

MARCUS BOORMAN

30, 7, 21

Don't like being threatened.

With a knife.

4 Aug 2021 at 2:58 pm

Heidi-Work Yates-Work

Scott, not sure my email from this morning has reached you as I understand you had a full day. Does a 9am meeting tomorrow (Thu) in the Higgins matter work for you? I can be at Winchester by 8.45, we can call BH together at 9am? let me know if this suits and I'll lock it in.

2:58 pm



Scott Moller

Yep that's perfect thanks Hedi

3:03 pm

Heidi-Work Yates-Work

Great. See you at Winchester in the morning.

3:04 pm

Scott Moller

Thanks

3:05 pm

From: Yates, Heidi
Sent: Thu, 5 Aug 2021 16:16:21 +1000
To: Moller, Scott
Cc: [REDACTED]; Brittany Mae
Bcc: [REDACTED]; David Sharaz
Subject: Higgins - Confirmation of discussion this morning
Importance: High

OFFICIAL: Sensitive

Scott,

I write to confirm our discussion this morning.

I note that you called shortly after 8.30am to advise that you could not proceed with the planned discussion with Ms Higgins at 9am, noting your team is under substantial pressure relating particularly to procedural matters that have been complicated by the COVID environment.

Knowing Ms Higgins had been anxiously awaiting this meeting, I asked whether there was any information I could provide to her, along with notification of the late cancellation. You indicated that I could let Ms Higgins know that the brief had been finalised, and that you hoped to have further information for her tomorrow.

I am writing to confirm that I have given Ms Higgins this information. Whilst frustrated with the ongoing uncertainty regarding next steps, Ms Higgins did ask me to communicate her very personal, and deeply felt, understanding of the ongoing public and political pressures associated with her matter. She recognises these pressures must also be present (in a different way) in the Police's work and she asked me to specifically express her gratitude to you and the team for your continued work.

I will await your advice as to whether an update will be available tomorrow.

Regards,

Heidi Yates

Victims of Crime Commissioner

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



VICTIMS OF CRIME
COMMISSIONER

ACT Human Rights Commission

5 Aug 2021 at 8:32 am

Scott Moller

Hey Hedi I can't make our 9am can you call to discuss please.
Regards
Scott

8:32 am

Scott Moller

[REDACTED] called. No Voicemail message was left. For more information on this feature, free call 147 from your mobile phone.

5:19 pm

Heidi-Work Yates-Work

Just in a meeting. Can call you in 15-20 if that works?

5:21 pm

Scott Moller

Hi Hedi,
I tried to call but couldn't get through, I'd like to talk with Brittney tomorrow at 2.30pm if possible please.
Regards. Happy to discuss if required
Scott

5:21 pm

Scott Moller

Oh thanks Hedi, yep that's fine

5:22 pm

Heidi-Work Yates-Work

Hi Scott - Ms Higgins has confirmed she's available tomorrow afternoon for a 2.30pm chat by phone. If you give my PA [REDACTED] a call when you're in the foyer of 5 constitution Ave (the old customs house building), she will come and bring you up: [REDACTED]

5:43 pm

Please note there are renovations happening at our building, with access via a sheltered walkway from London circuit. Look forward to seeing you around 2.15pm. H

Scott Moller

Thanks Hedi

5:44 pm

This will be the last comment made in this matter on the investigation.

Trying to ensure get a fair trial and don't prejudice any ongoing trial.

BH getting ready for what a trial looks like.

[REDACTED]

Will name britt as the victim in this matter.

Police never name the victims.

It's Higgins choice, but suggest she withdraw her consent to use her name.

Rock and hard place. [REDACTED]

Risks? All the reporting will be linked.

Previous reporting talks about britt and the man. But not definitely linked.

Will be linked definitely to bruce leahmann.

Once he goes to court - they'll name him, and name Brittany.

Need to stay out of the service.

Scott concerned he'll go and say he hasn't had a fair trial.

Has been named, judged etc.

Could use scott - my name's not allowed to be out there, don't want to prejudice the trial, have expressly requested that I revoke the authorisation to use my name.

They've told me, it's out of my hands.

[REDACTED]

Process:

Have served the brief of evidence.

All material has been served on defence and dpp.

Dpp will now be working to prepare for the upcoming court appearances.

1 court appearance is on 16 september.

There won't be a requirement for the defendant to be there, especially given COVID restrictions.

Courts will likely give him leave not to appear. But he'll be represented by counsel.

Dates will then flow for future court appearances.

Scott will stay in touch.

