

**PROTECTED****ACT Policing**

Date in: 9/06/2021	CMS: 2021/2018
Importance	PRIORITY

Subject	Seeking direction re Operation COVINA		
To	DCPO - R	Functional Area	ACT Policing
For	decision	Action Officer	Detective Superintendent Scott Moller
	By ASAP		
Through		Comments to EA	
CC			

Final Approval	
Name: Michael Chew Position: DCPO - R	Signature:
Date:	
Comments:	

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Comments:		
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Sensitive: Legal

Executive Briefing

Addressee DCPO - R

Title Seeking direction in relation to Operation COVINA - alleged sexual intercourse without consent, Australian Parliament House 23rd March 2019.

Action required:

For information and decision

Deadline:

ASAP

Reasons for proposed actions:

Please find attached at annexure B & C a summary report and time line of disclosures made in relation to Operation COVINA. Operation COVINA is a current investigation being conducted by ACTP Criminal Investigations in response to an allegation of Sexual Intercourse without Consent, contrary to section 54 (1) *Crimes Act 1900* made by Ms Brittany Higgins (Ms Higgins).

54 (1) - Sexual Intercourse without Consent

A person who engages in sexual intercourse with another person without the consent of that other person and who is reckless as to whether that other person consents to the sexual intercourse is guilty of an offence punishable, on conviction, by imprisonment for 12 years.

The investigation to date has identified a number of potential evidentiary and psychological issues that may affect any future prosecution. The complete brief of evidence is stored electronically and can be reviewed by accessing file path:

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Throughout the investigation Ms Higgins has been evasive, uncooperative and manipulative including:

- Since the reactivation of the investigation police have requested on numerous occasions for Ms Higgins to provide the mobile phone she was utilising at the time of the incident for examination. She repeatedly refused to provide this phone however she has since provided her current phone for examination not the phone she utilised at the time of the alleged incident.
- Investigators identified phone messages which indicate Ms Higgins deliberately deleted content from her phone prior to providing it to police Personal information
- Personal information This message precedes the sending of an audio file by Ms Higgins to Mr Sharaz.
- Ms Higgins made a number of disclosures publicly, and to Op COVINA Investigators over an extended period that she had sought medical attention, including visiting

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Doctors and receiving the morning after pill following the alleged incident. In spite of extensive inquiries, no records have been identified for Ms Higgins receiving any medical assistance after the incident.

- On 26th May 2021, an EIC was conducted between investigators and Ms Higgins where investigators sought to clarify the nature of the medical care Ms Higgins received after the alleged incident. During this clarification, Ms Higgins admitted that she had not in fact sought medical attention for the alleged sexual assault and had lied to placate [REDACTED] whom she was seeing at the time.
- Investigators identified a message exchange on Ms Higgins phone approximately one month prior to the alleged incident in March 2019 whereby she discussed inappropriate behaviour by staffers at Parliament House. During this exchange Ms Higgins agreed with her then partner about the need for an impressive political sex scandal. She said [REDACTED] Personal information [REDACTED] Personal information [REDACTED]
- Investigators also identified a message exchange on Ms Higgins phone whereby she states [REDACTED] Personal information [REDACTED] Personal information [REDACTED]
- Investigators also identified in the Notes section, what seems to be a diary entry or mantra [REDACTED] Personal information [REDACTED] Personal information [REDACTED]
- Investigators have identified that Ms Higgins has a history of anxiety and depression and when reviewing Ms Higgins phone found in the search history, [REDACTED] Personal information [REDACTED] Personal information [REDACTED]

Ms Higgins creditability is the cornerstone of the prosecution case and given the above articulated issues and that there is limited corroborative evidence of sexual intercourse taking place or consent being withdrawn or not provided investigators have serious concerns in relation to the strength and reliability of her evidence but also more importantly her mental health and how any future prosecution may affect her wellbeing.

ACTP CI are committed to a victim-centred approach which investigators adopt towards sexual assault victims and encourages positive steps be taken to maximise opportunities for victims to recover. A victim's right to recovery is respected and takes priority. With this in mind and appreciating the mental health concerns identified during the investigation I believe Ms Higgins is at risk of self-harm should this matter progress to prosecution, however Ms Higgins has stressed that she is committed to this investigation no matter what the outcome.

Resource implications:

- The analysis of 32,736 phone messages and 173,531 media files contained on the mobile telephone Ms Higgins handed to police is ongoing.
- Eleven further statements locally and interstate are to be obtained, however are not crucial to the brief of evidence.

Consultation:

Op Covina investigation team
ACT DPP

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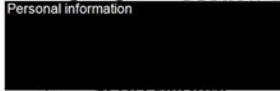
Expected Reaction:

Positive.

Recommendation:

1. For decision/direction re progression of Op Covina.
2. Attached (Annexure A) media plan/options for your decision/direction.
3. Should you believe the attached brief of evidence meets the threshold as set out in Section 26 of the *Magistrate Courts Act 1930* please forward to ACT DPP for their

Personal information



SCOTT WILSON
Detective Superintendent
SIO Operation COVINA





AFP
AUSTRALIAN FEDERAL POLICE

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Investigation into alleged sexual assault at Parliament House

Media Options

POLICING FOR A SAFER AUSTRALIA

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Background

In February 2021, Ms Brittany Higgins conducted an interview with *The Project* detailing allegations of a sexual assault that occurred at Parliament House in March 2019 (first reported to ACT Policing in April 2019). In the 24 hours following the airing of her interview, ACT Policing estimates there were more than 150 online stories about the matter. This count does not include television reporting.

Since that time, ACT Policing and the AFP have continued to receive enquiries from more than 20 media organisations seeking updates to the investigation. In line with usual practices, ACT Policing Media and Public Engagement has not provided any further detail; however, several senior executives have provided commentary about the investigation progress and detectives working on the matter. Chief Police Officer (CPO) Neil Gaughan has been asked for updates on several occasions during his regular ABC interview (**Attachment A**) and the AFP Commissioner Reece Kershaw has addressed questions during Senate Estimates. On Tuesday, 25 May Commissioner Kershaw told a Senate Estimates Committee that the brief of evidence would be going to the ACT Director of Public Prosecutions (DPP) 'in the next few weeks'.

This investigation is the most high-profile investigation conducted by ACT Policing in recent years, and media reporting on sexual assault continues to increase due to governments considering new laws and policies to better support victims. The public and media interest in this sexual assault investigation is unprecedented, and ACT Policing could consider speaking with other jurisdictions about their media approach for similar politically charged cases.

Outcome 1 – DPP supports criminal prosecution

Option A – Issue Media Release

On Wednesday, 7 April, CPO Gaughan advised ABC radio host Adam Shirley ACT Policing would inform the community of any updates to the investigation via a press release (**Attachment A**, page 3).

If this option is selected, the following recommendations should be considered:

- The media release provides statements only with no quotes attributable to any police officer.
- The media release be longer than other media releases about sexual assault matters going before the courts to ensure ACT Policing addresses media interest and provides supportive commentary to encourage other victims to come forward to report offences.
 - (The NSW Police press release issued in response to Christian Porter is a useful example – **Attachment B**).
- The media release is issued early in the day to allow for appropriate monitoring of comments on social media and management of media enquiries. The social media team can adjust the roster to allow someone to monitor comments up to 9pm that night. The social media team will also have some content ready to post for people being disrespectful in the comment section or potentially impacting a fair trial.

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Potential benefits of issuing a media release	Potential concerns of issuing a media release
Media reporting will be limited to the pre-approved statement issued by ACT Policing - approved by ACT Policing, DPP and AFP.	Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive. This could perpetuate feelings that police officers do not take investigations of sexual assault seriously and do not provide appropriate support to victims.
ACT Policing can control the narrative by providing commentary about its victims-based approach to investigation sexual assault allegations, which due to other limited content available for the story, may increase reporting of these statements.	At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story
ACT Policing can ensure there are no unscripted statements made by its spokespeople. This reduces the possibility of ACT Policing's public statements being raised during the court process in relation to the prospect of a fair trial for the alleged offender due to extensive media reporting.	The AFP Commissioner may be asked questions at his next appearance at Senate Estimates. The CPO could similarly be asked questions in ACT Government hearings.
If parts of the investigation or case receive negative attention during the court hearing process, ACT Policing has not provided vision and imagery which will be linked to media reporting.	For significant sexual assaults, ACT Policing has organised press conferences for interested media organisations. This is arguably, the most high-profile investigation ACT Policing has undertaken in recent years and many of the circumstances meet the threshold that would normally apply to making a spokesperson available.
Questions about the investigation during Senate Estimates have often come from unscripted interviews. Only issuing a media release limits misinterpretation of any commentary which could be raised during future Senate Estimates	ACT Policing does not open dialogue with other victims of sexual assault to see the police support that could be available should they choose to report.
If questions continue to be received by journalists during the court hearing process, they can be referred to the online media release.	If there is negative attention on detectives investigating the matter, ACT Policing will not have had the opportunity to come out in front with its position on how the investigation was managed. Our commentary will be reactive when the court matter is finished, which may be some months, leaving a potential vacuum of information.

