, email addresses and other personal information has already been disclosed to the defence – and we of course respects the private nature of such information.

### **PROMIS**

We have no disclosure of PROMIS entries or police diaries relating to anything done or conducted at Australian Parliament House before 1 April. We press for that material. This material is particularly important given the repeated assertions by the complainant that she first spoke with police at APH on 26 or 27 March 2019.

Additionally, the AFP have confirmed the material disclosed to the DPP in relation to my subpoena contained:

- Case note entries between Ms Higgins or her representatives and the AFP;
- Email correspondence between AFP Members and Ms Higgins or her representatives; and
- SMS correspondence between AFP Members and Ms Higgins.

We do not have such material. We request this material be disclosed forthwith and placed on a USB with all material provided by the AFP to your office in response to that subpoena in June 2022. It is now almost 8 weeks since that subpoena was returnable but not called on after discussions with the AFP and on the understanding that the material set out in the Schedule had been provided to your office and would be disclosed to the defence.

I note that an additional USB was prepared on Friday which contained additional material that we had not yet been provided and I have requested an updated disclosure record request because it is very difficult to ascertain what has and has not been disclosed in this matter. If the material is on that USB, as it contains over 2000 documents, I am still making my way through it - please advise and outline its location.

Further, the PROMIS file as well as the icloud and google data is stated to be too voluminous to disclose. We do not understand that to be a valid basis to refuse disclosure of any of that material. We request disclosure of all the material already provided to the DPP by the AFP and we can reconsider whether it is necessary to press for further disclosure.

Please advise whether your office intends to comply with this request and if it will be done a timely manner, failing which we will request a listing in front of the Chief Justice.

Kind regards,

**Rachel Fisher**  
Lawyer



1 University Ave  
Canberra ACT 2601

T: (02) 6230 6600  
After hours: 1800 266 830

[www.kslawyers.com.au](http://www.kslawyers.com.au)

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Thank you for your email of 23 August 2022 in relation to disclosure in the R v Lehrmann matter seeking the following:

- 1) Unredacted Cellebrite report.
- 2) Images shared or movies on the phone that are not thumbnails.
- 3) All case notes, email and SMS correspondence between Higgins and AFP.
- 4) PROMIS file.
- 5) iCloud and Google data.

The Prosecutions duty of disclosure is outlined at section 4 of the Prosecution Policy as follows:

#### 4. DISCLOSURE

4.1 *The prosecution is under a continuing obligation to make full disclosure to the accused in a timely manner of all material known to the prosecution which can be seen on a sensible appraisal by the prosecution:*

- *to be relevant or possibly relevant to an issue in the case;*
- *to raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use; or*
- *to hold out a real as opposed to fanciful prospect of providing a lead to evidence which goes to either of the previous two matters.*

4.2 *The prosecution is also under a duty to disclose to the defence information in its possession which is relevant to the credibility or reliability of a prosecution witness, for example:* • *a relevant previous conviction or finding of guilt;*

- *a statement made by a witness which is inconsistent with any prior statement of the witness;*
- *a relevant adverse finding in other criminal proceedings or in non-criminal proceedings; • evidence before a court, tribunal or Royal Commission which reflects adversely on the witness;*
- *any physical or mental condition which may affect reliability;*
- *any concession which has been granted to the witness in order to secure their testimony for the prosecution.*

4.3 *The prosecution must fulfil its duty of disclosure as soon as reasonably practicable. The prosecution's duty of disclosure continues throughout the prosecution process and any subsequent appeal.*

4.4 *In fulfilling its disclosure obligations the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone*

number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.

4.5 The prosecution's duty of disclosure does not extend to disclosing material:

- relevant only to the credibility of defence (as distinct from prosecution) witnesses;
- relevant only to the credibility of the accused;
- relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or
- for the purpose of preventing an accused from creating a forensic disadvantage for themselves, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.

4.6 The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.

4.7 Where material has been withheld from disclosure on public interest grounds, the defence should be informed of the claim of immunity and the basis for the claim in general terms unless to do so would reveal that which it would not be in the public interest to reveal. In some cases it will be sufficient to delay rather than withhold disclosure. For example, if disclosure might prejudice ongoing investigations, disclosure could be delayed until after the investigations are completed.

4.8 Legal professional privilege will ordinarily be claimed against the production of any document in the nature of an internal DPP advice or opinion. Legal professional privilege will not be claimed in respect of any record of a statement by a witness that is inconsistent with their previous statement or adds to it significantly, including any statement made in conference and any victim impact statement, provided the disclosure of such records serves a legitimate forensic purpose.

4.9 The duty on the prosecution to disclose material to the accused imposes a concomitant obligation on the police and other investigative agencies to notify the prosecution of the existence and location of all such material. If required, in addition to providing the brief of evidence, the police or other investigative agency shall certify that the prosecution has been notified of the existence of all such material.

4.10 Where known, in accordance with Director's disclosure guideline which has been in effect since 3 August 2020 (see Annexure 1), the prosecution is under a duty to disclose the existence of:

- (a) Relevant protected material that is subject of a claim of privilege or immunity;
- (b) Relevant material that is subject of a statutory publication restriction;
- (c) Relevant unprotected material that is not subject to a claim of privilege or immunity or a statutory publication restriction

This disclosure policy is consistent with the authority on disclosure.

Further, as outlined in *Mallard v The Queen* (2005) 224 CLR 157 at [17] it is a duty to disclose all relevant evidence that a failure may result in a quashing of a conviction.

We also acknowledge that the duty applies to all material in possession of the prosecution and material which it should obtain: the prosecutorial “obligation to disclose includes, in an appropriate case, an obligation to make enquiries” (see *AJ v The Queen* [2010] VSCA 331 at [22])

**With regards to both the material sought, and evidence in general, we confirm that all material and evidence falling within the duty to disclose both within the possession and to the knowledge of the Crown has been disclosed in full.**

**We further confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that all material both in the possession and to the knowledge of investigators has been disclosed in full.**

**With specific regard to the redacted Cellebrite report, we confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that not disclosable material has been redacted.**

**R V LEHRMANN**

**No. SCC 264 of 2021**

**LIST OF WITNESSES**

Witness List A – witnesses the Crown will call to give evidence at trial

1. Brittany HIGGINS
2. Nicole HAMER
3. Lauren GAIN
4. Austin WENKE
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. Ben DILLAWAY
15. Michelle LEWIS
16. Alex HUMPHREYS
17. Samuel O'CONNOR
18. Matthew HIGGINS
19. Kelly HIGGINS
20. Christopher PAYNE
21. Nikita IRVINE
22. Fiona BROWN
23. Linda REYNOLDS
24. Reg CHAMBERLAIN
25. Federal Agent Rebecca Anne [REDACTED]
26. Federal Agent Katie Anne [REDACTED]
27. Detective Sergeant Robert Heath LANGLANDS
28. Detective Senior Constable Kristy [REDACTED]
29. Detective Senior Constable Sarah Elizabeth HARMAN
30. Regina Celia CAMARA
31. Robert Thomas Keith BOWER
32. Daniel John TRY
33. David SHARAZ
34. Samantha MAIDEN
35. Lisa WILKINSON
36. Detective Sergeant Kylie [REDACTED]

37. Senior Constable Emma Louise FRIZZELL
38. Detective Inspector Marcus Colin BOORMAN
39. Detective Leading Senior Constable Trent Robert MADDERS
40. Detective Sergeant Gareth John Miles SAUNDERS Peter John [REDACTED]
41. Toby AMODIO
42. Jennifer [REDACTED]
43. [REDACTED]
44. [REDACTED]
45. Carolynne Michelle BOLLING
46. Daniel QAMAR
47. Jagadish MOHAN

Witness List B – witnesses whose statements the Crown will tender or whose evidence will be called through the informant unless notified by defence that the witness is required

1. Detective Leading Senior Constable Kirsten Ellen [REDACTED]
2. Federal Agent Hugh [REDACTED]
3. Kylie ABBOTT
4. Isaac JAKE
5. Bernadette FABBO
6. Detective Leading Senior Constable Michael [REDACTED]

Witnesses who have not provided a statement and in relation to whom it is unknown if they will be called to give evidence

1. Detective Superintendent Scott MOLLER
2. Kristy PEARSON
3. Daniel WONG
4. Gabrielle PHILLIPS

**From:** [Drumgold, Shane](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Jerome, Skye](#)  
**Subject:** Filed documents  
**Date:** Friday, 12 November 2021 9:11:31 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

UNOFFICIAL

Hi Erin

Do you know if we have received our sealed copies of the filed documents. If so, can we please serve the questionnaire on defence.

I have a meeting with Ms Higgins this afternoon to advise her about the process from this point.



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

**T:** REDACTE (Direct line)

**T:** D (Executive Officer Katie Cantwell)

**M:**

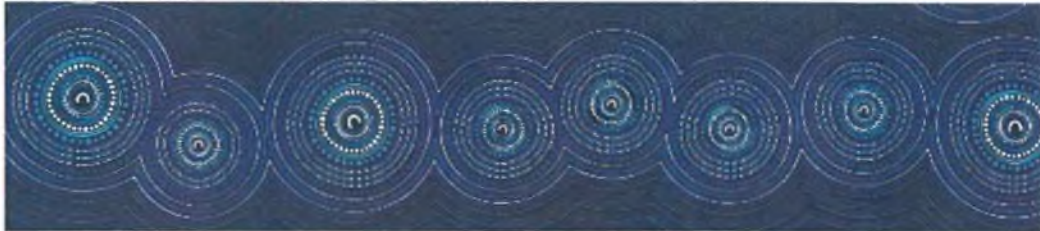
**E:** [@act.gov.au](#)

**E:** [@act.gov.au](#) (EO)

**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** [Drumgold, Shane](#)  
**To:** [Yates, Heidi](#)  
**Cc:** [Jerome, Skye](#); [Priestly, Erin](#)  
**Subject:** RE: Higgins matter  
**Date:** Wednesday, 10 November 2021 12:43:57 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)

## OFFICIAL

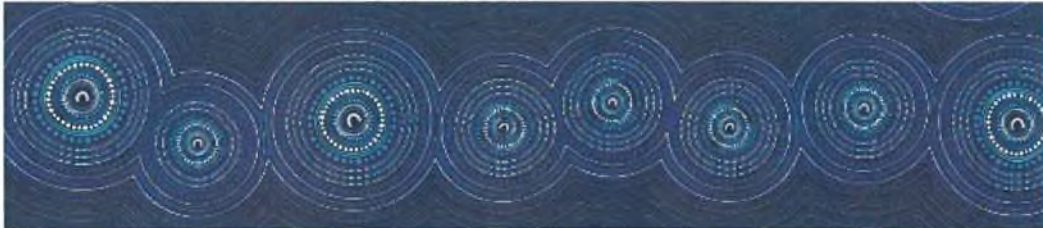
Thanks Heidi

I am unavailable on Monday, but available this Friday at 2.00pm, so lets set that. I will await the information relating to the book, and make decisions based on its content.

**Shane Drumgold SC**

Director  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: [REDACTED] (Direct line)  
 T: [REDACTED] (Executive Officer Katie Cantwell)  
 M: [REDACTED]  
 E: [REDACTED]@act.gov.au  
 E: [REDACTED]@act.gov.au (EO)  
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**From:** Yates, Heidi <[REDACTED]@act.gov.au>  
**Sent:** Wednesday, 10 November 2021 12:21 PM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Higgins matter

## OFFICIAL

Hello Shane,

**Online meeting before 18 November**

Brittany would be grateful to accept your office of an AVL meeting prior to the 18<sup>th</sup>.  
 Might you have a window:

- Friday 12 between 1.30pm and 3pm
- Monday 15 between 2-4pm?

**Forthcoming book on the incident by Aaron Patrick**

Brittany will shortly send through some further information regarding concerns she has in relation to a book she understands will be shortly published by journalist Aaron Patrick.

Apparently, the book directly addresses what 'actually happened' on the night of the incident and the nature of generous support offered by Minister Reynolds. At present, he has reached out to

her to offer her a right of reply before it is published.

Brittany has sought some preliminary advice from Mr Leon Zwier, who has suggested that she should respond in writing to Mr Patrick, indicating that it would be inappropriate for her to comment on matters which are currently before the court.

I have invited Brittany to send through some further information to you ASAP regarding the details of the above, for your consideration and advice (if required).

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
5 Constitution Avenue  
Canberra City ACT 2601  
Tel (02) 6205 2222



**From:** Drumgold, Shane <REDACTED@act.gov.au>

**Sent:** Friday, 5 November 2021 10:38 AM

**To:** Yates, Heidi <REDACTED@act.gov.au>

**Cc:** Jerome, Skye <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>

**Subject:** RE: Higgins matter

OFFICIAL

Thanks Heidi

On the first issue, I am happy to have an AVL meeting with Miss Higgins prior to 18 November to explain the process from this stage and beyond.

On the second issue, I have read the acceptance speech and I have not identified any sub curia issues with its content.

If Miss Higgins would like a brief meeting, I would be grateful for a couple of date/time options and I will consult my diary.

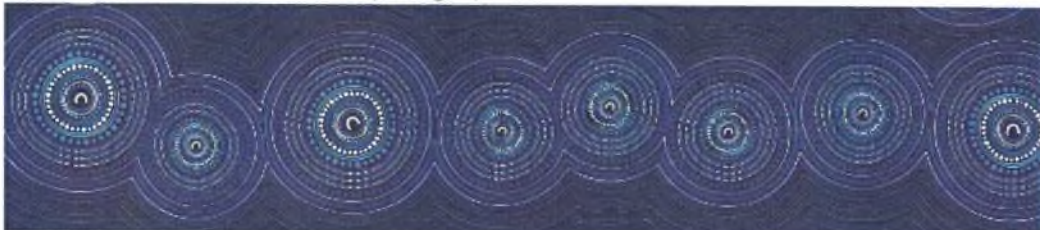


**Shane Drumgold SC**

Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: REDACTED (Direct line)  
T: D (Executive Officer Katie Cantwell)  
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E: REDACTED@act.gov.au (EO)  
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**From:** Yates, Heidi <REDACTED@act.gov.au>  
**Sent:** Friday, 5 November 2021 10:14 AM  
**To:** Drumgold, Shane <REDACTED@act.gov.au>  
**Cc:** Jerome, Skye <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** Higgins matter

OFFICIAL

Hello Shane,

Thank you for your appearance in the Lehrmann matter this morning.

