

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE**Disclosure**

Matter of: Bruce Emery Lehrmann

Charge No(s): 2021/8143

For indictable or summary offence(s) of: Sexual Intercourse without Consent

The following persons did not provide statements but may be able to give relevant evidence:

Name	Nature of Evidence – Reason why no statement
Detective Inspector Matthew [REDACTED]	Police Witness - D/Ins [REDACTED] conducted an investigation in 2019 into the security breach and subsequent cleaning of the Ministerial Suite at Australian Parliament House as a result of Ms Higgins and Mr Lehrmann's after-hours attendance. The investigation did not relate to an allegation of sexual assault.
Sergeant Kristen [REDACTED]	Police Witness – FA/ [REDACTED] was present during a meeting between D/Ins [REDACTED] Supt [REDACTED] and Peter [REDACTED] in 2019 in relation to the security breach and subsequent cleaning of the Ministerial Suite at Australian Parliament House as a result of Ms Higgins and Mr Lehrmann's after-hours attendance. The investigation did not relate to an allegation of sexual assault. Peter [REDACTED] has provided a statement to Police.
Sergeant Paul [REDACTED]	[REDACTED] [REDACTED] present during the meeting between DC/ Leanne [REDACTED] Minister Linda Reynolds and Fiona Brown in April 2019, for all of whom statements have been provided.
Superintendent Greg [REDACTED]	Police Witness – Supt [REDACTED] was the Security Controller at APH at the time of the alleged incident. Supt [REDACTED] did not undertake investigation and referred the AFP security response to members listed above.
Detective Inspector Matthew [REDACTED]	Police Witness – D/Ins [REDACTED] was the officer in charge of the ACT Policing SACAT team. D/Ins [REDACTED] liaised with APH in relation to the [REDACTED]
Senior Constable Lysa [REDACTED]	Police Witness - SC/ [REDACTED] collected receipts from The Dock, Kingston and provided them to the investigation team. SC/ [REDACTED] had no other involvement.
Constable Ashleigh [REDACTED]	Police Witness - C/ [REDACTED] collected records from the [REDACTED] and provided them to the investigation team. C/ [REDACTED] had no other involvement.

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Leading Senior Constable Mark [REDACTED]	Police Witness - LSC/ [REDACTED] attended the residential building of Ms Higgins and Mr Sharaz in the company of SC/ Emma Frizzell during which time a number of evidentiary items were seized. LSC/ [REDACTED] has no further evidence to offer and the interactions are contained within SC Frizzell's Police statement.
Constable Matthew [REDACTED]	Police Witness - C/ [REDACTED] was performing front office duties at the time Ms Higgins attended the Belconnen Police Station. D/Sgt [REDACTED] was notified and has provided a statement re: the interaction.
Senior Constable Lauren Gilliland	Police Witness - SC/ Gilliland was performing the role of Criminal Investigation Reception Officer (CIRO). D/Sgt [REDACTED] contacted the CIRO and provided a briefing based on her meeting with Ms Higgins. SC/ Gilliland referred D/Sgt [REDACTED] to the Sexual Assault and Child Abuse Team.
Detective Sergeant Robert Rose	Police Witness - D/Sgt Rose oversaw the investigation team from June 2021.
Detective Sergeant David Fleming	Police Witness - D/Sgt Fleming oversaw the investigation team from October 2021.
Detective Inspector Callum Hughes	Police Witness - D/Ins Hughes oversaw the investigation team from November 2021.
[REDACTED]	Civilian Witness - [REDACTED] compiled a stream lined video of CCTV collected within the investigation. The product created has been provided.
[REDACTED]	Civilian Witness - [REDACTED] was present at The Dock, Kingston. He can provide evidence in relation to [REDACTED] arranging after-hours drinks and that he invited Ms Higgins.
[REDACTED]	Civilian Witness - Ms Higgins is said to have disclosed the alleged incident to her mother while in the company of [REDACTED]. [REDACTED] denies knowledge of the conversation.
[REDACTED]	
[REDACTED]	Civilian Witness - [REDACTED] is the producer of The Project. [REDACTED] corresponded with Ms Higgins in regards to the administrative arrangements of her interview conducted by Lisa Wilkinson on The Project. [REDACTED] has not been engaged by Police to determine the extent of his involvement.
Lisa Wilkinson	Civilian Witness - Ms Wilkinson conducted a recorded interview with Ms Higgins whereby disclosures were made. It is likely that conversations were had beforehand in the context of Ms Higgins disclosing her version of events. The recorded interview and transcripts are contained within the brief of evidence. Ms