Mitigating strategies required

Potential concerns of issuing a media release	Mitigating strategy
Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive. This could perpetuate feelings that police officers do not take investigations of sexual assault seriously	Ensure a lengthy media release is issued. NSW Police issued an extensive media release in response to the Christian Porter investigation. If media aren't being given an opportunity to ask questions, the media material needs to be

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Potential concerns of issuing a media release and do not provide appropriate support to victims.	Mitigating strategy
At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story	more extensive to cover as many questions as possible that could be raised. Refuse to answer any questions as the matter is before court. The presenter will likely try to ask a question regardless if we advise we are not responding. Any public comment should only be "I am not making any comment as the matter is before the courts."
The AFP Commissioner may be asked questions at his next appearance at Senate Estimates.	Any public comment should only be "I am not making any comment as the matter is before the courts."
For significant sexual assaults, ACT Policing has organised press conferences for interested media organisations. This is arguably, the most high-profile investigation ACT Policing has undertaken in recent years and many of the circumstances meet the threshold that would normally apply to making a spokesperson available.	Explain that ACT Policing is taking steps to ensure it does not prevent a fair trial from occurring.
ACT Policing does not open the dialogue with other victims of sexual assault to see the police support that could be available should they choose to report.	ACT Policing to consider when it may be able to undertake an information campaign about how to report sexual assault and the investigation process. This requires support from members of the SACAT team who have indicated to date they do not wish to participate in videos for online purposes.
If there is negative attention on detectives investigating the matter, ACT Policing will not have had the opportunity to come out in front with its position on how the investigation was handled. Our commentary will be reactive when the court matter is finished, which may be some months, leaving a potential vacuum of information.	Consider additional statements in the media release which could detail ACT Policing's commitment to the investigation.

Conclusion: If this option is selected, a number of concerns require successful implementation of mitigation strategies to ensure positive reporting of ACT Policing's investigation.

Option B – Issue Media Release and conduct Press Conference

In the current media environment, politicians and organisations are often required to hold press conferences to address questions from journalists that are in the public interest. This provides an opportunity to be seen as more open and transparent, and can increase reporting of statements wishing to be made.

If this option is selected, the following recommendations should be considered:

- Exercise press conferences will need to be conducted in the lead-up to ensure all spokespersons are prepared for the number of questions from journalists.

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- Provide a media release under embargo until the time of the press conference. The media release and media advisory should be issued with at least two hours' notice.
- Conduct the press conference with multiple spokespeople. The structure should include an opening statement from the CPO (recognising the community interest in this matter, outlining policing's commitment to the investigation, the victims-led approach to investigations, explaining why investigations are not completed in timeframes the community may first expect) who then refers to Criminal Investigations Superintendent for direct comment on the investigation (detailing the investigating team, the multiple interviews conducted, the charges laid) before the CPO concludes encouraging anyone who is the victim of sexual assault to report to police.
- Conduct the press conference with the ACT Policing media banner. There has been significant confusion from journalists about the difference between the AFP and ACT Policing, it will be important to get correct attribution for the investigation.
- Conduct the press conference indoors and at an ACT Policing site (Belconnen conference room suggested due to its size which will accommodate the significant number of journalists expected to attend).
- Do not set a time limit for the conclusion of the press conference. Allow all (reasonable) questions to be made and take the time to answer them.

Potential benefits of conducting a press conference	Potential concerns of conducting a press conference
ACT Policing could be seen as supportive of Brittany Higgins and all sexual assault victims.	Spokespeople could say something to jeopardise the possibility of a fair trial.
ACT Policing could ensure it verbalises its victims-led approach to sexual assault victims to appeal to more people to come forward.	Many journalists attending the press conference will be press gallery journalists who may not have the same understanding of ACT Policing, how police investigations are conducted and court reporting procedures. This could lead to a number of questions unable to be answered during the press conference.
ACT Policing could be seen as open and transparent about the investigation that was conducted while previous statements have been limited due to the need to protect the integrity of the investigation.	There may be more questions that cannot be answered than questions that can. If the press conference is being broadcast live on social media or television this could cause embarrassment for ACT Policing, depending on the answers provided.
It provides an opportunity to gain more trust in the police action and the investigation, regardless of any outcomes during the court hearing process.	Once a press conference is held this could invite further requests for interview after the fact.
ACT Policing could address all questions that may be raised by journalists and provide responses so they understand the police investigation and its complexity.	If parts of the investigation or case receive negative attention during the court hearing process, ACT Policing has provided vision and imagery which will be linked to media reporting. The community may view ACT Policing as against fair investigations for people who are accused of sexual assault for being involved in the matter proceeding to court.

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Potential benefits of conducting a press conference	Potential concerns of conducting a press conference
It could provide an opportunity for Brittany Higgins to see the police commitment to the investigation, while she is unable to make public comment during the court process.	It could encourage Brittany Higgins to make a comment if she did not view the press conference as helpful to the court proceedings or did not portray her in the way she wishes to be seen.

Mitigating strategies required

Potential concerns of conducting a press conference	Mitigating strategies
Spokespeople could say something to jeopardise the possibility of a fair trial.	Conduct exercise press conferences and ensure strict adherence to agreed talking points which are approved a significant time in advance.
Many journalists attending the press conference will be press gallery journalists who may not have the same understanding of ACT Policing, how police investigations are conducted and court reporting procedures. This could lead to a number of questions unable to be answered during the press conference.	CPO Gaughan to act as the primary spokesperson at the press conference to limit questions about the investigation, and consider when it is most appropriate questions are address by the Criminal Investigations Superintendent.
There may be more questions that cannot be answered than questions that can. If the press conference is being broadcast live on social media or television this could cause embarrassment for ACT Policing, depending on the answers provided.	As above.
Once a press release is held this could invite further requests for interview after the fact.	Refuse to answer any further questions. Any public comment should only be "I am not making any comment as the matter is before the courts."
If parts of the investigation or case receive negative attention during the court hearing process, ACT Policing has provided vision and imagery which will be linked to media reporting. The community may view ACT Policing as against fair investigations for people who are accused of sexual assault for being involved in the matter proceeding to court.	Consider what press release could be issued at the conclusion of the appeal process if the mater proceeds to trial or not continued.
It could encourage Brittany Higgins to make a comment if she did not view the press conference as helpful to the court proceedings or did not portray her in the way she wishes to be seen.	Provide a copy of the press release and advice about the talking points before the press conference. Warn her against any media interviews while the court proceedings are underway as it may prejudice the trial.

Potential questions at a press conference

- When and where did you interview the alleged offender?
- Did he provide a statement or a 'no comment' interview?
- When did you interview Brittany Higgins?

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- Have you spoken to her more than once?
- Did she provide any other evidence other than her statement? Were there text messages between her and the alleged perpetrator?
- Why did this investigation take so long?
- How many witnesses did you speak to during the investigation?
- Can you detail which politicians provided evidence for the investigation?
- What evidence did Linda Reynolds provide for the investigation?
- What CCTV did you have available to support your investigation?
- Were there any issues in securing the CCTV and then accessing it?
- Was parliamentary privilege used to stop the collection of any evidence?
- Will there be any charges laid due to the cleaning of the crime scene?
- It was reported the alleged offender could have gone overseas in the past few months, has he left the country at all during this time or could he before his court date?
- Have you had an increase in other sexual assaults being reported since Brittany Higgins came forward?
- When and who first reported the Brittany Higgins investigation to ACT Policing?
- When did ACT Policing first tell AFP National about the investigation?
- Have any other people come forward alleging to be a victim of this man? Will more charges be laid?
- Are you investigating any other sexual assaults at Parliament House?

Conclusion: If this option is selected, a number of concerns require successful implementation of mitigation strategies to ensure positive reporting of ACT Policing's investigation.

