

Form 6.11 **Affidavit—general***Court Procedures Rules 2006*

(see r 6710 (Affidavit-form))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No. SCC 264 of 2021

DIRECTOR OF PUBLIC PROSECUTIONS

Applicant

and

BRUCE EMERY LEHRMANN



Respondent

On 13 September 2022, I Mitchell Greig of Ground Floor, Reserve Bank Building, 20-22 London Circuit, Canberra City in the Australian Capital Territory, solemnly affirm—

1. I am a Legal Practitioner employed in the Office of the Director of Public Prosecutions in the Australian Capital Territory. Under his direction I have the conduct of this matter.
2. On Wednesday 7 September 2022, Rachel Fisher, Lawyer for the Accused, filed an Application in Proceeding for this matter.
3. The document listed at order 1b) of the Application in Proceedings, called the "*Investigative Review Document*" is one of two documents provided by the Australian Federal Police to the Director of Public Prosecutions on 21 June 2021, for the purpose of seeking legal advice.



Filed for the Director of Public Prosecutions
Ground Floor, Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601
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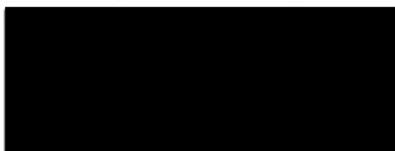
Reference: 202113941
Telephone: 
Facsimile: 

4. These documents fall within the definition of “Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing” listed in schedule 1 of the Disclosure Declaration at ‘**RF1**’ and ‘**RF2**’ of the Affidavit of Rachel Elizabeth Fisher affirmed on 8 September 2022 and read in this application in proceedings on 8 September 2022, in which legal professional privilege is claimed.
5. Although these documents were listed at page 18 of the first disclosure declaration at ‘**RF1**’, suggesting it was not subject to a claim of legal professional privilege, it simultaneously fell within the definition of “Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing” listed in schedule 1. It was subsequently removed from the list of items not subject to a claim of privilege in the second disclosure document at ‘**RF2**’.
6. I am informed and verily believe that it was inserted in the first disclosure declaration individually as not being subject to a claim of privilege in error, which was remedied in the second disclosure document.
7. I am informed and verily believe that the document referred to as “Investigative Review Document” appropriately falls within the definition of “Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing” listed in schedule 1 of the Disclosure Declaration at ‘**RF1**’ and ‘**RF2**’ of the Affidavit of Rachel Elizabeth Fisher affirmed on 8 September 2022 and read in this application in proceedings on 8 September 2022, in which legal professional privilege is claimed.



8. Regarding the material listed at order 1c) of the Application in Proceedings, *"All material relating to any investigation undertaken by the Australian Federal Police between 23 March 2019 and 31 March 2019 in relation to a security breach and the subsequent cleaning of the Ministerial Suite as a result of the after-hours attendance of the Accused and the complainant on 23 March 2019."* There is not material meeting this description.

Affirmed by Mitchell Greig



At Canberra City, ACT, in the presence of:



Julia McLean of Ground Floor, Reserve Bank Building, 20-22 London Circuit, Canberra City in the Australian Capital Territory.

Legal Practitioner