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	Wilkinson has not been engaged by Police to determine the extent of her involvement.
Samantha Maiden	Civilian Witness – Ms Maiden is a journalist for news.com.au who reported frequently on the allegations within the media. Ms Higgins advised Police that she had engaged with Ms Maiden since 2019. This included making disclosures to her, and maintaining contact throughout the media coverage during which Ms Maiden reportedly was disclosing to Ms Higgins information that she was privy to, prior to reporting on it. Ms Higgins noted herself that she has difficulty recalling if the information she has been told is her own memory or rather information provided to her. Ms Maiden has not been engaged by Police to determine the extent of her involvement.
██████████	Civilian Witness – ██████████ is the ex-partner of Mr Lehrmann, who at the time of the alleged incident was in a relationship and residing with Mr Lehrmann. ██████████ has had two conversations with Police which are outlined in the statements of SC Frizzell and D/Sgt McDevitt. ██████████ declined to provide a statement.
██████████	Civilian Witness – ██████████ was the girlfriend of Mr Lehrmann at the time he allegedly became aware of Ms Higgins allegations against him. ██████████ had a telephone conversation with SC/ Frizzell whereby she reported to have had lengthy conversations with Mr Lehrmann about the allegations however declined to provide statement. ██████████ noted the conversation with Mr Lehrmann would be favourable in nature to him.
██████████	Civilian Witness – ██████████ was the housemate of Ms Higgins after the incident during which time she made a disclosure. SC/ Frizzell provides context within her Police statement. ██████████ declined to provide a statement.
██████████	Civilian Witness – ██████████ is the mother of Mr Lehrmann. It has been reported to Police that any disclosures to ██████████ have been minimal in an attempt to shield her.
Various staff members	Civilian Witness – Staff have supported Ms Higgins in the course of their duties. Notes were made and have not been provided within the brief however appear under Schedule 3 of the disclosure certificate.
██████████	Civilian Witness – ██████████ provided a counselling service to Ms Higgins. ██████████ records have been obtained and have not been provided within the brief however appear under Schedule 3 of the disclosure certificate.
Receptionist	Civilian Witness – Provided SC/ Frizzell the medical records of Ms Higgins.
██████████ and ██████████	Civilian Witness – Medical staff who have treated Ms Higgins. All relevant information is contained within the medical records provided.

- There are no known Co-Defendant/s or Co-Young Person/s
 The following details are provided of Co-Defendant/s or Co-Young Person/s

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(Tick appropriate box)

Name	Date of Birth	Charge No(s)	Next in Court	Other disposition (Court status/Court outcome)

Guideline issued under section**12(1)(a) Director of Public Prosecutions Act 1990 (ACT)****Guideline**

This guideline is effective 1 July 2020, issued under section 12(1)(a) of the *Director of Public Prosecutions Act 1990* and applies to all prosecutions in the Australian Capital Territory.

On 13 April 2015, pursuant to section 12(3) of the *Director of Public Prosecutions Act 1990*, the Office of the Director of Public Prosecutions ('DPP') issued 'The Prosecution Policy of the Australian Capital Territory' ('Prosecution Policy').

Paragraph 4 of the Prosecution Policy outlines the DPP disclosure policy. Paragraph 4 is provided below.

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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 the witness's 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*

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- *for the purpose of preventing an accused from creating a forensic disadvantage for himself or herself, 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 that witness's 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.*

The DPP requires the following acknowledgment and certification attached to the service of each brief of evidence received by the DPP.