Outcome 2 – DPP against criminal prosecution

Option A – Issue a Media Release

If this option is selected, the following recommendations should be considered:

- Encourage the DPP to also issue a statement relating to its assessment of the brief of evidence against its prosecution policy. Not all journalists reporting on this investigation are court journalists and understand how decisions are made to proceed to court.
- The media release provides statements only with no quotes attributable to any police officer.
- The media release be longer than other media releases about sexual assault matters going before the courts to ensure ACT Policing addresses media interest and provides supportive commentary to encourage other victims to come forward to report offences.
 - (The NSW Police press release issued in response to Christian Porter is a useful example – **Attachment B**).
- The media release is issued early in the day to allow for appropriate monitoring of comments on social media and management of media enquiries. The social media team can adjust the roster to allow someone to monitor comments up to 9pm that night. The social media team will also have some content ready to post for people being disrespectful in the comment section or potentially impacting a fair trial.

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Potential benefits of issuing a media release	Potential concerns of issuing a media release
Media reporting will be limited to the pre-approved statement issued by ACT Policing - approved by ACT Policing, DPP and AFP.	Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive and disingenuous. This could perpetuate feelings that police officers do not take investigations of sexual assault seriously and do not provide appropriate support to victims.
ACT Policing can control the narrative by providing commentary about its victims-based approach to investigation sexual assault allegations, which due to limited other content available for the story, may increase reporting of these statements.	At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story. This may also occur with the Canberra Times at the next quarterly meeting.
ACT Policing can ensure there are no unscripted statements made by its spokespeople.	The AFP Commissioner may be asked questions at his next appearance at Senate Estimates.
Questioning about the investigation during Senate Estimates has often come from unscripted interviews. This limits misinterpretation of any commentary which could be raised during future Senate Estimates.	ACT Policing does not open dialogue with other victims of sexual assault to see the police support that could be available should they choose to report.
	Trust is lost with the community who believe ACT Policing rarely progress matters to court or conduct investigations that result in successful prosecutions. HRC could repeat its previous concerns on this topic.
	There is a lack of understanding in the community of the complexity of investigating historical sexual assault matters.

Mitigating strategies required

Potential benefits of issuing a media release	Mitigating strategy
Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive and disingenuous. This could perpetuate feelings that police officers do not take investigating of sexual assault seriously and do not provide appropriate support to victims.	Ensure a lengthy media release is issued. NSW Police issued an extensive media release in response to the Christian Porter investigation. If media aren't being given an opportunity to ask questions, the media material needs to be more extensive to cover as many questions as possible that could be raised.
At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story. This may also occur at the next quarterly meeting with the Canberra Times.	Have prepared talking points that limit any comments to the media release previously issued.
The AFP Commissioner may be asked questions at his next appearance at Senate Estimates.	Have prepared talking points that limit any comments to the media release previously issued.
ACT Policing does not open the dialogue with other victims of sexual assault to see the police	ACT Policing to consider when it may be able to undertake an information campaign about how to report sexual assault and the investigation

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Potential benefits of issuing a media release	Mitigating strategy
support that could be available should they choose to report.	process. This requires support from members of the SACAT team who have indicated to date they do not wish to participate in videos for online purposes.
Trust is lost with the community who believe ACT Policing rarely progress matters to court or conduct investigations that result in successful prosecutions. HRC could repeat its previous concerns on this topic.	As above. Provide data relating to how matters don't proceed to court based on directions from the victim.
There is a lack of understanding in the community of the complexity of investigating historical sexual assault matters.	As above.

Conclusion: This approach is not recommended.

Option B – Issue Media Release and conduct Press Conference

If this option is selected, the following recommendations should be considered (points 2-6 as already detailed in Outcome 1- Option B):

- Encourage the DPP to also issue a statement relating to its assessment of the brief of evidence against its prosecution policy. Not all journalists reporting on this investigation are court journalists and understand how decisions are made to proceed to court.
- Mock press conferences will need to be conducted daily in the lead-up to ensure all spokespeople are prepared for the number of questions from journalists.
- Provide a media release under embargo until the time of the press conference. The media release and media advisory should be issued with at least two hours' notice.
- Conduct the press conference with multiple spokespeople. The structure should include an opening statement from the CPO (recognising the community interest in this matter, outlining policing's commitment to the investigation, the victims-led approach to investigations, explaining why investigations are not completed in timeframes the community may first expect) who then refers to Criminal Investigations Superintendent for direct comment on the investigation (detailing the investigating team, the multiple interviews conducted, the charges laid) before the CPO concludes encouraging anyone who is the victim of sexual assault to report to police.
- Conduct the press conference with the ACT Policing media banner. There has been significant confusion from journalists about the difference between the AFP and ACT Policing, it will be important to get branding right.
- Conduct the press conference indoors and at an ACT Policing site (Belconnen conference room suggested due to its size which will accommodate more journalists).
- Do not set a time limit for the conclusion of the press conference. Allow all questions to be made and take the time to answer them.

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Potential benefits of conducting a press conference	Potential concerns of conducting a press conference
The opportunity to explain honestly, and face-to-face, why the matter didn't proceed to court, which may resonate with journalist increasing positive reporting and increasing trust in the community viewing the story. Media reporting and senate estimate interactions may have led to a community perception that the AFP is being secretive and also has actions to hide in relation to this investigation.	If further evidence becomes available, statements by ACT Policing could impact a fair trial.
Being seen as transparent and open as a way to encourage other victims to come forward even though this matter did not proceed.	Unscripted comments may alienate victims of sexual assault further if they take offence to specific statements.
Being given an opportunity to explain some of the limitations in historical sexual assault cases.	
Providing one opportunity for all questions to be aired so future statements can remain factual but limited in detail.	
Allowing ACT Policing to share another side of the story which so far has been dominated by one version of events.	
Provide an opportunity to show the dedication of detectives in their investigation of this matter.	

Mitigating strategies required

Potential concerns of conducting a press conference	Mitigating strategy
If further evidence becomes available, statements by ACT Policing could impact a fair trial.	Ensure talking points are reviewed by the DPP and AFP Legal team.
Unscripted comments may alienate victims of sexual assault further if they take offence to specific statements.	Ensure talking points are considered and spokespeople are well-rehearsed.

Potential questions at a press conference

- Why is it not proceeding to court?
- What evidence is lacking from the brief to the DPP?
- What has failed in the investigation for it not to proceed to court?
- When was Brittany interviewed?
- Why did the investigation take so long?
- Which politicians did you speak to?
- Did you speak to the Parliamentary Services staff?
- Was the alleged offender interviewed? When was he interviewed?
- Have any of this other victims come forward and are you investigating those?

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- Did the clean-up of the crime scene contribute to the lack of evidence?
- What CCTV was available for the investigation?
- Did Parliamentary Services prevent the investigation in its early stages but not releasing the CCTV to police sooner?
- Could you conduct any forensic analysis from the dress Brittany was wearing?
- Are there any other people that could be charged from this investigation?
- Will you ever revisit this case so that it can proceed to court?
- Is it usual for cases like this not to proceed to court?
- What does that say about our court system and reform that is needed?
- How many other sexual assault cases have not proceeded to court in the past year like this one?
- How many other sexual assaults that occurred at Parliament House are you conducting right now?

Conclusion: This approach is recommended to ensure all questions likely to come from the media can be answered at one time.

Media reporting during the court hearing process

ACT Policing does not make any comment on investigations which are before the courts. If this matter proceeds to court, there may be significant media interest around hearings. ACT Policing will always issue the following statement.

ACT Policing does not comment on matters before the court.

If this matter proceeds to court, ACT Policing can expect that once a trial is concluded, and the time for appeal has passed, media enquiries to speak to detectives involved in the investigation to detail the complexities of the investigation. Any story will likely be highly critical of either the police investigation or Brittany Higgins, so ACT Policing should adopt a no interview policy. This policy should only be reviewed if special circumstances exist.

PROTECTED**Attachment A****Radio Transcript**

Wednesday 14 April 2021

**Adam Shirley interviews ACT Policing Deputy Commissioner Neil Gaughan**

Channel: ABC Canberra

Program: Breakfast with Lish Foer

Date: 7 April 2021

Time: 7:38 AM - 7:40 AM

Description: Adam Shirley interviews ACT Policing Deputy Commissioner Neil Gaughan discussing the investigation into the Brittany Higgins sexual assault allegations.