Two quick things in relation to my brief discussion with Brittany after the matter today:

- Brittany would welcome some further information prior to 18 November about what the first appearance in the Supreme Court might involve. I indicated I was sure this information would be available over the coming week and have indicated my understanding that it will likely occur remotely – assuming the SC doesn't update its covid response before then.
- Brittany's partner, David, also asked me to let you know (for information) that she has been chosen to receive the [Edna Ryan award for 'inciting others to challenge the status quo'](#). The award will be given online this evening. I understand she has pre-recorded an acceptance speech and that this may air later this evening on 'The Project' and other stations. The speech text is attached for your information, she notes she has been careful not to reference matters pertaining to the case.

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
5 Constitution Avenue  
Canberra City ACT 2601  
Tel (02) 6205 2222



VICTIMS OF CRIME  
COMMISSIONER  
ACT Human Rights Commission



ACT DPP

FILE NOTE		
Matter: 202113941 - LEHRMANN.B		
Author: Erin Priestly	Date: 7 February 2022	Time:
<input type="checkbox"/> Court attendance <input type="checkbox"/> telephone attendance <input type="checkbox"/> conference		
Further action required:		
<input type="checkbox"/> yes <input type="checkbox"/> no		

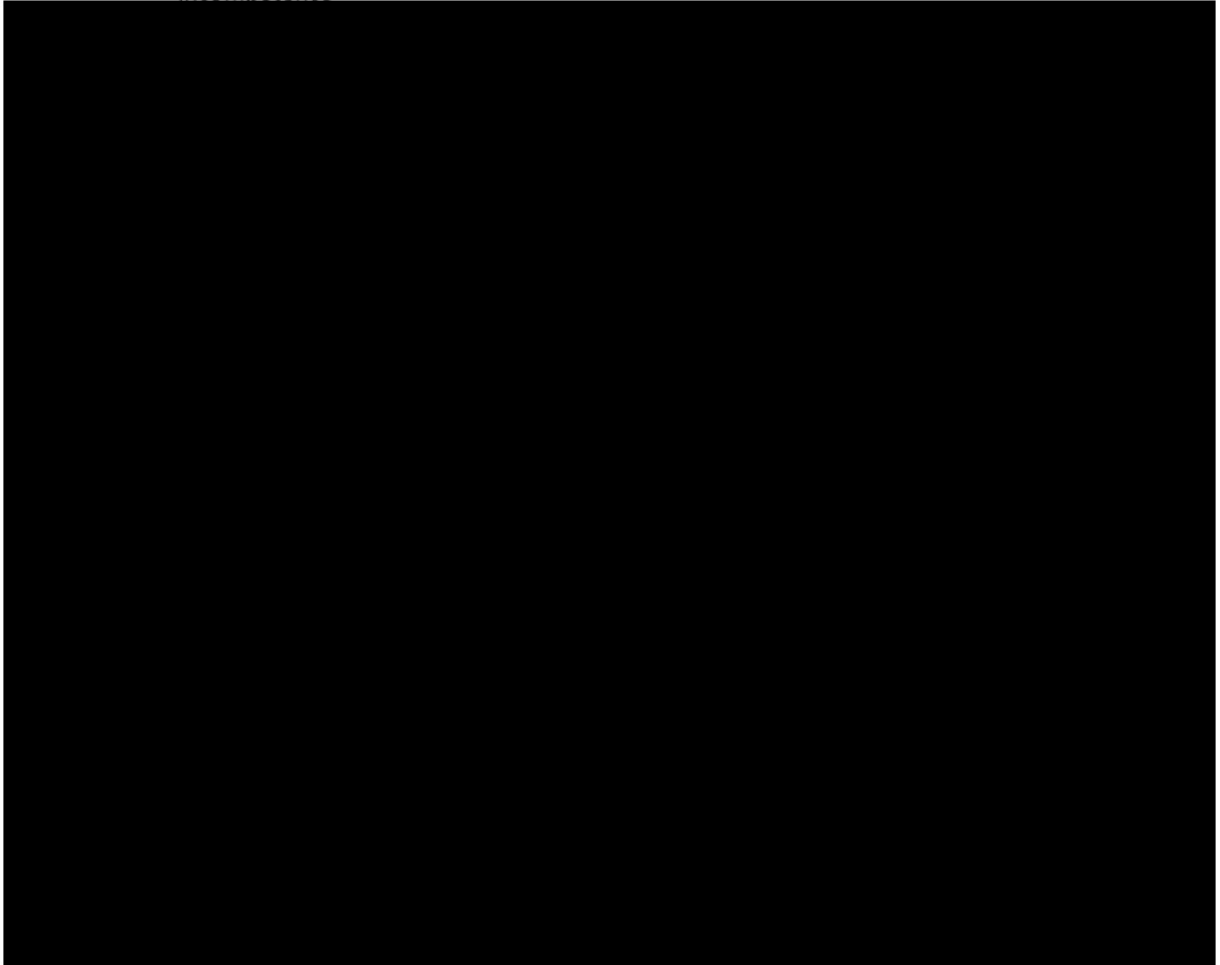
### Meeting – 3 February 2022 (converted from handwritten notes)

**Present:** Shane Drumgold, Skye Jerome, Erin Priestly, Heidi Yates and Brittany Higgins

#### Brief service

- BH concerned about direct disclosure of brief to defendant and material that was disclosed that should not have been
- SD – confirmed it was an anomaly and material was inappropriately disclosed
  - SACAT has been reviewed generally
  - Report revealed gross incompetence generally
  - Seems a matter of incompetence rather than interference
- SD – received BOE prior to charging for advice, a lot of political commentary about that, when BOE received – it was ordinary factually/nothing unusual, came with minute from AFP with some misguided considerations, was concerned it was an attempt to persuade DPP, DPP provided advice within a week that the brief was strong
- SD – sense of incompetence in AFP in this matter, but does not affect the strength of the case
- SD addressed inappropriate service of BOE
  - SD prepared a minute with timeline – provided to BH under the Victims of Crime Charter – confirmed she is entitled to the information and to share it with whoever she pleases
  - Four key problems with service – counselling records, EICI, unlocked redactions, direct service without going through DPP
- BH was upset and asked if she did anything wrong – SD confirmed she did not, it was an issue with SACAT
- SD confirmed the service of brief issue is unresolved, DPP requested 11-12 times statements regarding how it occurred – relevant to trial as it goes to credibility issues
- SD said options to review what occurred through professional standards
- SD confirmed that post trial any investigation into AFP conduct will not effect verdict

- SD does not want to make quality AFP the focus of the trial – priority is the key witnesses
- SD said entirely up to BH when and how she releases information about brief incompetence



**From:** [Priestly, Erin](#)  
**To:** [Jerome, Skye](#); [Drumgold, Shane](#)  
**Subject:** RE: Brittany Higgins  
**Date:** Monday, 31 January 2022 3:45:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

---

UNOFFICIAL

Hi team

I am free and will attend.

Kind regards



**Erin Priestly**

Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** Direct  
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**From:** Jerome, Skye **REDACTED**@act.gov.au>  
**Sent:** Monday, 31 January 2022 3:42 PM  
**To:** Drumgold, Shane **REDACTED**@act.gov.au>; Priestly, Erin <**REDACTED**@act.gov.au>  
**Subject:** RE: Brittany Higgins

Hi Shane and Emma

I am free to attend.

I have also emailed A/Inspector Callum Hughes about the outstanding material regarding the original disclosure to Defence. I have not yet received a response.

Kind regards

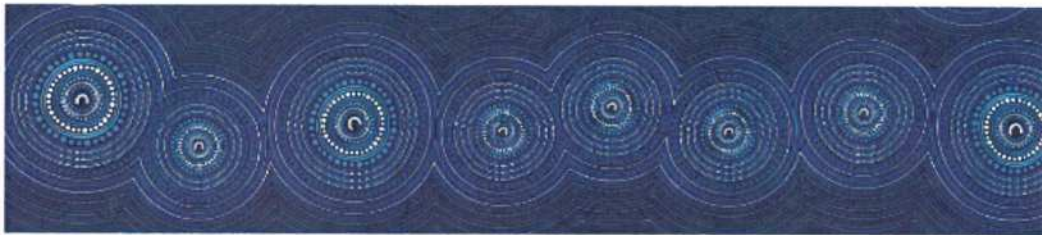
Skye

**Skye Jerome**  
Crown Advocate



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W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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to the life of this city and this region**

**Artwork by Ngarrindjeri artist Jordan Lovegrove**

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**From:** Drumgold, Shane <REDACTED@act.gov.au>  
**Sent:** Monday, 31 January 2022 3:39 PM  
**To:** Priestly, Erin <REDACTED@act.gov.au>; Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** Brittany Higgins

UNOFFICIAL

Hey Team Lehremann

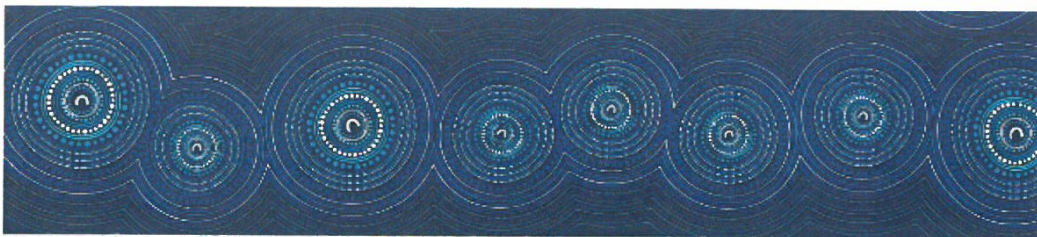
I have a face to face meeting with Brittany Higgins at 4.00pm this Thursday if either of you are free. If not, that is fine, just thought it would be a good opportunity to get on the front foot with continuity.



**Shane Drumgold SC**  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: REDACTED (Direct line)  
T: D (Executive Officer Katie Cantwell)  
M: REDACTED  
E: REDACTED@act.gov.au  
E: REDACTED@act.gov.au (EO)  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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FILE NOTE		
Matter: 202113941 - LEHRMANN.B		
Author: Erin Priestly	Date: 29 April 2022	Time:
<input type="checkbox"/> Court attendance <input type="checkbox"/> telephone attendance <input type="checkbox"/> conference  Further action required: <input type="checkbox"/> yes <input type="checkbox"/> no		