Acknowledgment

I am aware that as a law enforcement officer investigating an alleged indictable or summary offence, I have a duty to disclose to the DPP all relevant material if the DPP is involved in the prosecution of the offence.

I understand **relevant material** to be all relevant information, documents or other evidence obtained during the investigation that falls within section 4 of the Prosecution Policy.

I am aware that my duty to disclose continues until the DPP decides that the accused person will not be prosecuted for the alleged offence(s), the accused person is found guilty or acquitted, or the prosecution is terminated.

I am aware that my duty to disclose as outlined above is subject to claims of privilege, public interest immunity or statutory immunity. I am aware that such claims are to be directed as follows:

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- (a) for police officers—through the Chief Police Officer, the Deputy Chief Police Officer Response or the Deputy Chief Police Officer Capability and Community Safety.
- (b) for other law enforcement officers—through the Commissioner or an Assistant Commissioner of the agency of which I am an officer.

I am aware that the duty to disclose is also subject to any statutory publication restriction.

Certification

I certify that the information I have given in Schedules 1, 2 and 3 below is true, to the best of my knowledge and belief.

Schedule 1

Schedule 1 relates to relevant protected material, being relevant material not contained in the brief of evidence that is the subject of a claim of privilege, public interest immunity or statutory immunity. I am aware that I am required to disclose to the DPP the existence and nature of all such material. I am aware that I must retain the material for as long as my duty to disclose exists and provide the material to the DPP on request. I acknowledge that if I object to the disclosure of relevant protected material to the DPP, I can request a conference with the responsible lawyer in the DPP to discuss reasons for this.

Schedule 2

Schedule 2 relates to relevant material not contained in the brief of evidence that is the subject of a statutory publication restriction. I am aware that I am required to disclose to the DPP the existence of any such material, and the nature of the material, however, only to the extent not prohibited by the statutory publication restriction. I am aware that I must retain the material for as long as my duty to disclose exists.

Schedule 3

Schedule 3 relates to relevant unprotected material, being relevant material not contained in the brief of evidence that is not the subject of a privilege or an immunity claim or a statutory publication restriction. Unless impracticable to do so, I have attached a copy of all such material to this certificate. If a copy of any such material has not been provided, I am aware that I must retain the material for as long as my duty to disclose exists and facilitate access to the material by the DPP.


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Undertaking

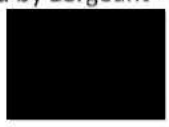
I undertake to advise the DPP in writing, as soon as practicable, if I become aware of any additional information, documents or other evidence that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Signed [officer responsible for investigation of case] 

Date: /02/2022

Name: Scott Moller

Rank [if applicable]: Detective Superintendent

Received and noted by ~~Sergeant~~ * Inspector 

Signed [Sergeant]: 

Date: 1/02/2022

Name: Callum Hughes

Rank [if applicable]: Detective Inspector

*If the disclosing law enforcement officer is a police officer, this form must be signed by a police officer who holds a rank in the ACT Policing of Sergeant. If the disclosing law enforcement officer is an officer of another agency, this form must be signed by the Commissioner or an Assistant Commissioner of that agency.

Schedule 1: relevant protected material that is subject of claim of privilege or immunity

Certification*	Yes	No
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There is relevant protected material, not contained in the brief of evidence that is the subject of a claim of privilege, public interest immunity or statutory immunity. That material is described in the Schedule below.