ADAM SHIRLEY: 22 minutes to eight, with you Adam Shirley and Deputy Commissioner Neil Gaughan, who is the CPO, the Chief Police Officer of ACT Policing. Deputy Commissioner Gaughan good to see you again, thanks for dropping by Breakfast as you do.

NEIL GAUGHAN: Morning, Adam and good morning to your listeners.

ADAM SHIRLEY: And Easter period is one where a lot of us rest, relax. There has been a fair bit happening for ACT Policing, though, and let's go to a story that is obviously of national public interest.

NEIL GAUGHAN: Yeah.

Transcript prepared by Stroom (085) 127 200 | stroom@act.gov.au

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ADAM SHIRLEY: Have you spoken with and interviewed the person who is alleged to have sexually assaulted Brianny Higgins?

NEIL GAUGHAN: Adam, in fairness to this matter, and the fact that it is of national significance, I'm not going to give a blow by blow description. What I will say is that I've got four Investigators currently working our way through the evidence, we'll follow the evidence to where it takes us to. We've got to get this right, clearly, and we'll be methodical. It's being over-sighted by a Detective Inspector as well, so we basically got five officers assigned to it.

We'll work through the evidence, we'll work with the DPP and when we're ready, and when they're ready, we'll make some further public announcements about it.

ADAM SHIRLEY: Yeah, not a blow by blow, necessarily, but of key heart at the heart of the issue is the interview that will be held or has been held with the person who is alleged to have committed this crime. Has that happened yet?

NEIL GAUGHAN: Look, I'm not going to go into the details. I think that it's important to note that I'm happy to talk about cases in the plural, but I'm not going to talk about the case in the singular, you know and national Justice has to be held here in relation to this particular issue.

Of course, this person that's allegedly undertaken any crime is not obliged to be actually subjected to an interview, they have to remind the right to remain silent.

ADAM SHIRLEY: Do you think it should happen, though?

NEIL GAUGHAN: It's up to them. So I mean, it's a matter for them, and that's the way our democracy is and the way our laws have been crafted. So we'll follow the evidence to where it takes us to and when we're ready and the DPP are ready we'll make some further announcements.

ADAM SHIRLEY: And obviously, the effort you are putting in to "get this right", in your words, how long do you anticipate this investigation will take?

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NEIL GAUGHAN: How long is a piece of string again. I don't want to put a timeline. I think that's really dangerous. I don't want to put pressure on the investigators. My job is to provide them with time and space to do their job, and that's my intention, that's what I intend to do.

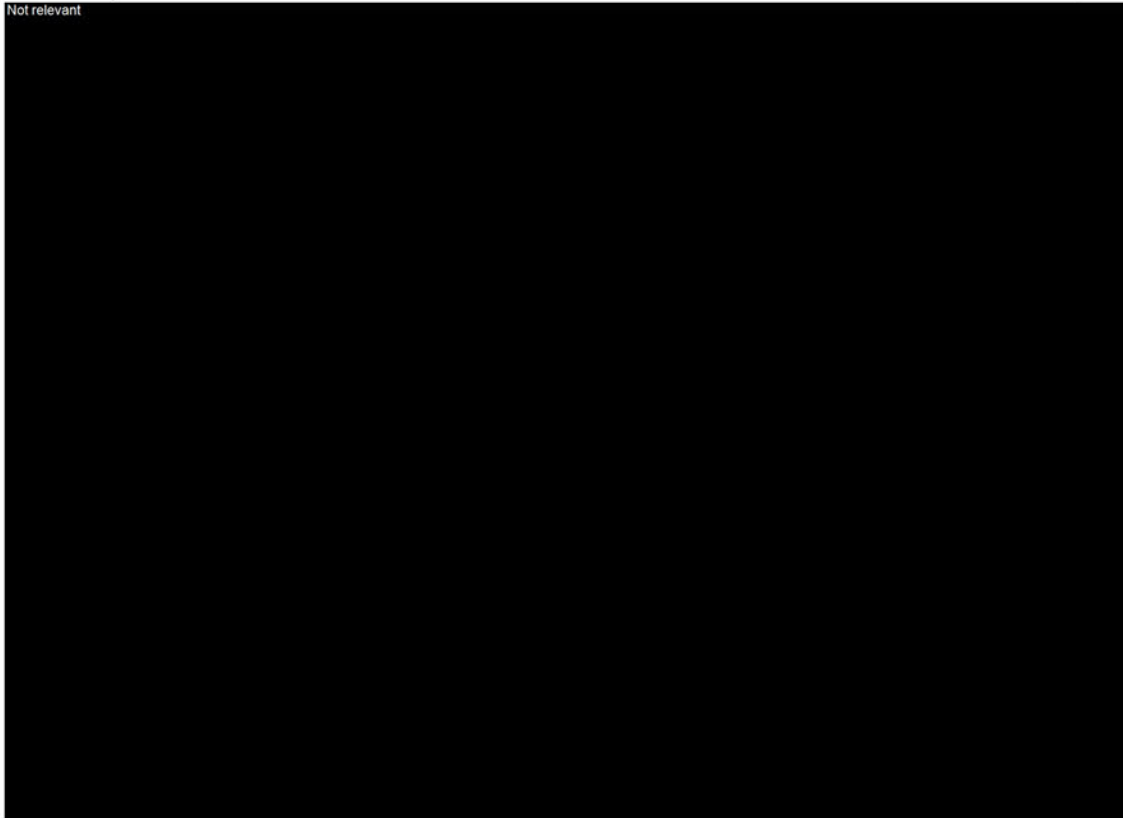
ADAM SHIRLEY: You mentioned the way that you might inform the public of significant changes or the progress. How will you inform the public?

NEIL GAUGHAN: We'll put out a pre release Adam, in relation to a significant milestone when that occurs and again, we'll just have to see where that takes us in in the coming weeks.

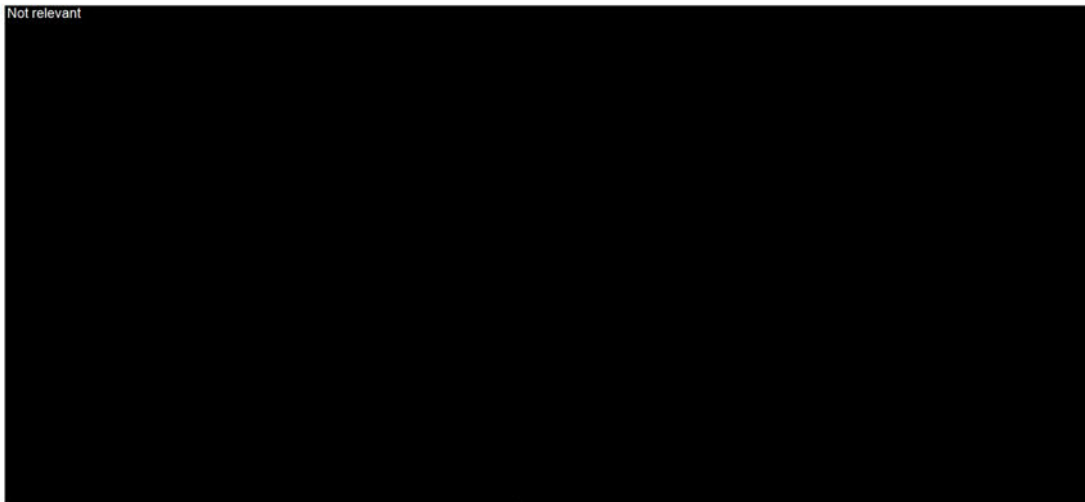
Released pursuant to National Security Council Executive Order 13526

PROTECTED

Attachment B



From: NSW Police Media Personal information
Sent: Thursday, 4 March 2021 9:37 AM
To: NSW Police Media Personal information
Subject: STATEMENT: STRIKE FORCE WYDARRA UPDATE



PROTECTED

Not relevant





AFP
AUSTRALIAN FEDERAL POLICE

Minute

Addressee DCPO-R Personal Information

Through: Supt [Redacted]

Title Op Covina Direction / Decision – Alleged Sexual Assault Australian Parliament House 23 March 2019

Action Decision

Deadline As soon as possible

ACT Policing (ACTP) Criminal Investigations (CI) are investigating the reported alleged sexual assault of Ms Brittany Higgins (Ms Higgins) which allegedly occurred at Australian Parliament House (APH) on Saturday 23 March 2019, contrary to section 54 (1) *Crimes Act 1900*.

Investigators at this juncture have a number of concerns regarding inconsistencies in disclosures and other evidence obtained during the investigation. In light of the issues identified, serious concerns exist as to whether there is sufficient evidence to prove the alleged offence.