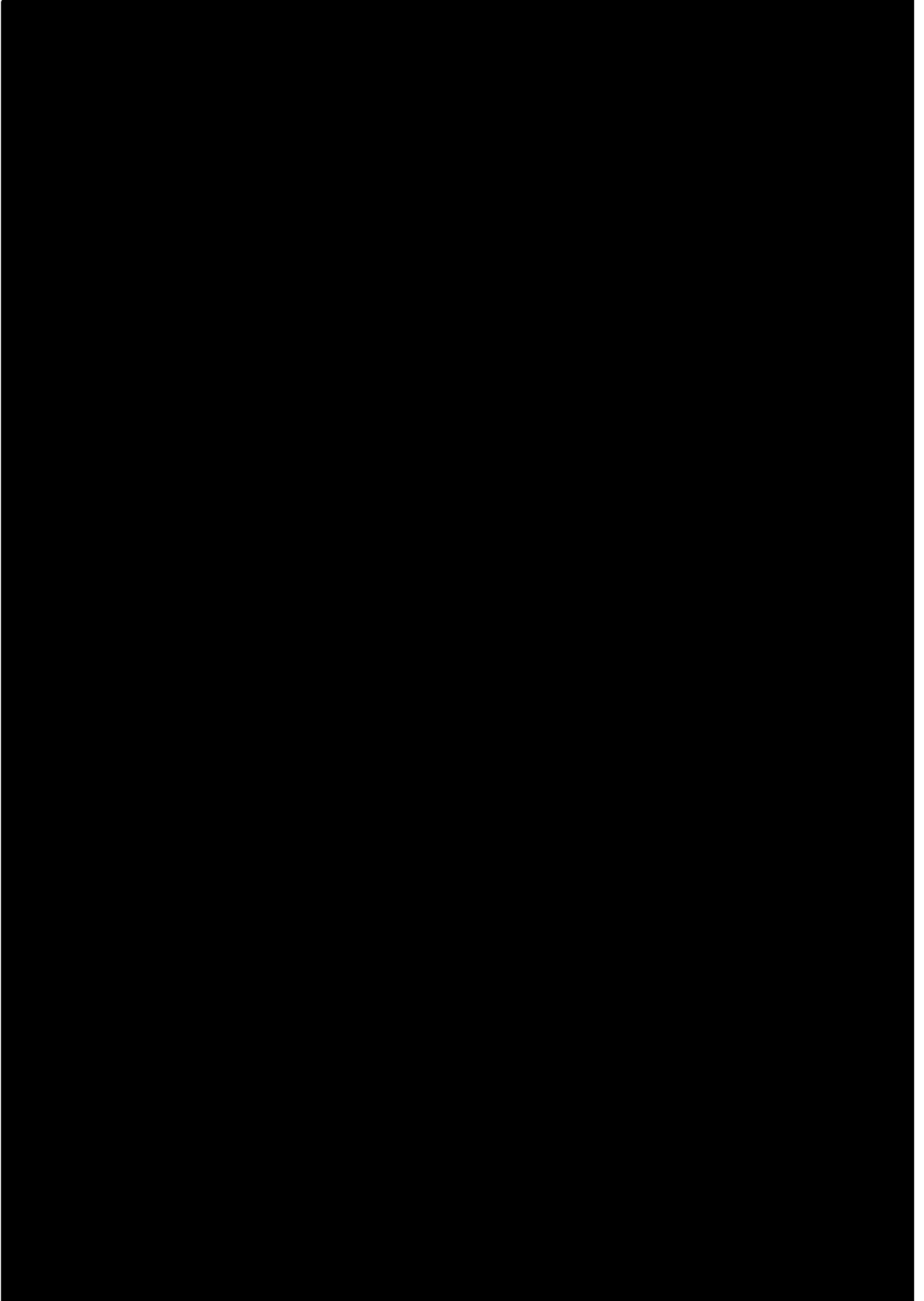


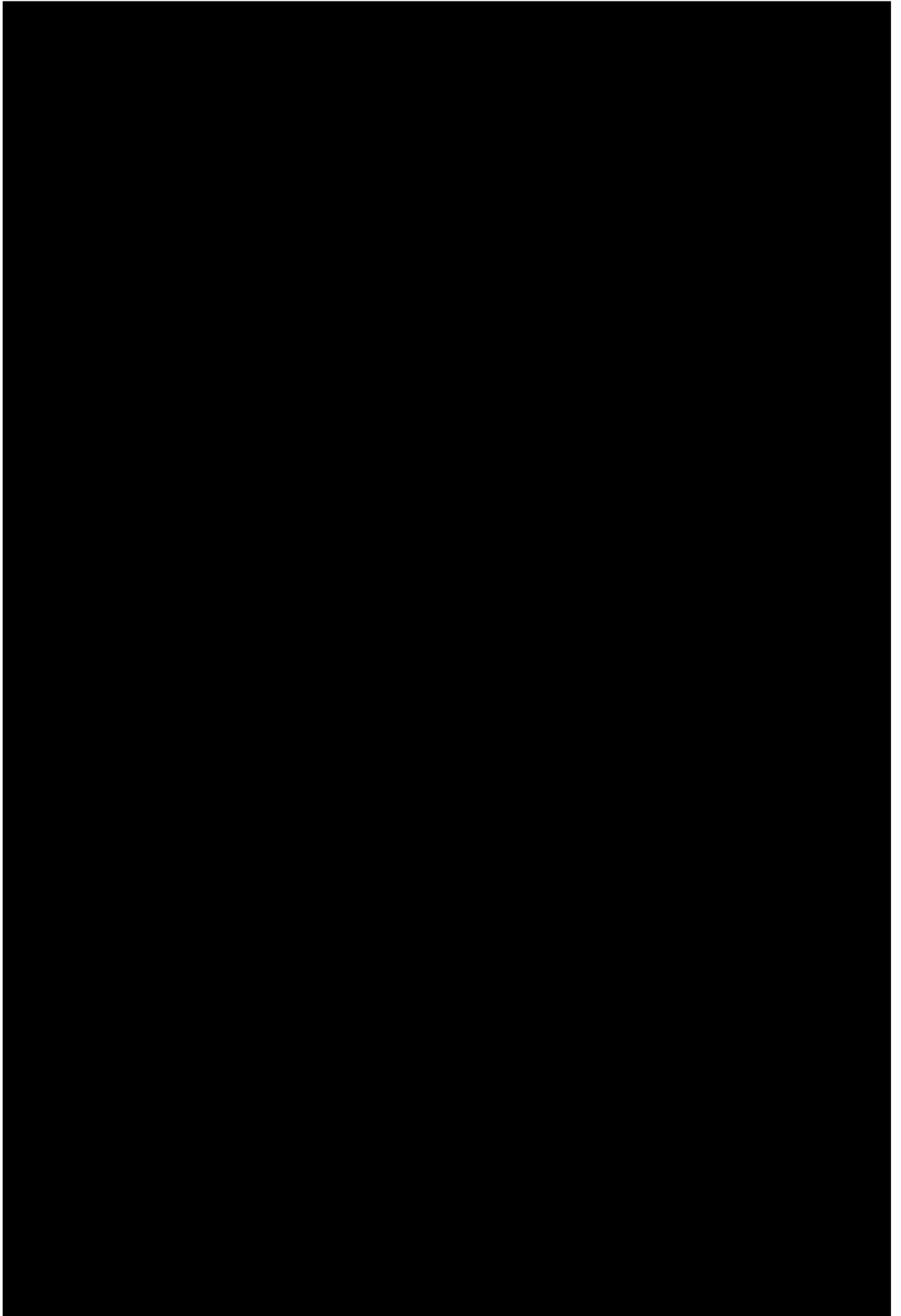
Telephone call

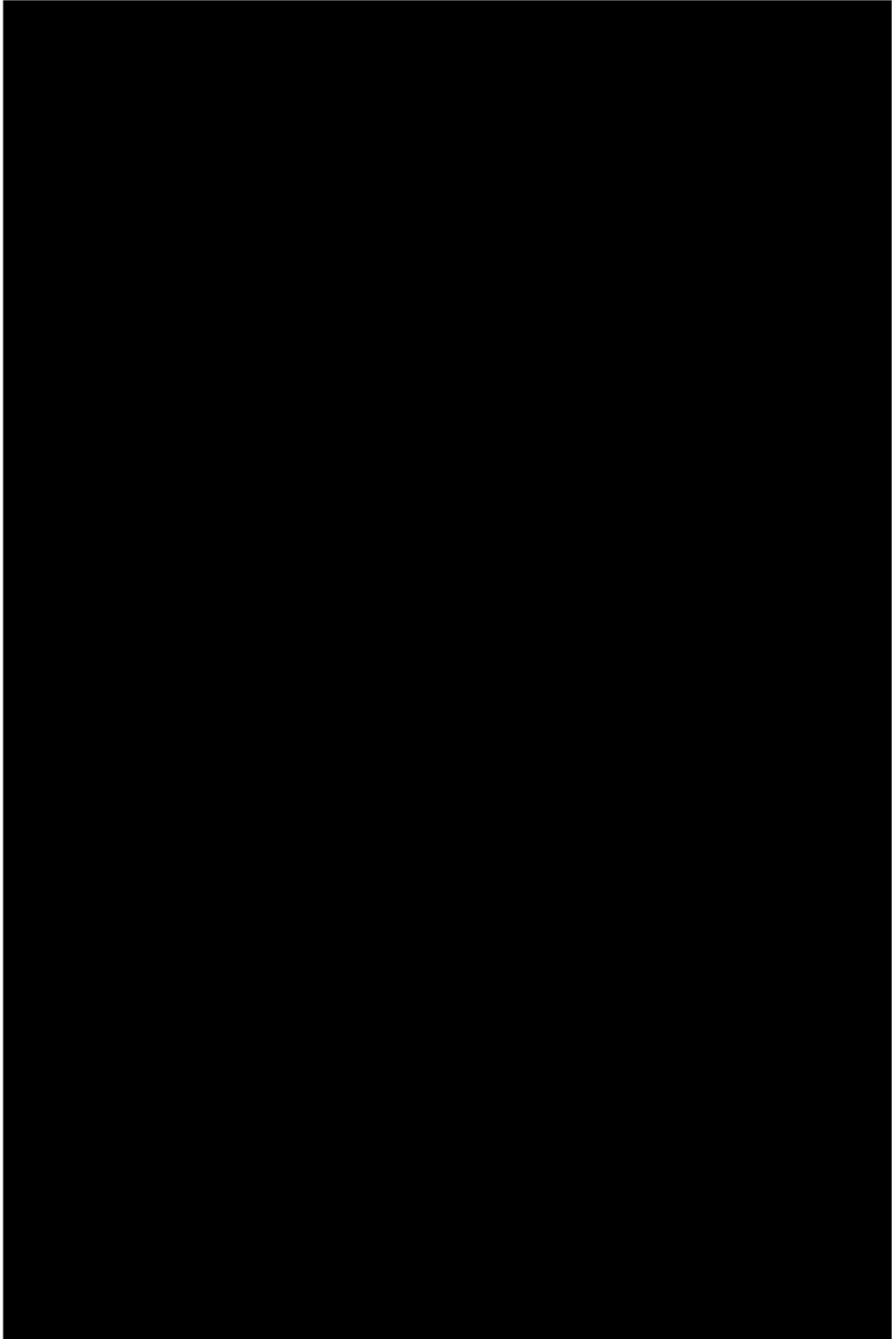
Present: SD, SJ, ER, EP, MG

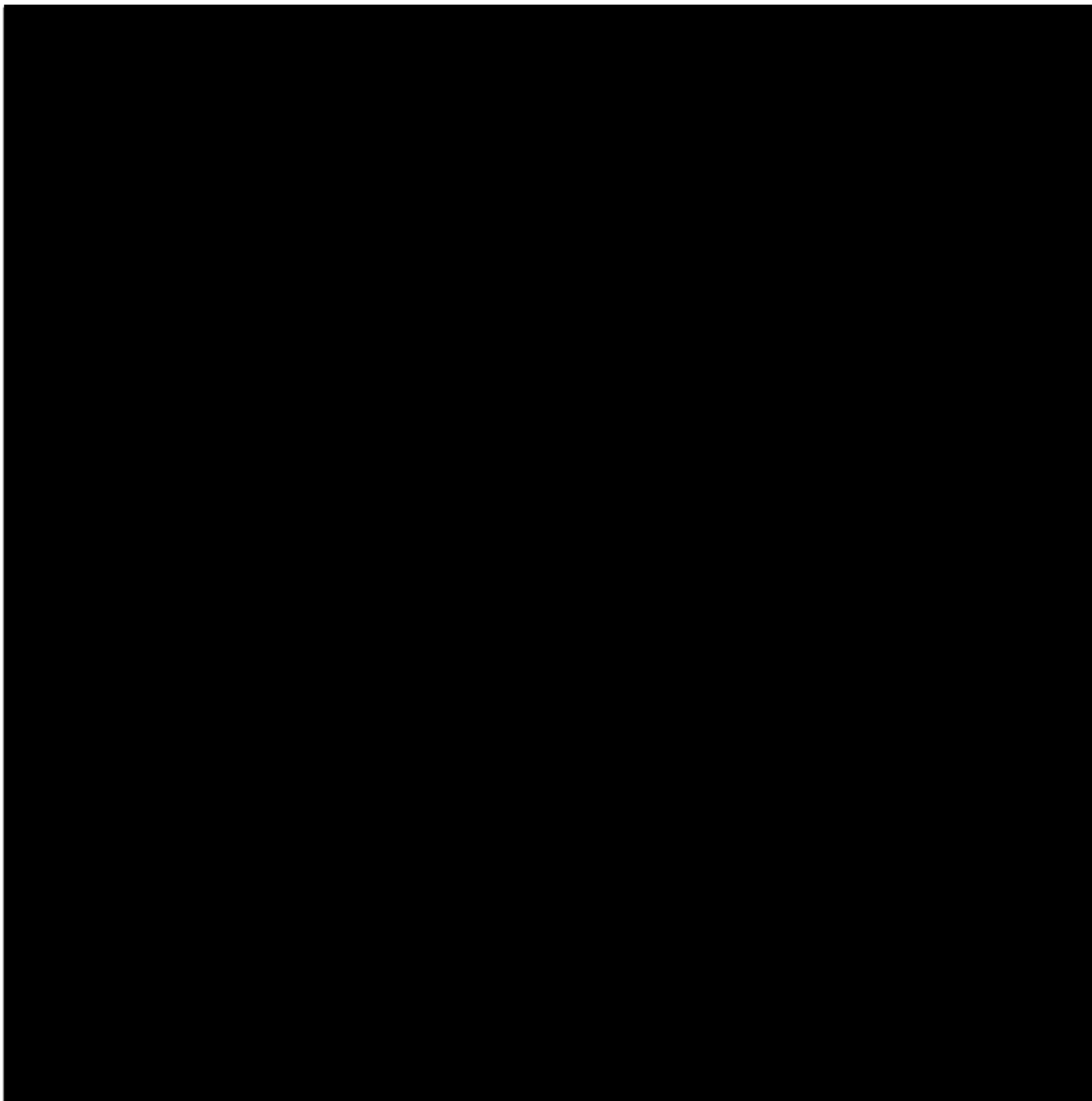
Called: Heidi Yates, David Sharaz and Brittany Higgins

- SD advised application for permanent/temporary stay dismissed, have been directed to share HH'S thoughts: a further application can be bought under rules, a key question/issue in application bought was whether the publications were proximate to the trial, a further application bought on publications more proximate to the trial may have more chance of success.
- DS/S so it's a warning not to talk about it
- SD/S it's a warning regarding the effects of further media between now and the trial, including twitter
- SD/S good news it that's all set to go on 6 June, will arrange proofing etc with BH
- DS asked if he needed to be prepped
- SD explained won't need to be prepped before the trial, will happen during, so closer to when he gives evidence, given he is further down the witness list
- SD confirmed his advice is to stay off twitter and make no comment to the media
- SD advised there was a NPO surrounding the media on this application









**From:** [Drumgold, Shane](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Jerome, Skye](#); [Greig, Mitchell](#)  
**Subject:** RE: Today  
**Date:** Wednesday, 1 June 2022 9:12:48 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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OFFICIAL

I wouldn't respond at all Erin – I had a lengthy virtual meeting with Brittany, David and Heidi yesterday afternoon after the mention, and answered all of these questions and many more. I have realised that David tends to ask the same questions of as many people as he can, to see if he gets different answers.

FYI my short answers on this point were

1. I have personally seen the evidence that Mr Korn has suddenly become legitimately unavailable for reasons beyond his or anybody's control
2. I do not have any personal knowledge of Mr Lehrmann's financial position, however I can say that capacity to pay is thoroughly interrogated as part of the legal aid application process, and it has been confirmed that he has been given a grant of legal aid.
3. Legal Aid's attempts to secure a barrister have been and are continuing to be thoroughly explored with the strong encouragement of both the court and the DPP
4. They are to report back to the court on Thursday afternoon with the expectation that they will start, even with a potentially delayed start date during the current listing

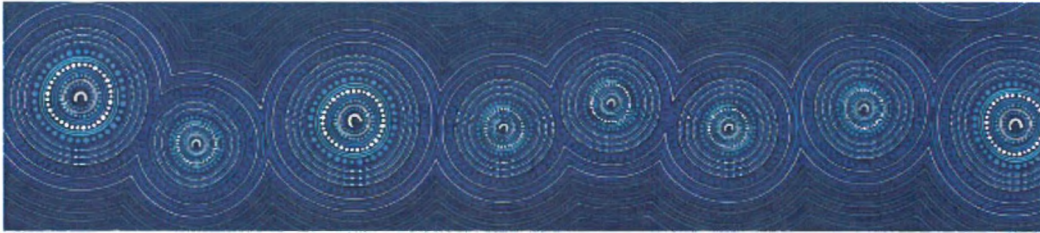


**Shane Drumgold SC**

Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: **REDACTED** (Direct line)  
T: **D** (Executive Officer Katie Cantwell)  
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E: [shane.drumgold@act.gov.au](mailto:shane.drumgold@act.gov.au) (EO)  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**Artwork by Ngarrindjeri artist Jordan Lovegrove**

**From:** Priestly, Erin <[REDACTED]@act.gov.au>  
**Sent:** Wednesday, 1 June 2022 9:04 AM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>  
**Subject:** FW: Today

OFFICIAL

Hi Shane

I received the below from David Sharaz. Have he/Brittany been spoken to?