Hope you feel validated. Want her to feel that police are supporting her.

They're 100% behind you.

You've got people in your corner.

BH: 100% - genuinely so appreciative, to trent and emma - all the people the contacted.

Knows how hard they work

Please convey how grateful she is.

Can't imagine pressure on Marcus. Please convey thanks to the team.

No-one has taken this investigation likely. Very thorough investigation.
The evidence supports what Brittany is saying.

Contact going forward:

Police will maintain the contact with Brittany

Dpp will want to speak to Brittany - will want some time with her.

Process will go ahead.

Next short while, police will get back to you - specific time and dates.

BH happy with media release.

His name will not be mentioned until the first court appearance.

Ring me any time - hope to sort any questions you may have.

16 sept - first court appearance.

There will be media reports around this date.

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From: Moller, Scott <[REDACTED]>
Sent: Monday, 23 August 2021 12:57 PM
To: Yates, Heidi <[REDACTED]>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL:Sensitive

Hi Heidi,
See below email which I sent to Brittany recently (16 August 2021). I'm still yet to receive a response, not sure if this is the right email address or not but appreciate if you could confirm that it has been received.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

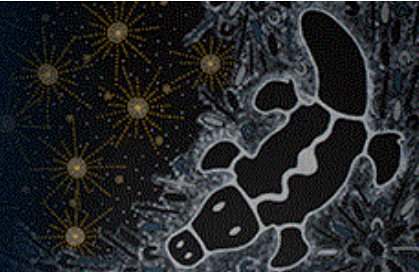
CRIMINAL INVESTIGATIONS
ACT POLICING

Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

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



From: Moller, Scott
Sent: Monday, 16 August 2021 10:21 AM
To: 'Brittany Mae' <[REDACTED]>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Dear Brittany,

As promised during our recent phone conversation, I have detailed the upcoming court proceedings below which I hope will give you some clarity for the next few months.

On Friday 6 August 2021, a summons and brief of evidence was served on the alleged offender's barrister, requiring him to attend the ACT Magistrates Court on Thursday 16 September 2021 for a "first mention".

On that occasion, he may appear in person; or be represented by a lawyer. If he appears in person he will be formally charged. After being charged, he would be expected to enter a plea of either "guilty" or "not guilty".

If he does not appear, but is represented by a lawyer which is what I expect, a plea of "not guilty" may be entered, and thereafter the matter will be set down for a committal hearing. The date for a committal hearing will be set by the court.

Processes beyond the first mention date are speculative and I will advise as we proceed. I have wanted to contact you a number of times since our phone conference however as discussed the current contact system is difficult. I would appreciate being able to contact you directly, if this is acceptable please forward via email a contact number.

Kind Regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

ACT POLICING

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From: Drumgold, Shane
Sent: Monday, 23 August 2021 1:50 PM
To: Yates, Heidi
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Yes I am happy with that



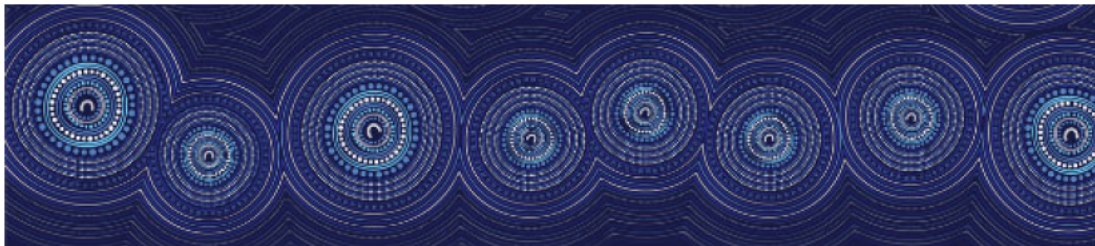
Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

Please consider the environment before printing this e-mail



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

Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <[redacted]>
Sent: Monday, 23 August 2021 1:50 PM
To: Drumgold, Shane <[redacted]>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks.

I propose to cc' you on my email to Supt. Moller so we are all on the same page?

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601

Tel (02) 6205 2222



From: Drumgold, Shane <[REDACTED]>
Sent: Monday, 23 August 2021 1:47 PM
To: Yates, Heidi <[REDACTED]>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Yes I am happy with that Heidi.