The content of this report should be read in conjunction with the contents of the electronic preliminary brief of evidence for the purposes of a review or legal opinion if deemed necessary.

Background

On Friday 22 March 2019, members of staff for the Hon Linda Reynolds, Senator for Western Australia, Minister for Defence industry, participated in after work drinks at The Dock bar in Kingston and the 88mph bar in Civic, in the ACT.

Ms Higgins in the company of Mr Bruce Lehrmann (Mr Lehrmann) and two other colleagues attended 88 MPH bar in the city. At the end of the evening, in the early hours on Saturday 23 March 2019, Ms Higgins and Mr Lehrmann took an Uber to APH arriving about 2.00am.

Mr Lehrmann and Ms Higgins proceed through APH Security and were escorted to the Minister for Defence Industry Suite where they were given access by security. Ms Higgins alleges Mr Lehrmann then engaged in non-consensual sexual intercourse with her in the Minister's Office and left.

Mr Lehrmann has strongly rejected the allegation of engaging in non-consensual sexual intercourse with Ms Higgins in the Minister's Office. Mr Lehrmann alleges upon entry to the Minister Suite he went to his desk, worked on a number of Question Time files as a result of conversations he had earlier that night with Department of Defence personnel, collected his belonging and left about 2.30am. Mr Lehrmann alleges Ms Higgins upon entry proceeded to the Ministers (private) office and he did not see her again.

APH Security conducted a welfare check on Ms Higgins about 4:20am and located Ms Higgins naked and asleep on the couch in the Minister's suite, private office.

On Monday 1 April 2019, Ms Higgins contacted the Australian Federal Police (AFP) Protection Liaison (PL) - APH with the assistance and support of the Minister for Defence Industry, Chief of Staff, Ms Fiona Brown. Ms Higgins did not participate in a formal statement after the investigation process was explained to her by police.

[REDACTED]

On Thursday 4 April 2019, the sexual assault allegation was subsequently referred to ACTP – Sexual Assault and Child Abuse Team (SACAT) for further investigation.

On Monday 8 April 2019, a 'Meet and Greet' was conducted with Ms Higgins, SACAT investigators and counsellors from the Canberra Rape Crisis Centre at Winchester Police Centre.

On Saturday 13 April 2019, Ms Higgins confirmed she did not wish to proceed with the investigation and declined the opportunity to provide a formal statement in relation to the matter.

On Wednesday 11 December 2019 the investigation was subsequently finalised following enquiries [REDACTED] respecting Ms Higgins wishes.

On Friday 5 February 2021, Ms Higgins contacted the ACTP and attended Belconnen Police Station where she requested to speak with investigators from SACAT regarding progressing the investigation reported in 2019.

On Saturday 6 February 2021, Ms Higgins and her partner, David Sharaz (Mr Sahraz), attended Belconnen Police Station for the purposes of a 'Meet and Greet' with SACAT investigators. During the meeting, Ms Higgins and Mr Sharaz were provided with information regarding the investigation and court processes.

During this interaction with police, Ms Higgins and Mr Sharaz informed police there were a number of impending media events in relation to this incident, both print and television media, including participation in a recorded interview with television presenter Lisa Wilkinson. Police advised Ms Higgins the intended media events, and subsequent media coverage, may jeopardise any subsequent criminal investigation; however, Ms Higgins made it clear to police she was not willing to provide investigators with a formal statement in relation to the allegations until the media stories had been published. Ms Higgins stated that she wanted to ensure the sexual assault investigation was 'active' in anticipation of the media events.

On Monday 15 February 2021, the pre-recorded interview between Ms Higgins and television presenter Lisa Wilkinson aired on network ten program, The Project. Following this program, extensive media interest was generated regarding the allegations made by Ms Higgins

On Wednesday 24 February 2021, Ms Higgins participated in an Evidence in Chief Interview (EICI) with SACAT investigators and provided a version of events. Investigators discussed with Ms Higgins the value of evidence including the need to examine her mobile phone for potential evidence. Ms Higgins refused to hand over her phone despite being explained the evidential value of the process.

On Monday 19 April 2021, Mr Lehrmann participated in a Record of Interview (ROI) with SACAT investigators, during which he strongly rejected the allegation and provided his recollection of events.

On Tuesday 25 May 2021, Ms Higgins participated in a second EICI during which she acknowledged she had told an untruths regarding her disclosures seeking medical attention after the alleged incident. On this occasion, Ms Higgins provided police with her most current mobile telephone (not the mobile in use at the time of the alleged sexual assault) for examination.

During the course of the investigation, in addition to the EICI's, investigators have obtained numerous witnesses statements, Closed Circuit Television Footage (CCTV), telecommunication data, photographs and other documentary evidence.

Issues

Disclosure - HIGGINS

Disclosure of this incident has 8 significant components:

1. Disclosure to [REDACTED] (26 March 2019)
2. Disclosure to Fiona Brown (2019)
3. Disclosure to AFP-SIDL [REDACTED] (2019)
4. Disclosure to ACTP-CI-SACAT (2019)
5. Disclosure to Michaelia Cash (2021)
6. Disclosure to the Project (2021)
7. EICI (February 2021)
8. EICI (May 2021)

The following is a time line of the disclosures made by Ms Higgins of this incident. This is a **SUMMARY ONLY**, full reference material utilised to provide this summary can be located on the attached E-BRIEF:

23 MARCH 2019	
<ul style="list-style-type: none"> • 10.08am 23 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> • Phone Call. [REDACTED] missed a phone call from Ms Higgins on 22 March 2019 at 10.39pm • Ms Higgins told [REDACTED] she had went back to APH for a 'party' or 'back for drinks' or similar; • Shut down the conversation when probed further; • [REDACTED] thought she had hooked up with someone.
<ul style="list-style-type: none"> • Return Home - Flatmates • Brittany states that she was distressed when she returns home and her flatmate thought this was odd. 	<ul style="list-style-type: none"> • Statement from [REDACTED] (Registered nurse) does not recall Ms Higgins being distressed or emotional during the weekend
26 MARCH 2019	
<ul style="list-style-type: none"> • 12.00pm Mr Lehrmann summonsed to Fiona Brown's office regarding security breach. Meeting ends with Bruce packing his items and leaving the building. • At 1.14pm Mr Lehrmann had left the building. • 1.30pm Ms Higgins has a meeting with Fiona Brown 	
<ul style="list-style-type: none"> • Following the meeting at 1.57pm 26 March 2019 [REDACTED] 	<ul style="list-style-type: none"> • Text message thread to ex-lover [REDACTED] • [REDACTED] • [REDACTED]

	<ul style="list-style-type: none"> Personal information
<ul style="list-style-type: none"> 1.30pm - 26 March 2019 - Fiona Brown 	<ul style="list-style-type: none"> 1.30pm Ms Brown had a discussion with Ms Higgins following knowledge of the security breach. Ms Higgins stated that she didn't remember accessing the office; she recalled going through the security checkpoint. Recalls being semi naked and waking about 8.00am on the couch. Asked if she was alright - 'Yes'; Asked if there was anything else, Ms Higgins shook her head and said "no I am responsible for what I drink and my actions". Ms Higgins advised that what she had done was a security breach and that PMO would be notified. Ms Higgins offered EAP support and sent home.
27 MARCH 2019	
<ul style="list-style-type: none"> 9.53am - 27 March 2019 	<ul style="list-style-type: none"> Personal information
<ul style="list-style-type: none"> 27 March 2019 - Fiona Brown 	<ul style="list-style-type: none"> Conversations with Ms Higgins. Nil disclosures throughout the day to Ms Brown
28 MARCH 2019	
<ul style="list-style-type: none"> 28 March 2019 - Fiona Brown 	<ul style="list-style-type: none"> Brought into the office, discussions surrounding the security breach; Requested to sign Ministerial code of conduct. 'I recall him being on top of me'. At 7.53pm that same date, Ms Higgins texted Ms Brown and advised that she had made a medical appointment and would be working from home on 29 March 2019.
<ul style="list-style-type: none"> 28 March 2019 	<ul style="list-style-type: none"> Went for a coffee following the meeting. Disclosed had been at 88MPH; drinking with Mr Lehrmann and others. Disclosed that she had went back to APH for further drinks. Went back to APH, woke up with him on top her.
1 APRIL 2021	
<ul style="list-style-type: none"> 1 April 2019 - (SIDL) (Taken from Diary notes) 	<ul style="list-style-type: none"> Was having drinks at The Dock bar with Work colleagues including Mr Lehrmann. Went to the City (NFD) and had further drinks. Things get a little hazy here. Recalls falling over at some point