Thanks  
Erin

**From:** David Sharaz <[REDACTED]>  
**Sent:** Tuesday, 31 May 2022 1:24 PM  
**To:** Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** Today

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Hi Erin,

Do we know how long Bruce's team are pushing for in a delay?

Is the strategy to just keep kicking the trial until we all give up at justice?

Thanks,

David

**From:** [Yates, Heidi](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Treacy, Elysha](#); [David Sharaz](#)  
**Subject:** FW: Proofing Accommodation  
**Date:** Thursday, 12 May 2022 2:01:35 PM

---

OFFICIAL

Hello Erin,  
Please see below advice from David Sharaz and Brittney Higgins indicating that they have made alternative arrangements for local accommodation on Tuesday night next week.

Erin, can you please thank your team who made the booking, and kindly request that it be cancelled on this occasion?

Thank you,  
Heidi

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



VICTIMS OF CRIME  
COMMISSIONER  
ACT Human Rights Commission

**From:** David Sharaz <[REDACTED](#)>  
**Sent:** Thursday, 12 May 2022 1:38 PM  
**To:** Yates, Heidi <[REDACTED](#)@act.gov.au>  
**Subject:** Proofing Accommodation

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Hi Heidi,

Brittany and I have made alternative accommodation arrangements for Tuesday night; so, I wanted to make sure the Director of Public Prosecutions knew it could cancel the hotel it booked for us.

Is there a way of letting them know?

Thanks in advance,



David

**From:** [Treacy, Elysha](#)  
**To:** [Priestly, Erin](#); [Yates, Heidi](#)  
**Subject:** RE: Flight/accommodation booking for B Higgins and D Sharaz  
**Date:** Wednesday, 4 May 2022 2:05:31 PM  
**Attachments:** [image004.png](#)

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Good afternoon Erin,

Thank you for sharing the travel information.

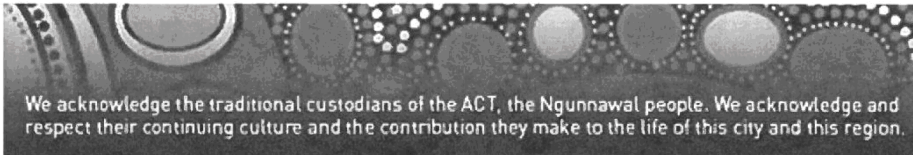
Confirming I have provided the documents to Ms Higgins and Mr Sharaz.

I'll be in touch if they raise any concerns with the bookings.

Kind Regards,

Elysha  
(she/her)

Victim Rights and Reform  
Victim Support ACT  
Phone: +61 **REDACTED** Fax: 02 6205 0177  
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**From:** Priestly, Erin <**REDACTED**@act.gov.au>  
**Sent:** Wednesday, 4 May 2022 12:56 PM  
**To:** Yates, Heidi <**REDACTED**@act.gov.au>; Treacy, Elysha <**REDACTED**@act.gov.au>  
**Subject:** Flight/accommodation booking for B Higgins and D Sharaz

OFFICIAL

Good afternoon

Please find attached the flight and accommodation arrangements made for Ms Higgins and Mr Sharaz. I would be grateful if these could please be passed on to them.

Kind regards



**Erin Priestly**

Senior Prosecutor

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

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W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** [Treacy, Elysha](#)  
**To:** [Priestly, Erin](#)  
**Subject:** RE: Proofing - Brittany Higgins  
**Date:** Tuesday, 3 May 2022 1:52:22 PM  
**Attachments:** [image003.png](#)

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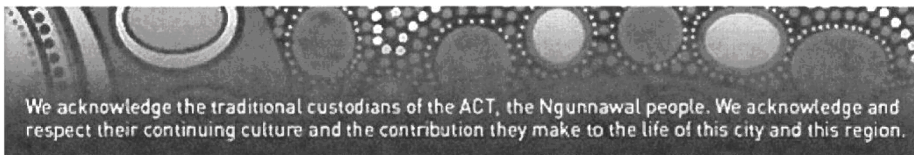
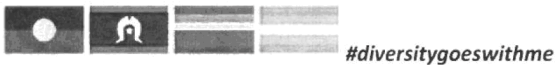
Many thanks Erin,

Appreciate your assistance and flexibility.

Speak soon,

Elysha  
(she/her)

Victim Rights and Reform  
Victim Support ACT  
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**From:** Priestly, Erin <**REDACT**@act.gov.au>  
**Sent:** Tuesday, 3 May 2022 1:38 PM  
**To:** Treacy, Elysha <**REDACTED**@act.gov.au>  
**Cc:** Yates, Heidi <**REDACTE**@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

OFFICIAL: Sensitive

Hi Elysha

Perfect, thank you. I will send a calendar invite.

I will ask Corporate to book the flights with QANTAS. I will let you know the details of the flights and accommodation once they have been booked.

Kind regards



**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
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**From:** Treacy, Elysha <**REDACTED**@act.gov.au>  
**Sent:** Tuesday, 3 May 2022 12:24 PM  
**To:** Priestly, Erin <**REDACTED**@act.gov.au>; Yates, Heidi <**REDACTED**@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

Hi Erin,

Ms Higgins and Mr Sharaz have both agreed to Tuesday, 17 May for proofing, and extend their thanks for the flexibility and opportunity for Mr Sharaz to accompany Ms Higgins.

When organising the flights, is it possible to book them with Qantas? I understand they've supported Ms Higgins to fly in the past by ensuring the cabin crew are alerted to minimise exposure and other guests approaching for questions etc.

Please let me know if there is anything further needed from either Ms Higgins or Mr Sharaz to finalise their travel and accommodation.

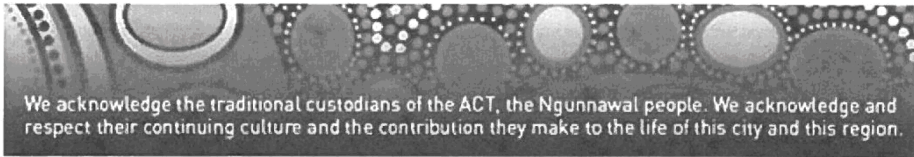
Kind Regards,

Elysha  
(she/her)

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Victim Support ACT  
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**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Tuesday, 3 May 2022 9:10 AM  
**To:** Treacy, Elysha <REDACTED@act.gov.au>; Yates, Heidi <REDACTED@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

OFFICIAL: Sensitive

Good morning Elysha

Yes, Ms Higgins may have a support person present with her during proofing. Unfortunately, as you've noted, this cannot be Mr Sharaz as he is a witness.

Friday 13 May does not work for the Director – I apologise, given this was the preferred travel day for Ms Higgins and Mr Sharaz. Would Tuesday 17 May work at all?

Kind regards



**Erin Priestly**  
 Senior Prosecutor  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
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**E:** REDACTED  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Treacy, Elysha <REDACTED@act.gov.au>  
**Sent:** Tuesday, 3 May 2022 8:59 AM  
**To:** Priestly, Erin <REDACTED>; Yates, Heidi <REDACTED@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

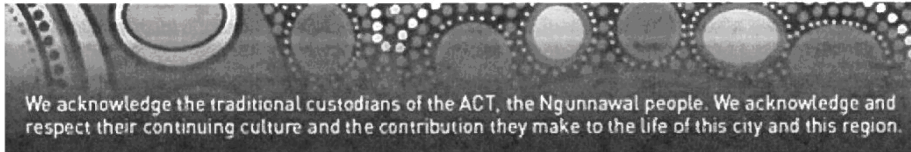
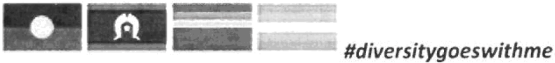
Apologies Erin,

I should note I have not confirmed Ms Higgin's availability for anything other than Friday, 13<sup>th</sup> May and wish to highlight this is their preferred day of travel.

Kind Regards,

Elysha  
(she/her)

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Victim Support ACT  
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**From:** Treacy, Elysha  
**Sent:** Tuesday, 3 May 2022 8:55 AM  
**To:** Priestly, Erin <**REDACTED**@act.gov.au>; Yates, Heidi <**REDACTED**@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

Good morning Erin,

Thanks you for speaking with Shane about possible proofing dates.

Mr Sharaz would like to accept the offer of flights and accommodation, so that he is able to support Ms Higgins during her time in Canberra.

We've been advised Friday, 13 May is their preference for travel however I note your comments about being available the day after should proofing exceed one day. If I suggest Thursday, 12 May to Ms Higgins and Mr Sharaz, does this work for both yourself and Shane?

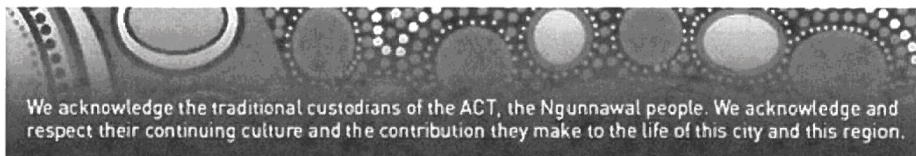
Lastly, I understand Mr Sharaz may not be able to support Ms Higgins during her proofing, however could you please confirm Ms Higgins can indeed have a support person with her should she wish? Assuming this person is not a witness in the proceedings.

Please don't hesitate to phone me or **REDACTED** to discuss further.

Kind Regards,

Elysha  
(she/her)

Victim Rights and Reform  
Victim Support ACT  
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**From:** Priestly, Erin <**REDACTED**@act.gov.au>  
**Sent:** Monday, 2 May 2022 3:29 PM  
**To:** Yates, Heidi <**REDACTED**@act.gov.au>  
**Cc:** Treacy, Elysha <**REDACTED**@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

OFFICIAL: Sensitive

Thanks Heidi.

I have spoken to Shane and we are wondering if Wednesday 11 May would work for Ms Higgins? We would cover the flights and accommodation for both Ms Higgins (and Mr Sharaz, should he wish to accompany her). Shane has suggested accommodation on Wednesday night, after the proofing, would be preferable just in case there is any further conversation which needs to take place Thursday.

Kind regards



**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
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**From:** Yates, Heidi <REDACTED@act.gov.au>  
**Sent:** Monday, 2 May 2022 1:46 PM  
**To:** Priestly, Erin <REDACTED@act.gov.au>  
**Cc:** Treacy, Elysha <REDACTED@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins  
**Importance:** High

OFFICIAL: Sensitive

Thank you Erin,

I am still on leave but keen to ensure we come back to you this quickly, noting the relevant timeframes.

I will follow up with Brittany (with Elysha's assistance) to identify what time/date might work for her and come back to you ASAP. Please let me know if your office has any preferred dates/times.

In the meantime, can I please clarify DPP's preferred approach to the booking of flights and accommodation? I note your earlier advice that you will only require Brittany for a day of proofing. However, noting the intensive nature of that day, would the DPP be supportive of arranging for her to stay overnight before or after the proofing?

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



VICTIMS OF CRIME  
COMMISSIONER  
ACT Human Rights Commission

**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Monday, 2 May 2022 11:14 AM  
**To:** Yates, Heidi <REDACTED@act.gov.au>  
**Cc:** Treacy, Elysha <REDACTED@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

OFFICIAL

Good morning Heidi

Just following up on arranging a proofing time for Ms Higgins, now that the stay decision has been handed down.

I am conscious you may be on leave, so I have copied in Elysha.

Thank you both.

Kind regards



**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
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**From:** Priestly, Erin  
**Sent:** Tuesday, 5 April 2022 1:10 PM  
**To:** Yates, Heidi <**REDACTED**@act.gov.au>  
**Subject:** Proofing - Brittany Higgins

OFFICIAL

Hi Heidi

I hope you are well.

Shane, Skye and I were hoping to organise a time to proof Ms Higgins later this month. Is there a time that Ms Higgins might already be in Canberra to proof her at our office? The estimate is that it will take about a day.

Kind regards

**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: **REDACTED** (Direct)  
T: (02) 6207 5399 (Reception)



E: **REDACTED**@act.gov.au  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and go to the Witnesses and Victims link.

Please consider the environment before printing this e-mail

**From:** [Priestly, Erin](#)  
**To:** [DPP, Corporate](#)  
**Subject:** RE: Proofing - Brittany Higgins  
**Date:** Tuesday, 3 May 2022 1:56:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

OFFICIAL: Sensitive

Hi Tania

Apologies for the delay.

They will now be coming on **Tuesday 17 May**. Could you please also book a night of accommodation on 17 May?

The travellers are Brittany HIGGINS and David SHARAZ. They will be flying out of Brisbane airport.

Could they arrive before 9.00am on 17 May and depart after 12pm on 18 May? If that's workable, let me know if not.

Kind regards



**Erin Priestly**  
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Please consider the environment before printing this e-mail

**From:** DPP, Corporate <**REDACTED**@act.gov.au>  
**Sent:** Monday, 2 May 2022 3:34 PM  
**To:** Priestly, Erin <**REDACTED**@act.gov.au>  
**Subject:** FW: Proofing - Brittany Higgins

OFFICIAL: Sensitive

Hello Erin,

To enable me to make the flight and accommodation bookings for the matter listed above. I just need to confirm the travellers names. Brittany HIGGINS and David ????. Also which airport are they flying from and approximate arrival time on 11/5 and departure on the 12/5.