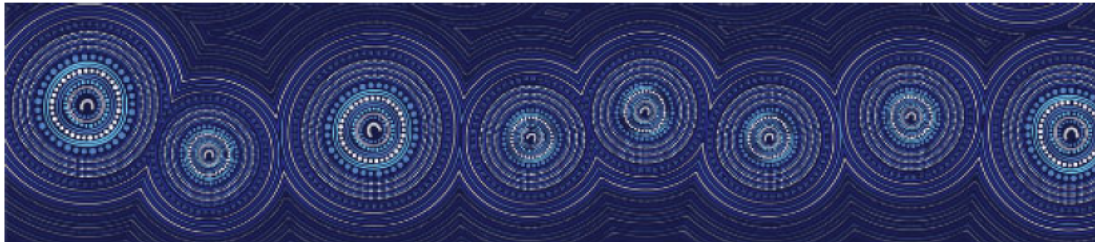
Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

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

Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <[REDACTED]>
Sent: Monday, 23 August 2021 1:44 PM
To: Drumgold, Shane <[REDACTED]>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Shane,
Please see below email from Supt. Scott Moller.

I will check with Ms Higgins to confirm that she received his advice of 16 August.

In the email below, Supt Moller notes that he will advise Ms Higgins on 'processes beyond the first mention date ...as we proceed'.

He also indicates that he has 'wanted to contact [Ms Higgins]' and 'would appreciate being able to contact [Ms Higgins] directly'.

Going forward, are you happy to advise, or for me to advise, Supt. Moller that contrary to his email, your office will provide Ms Higgins with any further information she requires regarding her matter and that accordingly, there won't be a need (as suggested by Supt Moller) for Ms Higgins to have any ongoing contact with police?

Regards,

Heidi Yates

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



From: Moller, Scott <[REDACTED]>
Sent: Monday, 23 August 2021 12:57 PM
To: Yates, Heidi <[REDACTED]>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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OFFICIAL:Sensitive

Hi Heidi,

See below email which I sent to Brittany recently (16 August 2021). I'm still yet to receive a response, not sure if this is the right email address or not but appreciate if you could confirm that it has been received.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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From: Brit Mae <[REDACTED]>
Sent: Thu, 26 Aug 2021 12:45:42 +1000
To: Yates, Heidi
Cc: David Sharaz
Subject: Re: Gaetjens Inquiry [SEC=OFFICIAL:Sensitive]

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Heidi,
This is perfect.
Thank-you!

On Thu, 26 Aug 2021 at 12:41 pm, Yates, Heidi <[REDACTED]> wrote:
OFFICIAL: Sensitive

Hi both,

I've just re-worded to explicitly reflect the DPP's advice – can you pls double check you're comfortable with the below as a final draft? Amendments welcome.

Many thanks,

Heidi

.....

Hello Stephanie,

Thank you for your recent email to Brittany regarding the Gaetjens inquiry (below), which Brittany has discussed with me. We have also sought the DPP's views on the helpful options raised in your email, noting that the matter is now with his office, rather than with ACT Policing.

The ACT DPP, Mr Shane Drumgold, is of the clear view that the Gaetjens inquiry should not proceed whilst the related criminal matter is on foot. Mr Drumgold emphasised that the matter is under judicial consideration and therefore should not be publicly discussed elsewhere. He noted that:

- Mr Gaetjens indicated publicly that he had previously paused the inquiry for two months after advice it would interfere with a police investigation. Mr Drumgold's view is that any concerns that Mr Gaetjens held that his investigation could interfere with a police investigation remain equally valid for legal proceedings whilst the matter is Sub Curia.
- Further, based on the media surrounding the inquiry, the investigation and resulting report which may be published in relation to Mr Gaetjens' investigations and resulting opinion will likely deal with the details, timing and scope of any complaints made by the complainant, and the action of persons (including ministers) who may be witnesses in the proceeding. In his view, the publication of such opinion whilst the matter is Sub Curia could be highly prejudicial to the proceedings. He specifically referenced the finding of the High Court in R v Glennon (1992) 173 CLR 592, that stated: *...negative pre-trial publicity is capable of leading to a permanent stay where the judge cannot relieve against its unfair impact.*

We hope the above advice may be of assistance in your decision-making regarding next steps. Thank you again for reaching out to Brittany to explore options.

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

[5 Constitution Avenue](#)
[Canberra City ACT 2601](#)

Tel (02) 6205 2222



----- Forwarded message -----

From: **Foster, Stephanie** <[REDACTED]>
Date: Mon, 23 Aug 2021 at 6:10 pm
Subject: RE: Gaetjens Inquiry [SEC=OFFICIAL:Sensitive]
To: Brittany Mae <[REDACTED]>

OFFICIAL: Sensitive

Hi Brittany. Sorry for the delayed response – I was trying to take some leave last week (sadly not at the snow as planned) and ended up being pretty tied up with implementation issues. I'll email more on that separately (but it's going really well!)