	<ul style="list-style-type: none"> • While sitting in the booth, Mr Lehrmann got 'a little handsy, I didn't really mind'. • Got into a taxi (Uber) – gave Bruce my address. Next recall being at APH. • Talking about a storm in QLD. • Couldn't write my name in the security log, gave a version of my signature. • Recall being in the Minister's office. • Recall him being on top of her. • Mr Lehrmann said something about finishing and I said something like 'No don't'. • Mr Lehrmann left I just stayed there. • Felt grossed out because I could smell what had happened on me. • Was sick in the bathroom. • Saw stains all over the top of my dress (dark). • Had dealings with Mr Lehrmann on the Monday and Tuesday. • Has been to Phillip Medical Centre to get tests done – awaiting results.
<ul style="list-style-type: none"> • Notes from Rebecca [REDACTED] 	<ul style="list-style-type: none"> • Mr Lehrmann told her to 'Play along'
2 April 2019	
<ul style="list-style-type: none"> • 2 April 2019 - CRCC 	<p style="color: red;">Protected confidence</p> <div style="background-color: black; width: 100%; height: 100%;"></div>
8 APRIL 2019	
<ul style="list-style-type: none"> • 8 April 2021 – Meet and Greet with ACTP CI SACAT (S/C Harman) (Taken from Diary notes. 	<ul style="list-style-type: none"> • Got an Uber from The Dock bar to the City. • She went to one other venue (a bar) in the City – she did not know the location and stated that she would ask a friend and advise me. • She was intoxicated and Bruce signed her name for her. • Work spoke with her on Wednesday 27/03/2019 and asked her what had happened surrounding the security breach. • She reported the sexual assault and work told her that if she wanted to report it (to Police) she could and they would not stop her, they just wanted to know if she did. • She stated she had photographs of the evening on her phone and she was asked not to delete them. • Ms Higgins stated she was unsure if protection was used in the intercourse and she stated she had not sought any

	<p>medical attention. I discussed seeing a GP or the option of attending the sexual health clinic/FAMSAC. She accepted the offer for me to make enquiries with FAMSAC/the Sexual Health Clinic and providing those details to her.</p> <ul style="list-style-type: none"> • She advised that work would give her time off to attend or she could go on the weekend. • Discussed the value of evidence available now versus later and the potential importance of CCTV/Clothing etc.
<p>29 January 2021 – Ms Higgins submits her resignation to ██████████ COS to Minister Michaelia Cash. Following this, Ms Higgins records a telephone conversation with Minister Cash (Open source, 4Corners interview indicates this date to be 5 February 2021)</p>	
<p style="text-align: center;">5 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Minister Cash 	<ul style="list-style-type: none"> • Invited defence industry contacts to drinks. • Mr Lehrmann had a record of bullying Ms Higgins within the office, everyone knew about it. • Very inebriated. • 'I last remember passing out on the couch, remember him assaulting me, I had a struggle with him and he wouldn't stop, then he left and I couldn't get off the couch'.
<p style="text-align: center;">THE PROJECT – 15 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Lisa Wilkinson • (Full transcript can be provided) 	<ul style="list-style-type: none"> • Mr Lehrmann was buying her a lot of drinks. • Ms Higgins fell over in front of a lot of people. • Showed no romantic interest towards Mr Lehrmann. • He said 'just be quiet'. • Not sure if Mr Lehrmann guided her there, or if Ms Higgins made her own way there, but she ended up on the couch. • First thing that awoke Ms Higgins was pain. • My leg was kind of being crushed. • He was clearly almost finished, I woke up mid-rape, he was sweaty, I couldn't get him off me, I started crying. • I told him to stop, at least half a dozen times, I was crying the whole way through it, he didn't speak with me the entire time. • Eventually he stopped and got up, he just looked at me, I couldn't get up and he just left. • Presents the bruise as an injury sustained that night during the incident. • My dress was up around my waist, the straps were kind of down, I was pretty dishevelled. • I was scared I was at work.

	<ul style="list-style-type: none"> I got home and my roommate thought it was kind of weird.
ECI – 24 FEBRUARY 2021	
<ul style="list-style-type: none"> 24 February 2021 – Ms Brittany Higgins (Full ECI transcript can be provided) 	<ul style="list-style-type: none"> Mr Lehrmann was buying Ms Higgins a lot of drinks. Went to 88 MPH Bar, where Ms Higgins recalls falling over. Mr Lehrmann said he had to pick something up from work (APH). I've just sort of pieced together what I thought happened. 'just be quiet or they won't let you in'. Difficulties signing her name due to intoxication. 'something about me being so drunk I couldn't sign my own name'. I was falling all over the place, I fell over at Parliament. Don't recall interactions with security guard. Recalls sitting on a ledge in the Ministers Office. Next thing I recall is being on the couch and he was raping me. I felt like he was almost finished. The first thing that I sort of woke up to was a pain in my leg. My head was on the top end of the couch closest to the door, he had his knee on my thigh. I was stuck in a corner and couldn't get him off me. I was crying throughout the entire process, I said no at least a half dozen times, he did not stop, he kept going, to my knowledge he finished but I'm not exactly sure. I've always assumed that he finished in me, but I'm not sure He looked at me and left, I couldn't get up off the couch and I passed out until the next day. I ate most of a box of chocolates. Was sick in the Minister's bathroom. Went home, saw roommate, I said that I had been at APH after a good night out. I spent the entire weekend sort of bunkered down, sort of essentially in hysterics crying. Disclosed to Ms Brown on Tuesday 26 March 2019. Was drinking Vodka Lime and Soda. Drank the whole gauntlet, Rum and Coke, shots. Adversarial relationship with Bruce – Came to the attention of Fiona Brown. Recalls sitting in a booth with everyone at 88MPH. Recalls dancing.

	<ul style="list-style-type: none"> • No commentary about Mr Lehrmann at 88MPH. • I've always had in my mind and known that it was 88MPH. • It's as drunk as I have ever been in my whole life. • Cant recall if it was an uber or a taxi, but believes it was a Taxi. • Doesn't recall much in the taxi, at that point I was focussed on not being sick, I felt very ill. • Mr Lehrmann wanted to stop in and get something from work. • Doesn't really carry much cash. • My dress was on my body, but it was scrunched up, around my waist. • As soon as I came too I started crying. • I felt like he finished in me but I cant be sure, a strange moment of eye contact. • He definitely didn't have pants on. • I kind of remember him getting dressed, I remember him looking at me, strange eye contact, I didn't say anything, he didn't say anything, then he left. • I was sick in the Minister's toilet. • The next thing I remember is security yelling at me, they didn't come in just yelling. • Probably around 8am. • Doesn't recall waking up at all between assault and 8 am. • Security said, 'Is everything ok in there, I replied 'I'm Fine'. • Defence Liaison Officer's office, found a box of chocolates. • Clothing was still around waist when she woke up. • When I got home my room mate tried to introduce me to her friend [REDACTED] I was quite distressed. • My room mate thought that it was weird. • No communication with him over the weekend, he was in the office on Monday. • I remember he bought me a coffee. • I was trying to over compensate, broadly nice to him. • Thought he was single at the time.
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Disclosures differ in detail: • Timing of disclosure • Communication the next day via personal email (CONTENT UNKNOWN) • Communication via work email 'Hi Bruce, I'm phoning a friend'
EICI – 26 MAY 2021	
<ul style="list-style-type: none"> • 26 May 2021 – Ms Brittany Higgins • (Full EICI transcript can be provided at a later date) 	<ul style="list-style-type: none"> • TRANSCRIPT UNABLE TO BE PROVIDED AT THE TIME OF AUTHORIZING. •

<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Ms Higgins advises that she told [REDACTED] that she went to GP to placate him and that she did not actually go and see a GP. • Ms Higgins states that she did not take the morning after pill. • Ms Higgins states that she had a pregnancy test in Perth (First disclosure)
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Record of Interview LEHRMANN

On 19 April 2021, Mr Lehrmann participated in ROI; full reference material utilised to provide this summary can be located on the attached E-BRIEF:

<ul style="list-style-type: none"> • 19 April 2021 • Informant – Marcus Boorman • Corroborator – Emma Frizzell • (Full transcript can be provided) 	<ul style="list-style-type: none"> • Rejects the allegation. • Drinks at The Dock bar, accepts that he may have been invited by Ms Higgins. • Only had one or two drinks at the Dock, I was not intoxicated at all. • Believes it was his idea to attend 88MPH. • Only spent \$40 at 88MPH. • Sitting in a booth. • They would have all been dancing, though he doesn't recall specifics. • Doesn't recall anyone falling over • I had to go to APH to pick up the keys to my apartment where I was living with my Girlfriend. • Ms Higgins said she needed to go to APH too. • Mr Lehrmann booked the Uber. • Had conversations in the Uber about [REDACTED] • About how it was a good night. • Said they could split an Uber. • Both didn't have their passes. • Mr Lehrmann buzzed the intercom at the front to gain access to the security check point. • I've provided my ID and signed for a pass. • Confirmed his handwriting for his name on the security log. Provided • Confirmed entry of Ms Higgins not his handwriting. • He was 7/10 intoxicated, as was Brittany, he described intoxication level to be 'moderate' explaining he could still hold conversations. • Put items through security scanner and waited for Brittany to put her shoes back on. • I was not intoxicated to a point where I couldn't sign in or do those things. • Under the belief that if a person was 10/10 intoxicated the security staff would deny entry.
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	<ul style="list-style-type: none"> • Ms Higgins was taking a while to put her shoes back on • Security came and took us to the office, • They opened the door, I turned to the left to my desk, Ms Higgins turned to the right towards the Minister's office. I didn't see her again. • I went to my desk, got what I needed for the weekend. • He collected his belongings and did work on files he had on his desk for Question Time. The notes were in relation to 'Submarines' based on conversations he had earlier that night while out with the personnel from the Department of Defence. • So while it was on my mind I did that. • Ordered myself an Uber and left. • He is unsure if he utilised his work computer or not. • There was no alcohol in the Minister's Suite. He had no alcohol at his desk. • He ordered an Uber about 2:22am -2:25am and left. • He did not see Ms Higgins once they entered, he did not check on her or speak to her. • He was called into a meeting by Ms Brown on Monday in relation to a security breach. • Ms Brown was informed by security that he and Ms Higgins had entered APH after hours which is a security breach and against the Ministerial Code of Conduct. • He was due to cease his employment on the Friday. Ms Brown told him it was probably best to pack his belongings and leave now. He returned to his desk, gathered his belongings and left, leaving his pass at security. • He denied 'pashing' Ms Higgins, however accepted they were all close. • He denied in engaging in sexual intercourse with Ms Higgins.; • He denied entering the Minister's Office. • He denied telling Ms Brown that he and Ms Higgins returned to the office to drink whiskey as there was no alcohol in the office.
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • He denies having drinks in the office. Notes of Ms Brown taken at the time he concedes that he was drinking whiskey and had two glasses while chatting with Ms Higgins.

	<ul style="list-style-type: none"> • He denies any 'pashing' with Ms Higgins which has been independently corroborated as occurring. • He denies having alcohol at his desk. Police have obtained a ROC with [REDACTED] who states that Mr Lehrmann had alcohol in the office. • Mr Lehrmann did not hear his phone ringing at the time due to it possibly being on silent. Mr Lehrmann later ordered an Uber utilising his phone. • Audio file of interaction with security [REDACTED] denies this during interaction with Ms Brown.
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Discrepancies

During the course of the investigation the following discrepancies have been identified by investigators.

INTOXICATION	
DISCLOSURE	
<ul style="list-style-type: none"> • Mr Lehrmann buying her drinks all night 	<ul style="list-style-type: none"> • CCTV footage does not depict this. • Statement from [REDACTED] states that at 88MPH the group were in shouts. • Financial records of Mr Lehrmann reflects \$16.00 spent at The Dock bar and \$40.00 spent at 88MPH bar.
<ul style="list-style-type: none"> • In relation to intoxication. Ms Higgins states that her intoxication in the Uber was: • <i>'Um, yeah, and at that point I was kind of focussed on not being sick, I felt very ill'; 'Um, I don't think there was much of a conversation, I think I was really quite out of it'</i> and describes her intoxication level as '10/10' drunk - EICI • <i>'I feel like I got super inebriated'</i> - Thelning AFP diary notes • <i>'I couldn't write my name - Thelning AFP diary notes</i> • <i>'Bruce signed her name - Harman AFP Diary notes</i> • <i>'The most intoxicated since schoolies' - EICI 26/5/2021</i> • <i>'I was a mess, I couldn't walk'</i> 	<ul style="list-style-type: none"> • APH CCTV footage depicts Ms Higgins as interacting with security. • APH CCTV shows Ms Higgins smiling and laughing, no signs of sickness or being unwell. • APH CCTV shows Ms Higgins walking without issue in heels. • APH CCTV shows significant conversation and interaction with security. • APH CCTV shows Ms Higgins jogging with a smile towards Mr Lehrmann. • Statement from [REDACTED] (APH Security) describes Ms Higgins as willingly signing her own name. • Describes as slightly intoxicated. • Neither party was slurring. • Wouldn't allow in if Ms Higgins was intoxicated as described in the media. • F/A [REDACTED] notes indicate that there was conversation about a storm in QLD.; • ROI with Mr Lehrmann states conversation about how the night

<ul style="list-style-type: none"> In relation to being shown the sign in sheet 'That's not my handwriting' 	<p>went and how [REDACTED] were hooking up.</p> <ul style="list-style-type: none"> Mr Lehrmann describes their intoxications levels as 7/10 – Moderately intoxicated.
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88MPH Bar

DISCLOSURE	
<ul style="list-style-type: none"> From April 2019 in any interactions with Police, Ms Higgins' did not know where she had been drinking with Mr Lehrmann, [REDACTED] 	<ul style="list-style-type: none"> Statement obtained from [REDACTED] Ms Higgins told her on 28 March 2019 that she had been at 88MPH. 8 April 2019, SC Harman specifically asked where she had been in the city prior to APH. Ms Higgins stated that she had no idea and would ask friends. Ms Higgins was aware that SC Harman had already collected footage from The Dock bar at this time. EICI states that she's not known why but always known the place to be 88MPH bar. No objective CCTV footage from 88 MPH bar is able to be obtained.
<ul style="list-style-type: none"> Told the Project she had no romantic actions with Mr Lehrmann 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was sitting next to Mr Lehrmann, hands on each-others legs. Also seen 'pashing'. This is corroborated by a text sent by [REDACTED] to [REDACTED] the next day. Ms Higgins observed to be taking 'selfies' of Mr Lehrmann and herself on her mobile phone. Ms Higgins informed SC Harman (SACAT) that she had photos on her phone of the evening that she would keep for Police. ROI Mr Lehrmann denies 'pashing' Ms Higgins but concedes they were close.
<ul style="list-style-type: none"> Ms Higgins fell over 	<ul style="list-style-type: none"> Statement from [REDACTED] supports this. Potentially her injury as documented in the digital image provided to the media supports this. ROI Mr Lehrmann does not recall anyone falling.

THE SCENE

DISCLOSURE	
<ul style="list-style-type: none"> Ms Higgins states that she had her dress up around her hips and the straps down below her shoulders. 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was completely naked in the foetal position. Her dress was on the floor next to her shoes.
<ul style="list-style-type: none"> Ms Higgins states that she had her head towards the door during the alleged sexual assault. Following the alleged assault she fell straight asleep. 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was not found in the position described. Her head was towards the window and feet

	towards the door (180 degree difference).
<ul style="list-style-type: none"> • In some disclosures, Ms Higgins states that she was crying throughout the incident. 	<ul style="list-style-type: none"> • Statement from ██████ Took attention of her face. Observed a full face of makeup, no signs of crying or distress.
<ul style="list-style-type: none"> • Ms Higgins states in EICI (nowhere else) that she ate a whole box of roses branded chocolates 	<ul style="list-style-type: none"> • Cleaner, paid special attention to the state of the office. No sign of roses chocolates or wrappers. • Cleaner engaged in text conversations at the time. • ROC obtained from ██████ who stated there were no chocolates in his office to the best of his knowledge.
<ul style="list-style-type: none"> • Ms Higgins describes vomiting in the bathroom 	<ul style="list-style-type: none"> • Cleaner, checked the bathroom and toilet for any signs of disturbance or need to be cleaned. Nothing found. • Corroborated by text messages and independent phone calls.
	<ul style="list-style-type: none"> • Cleaner deliberately checked all bins of the office, looking for condoms, alcohol containers or any signs of a party. Nothing found. • Cleaner checked the couch for staining. No stains.