Kind regards



**Tania O'Rourke**  
Corporate Admin Support  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (02) REDACTED (Direct)  
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E: REDACTED@act.gov.au  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

Please consider the environment before printing this e-mail

**From:** Wilkie, Mercy <REDACTED@act.gov.au>  
**Sent:** Monday, 2 May 2022 3:11 PM  
**To:** DPP, Corporate <REDACTED@act.gov.au>  
**Subject:** FW: Proofing - Brittany Higgins

OFFICIAL: Sensitive

**From:** Drumgold, Shane <REDACTED@act.gov.au>  
**Sent:** Monday, 2 May 2022 3:05 PM  
**To:** Priestly, Erin <REDACTED@act.gov.au>  
**Cc:** Wilkie, Mercy <REDACTED@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

OFFICIAL: Sensitive

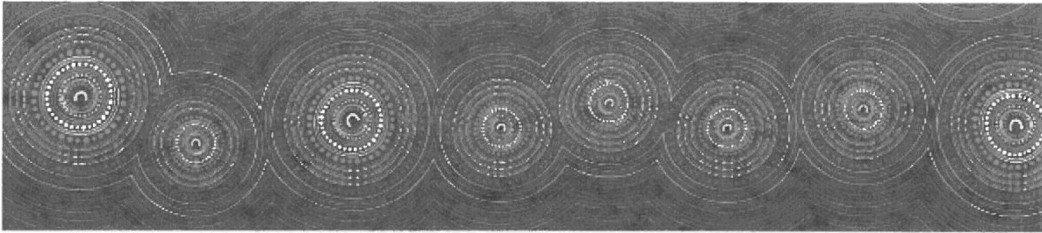
Yea great thanks – lets go Wednesday 11<sup>th</sup> – which gives us the Thursday if needed. Yes I am happy for the flights for Brittany and David, and one room for the Wednesday night for them to share.



**Shane Drumgold SC**  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: REDACTED (direct line)  
T: REDACTED (Executive Officer Katie Cantwell)  
M: REDACTED  
E: REDACTED@act.gov.au  
E: REDACTED@act.gov.au (EO)  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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Please consider the environment before printing this e-mail



**We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people  
We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Monday, 2 May 2022 2:09 PM  
**To:** Drumgold, Shane <REDACTED@act.gov.au>  
**Subject:** FW: Proofing - Brittany Higgins  
**Importance:** High

OFFICIAL: Sensitive

Hi Shane

Please see below regarding organising a proofing for Ms Higgins.

Wednesday, Thursday and Friday next week (11, 12, 13) seem to be good days for your diary. The Tuesday (17), Thursday (19) and Friday (20) the following week seem to work well also. Are you happy for me to suggest these dates, perhaps from 10.00am to 4pm?

In terms of flights and accommodation, is this something you are happy to cover for witness proofing? If so, are you happy with an overnight stay noting Heidi's concerns below?

Happy to come up and chat, if easier.

Thanks.

Kind regards



**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** REDACTED Direct  
**T:** (02) 6207 5399 (Reception)  
**E:** REDACTED@act.gov.au  
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---

**From:** Yates, Heidi <REDACTED@act.gov.au>  
**Sent:** Monday, 2 May 2022 1:46 PM  
**To:** Priestly, Erin <REDACTED@act.gov.au>  
**Cc:** Treacy, Elysha <REDACTED@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins  
**Importance:** High

OFFICIAL: Sensitive

Thank you Erin,

I am still on leave but keen to ensure we come back to you this quickly, noting the relevant timeframes.

I will follow up with Brittany (with Elysha's assistance) to identify what time/date might work for her and come back to you ASAP. Please let me know if your office has any preferred dates/times.

In the meantime, can I please clarify DPP's preferred approach to the booking of flights and accommodation? I note your earlier advice that you will only require Brittany for a day of proofing. However, noting the intensive nature of that day, would the DPP be supportive of arranging for her to stay overnight before or after the proofing?

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



VICTIMS OF CRIME  
COMMISSIONER  
ACT Human Rights Commission

---

**From:** Priestly, Erin <REDACTED@act.gov.au>  
**Sent:** Monday, 2 May 2022 11:14 AM  
**To:** Yates, Heidi <REDACTED@act.gov.au>  
**Cc:** Treacy, Elysha <REDACTED@act.gov.au>  
**Subject:** RE: Proofing - Brittany Higgins

OFFICIAL

Good morning Heidi

Just following up on arranging a proofing time for Ms Higgins, now that the stay decision has been handed down.

I am conscious you may be on leave, so I have copied in Elysha.

Thank you both.

Kind regards



**Erin Priestly**

Senior Prosecutor

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

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Please consider the environment before printing this e-mail

**From:** Priestly, Erin  
**Sent:** Tuesday, 5 April 2022 1:10 PM  
**To:** Yates, Heidi <**REDACTED**@act.gov.au>  
**Subject:** Proofing - Brittany Higgins

OFFICIAL

Hi Heidi

I hope you are well.

Shane, Skye and I were hoping to organise a time to proof Ms Higgins later this month. Is there a time that Ms Higgins might already be in Canberra to proof her at our office? The estimate is that it will take about a day.

Kind regards



**Erin Priestly**

Senior Prosecutor

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

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Please consider the environment before printing this e-mail

**From:** [Yates, Heidi](#)  
**To:** [Drumgold, Shane](#)  
**Cc:** [Priestly, Erin](#); [Jerome, Skye](#); [Treacy, Elysha](#)  
**Subject:** HIGGINS - Safety at Court on Morning of 6 June  
**Date:** Tuesday, 24 May 2022 9:25:34 AM  
**Importance:** High

---

OFFICIAL: Sensitive

Hi Shane,

Further to my email below regarding a range of practical matters for Ms Higgins on 6 June, I wanted to touch base in relation to potential police presence, should the media or other 'spectators' escalate on the morning.

We know that police are close by at civic station, but noting recent threats to Brittany's safety, do you know whether they will be actively on-call, or present in the immediate court precinct on the day as a preventative safety measure? We can follow up with them about this if that is appropriate.

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
 ACT Human Rights Commission  
 56 Allara St  
 Canberra ACT 2601  
 Tel (02) 6205 2222



**VICTIMS OF CRIME  
 COMMISSIONER**

ACT Human Rights Commission

**From:** Yates, Heidi  
**Sent:** Tuesday, 24 May 2022 9:21 AM  
**To:** Priestly, Erin <[REDACTED@act.gov.au](#)>  
**Cc:** David Sharaz <[REDACTED](#)>; Brit Mae <[REDACTED](#)>;  
 Treacy, Elysha <[REDACTED@act.gov.au](#)>  
**Subject:** HIGGINS - Travel & Accommodation  
**Importance:** High

OFFICIAL: Sensitive

Hi Erin,

Thank you for your time yesterday afternoon.

I write to confirm that in relation to **accommodation and travel arrangements:**

- Brittany and David plan to drive down to Canberra, and as discussed, I have advised them that DPP can reimburse petrol costs upon provision of receipts.
- We would be grateful if the DPP can book dog-friendly accommodation at Nishi, as

discussed, from Sunday 5 June to Thursday 9 June noting that this full period may not be required, depending on how long Brittany is required to give evidence for. Can you please advise whether parking will be available at Nishi, and if so, whether the cost of this can also be covered by the DPP for the period of their stay?

I have also shared the information you kindly confirmed in relation to:

- **Morning of Monday 6 June:** that court will commence at 10am, and that Brittany is able to attend the DPP office any time earlier that morning to minimise press exposure prior to walking over to court with the DPP team.
- In relation to **transport from Nishi to DPP**, at this stage I will plan to pick Brittany a up in a Taxi at Nishi at whatever time works best for them on each morning she is required at court.

#### **Safe space within the court**

As discussed, Brittany will access a remote witness room to watch her EICs prior to attending the courtroom to give the remainder of her evidence. Thank you for also speaking spoken to the Court about Brittany having access to the remote witness rooms as a place of safety / quiet in and around when she is giving her evidence, if required. I'm sure this is a welcome option for Brittany to consider.

#### **Safe access to the court**

Thank you also for flagging that depending on the intensity of the media presence and any safety concerns, there is the option of accessing the court via the underground carpark (with the Court's agreement) should this be required. At this stage Brittany has indicated a wish to enter the court via the front doors with the DPP team. However, it's good to have this option on the table.

#### **David's evidence**

I confirm your advice that the DPP may have a better idea about timeframes for the calling of other witnesses after Brittany has given her evidence. As discussed, David can expect to be given a couple of days' notice before he is required to give evidence, and DPP will arrange his flights and any required accommodation around this time.

Thank you again for your ongoing assistance in this matter, and for being a point of contact for any other practical queries that arise ahead of 6 June.

Regards,

#### **Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



**From:** [David Sharaz](#)  
**To:** [Yates, Heidi](#)  
**Cc:** [Priestly, Erin](#)  
**Subject:** Re: Court  
**Date:** Tuesday, 30 August 2022 10:52:06 AM

---

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Hi Heidi,

Thank you so much for this reponse, and for looping in Erin.

I know it sounds like I'm being overly cautious, but I've been a producer behind-the-scenes of court coverage before, and I know the interest in this case, and the intensity on the day, will surprise even seasoned veterans.

It's going to be a circus and I think it's vital Brittany is protected as she walks into the court, which, as you mention is her right to do.

My suggestion, for what its worth, is to set up a cordon to allow easy access to the media to cover the case, but to prevent anyone getting too close and distressing a rape victim as she walks into court.

I'll leave it with you both.

Best,

David

---

**From:** Yates, Heidi <[REDACTED@act.gov.au](#)>  
**Sent:** Tuesday, 30 August 2022 10:36 AM  
**To:** David Sharaz <[REDACTED](#)>  
**Cc:** Priestly, Erin <[REDACTED@act.gov.au](#)>  
**Subject:** Re: Court

OFFICIAL: Sensitive - Personal Privacy

Hi David

Thanks for raising this issue.

The DPP team and I had discussed this matter in the lead up to the last court listing.

I have cc'd Erin into my response to make sure we have a plan for October also. I recognise it's Brittany's right to enter the court by the front doors. However, agree it's essential to ensure she isn't harassed by media on her way in.

The city police station is just opposite the courts. I'm sure they will be open to assisting as required.

I look forward to confirming arrangements as the trial date draws closer.

Thanks again David.

Heidi Yates  
Victims of Crime Commissioner  
ACT Human Rights Commission  
P: 6205 2222  
E: REDACTE@act.gov.au

---

**From:** David Sharaz [REDACTED]  
**Sent:** Tuesday, August 30, 2022 8:26:11 AM  
**To:** Yates, Heidi <REDACTE@act.gov.au>  
**Subject:** Court

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Hi Heidi,

I've been watching the coverage of the Chris Dawson verdict and the srum of media pushing to get a grab or shot of him.

I wanted to express my concern for Brittany's safety and ask if police has been asked to provide assistance to ensure cameras and microphones are not shoved in her face as she walks into court.

Brittany does not want to sneak into a back entrance as she's done nothing wrong, however, I do feel there needs to be a happy medium with police on hand to deal with any sensitivities.

Happy to chat over the phone if easier.

Best,

David

---

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---

**From:** [Reece, Jayne](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Robertson, Peter](#); [SVC\\_DPPCases](#)  
**Subject:** RE: R v Lehmann - alternative security arrangements - SCC 264 of 2021  
**Date:** Wednesday, 22 June 2022 8:17:37 PM  
**Attachments:** [image001.png](#)

---

OFFICIAL

Dear Ms Priestly,

Thank you for your email below. We will revisit this issue when the new trial date has been set.

Kind Regards

Jayne Reece | Registrar | ACT Supreme Court & ACT Court of Appeal

**REDACTED**

ACT Supreme Court | ACT Courts and Tribunal

4 Knowles Place, Canberra City, ACT 2601 | GPO Box 370 Canberra ACT 2601 | [www.courts.act.gov.au](http://www.courts.act.gov.au)

**From:** Priestly, Erin <**REDACTED**@act.gov.au>  
**Sent:** Friday, 17 June 2022 12:01 PM  
**To:** Reece, Jayne **REDACTED**@courts.act.gov.au>  
**Cc:** Robertson, Peter **REDACTED**@courts.act.gov.au>; [SVC\\_DPPCases](#)  
 <**REDACTED**@act.gov.au>  
**Subject:** R v Lehmann - alternative security arrangements - SCC 264 of 2021

OFFICIAL

Dear Registrar

This trial is due to commence on 27 June 2022, with an estimate of four weeks.

As discussed, we respectfully request that an alternative entry to Court could be approved for the following witnesses, who are due to give evidence the morning of Tuesday 5 July 2022:

1. Fiona Brown
2. Senator Linda Reynolds

I expect each witness will also have Counsel with them.

There are also concerns for the other following witnesses, however we are not requesting any alternative entry, as this stage:

1. Brittany Higgins – to give evidence on 27, 28, 29 and 30 June
2. Daniel Try – to give evidence on 1 July
3. David Sharaz – to give evidence on 7 July
4. **REDACTED** – to give evidence on 13 July
5. **REDACTED** – to give evidence on 13 July

I note in relation to Ms Higgins, we plan on arranging her early attendance at Court (to enter via the Childrens Court entrance) and would be grateful if she could then move through the Level 2 Childrens Court entrance to the main court house (rather than having to exit and enter through the main security area).

Please let me know if you require any further information.