Description of item	Privilege/immunity sought**
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Section 3LA and Section 3E Crimes Act 1914 affidavits for warrants to search premises and person	PII
Legislative restriction	
Information Reports – intelligence holdings	PII
Investigators diary notes surrounding Police methodology	PII
Investigation files (Not already included in brief) in relation to PROMIS 6381473 surrounding Police methodology	PII
Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing	LPP
Investigators diary notes surrounding meeting/s with DPP	LPP

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Schedule 2: relevant material that is subject of statutory publication restriction

Certification*

Yes

No

There is relevant material, not contained in the brief of evidence that is the subject of a statutory publication restriction and the existence of which I can disclose without contravening the statutory publication restriction. That material is described in the Schedule below. *[Describe the material only to the extent not prohibited by the statutory publication restriction]*

Description of item

Evidence in Chief Interview with Ms Higgins on 24/02/2021	A transcript of the Evidence in Chief Interviews has been provided within the brief of evidence. To have access to an audio visual recording, Section 54 of the Evidence (Miscellaneous Provisions) Act 1991 requires written notice be given to the Superintendent of Judicial Operation, ACT Policing.
Evidence in Chief Interview with Ms Higgins on 26/05/2021	
██████████ – Client notes.	The client notes created by staff members of the ██████████ in relation to their engagement with Ms Higgins performing the role of a counselling service. This information is not contained within the brief and would be subject of Court orders to produce.
██████████ – Cover letter, counselling records and clinical notes.	The client notes created by ██████████ of the ██████████ Counselling in relation to her engagement with Ms Higgins performing the role of a counselling service. This information is not contained within the brief and would be subject of Court orders to produce.

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Schedule 3: relevant unprotected material that is not subject to claim of privilege or immunity or statutory publication restriction

Certification* Yes No

There is relevant unprotected material, not contained in the brief of evidence that is not the subject of a claim of privilege or immunity or a statutory publication restriction. That material is described in the Schedule below.

Description of item**

Description of item	Comment
Internal AFP	
Diary notes of investigating members (Not already included in brief).	Redacted in respect of personal information and unrelated matters. Outside of redactions, the notes, not subject to PII claim relate to administrative functions. Available if requested.
[REDACTED]	
Diary notes of Detective Inspector Matthew [REDACTED]	[REDACTED]
Diary notes of Superintendent Greg [REDACTED]	

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	matter, outlined in their statements. The notes can be made available if requested.
Email correspondence between Detective Inspector Matthew [REDACTED] and APH staff member [REDACTED]	[REDACTED]
Administrative documents between investigation Police members and the ACT Policing Video Operations Team.	[REDACTED]
Internal request and response from AFP Forensic FaceFit team	Investigators provided Forensics with a still image from The Dock CCTV of the male Ms Higgins identified as her [REDACTED] in an attempt to identify the person. [REDACTED]
Administrative documents and results in relation to the request and response of external enquiries in relation to both Mr Lehrmann and Ms Higgins.	[REDACTED] information does not provide evidence which proves or disproves the offences. Relevant material has been included within the brief provided. The information can be made available if requested.
AFP Digital Record of Interview System records showing continuity of the audio/visual recorded files and logs.	This information does not provide any evidence which proves or disproves the offences and would only be relevant to show continuity of the storage of interviews and property. Available if requested.
Property logs within Police Real-Time Online Management Information System (PROMIS).	
PROMIS 6381473 investigation files.	This information does not provide any evidence which proves or disproves the offence. Available if requested upon consultation with AFP Legal team on a case by case basis.
Pro-forma of Evidence in Chief Interview.	This information does not provide any evidence which proves or disproves the offence. Available if requested.
Pro-forma of Record of Interview.	
[REDACTED]	[REDACTED]
Request for subscriber information – Microsoft	The results of this request have been submitted into the brief and relate to an email received by Mr Lehrmann in January 2021 as provided to Police.