Thanks for the detail below, and for your willingness to find a way forward. I have three thoughts, not mutually exclusive:

Firstly, I wonder if I/we together might talk with the AFP, so between us we can explain the nature of the coverage of the review, and the nature of the material you want to present, so they can assist with views on where potential sensitivities might be. I'd have to check with them if they could do that without prejudicing anything, but I didn't want to make any contact before I had checked with you.

Secondly, with regards to your legal advice, would it be helpful to have me participate in some part of a meeting with your lawyer so I can answer any questions about scope/coverage? My feeling, reading your email below, is that we could avoid any areas of possible contention in the final report once we had talked this through.

And thirdly, should we discuss a scenario where it's not safe/sensible for you to contribute while the trial is pending/underway, and how Phil could conclude the report, acknowledging that you wanted to input but couldn't (in better words than that). One way or the other we need to find a way to finalise the process.

Happy to talk any of this through if that's easier than emailing – just let me know when you have a free window.

Cheers, Stephanie.

Stephanie Foster PSM

Deputy Secretary Governance

Head APS Reform

Department of the Prime Minister and Cabinet

t: [REDACTED] m: [REDACTED]

From: Brit Mae <[REDACTED]>
Sent: Friday, 13 August 2021 2:19 PM
To: Foster, Stephanie <[REDACTED]>
Subject: Re: Gaetjens Inquiry [SEC=OFFICIAL:Sensitive]

Hello Stephanie,

I hope you've been well.

Once again, thank-you for your work on the Foster Review. I really appreciated all your efforts and thought it was very well done. I would love to hear about any updates.

Yes, I can appreciate the predicament you're all in and wish to get this wrapped up as soon as possible.

I'm in a somewhat awkward position as we don't yet know who will potentially be called to be witnesses for the criminal trial.

It's my understanding that my behaviour and conversations with my employers after the event will formulate part of the trial.

I am happy to contribute to the review by having a discussion but will have to seek legal advice as I don't want any findings by the Department to prejudice my case.

Happy to discuss if you have any thoughts.

Kind regards,

Brittany

On Thu, 12 Aug 2021 at 8:44 am, Foster, Stephanie <[REDACTED]> wrote:

OFFICIAL: Sensitive

Dear Brittany

I'm wondering if we could talk about setting a time for your contribution to the Gaetjens inquiry into who knew what in the PMO? The last thing I want to do is put you under additional pressure, especially with the recent renewed media focus on the charges being laid, but I am very conscious that Phil needs to bring this to conclusion so everyone involved can have some closure on the issue. And that he told Estimates (in good faith) that it would be done in weeks not months based on our understanding at the time.

If it's easier for you just to send me material, or to do that through Heidi, that's fine too. Or if you don't think it's going to be viable for you anytime soon, let's talk about what the options are in that scenario.

I've been thinking about you as the media plays out and hoping you're doing as well as possible. We're moving closer to setting up the independent complaints mechanism – I can send you a quick update if you're interested.

Cheers, Stephanie.

Stephanie Foster PSM

Deputy Secretary Governance

Head APS Reform

Department of the Prime Minister and Cabinet

t: [REDACTED] m: [REDACTED]

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From: Yates, Heidi
Sent: Thu, 26 Aug 2021 07:10:16 +1000
To: Drumgold, Shane
Cc: Jerome, Skye;Brit Mae
Bcc: David Sharaz
Subject: Re: Ms Higgins interview for Gaetjens' inquiry

Dear Mr Drumgold,

Thank you for this advice which will, I'm sure, be of great assistance to Ms Higgins (cc'd).

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

P: [REDACTED]

E: [REDACTED]

From: Drumgold, Shane <[REDACTED]>

Sent: Wednesday, August 25, 2021 7:36 pm

To: Yates, Heidi

Cc: Jerome, Skye

Subject: Ms Higgins interview for Gaetjens' inquiry

OFFICIAL: Sensitive - Legal Privilege

Dear Ms Yates

Thank you for your query on behalf of Ms Brittany Higgins, complainant in the matter of Moller v Lehrmann CC2021/8143 in relation to a request for her to be interviewed for an investigation by Mr Philip Gaetjens, Secretary of the Department of Prime Minister and Cabinet.

I am unaware of the scope or terms of reference of the Gaetjens' inquiry, however I note an ABC News Report posted Tuesday 25 May 2021 reported that:

Mr Morrison asked the head of his department, Philip Gaetjens, to investigate which staff in the PMO knew about the allegation, when they became aware and what they were told.