Ms HIGGINS' PHONE	
<ul style="list-style-type: none"> • 19 February 2021 	<ul style="list-style-type: none"> • Ms Higgins asked to participate in EICI, appointment made. Police informed Ms Higgins her phones would be required.
<ul style="list-style-type: none"> • 24 February 2021 	<ul style="list-style-type: none"> • EICI conducted, advised Police required to download her phone.
<ul style="list-style-type: none"> • 25 February 2021 	<ul style="list-style-type: none"> • Declined to provide phone – citing privacy and information sharing concerns.
<ul style="list-style-type: none"> • 26 February 2021 	<ul style="list-style-type: none"> • Recontacted Ms Higgins, informed of the need for the phone and potential adverse effect if not undertaken at court, example given.
<ul style="list-style-type: none"> • 8 March 2021 	<ul style="list-style-type: none"> • Contacted Ms Higgins, request she bring phones to appointment.
<ul style="list-style-type: none"> • 10 March 2021 	<ul style="list-style-type: none"> • Confirmation of appointment with Police on 12 March 2021, will bring phones happy to relinquish for the day.
<ul style="list-style-type: none"> • 12 March 2021 	<ul style="list-style-type: none"> • Ms Higgins doesn't show for appointment due to urgent legal matter. Open source shows this is the defamation issue with Senator Reynolds resolution. Ms Higgins makes appointment for 15 March 2021.
<ul style="list-style-type: none"> • 15 March 2021 	<ul style="list-style-type: none"> • Ms Higgins doesn't show. Open source shows Ms Higgins attended March4Justice rally. Introduced to stage by Lisa Wilkinson who states Ms Higgins contacted her on 14 March advising of her attendance.
<ul style="list-style-type: none"> • 26 May 2021 	<ul style="list-style-type: none"> • Current phone obtained following second EICI.

	<ul style="list-style-type: none"> • Second phone (used at the time of alleged incident) not provided. • Cannot recall icloud account and password at this time. • Additional mobile phone obtained in February 2021, which has also not been provided to police.
<ul style="list-style-type: none"> • Identified Issues 	<ul style="list-style-type: none"> • Ms Higgins declined to provide her phone on numerous occasions despite being made aware of its importance to the investigation. • Investigators have become aware Ms Higgins obtained an additional mobile phone in February 2021. This phone was not made known to investigators and has not been provided by Ms Higgins. • Ms Higgins stated that she utilises secure applications to communicate with persons. Records of these communications will not show on any Call Charge Records / Reverse Call Charge Records. • Statement from [REDACTED] and admissions from Ms Higgins 'Meet and greet' 2019 – Notes from SC Harman revealed that imagery, including 'selfies', were taken on the night of the incident. • On 26 May 2021, an initial examination of the phone revealed the following text message conversation between Ms Higgins and Mr Sharaz sent on 21 May 2021, following knowledge that Police intended to examine Ms Higgins' phone on 26 May 2021. • <small>Personal information</small> [REDACTED] • This text implies that data within the phone was deleted prior to Police examination; motive unknown. • Further of interest messages have been identified including <small>Personal information</small> [REDACTED]

Note: There are 32736 messages (multiple platforms and formats) to be examined **(NOT YET COMPLETED)**.

There are 173531 media files to be examined **(NOT YET COMPLETED)**.

INJURY TO LEG

- Digital image of injury to right leg provided to media outlets. Ms Higgins states this injury occurred during the assault.



- First disclosure of any injury was to 'The Project' in 2021, no prior mentions.
- Following examination of Ms Higgins' phone the metadata indicates this image was taken on **3 April 2019**.
- This injury appears to be of the upper right outside thigh of Ms Higgins, based on disclosure, this leg would have been closest to the back of the couch.;
- Ms Higgins and [REDACTED] both state that she fell up the steps at 88MPH bar - this could be a cause of the injury.
- A physical examination of the couch did not identify any hard surfaces or objects.

MEDICAL ATTENTION/MORNING AFTER PILL

<ul style="list-style-type: none"> 27 March 2019 	<ul style="list-style-type: none"> Text conversation with [REDACTED] stated that Ms Higgins had <small>Personal information</small> [REDACTED] <small>Personal information</small> [REDACTED]
<ul style="list-style-type: none"> 28 March 2019 	<ul style="list-style-type: none"> Text conversation with Ms Brown. Stated that she had made a GP appointment and would be working from home tomorrow.
<ul style="list-style-type: none"> 1 April 2019 	<ul style="list-style-type: none"> [REDACTED] stated had been to the [REDACTED] and was awaiting test results.
<ul style="list-style-type: none"> 2 April 2019 	<p style="color: red;">Protected confidence</p>
<ul style="list-style-type: none"> 8 April 2019 	<ul style="list-style-type: none"> AFP SC Harman. Had not sought medical attention. SC Harman made enquiries on her behalf.
<ul style="list-style-type: none"> 2021 	<ul style="list-style-type: none"> AFP SC Frizzell. Went to Kingston Medical Centre after the incident.
<ul style="list-style-type: none"> Issues 	<ul style="list-style-type: none"> Only attendance for Ms Higgins at Philip Medical Centre is in February 2019. Prior to the alleged offending. Ms Higgins was not a patient at Kingston Medical Centre until October 2019. 7 months after the alleged offending. Medicare records show no engagement with medical facilities at the time of the alleged offending. Morning after pill can be prescribed by a pharmacist within 48 hours of intercourse.

	<ul style="list-style-type: none"> • On 26 May 2021, Ms Higgins participated in a second EICI where she stated that she had told ██████████ that she had went to the GP to 'placate' him and his concerns. • In relation to the notes made by ██████████ regarding ██████████ awaiting results – she was maybe thinking of going there, but didn't. • She didn't take the morning after pill. • She didn't see a Doctor in relation to the sexual assault. • Further she states for the first time that she got a pregnancy test (home kit) in Perth – cannot be corroborated.
OTHER VICTIMS	
As a result of the media interest in this investigation, open source reporting has indicated that there are a further four victims relating to Mr Lehrmann. The details are as follows:	
Victim 1	Anonymous person known only to media outlets – has not come forward.
Victim 2	Anonymous person known only to media outlets – has not come forwards
Victim 3 – Personal information ██████████	In 2019, met Mr Lehrmann in a bar in Canberra. Was seated at a table with Mr Lehrmann and other people from APH. During this encounter inappropriate jokes and stories were told. Mr Lehrmann looked at ██████████ in a 'suggestive manner' and placed his hand on her clothed thigh. ██████████ left the table. Mr Lehrmann and ██████████ had no further contact
Victim 4 – Personal information ██████████	Previous house mate of Mr Lehrmann in Sydney. Mr Lehrmann asked ██████████ for sex on one occasion ██████████ declined. Nil further action taken by New South Wales Police in relation to this matter.
EMAIL RECORDS	
Examination of Mr Lehrmann's phone	<ul style="list-style-type: none"> • Revealed a personal email sent to Ms Higgins' personal account on 24 March 2019. (<u>ONGOING ENQUIRIES IN RELATION TO THIS EMAIL</u>)
Defence email records	<ul style="list-style-type: none"> • Email sent to Mr Lehrmann by Ms Higgins on 26 March 2019. Introduction states 'Hi Bruce, I'm phoning a friend' before asking for assistance with a work matter.
Examination of Ms Higgins' phone	<ul style="list-style-type: none"> • Personal email unable to be located.

Outstanding Inquires

Investigators are currently attempting to obtain statements from seven interstate witnesses and a further four witnesses within Minister Reynolds office in 2019 regarding disclosures by Ms Higgins or Mr Lehrmann in relation to the matter.

The analysis of Ms Higgins mobile telephone is ongoing and is yet to be completed. Investigators estimate this will take approximately four weeks to complete. Note: Investigators are continuing to identify content on the mobile telephone of concern to the investigation.


Investigators anticipate the outstanding statements will not influence any decision. The exception being the full review currently being undertaken of Ms Higgins mobile telephone.

The author of this report is prepared to meet to clarify or discuss any of the information contained in the report.

Recommendation

The content of this report and associated electronic preliminary brief of evidence be reviewed for decision.

Personal information

A large black rectangular redaction box covers the majority of the page content below the 'Personal information' header.

Marcus Boorman

Detective Inspector

Crime Manager Major Crime ACTP

Investigation Manager Op Covina

4 June 2021