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Unused material	
Administrative correspondence between Police and Ms Higgins.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Contents of USB provided by Ms Higgins: Resignation letter, CoS pre-estimates VM-Oct 19, [REDACTED] voicemail, Fiona Brown voicemail, Initial [REDACTED] contact – Post April, M Cash voicemail – Pre estimates Oct 19, Sarah Harman initial voicemail, Uber receipt 2, Uber receipt.	Ms Higgins' provided a USB of which relevant holdings were contained within the brief of evidence. Remaining content available upon request.
Administrative correspondence between Police and [REDACTED]	The correspondence relates to initial contact with Police and the provision of screenshot images which are contained within the brief and can be found as 'images' accompanying statement of SC/ Frizzell. Available if requested.
Administrative correspondence between D/Ins Boorman and high office holders.	D/Ins Boorman was the conduit between ACT Policing and high office holders in facilitating a number of appointments, as well as evidentiary items such as documentation and collection of said documentation, all of which have been provided within the brief and noted within his Police statement. The correspondence does not provide any evidence which proves or disproves the offences. Available if requested.
Email correspondence between Police and Uber enquiring and making arrangements as to the service of 3E Crimes Act 1914 search warrant.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Email correspondence between Police and local taxi companies seeking trip records between 22 and 23 March 2019.	Ms Higgins provided evidence to Police that she and Mr Lehrmann travelled to the Australian Parliament House via a taxi as well as not recalling how she travelled from Kingston to the Canberra City. Mr Lehrmann advised Police he and Ms Higgins caught an Uber ride service. Enquiries were conducted with local taxi companies which yielded no results. No taxi services were utilised. Available if requested.
Administrative correspondence between Police and the [REDACTED]	The correspondence relates to the request of client notes created by [REDACTED] in relation to their engagement with Ms Higgins. This information does not provide any evidence which proves or disproves the offences. Available if requested.

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Administrative correspondence between Police and [REDACTED] requesting client notes in relation to Ms Higgins.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
PBS Patient Summary 01/01/2019-09/04/21 – Ms Higgins	[REDACTED] Enquiries were conducted in relation to attempting to identify a medical practice Ms Higgins alleged she attended shortly following the incident. Available if requested.
PBS Patient Summary and Medicare records 01/01/2021-28/03/2021 – Mr Lehrmann	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Centrelink records – Mr Lehrmann	This information does not provide any evidence which proves or disproves the offences. Available if requested.
CCTV – The Dock.	Original CCTV as provided to Police. All CCTV depicting Ms Higgins and Mr Lehrmann has been compiled into one stream-lined video and provided within the brief. The original CCTV is available if requested.
CCTV - Australian Parliament House.	[REDACTED]
[REDACTED]	[REDACTED]
Cellebrite report of Ms Higgins mobile phone devices without redactions.	Redacted information pertains to personal details of identified contacts.

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Full Cellebrite report of Ms Higgins mobile phone devices.	The Cellebrite report of Ms Higgins mobile device totals tens of thousands of pages. Police have reviewed all material and provided information of relevance to the matter before the Court. Available if requested.
Full report of Ms Higgins iCloud and Google Drive cloud based data.	Police have reviewed all material and provided information of relevance to the matter before the Court. Available if requested, noting the material will require lengthy redactions of personal information outside of that to be relevant to the matter before Court.
Self prepared statement of [REDACTED]	[REDACTED] contacted Police providing information he thought may have been useful to the investigation in regards to Mr Lehrmann and previous sexual partners. Upon review, it is evident the information in relation to the alleged sexual conduct of Mr Lehrmann does not prove or disprove the current matter before the Court, nor did [REDACTED] hold concerns that Mr Lehrmann's prior relationships were of concern. Deemed to be not relevant.
Self prepared statement of [REDACTED]	[REDACTED] contacted Police providing information that Ms Higgins disclosed the alleged sexual assault to her on 4 April 2019. The information provided by [REDACTED] was not substantiated. Further information and enquiries conducted can be provided if requested.
Material not obtained but aware of existence	
Draft of Ms Higgins memoir – Penguin Random House.	The content of Ms Higgins' memoir cannot be confirmed however is reportedly, in open source forums, a personal account of her story in relation to APH and creating a women's movement.

Copy attached?***

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**Tick either yes or no in relation to the statement*

***Describe the nature of the privilege or immunity claim in relation to each item*

****Is a copy attached*

Request for meeting with DPP lawyer*

Yes

No

I object to the disclosure of relevant protected material and request a conference with the responsible solicitor in the Office of the Director of Public Prosecutions.

**Tick either yes or no in relation to the statement*

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