Kind regards



**Erin Priestly**

Senior Prosecutor

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct)

T: (02) 6207 5399 (Reception)

E: **REDACTED**@act.gov.au

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**To:** [Priestly, Erin](#)  
**Cc:** [Robertson, Peter](#); [SVC\\_DPPCases](#)  
**Subject:** RE: R v Lehmann - alternative security arrangements - SCC 264 of 2021  
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Jayne Reece | Registrar | ACT Supreme Court & ACT Court of Appeal

**REDACTED**

ACT Supreme Court | ACT Courts and Tribunal

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**From:** Priestly, Erin <**REDACTED**@act.gov.au>  
**Sent:** Friday, 17 June 2022 12:01 PM  
**To:** Reece, Jayne **REDACTED**@courts.act.gov.au>  
**Cc:** Robertson, Peter <**REDACTED**@courts.act.gov.au>; [SVC\\_DPPCases](#)  
 <[SVC\\_DPPCases@act.gov.au](mailto:SVC_DPPCases@act.gov.au)>  
**Subject:** R v Lehmann - alternative security arrangements - SCC 264 of 2021

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Kind regards



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**From:** [Drumgold, Shane](#)  
**To:** [Yates, Heidi](#)  
**Cc:** [Jerome, Skye](#); [Priestly, Erin](#)  
**Subject:** Police v Lehmann  
**Date:** Thursday, 16 September 2021 3:51:15 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

OFFICIAL

Hi Heidi

Can I introduce you to Erin Priestly who fills out the for the Lehmann matter. Erin will become a primary point of contact for any queries as we move forward.



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)

T: **REDACTED** (Executive Officer Katie Cantwell)

M:

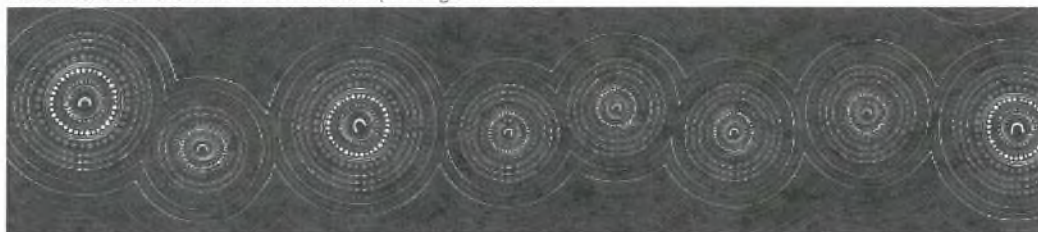
E: **REDACTED**@act.gov.au

E: **REDACTED**act.gov.au (EO)

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We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** [Yates, Heidi](#)  
**To:** [Drumgold, Shane](#)  
**Cc:** [Jerome, Skye](#); [Priestly, Erin](#)  
**Subject:** Higgins matter  
**Date:** Friday, 5 November 2021 10:13:32 AM  
**Attachments:** [Edna Ryan Speech.docx](#)

---

OFFICIAL

Hello Shane,

Thank you for your appearance in the Lehrmann matter this morning.

Two quick things in relation to my brief discussion with Brittany after the matter today:

- Brittany would welcome some further information prior to 18 November about what the first appearance in the Supreme Court might involve. I indicated I was sure this information would be available over the coming week and have indicated my understanding that it will likely occur remotely – assuming the SC doesn't update its covid response before then.
- Brittany's partner, David, also asked me to let you know (for information) that she has been chosen to receive the [Edna Ryan award for 'inciting others to challenge the status quo'](#). The award will be given online this evening. I understand she has pre-recorded an acceptance speech and that this may air later this evening on 'The Project' and other stations. The speech text is attached for your information, she notes she has been careful not to reference matters pertaining to the case.

Regards,

**Heidi Yates**

Victims of Crime Commissioner

ACT Human Rights Commission  
5 Constitution Avenue  
Canberra City ACT 2601  
Tel (02) 6205 2222

 **VICTIMS OF CRIME  
COMMISSIONER**  
ACT Human Rights Commission

**From:** [Drumgold, Shane](#)  
**To:** [Yates, Heidi](#)  
**Cc:** [Priestly, Erin](#); [Jerome, Skye](#)  
**Subject:** RE: HIGGINS matter - Monday listing  
**Date:** Monday, 28 February 2022 9:58:30 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

OFFICIAL

Good morning Heidi

At mention this morning, Mr Korn was directly asked whether he was going to make an application for a stay. He was non-committal and said there was not currently an application before the court however possibly another legal team may consider one. He was told directly that if there was to be an application it needs to be made now – and placed the matter before the Chief Justice at 9.30am Thursday 10 March for them to confirm that there will not be an application.

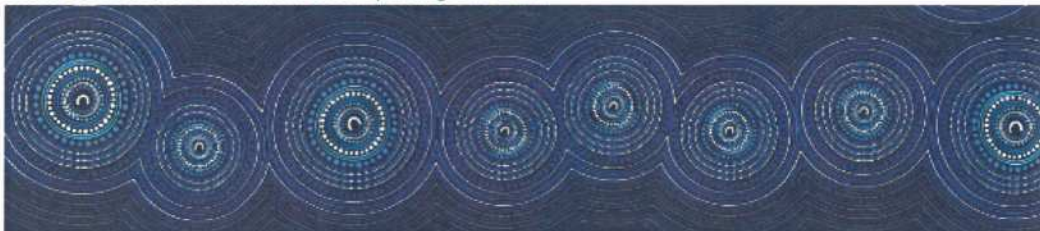
As an aside, I have since had an opportunity to review all authorities on temporary stays due to publicity (delay the start of the trial) and I do not believe there is a real prospect of success for any such application, so would like Brittany to continue to prepare herself for a 6 June start.



**Shane Drumgold SC**

Director  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: **REDACTE** (Direct line)  
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 We acknowledge and respect their continuing culture and the contribution they make  
 to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Yates, Heidi <**REDACTE**@act.gov.au>  
**Sent:** Monday, 28 February 2022 7:09 AM  
**To:** Drumgold, Shane <**REDACTED**@act.gov.au>  
**Cc:** Priestly, Erin <**REDACTE**@act.gov.au>  
**Subject:** Re: HIGGINS matter - Monday listing

Thanks Shane.

All the best for this morning.

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

P: 6205 2222  
 E: [REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)

**From:** Drumgold, Shane <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Sent:** Monday, February 28, 2022 6:54:15 AM  
**To:** Yates, Heidi <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Cc:** Priestly, Erin <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Subject:** RE: HIGGINS matter - Monday listing

OFFICIAL

Hi Heidi

I am appearing in person, as is the judge. I understand that Mr Korn will be appearing via phone.



**Shane Drumgold SC**  
 Director  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: [REDACTED](tel:REDACTED) (Direct line)  
 T: [REDACTED](tel:REDACTED) (Executive Officer Katie Cantwell)  
 M: [REDACTED](tel:REDACTED)  
 E: [REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)  
 E: [REDACTED@act.gov.au](mailto:REDACTED@act.gov.au) (EO)  
 W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and follow the Witnesses and Victims link.  
 Please consider the environment before printing this e-mail



**We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people  
 We acknowledge and respect their continuing culture and the contribution they make  
 to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Yates, Heidi <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Sent:** Sunday, 27 February 2022 8:38 PM  
**To:** Drumgold, Shane <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Cc:** Priestly, Erin <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Subject:** HIGGINS matter - Monday listing  
**Importance:** High

OFFICIAL

Hello Shane,

Just confirming – is the Higgins matter in for a criminal case conference, or a directions hearing on Monday morning?

If a directions hearing – I presume this will be in person rather than on webex, noting the recent Supreme Court move back to face-to-face?

If it does happen to be on-line, can you please forward me the webex link? Otherwise, we will await an update.

Many thanks,

Heidi

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



**VICTIMS OF CRIME  
COMMISSIONER**

ACT Human Rights Commission

**From:** [Yates, Heidi](#)  
**To:** [Drumgold, Shane](#)  
**Cc:** [Jerome, Skye](#); [Priestly, Erin](#); [Treacy, Elysha](#); [Taplin, Katherine](#)  
**Subject:** HIGGINS: Victim Support contact for next week (19-22 April)  
**Date:** Thursday, 14 April 2022 4:54:53 PM

---

OFFICIAL

Hello Shane,

I am on leave next week. My colleague, Elysha Treacy (cc'd) will act as the contact for the Higgins matter whilst I'm away. I have advised Brittany and David of this and they are happy to work with Elysha.

Elysha is contactable by email, and on her direct office line **REDACTED**. She is also happy for me to share with you her personal mobile: **REDACTED**.

Victim Support Director, Kath Taplin (cc'd), is also available throughout the week on **REDACTED**. **RE** I will be available by mobile for anything urgent.

Assuming we may have news of the CJ's decision on the stay application, I would be grateful if you could contact Elysha and she will let Brittany know. I imagine Brittany may seek a conference call with you to discuss the CJ's decision once it is available. Fingers crossed.

I will be back on deck after Anzac day on Tuesday 26<sup>th</sup>.

Regards,

**Heidi Yates**  
Victims of Crime Commissioner

ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222

 **VICTIMS OF CRIME  
COMMISSIONER**  
ACT Human Rights Commission



**From:** [Drumgold, Shane](#)  
**To:** [Yates, Heidi](#)  
**Cc:** [Priestly, Erin](#); [Jerome, Skye](#); [Treacy, Elysha](#)  
**Subject:** RE: HIGGINS - Safety at Court on Morning of 6 June  
**Date:** Tuesday, 24 May 2022 9:26:46 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

OFFICIAL: Sensitive

That is a good point Heidi – I will raise it with our Police liaison officer



**Shane Drumgold SC**

Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: **REDACTED** (Direct line)  
T: **D** (Executive Officer Katie Cantwell)  
M: **REDACTED**  
E: [shane.drumgold@act.gov.au](mailto:shane.drumgold@act.gov.au)  
E: [shane.drumgold@act.gov.au](mailto:shane.drumgold@act.gov.au) (EO)  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and follow the Witnesses and Victims link.

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We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Yates, Heidi <[REDACTED@act.gov.au](mailto:heidi.yates@act.gov.au)>  
**Sent:** Tuesday, 24 May 2022 9:26 AM  
**To:** Drumgold, Shane <[REDACTED@act.gov.au](mailto:shane.drumgold@act.gov.au)>  
**Cc:** Priestly, Erin <[REDACTED@act.gov.au](mailto:erin.priestly@act.gov.au)>; Jerome, Skye <[REDACTED@act.gov.au](mailto:skye.jerome@act.gov.au)>; Treacy, Elysha <[REDACTED@act.gov.au](mailto:elysha.treacy@act.gov.au)>  
**Subject:** HIGGINS - Safety at Court on Morning of 6 June  
**Importance:** High

OFFICIAL: Sensitive

Hi Shane,  
Further to my email below regarding a range of practical matters for Ms Higgins on 6 June, I

wanted to touch base in relation to potential police presence, should the media or other 'spectators' escalate on the morning.

We know that police are close by at civic station, but noting recent threats to Brittany's safety, do you know whether they will be actively on-call, or present in the immediate court precinct on the day as a preventative safety measure? We can follow up with them about this if that is appropriate.

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



**From:** Yates, Heidi

**Sent:** Tuesday, 24 May 2022 9:21 AM

**To:** Priestly, Erin <REDACTED@act.gov.au>

**Cc:** David Sharaz <REDACTED>; Brit Mae <REDACTED>

Treacy, Elysha <REDACTED@act.gov.au>

**Subject:** HIGGINS - Travel & Accommodation

**Importance:** High

OFFICIAL: Sensitive

Hi Erin,

Thank you for your time yesterday afternoon.

I write to confirm that in relation to **accommodation and travel arrangements:**

- Brittany and David plan to drive down to Canberra, and as discussed, I have advised them that DPP can reimburse petrol costs upon provision of receipts.
- We would be grateful if the DPP can book dog-friendly accommodation at Nishi, as discussed, from Sunday 5 June to Thursday 9 June noting that this full period may not be required, depending on how long Brittany is required to give evidence for. Can you please advise whether parking will be available at Nishi, and if so, whether the cost of this can also be covered by the DPP for the period of their stay?

I have also shared the information you kindly confirmed in relation to:

- **Morning of Monday 6 June:** that court will commence at 10am, and that Brittany is able to attend the DPP office any time earlier that morning to minimise press exposure prior to walking over to court with the DPP team.

- In relation to **transport from Nishi to DPP**, at this stage I will plan to pick Brittany a up in a Taxi at Nishi at whatever time works best for them on each morning she is required at court.

**Safe space within the court**

As discussed, Brittany will access a remote witness room to watch her EICs prior to attending the courtroom to give the remainder of her evidence. Thank you for also speaking spoken to the Court about Brittany having access to the remote witness rooms as a place of safety / quiet in and around when she is giving her evidence, if required. I'm sure this is a welcome option for Brittany to consider.

**Safe access to the court**

Thank you also for flagging that depending on the intensity of the media presence and any safety concerns, there is the option of accessing the court via the underground carpark (with the Court's agreement) should this be required. At this stage Brittany has indicated a wish to enter the court via the front doors with the DPP team. However, it's good to have this option on the table.

**David's evidence**

I confirm your advice that the DPP may have a better idea about timeframes for the calling of other witnesses after Brittany has given her evidence. As discussed, David can expect to be given a couple of days' notice before he is required to give evidence, and DPP will arrange his flights and any required accommodation around this time.

Thank you again for your ongoing assistance in this matter, and for being a point of contact for any other practical queries that arise ahead of 6 June.

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



**From:** [Yates, Heidi](#)  
**To:** [Drumgold, Shane](#)  
**Cc:** [Priestly, Erin](#); [Jerome, Skye](#); [Treacy, Elysha](#)  
**Subject:** HIGGINS - Safety at Court on Morning of 6 June  
**Date:** Tuesday, 24 May 2022 9:25:34 AM  
**Importance:** High

---

OFFICIAL: Sensitive

Hi Shane,

Further to my email below regarding a range of practical matters for Ms Higgins on 6 June, I wanted to touch base in relation to potential police presence, should the media or other 'spectators' escalate on the morning.

We know that police are close by at civic station, but noting recent threats to Brittany's safety, do you know whether they will be actively on-call, or present in the immediate court precinct on the day as a preventative safety measure? We can follow up with them about this if that is appropriate.

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
 ACT Human Rights Commission  
 56 Allara St  
 Canberra ACT 2601  
 Tel (02) 6205 2222



**From:** Yates, Heidi

**Sent:** Tuesday, 24 May 2022 9:21 AM

**To:** Priestly, Erin <[REDACTED@act.gov.au](#)>

**Cc:** David Sharaz <[REDACTED@act.gov.au](#)>; Brit Mae <[REDACTED@act.gov.au](#)>; Treacy, Elysha <[REDACTED@act.gov.au](#)>

**Subject:** HIGGINS - Travel & Accommodation

**Importance:** High

OFFICIAL: Sensitive

Hi Erin,

Thank you for your time yesterday afternoon.

I write to confirm that in relation to **accommodation and travel arrangements:**

- Brittany and David plan to drive down to Canberra, and as discussed, I have advised them that DPP can reimburse petrol costs upon provision of receipts.
- We would be grateful if the DPP can book dog-friendly accommodation at Nishi, as

discussed, from Sunday 5 June to Thursday 9 June noting that this full period may not be required, depending on how long Brittany is required to give evidence for. Can you please advise whether parking will be available at Nishi, and if so, whether the cost of this can also be covered by the DPP for the period of their stay?

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- **Morning of Monday 6 June:** that court will commence at 10am, and that Brittany is able to attend the DPP office any time earlier that morning to minimise press exposure prior to walking over to court with the DPP team.
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#### **Safe space within the court**

As discussed, Brittany will access a remote witness room to watch her EICs prior to attending the courtroom to give the remainder of her evidence. Thank you for also speaking spoken to the Court about Brittany having access to the remote witness rooms as a place of safety / quiet in and around when she is giving her evidence, if required. I'm sure this is a welcome option for Brittany to consider.

#### **Safe access to the court**

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#### **David's evidence**

I confirm your advice that the DPP may have a better idea about timeframes for the calling of other witnesses after Brittany has given her evidence. As discussed, David can expect to be given a couple of days' notice before he is required to give evidence, and DPP will arrange his flights and any required accommodation around this time.

Thank you again for your ongoing assistance in this matter, and for being a point of contact for any other practical queries that arise ahead of 6 June.

Regards,

#### **Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



**From:** [Drumgold, Shane](#)  
**To:** [Priestly, Erin](#)  
**Cc:** [Jerome, Skye](#); [Greig, Mitchell](#)  
**Subject:** Re: Missed call - David Sharaz  
**Date:** Monday, 30 May 2022 4:29:20 PM  
**Attachments:** [image001.png](#)

---

OFFICIAL

Hey All

I told Heidi about Korn's health issue, but we agreed that it was not something we needed to upset Brittany with. At this stage, I think we just say the mention is to confirm everything trial related - we understand there is a change of solicitor from Warwick Korn to Legal Aid but will know more on Wednesday.

Shane Drumgold SC  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (REDACTED) (Direct)  
T: (REDACTED) (Executive Officer)  
M:  
E: s@act.gov.au  
W: www.dpp.act.gov.au

Sent from my iPad

---

**From:** Priestly, Erin <(REDACTED)@act.gov.au>  
**Sent:** Monday, May 30, 2022 4:25:51 PM  
**To:** Drumgold, Shane (REDACTED)@act.gov.au  
**Cc:** Jerome, Skye (REDACTED)@act.gov.au; Greig, Mitchell <(REDACTED)@act.gov.au>  
**Subject:** Missed call - David Sharaz

OFFICIAL

Hi Shane

I have missed a call from David Sharaz asking about Wednesday's listing.

Before I call him back, is Brittany aware of the change of Counsel? I have not booked accommodation yet for Brittant and Mr Sharaz, given the uncertainty regarding the start date – would you like me to arrange that now or wait until after callover?

Thanks.

Kind regards

**Erin Priestly**  
Senior Prosecutor  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (REDACTED) (Direct)



**T:** (02) 6207 5399 (Reception)

**E:** **REDACTED**@act.gov.au

**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** [Yates, Heidi](#)  
**To:** [Drumgold, Shane](#)  
**Cc:** [Jerome, Skye](#); [Priestly, Erin](#)  
**Subject:** FW: Further reporting  
**Date:** Monday, 27 June 2022 9:27:16 AM

---

OFFICIAL: Sensitive

Hi Shane,  
Just forwarding this link, noting I understand you may be in the process of seeking undertakings from a range of media outlets. I'm not sure whether the Australian is currently under consideration.

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
56 Allara St  
Canberra ACT 2601  
Tel (02) 6205 2222



**From:** David Sharaz **REDACTED**  
**Sent:** Monday, 27 June 2022 7:51 AM  
**To:** Yates, Heidi **REDACTED**@act.gov.au>  
**Subject:** Further reporting

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Heidi,

The media continues to write about the trial.

Including this awful line (below) in the Australian.

.....

Thanks,

David

“A not guilty verdict would raise questions as to why a man’s reputation and life has been wrecked, and whether Higgins’s version of the boozy

night that ended in a minister's office was false.”

<https://amp.theaustralian.com.au/commentary/lisa-wilkinson-puts-media-vigilantes-in-the-dock/news-story/e4d806660659f3c569a16a45621135b6>

**From:** [Priestly, Erin](#)  
**To:** [Yates, Heidi](#)  
**Subject:** RE: Police v Lehrmann  
**Date:** Friday, 17 September 2021 8:23:00 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

OFFICIAL

It is difficult to tell from a name alone without seeing a face!

I look forward to working with you as this matter continues.

Kind regards  
Erin

**From:** Yates, Heidi <[REDACTED]@act.gov.au>  
**Sent:** Thursday, 16 September 2021 5:14 PM  
**To:** Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann

OFFICIAL

Thank you Erin.  
Of course as I hit 'send' on my earlier email I realised it is you!  
We have of course met before. My apologies.

We are fortunate to have you assisting with this matter.

I look forward further contact over coming weeks.

Regards,

**Heidi Yates**  
Victims of Crime Commissioner  
ACT Human Rights Commission  
5 Constitution Avenue  
Canberra City ACT 2601  
Tel (02) 6205 2222



**From:** Priestly, Erin <[REDACTED]@act.gov.au>  
**Sent:** Thursday, 16 September 2021 4:11 PM  
**To:** Yates, Heidi <[REDACTED]@act.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Drumgold, Shane <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann

OFFICIAL

Hi Heidi

Thank you. In the current climate, I am intermittingly working from home and in the office – however am contactable on my direct line below at any time.

Kind regards



**Erin Priestly**

Prosecutor  
Sexual Offences Unit  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
**T:** REDACTED (Direct)  
**T:** (02) 6207 5399 (Reception)  
**E:** REDACTED@act.gov.au  
**W:** [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and go to the Witnesses and Victims link.

Please consider the environment before printing this e-mail

**From:** Yates, Heidi REDACTED@act.gov.au>  
**Sent:** Thursday, 16 September 2021 4:03 PM  
**To:** Drumgold, Shane <REDACTED@act.gov.au>  
**Cc:** Jerome, Skye REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** RE: Police v Lehrmann

OFFICIAL

Many thanks Shane,

Erin, great to meet you. I look forward to ongoing contact as this matter progresses.

If you need to contact me directly at any time, my mobile is: REDACTED

Regards,

**Heidi Yates**

Victims of Crime Commissioner  
ACT Human Rights Commission  
5 Constitution Avenue  
Canberra City ACT 2601  
Tel (02) 6205 2222



**From:** Drumgold, Shane REDACTED@act.gov.au>



Text Message  
Thu, 2 Jun at 1:14 pm

Tamzin just rang me  
Legal aid sacked

Kamy sady briefed

Likely to be David Campbell &  
Steve Whybrow

I've told Shane

iMessage

Thanks for letting me know. I'll  
get the brief to KS

are we proceeding on 6 June, do  
you know?

Don't know

Wait to see the filing first



Okay, I'll hold off!

Text Message  
Tue, 21 Jun at 11:07 am



9:34

15



SD  
Shane

iMessage  
21 Sep 2021 at 3:37 pm

ADMR

JK >

Fri, 27 May at 9:43 am

Could you send me a webex link for the 10.00am

Of course, just sent

We have started a bit early

Thu, 28 Jul at 8:52 am

We are in SC 7 for Lehrmann

Thanks on my way

Fri, 3 Mar at 3:18 pm

Hi Erin - ACLEI asked me for your contact details- are you ok with that or would you prefer me to send you theirs

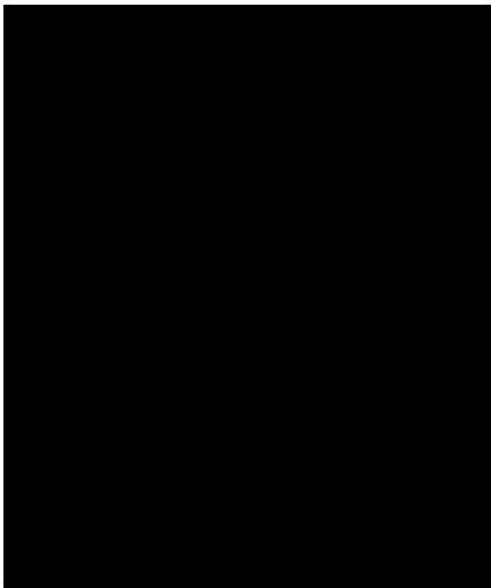
ACKEI

GC >





Case is shit  
 Cops all here eager for NG and if  
 it is your former boss is gonna  
 face some serious blowback



Yesterday 9:26 am

Hey Erin, did you get a call or  
 request for a statement from the  
 inquiry?  
 I'm in Sydney 'with my lawyers'  
 doing mine  
 Massive undertaking



9:33

16



Steve

Oh that's so exciting for her! I'm sure you'll have people lining up to work for you though 🥳

Sun, 16 Oct at 3:39 pm

Hey Erin  
Been thinking of you  
How you traveling ?  
So glad you bailed.  
Is it all going well



Judge summing up



Case is shit  
Cops all here eager for NG and if it is your former boss is gonna face some serious blowback





9:33

📶 16



Steve



Mon, 6 Jun at 2:27 pm

Just text me when good to go and I'll send tiff out into the cold :)

I will do! It's saying about 40 Minutes to go still unfortunately

Cool cool  
Just don't want to send her out in the cold 🥶 too early

You're a nice boss!

They're ready to go- I'll leave them at reception

Great thankyou I'll send tiff over now. Like you she's a crime junkie  
Got a job at Blumers but changed last minute for David Healey and starts next week  
My babies all growing up and leaving home 🥺



From: [Erin Priestly](#)  
 To: [Priestly, Erin](#)  
 Subject: Fwd: Subpoena material  
 Date: Tuesday, 4 April 2023 3:42:58 PM

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**Forwarded Conversation**  
**Subject: Subpoena material**

From: Erin Priestly <[REDACTED]>  
 Date: Wed, Mar 1, 2023 at 11:36 AM  
 To: [REDACTED] <[\[REDACTED\]@act.gov.au](mailto:[REDACTED]@act.gov.au)>

Hi Shane

Thank you for organizing that laptop to get to me. I've put all of my Lehrmann emails on a USB - my dad will return this and the laptop to the DPP reception.

I am meeting with the Board on Tuesday. They asked if they could get the material before then.

Would it be possible to arrange for someone from the DPP to deliver the USB to them?

Thanks  
 Erin

From: Drumgold, Shane <[REDACTED]@act.gov.au>  
 Date: Wed, Mar 1, 2023 at 11:37 AM  
 To: Erin Priestly <[REDACTED]>

UNOFFICIAL

Thanks Erin  
 Yes I will get it walked over there as soon as we receive it

Shane Drumgold SC  
 Director  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: [REDACTED] (Direct line)  
 T: [REDACTED] (Executive Officer Katie Cantwell)  
 M: [REDACTED]  
 E: [REDACTED]@act.gov.au  
 E: [REDACTED]@act.gov.au (EO)

W:[www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and follow the Witnesses and Victims link.

Please consider the environment before printing this e-mail

-----Original Message-----

From: Erin Priestly <[REDACTED]>  
Sent: Wednesday, 1 March 2023 11:36 AM  
To: Drumgold, Shane <[REDACTED]@act.gov.au>  
Subject: Subpoena material

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. Learn why this is important<<http://www.act.gov.au/emailsecurity>> -----

-----  
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-----

**From:** [Erin Priestly](#)  
**To:** [Priestly, Erin](#)  
**Subject:** Fwd: FW: Legal representation before Board of Inquiry  
**Date:** Tuesday, 4 April 2023 3:42:56 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Subpoena.pdf](#)

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

**Forwarded Conversation**

**Subject: FW: Legal representation before Board of Inquiry**

From: Drumgold, Shane [\[REDACTED\]@act.gov.au](#)>  
Date: Tue, Mar 7, 2023 at 4:57 PM  
To: [\[REDACTED\]](#)

OFFICIAL: Sensitive - Legal Privilege

Hi Erin

Attached is the letter I email I wrote to request legal representation



**Shane Drumgold SC**

Director  
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) [\[REDACTED\]](#) (Direct line)

T: (02) [\[REDACTED\]](#) (Executive Officer Katie Cantwell)

M: [\[REDACTED\]](#)

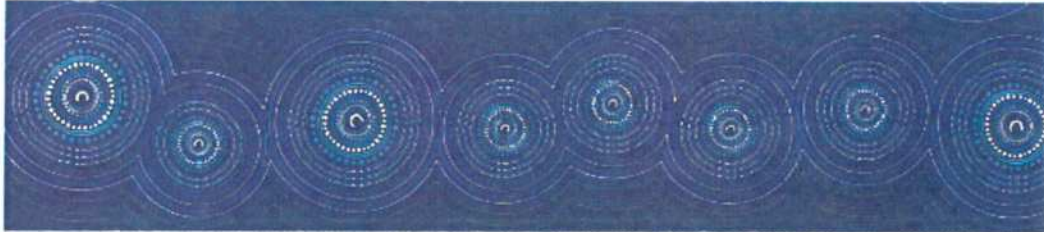
E: [\[REDACTED\]@act.gov.au](#)

E: [\[REDACTED\]@act.gov.au](#) (EO)

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://www.dpp.act.gov.au) and follow the Witnesses and Victims link.

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**We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people  
We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

**Artwork by Ngarrindjeri artist Jordan Lovegrove**

**From:** Drumgold, Shane  
**Sent:** Tuesday, 21 February 2023 11:12 AM  
**To:** ACTGS Legal Assistance Coordination  
**<[REDACTED]@act.gov.au>**  
**Subject:** FW: Legal representation before Board of Inquiry

**OFFICIAL: Sensitive - Legal Privilege**

Dear ACTGS

I make application for provisions for legal assistance in engaging in the attached subpoena, in addition to my pending further engagement which I am advised will included appearing as a witness in the Inquiry.

Given the tight time frames involved, I seek an early determination of this application to enable sourcing of appropriately experienced counsel.

**Shane Drumgold SC**

Director  
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)



T: REDACTED (Direct line)

T: REDACTED (Executive Officer Katie Cantwell)

M: REDACTED

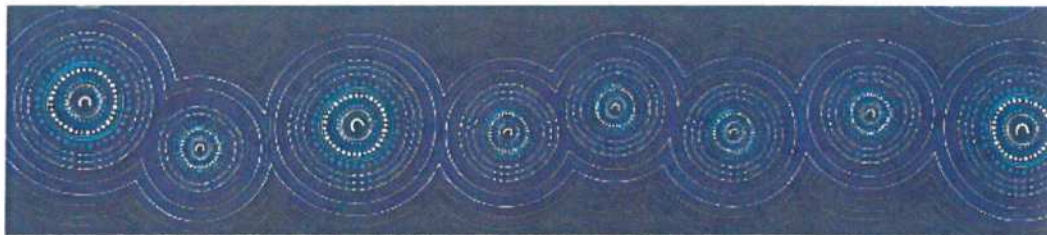
E: REDACTED@act.gov.au

E: REDACTED@act.gov.au (EO)

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We acknowledge and respect their continuing culture and the contribution they make  
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Garrison, Peter REDACTED@act.gov.au>  
**Sent:** Tuesday, 21 February 2023 11:05 AM  
**To:** Drumgold, Shane REDACTED@act.gov.au>  
**Subject:** Legal representation before Board of Inquiry

**OFFICIAL: Sensitive - Legal Privilege**

**ACT SOLICITOR-GENERAL**

(see confidentiality notice below)

Dear Director

I refer to your letter dated 14 February 2023 seeking separate representation for DPP staff who may be witnesses in the ACT Board of Inquiry into the conduct of criminal justice agencies involved in the trial *R V Lehrmann* ('the Inquiry').

Pursuant to the *Law Officers Legal Services Directions 2023* I can approve, following consultation with the employing agency where appropriate, independent legal advice or representation for a public employee, the cost of which will be borne by the Territory, in the following circumstances:

1. the Government Solicitor is in a position of a conflict of interest, i.e.: there is a reasonable apprehension that the interests of the employee in relation to the proceedings will or may materially diverge from those of the Territory; or
2. the matter involves an apparently personal interest on the part of the employee, in relation to which the Government Solicitor would not ordinarily advise, but which, in the circumstances, it is considered necessary and appropriate to provide assistance. In such a case, assistance from the Government Solicitor may involve facilitating independent preliminary advice if necessary and appropriate, or may extend to further assistance depending on the nature and circumstances of the matter; or
3. there are other compelling reasons which justify funding by the Territory of independent advice or representation for the employee.

I agree that should any staff of the office of the DPP be subpoenaed to attend before the Inquiry to give evidence it is appropriate they be provided with independent legal advice and that such advice should be externally sourced. In the circumstances I consider it appropriate that each DPP employee, who may require legal assistance, make that request directly to my office for approval on an individual basis so their particular circumstances can be assessed. As you will appreciate, given your likely involvement in the Inquiry any request for independent representation sought by your staff should be made directly by that employee to my office, using the email address

**REDACTED** [@act.gov.au](mailto:REDACTED@act.gov.au). You may wish to make your staff aware of the relevant provisions of the *Law Officers Legal Services Directions 2023*.

I am not clear whether your correspondence was also a request for separate legal representation for yourself and I would be happy to discuss this with you further should you wish such assistance.

Regards

**Peter Garrisson AM SC** | Solicitor-General for the Australian Capital Territory  
PH **REDACTED** | **REDACTED** | DX 5602 Canberra | PO Box 260 Civic Square ACT 2608

[www.actgs.act.gov.au](http://www.actgs.act.gov.au)

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person.

**From:** Cantwell, Katie [REDACTED] <[REDACTED]@act.gov.au>  
**Sent:** Wednesday, 15 February 2023 8:55 AM  
**To:** Garrison, Peter [REDACTED] <[REDACTED]@act.gov.au>  
**Subject:** Letter from the Director

UNOFFICIAL

Good morning Mr Garrison,

Please see the *attached* letter from the Director, Mr Shane Drumgold SC.

Kind regards,



**Katie Cantwell**

Executive Officer  
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399 (Reception)

E: [REDACTED]@act.gov.au

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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-----  
From: Erin Priestly <[REDACTED]>  
Date: Tue, Mar 7, 2023 at 5:05 PM  
To: Drumgold, Shane <[REDACTED]@act.gov.au>

Thanks Shane.

Erin

On 7 Mar 2023, at 4:57 pm, Drumgold, Shane <[REDACTED]@act.gov.au> wrote:

**OFFICIAL: Sensitive - Legal Privilege**

Hi Erin

Attached is the letter I email I wrote to request legal representation

<image001.png> **Shane Drumgold SC**

Director  
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) [REDACTED] (Direct line)

T: (02) [REDACTED] (Executive Officer Katie Cantwell)

M: [REDACTED]

E: [REDACTED]@act.gov.au

E: [REDACTED]@act.gov.au (EO)

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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<image002.png>

**From:** Drumgold, Shane  
**Sent:** Tuesday, 21 February 2023 11:12 AM  
**To:** ACTGS Legal Assistance Coordination  
<REDACTED@act.gov.au>  
**Subject:** FW: Legal representation before Board of Inquiry

**OFFICIAL: Sensitive - Legal Privilege**

Dear ACTGS

I make application for provisions for legal assistance in engaging in the attached subpoena, in addition to my pending further engagement which I am advised will included appearing as a witness in the Inquiry.

Given the tight time frames involved, I seek an early determination of this application to enable sourcing of appropriately experienced counsel.

<image001.png> **Shane Drumgold SC**

Director  
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) REDACTED (Direct line)

T: (02) REDACTED (Executive Officer Katie Cantwell)

M: REDACTED

E: REDACTED@act.gov.au

E: REDACTED@act.gov.au (EO)

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4.3

Please consider the environment before printing this e-mail

<image002.png>

<image001.png>

**Katie Cantwell**

Executive Officer  
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399 (Reception)

E: **REDACTED**@act.gov.au

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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<Subpoena.pdf>

Subpoena Number: 2023 / 11

Section 26(1)(a) of the *Inquiries Act 1991*

## SUBPOENA TO GIVE EVIDENCE

To: Mr Neville Shane Drumgold SC

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

Pursuant to section 26(1)(a) of the *Inquiries Act 1991*, I, WALTER SOFRONOFF KC, Chairperson of the Board of Inquiry established by the Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023 (NI2023-49)<sup>1</sup> dated 1 February 2023 require you to give evidence in accordance with the schedule to this subpoena.

**Failure to comply with this subpoena without lawful excuse is a Contempt of Board and you may be dealt with accordingly.**

Date: 21 February 2023



---

Walter Sofronoff KC  
**Chairperson**  
Board of Inquiry

---

<sup>1</sup> The terms of reference of the Board of Inquiry, contained in NI2023-49 dated 1 February 2023 are set out as Annexure A to this subpoena.

## Schedule

Date, time and place where you must attend to give evidence —

**Date:** Monday 27 February 2023

**Time:** 10:00am

**Place:** Nara Centre, 3 Constitution Avenue Canberra ACT 2601

## Notes

### Informal service

1. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have actual knowledge of the subpoena and its requirements.

### Where the addressee is a corporation or agency

2. If this subpoena is addressed to a corporation or agency, the corporation or agency must comply with the subpoena by its appropriate person or proper officer.

### Attendance to give evidence

3. Queries regarding your attendance to give evidence should be directed in the first instance to [BOI.Notices@inquiry.act.gov.au](mailto:BOI.Notices@inquiry.act.gov.au).

### Contempt of Board of Inquiry

4. A person commits an offence if the person does something in the face, or within the hearing, of a board that would be contempt of court if the board were a court of record (see *Inquiries Act 1991*, section 36 (**Contempt of Board**)).
5. Failure to comply with a subpoena without lawful excuse is a Contempt of Board and may be dealt with accordingly.
6. Failure to comply with a subpoena may also be a criminal offence (see *Criminal Code*, section 719 (Failing to attend) and section 720 (Failing to produce document or other thing)).

### Protections

7. Where a person is required to produce a document (or other thing) or answer a question to the Board of Inquiry, that person is not able to rely on the common law privileges against self-incrimination and exposure to the imposition of a civil penalty to refuse to produce the document or other thing or answer the question (see *Inquiries Act 1991*, section 19 (Privileges against self-incrimination and exposure to civil penalty)).
8. However, anything obtained because of the producing of the document or other thing, or the answering of the question, is not admissible in evidence against that person in a civil or criminal proceeding, except for an offence relating to the falsity or misleading nature of the document or other thing or answer, and for an offence against chapter 7 of the *Criminal Code* (see *Inquiries Act 1991*, section 19 (Privileges against self-incrimination and exposure to civil penalty)).

ANNEXURE A  
Terms of Reference

1. The Board will inquire into:
  - (a) Whether any police officers failed to act in accordance with their duties or acted in breach of their duties:
    - (i) in their conduct of the investigation of the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann;
    - (ii) in their dealings with the Director of Public Prosecutions in relation to his duty to decide whether to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann in relation to those allegations;
    - (iii) in their dealings with the legal representatives for Mr Lehrmann before, during or after the trial in the matter of *R v Lehrmann*;
    - (iv) in their provision of information to any persons in relation to the matter of *R v Lehrmann*.
  - (b) If any police officers so acted, their reasons and motives for their actions.
  - (c) Whether the Director of Public Prosecutions failed to act in accordance with his duties or acted in breach of his duties in making his decisions to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann.
  - (d) If the Director of Public Prosecutions so acted, his reasons and motives for his actions.
  - (e) The circumstances around, and decisions which led to the public release of the ACT Director of Public Prosecutions' letter to the Chief Police Officer of ACT Policing dated 1 November 2022.
  - (f) Whether the Victims of Crime Commissioner acted in accordance with the relevant statutory framework in terms of support provided to the complainant in the matter of *R v Lehrmann*.
  - (g) Any matter reasonably incidental to any of the above matters.
2. The Board will report to the Chief Minister by 30 June 2023.

**From:** [Erin Priestly](#)  
**To:** [Priestly, Erin](#)  
**Subject:** Fwd: Access to emails and CASES  
**Date:** Tuesday, 4 April 2023 3:41:45 PM

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

### Forwarded Conversation

**Subject: Access to emails and CASES**

-----  
From: Erin Priestly <[REDACTED]>  
Date: Wed, Mar 29, 2023 at 3:27 PM  
To: Shane Drumgold <[REDACTED]@act.gov.au>

Hi Shane

I am preparing my written statement for the BOI. It is due Friday week. Would I be able to grab a laptop and be granted temporary access to the DPP system to access file note and emails?

I can pick it up on Monday, if that suits.

Thanks  
Erin

-----  
From: Tang, Cam <[REDACTED]@act.gov.au>  
Date: Thu, Mar 30, 2023 at 2:02 PM  
To: Drumgold, Shane <[REDACTED]@act.gov.au>, [REDACTED]  
[REDACTED]

Hi Erin,

Your laptop and access are good to go. I have left the laptop at reception for you.

Cam

-----Original Message-----

From: Drumgold, Shane <[REDACTED]@act.gov.au>  
Sent: Wednesday, 29 March 2023 3:35 PM  
To: Tang, Cam <[REDACTED]@act.gov.au>  
Subject: FW: Access to emails and CASES

OFFICIAL: Sensitive

Hi Cam

Can we please activate Erin Priestley's email and provide her with a laptop for roam access for the purpose of preparing a statement.



Shane Drumgold SC  
Director  
Office of the Director of Public Prosecutions (ACT) GPO Box 595, Canberra ACT 2601  
(DX 5725)  
T: (02) REDACTED (Direct line)  
T: (02) REDACTED (Executive Officer Katie Cantwell)  
M: REDACTED  
E: REDACTED@act.gov.au  
E: REDACTED@act.gov.au (EO)  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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-----Original Message-----

From: Erin Priestly <REDACTED>  
Sent: Wednesday, 29 March 2023 3:28 PM  
To: Drumgold, Shane <REDACTED@act.gov.au>  
Subject: Access to emails and CASES

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-----

-----  
From: Erin Priestly <REDACTED>  
Date: Mon, Apr 3, 2023 at 1:46 PM  
To: Tang, Cam <REDACTED@act.gov.au>

Thanks Cam. Do I need to call up shared services to reactivate the account? The password they gave me last time doesn't seem to be working.

Erin Priestly

> On 30 Mar 2023, at 2:02 pm, Tang, Cam <REDACTED@act.gov.au> wrote:  
>  
> Hi Erin,

-----  
From: Erin Priestly <[REDACTED]>  
Date: Mon, Apr 3, 2023 at 1:48 PM  
To: Tang, Cam <[REDACTED]@act.gov.au>

Please disregard - it was an internet issue!

Erin Priestly

> On 3 Apr 2023, at 1:46 pm, Erin Priestly <[REDACTED]> wrote:  
>  
> Thanks Cam. Do I need to call up shared services to reactivate the account? The password they gave me last time doesn't seem to be working.

-----  
From: Tang, Cam <[REDACTED]@act.gov.au>  
Date: Mon, Apr 3, 2023 at 1:48 PM  
To: Erin Priestly <[REDACTED]>

No worries I'll cancel the request

-----Original Message-----  
From: Erin Priestly <[REDACTED]>  
Sent: Monday, 3 April 2023 1:48 PM  
To: Tang, Cam <[REDACTED]@act.gov.au>  
Subject: Re: Access to emails and CASES

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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>> privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

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>> --