Speaking in Senate estimates today, Mr Gaetjens said the report, which was paused for two months after advice it could interfere with a police investigation, would be done within weeks.

As you are aware, an information was sworn in the ACT Magistrates Court on 5 August 2021 rendering the matter Sub Curia or under law. In my view, any concerns that Mr Gaetjens held that his investigation could interfere with a police investigation should obviously remain equally valid for legal proceedings whilst the matter is Sub Curia.

Further, based on the media surrounding the inquiry, I assume the investigation and resulting report will publish Mr Gaetjens' investigations and resulting opinions on the details, timing and scope of any complaints made by the complainant. In my view, such opinion expressed by a person without relevant expertise would clearly be inadmissible in legal proceedings. Accordingly, the publication of such opinion whilst the matter is Sub Curia could, in my view, be highly prejudicial to the proceedings.

The High Court in R v Glennon (1992) 173 CLR 592 at [18] stated:

...negative pre-trial publicity is capable of leading to a permanent stay where the judge cannot relieve against its unfair impact.

I would request that Miss Higgins carefully consider not participating in any interview that could ultimately result in publicity that is prejudicial to legal proceedings whilst the matter is Sub Curia.

Shane Drumgold SC

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

Please consider the environment before printing this e-mail

From: Yates, Heidi
Sent: Thu, 26 Aug 2021 17:13:26 +1000
To: Moller, Scott
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL]

OFFICIAL

Thanks Scott – much appreciated.
Heidi

Heidi Yates

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



From: Moller, Scott <[REDACTED]>
Sent: Thursday, 26 August 2021 3:43 PM
To: Yates, Heidi <[REDACTED]>
Cc: Brit Mae <[REDACTED]>; Drumgold, Shane <[REDACTED]>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL]

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OFFICIAL

Thanks Heidi.

ACTDPP being the POC is noted and may well be an example for future business practices with ACTDPP managing victims after the prosecution process has commenced.

Kind regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

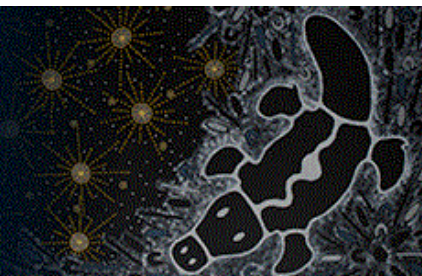
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From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 26 August 2021 10:26 AM
To: Moller, Scott <[REDACTED]>
Cc: Brit Mae <[REDACTED]>; Drumgold, Shane <[REDACTED]>
Subject: RE: Heads up & Timeline for finalisation of brief
Importance: High

OFFICIAL

Hi Scott,
Thank you for your email below.

I have spoken with Ms Higgins yesterday and she confirmed that she received your email of 16 August. Thank you for the procedural information you provided to her regarding the first mention, listed for 16 September.

In relation to ongoing contact between Ms Higgins and ACTP, I have checked with the DPP and they've confirmed that their office will take on responsibility for providing Ms Higgins with all information, updates and advice required—including under the Victims Charter of Rights—in relation to the progress of her matter. This will usefully provide Ms Higgins with a single point of contact, which I'm sure she will welcome. I have cc'd Ms Higgins and Mr Drumgold to ensure we're all on the same page regarding DPP now being the sole point of contact for Ms Higgins.

Ms Higgins asked me to again express her thanks to you and your team for the work you've undertaken to bring the matter before the court, noting we understand ACTP members will also be witnesses in the matter.

Regards,

Heidi Yates

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



From: Moller, Scott <[REDACTED]>
Sent: Thursday, 26 August 2021 10:15 AM
To: Yates, Heidi <[REDACTED]>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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OFFICIAL:Sensitive

Hi Heidi,
I still haven't heard, do you have any feedback?

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

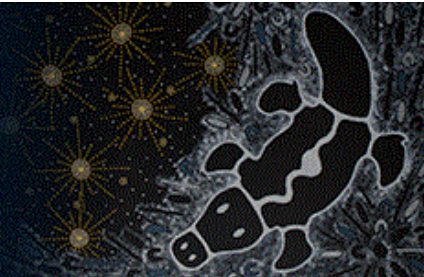
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From: Moller, Scott
Sent: Monday, 23 August 2021 12:56 PM
To: 'Yates, Heidi' <[REDACTED]>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi Heidi,
See below email which I sent to Brittany recently (16 August 2021). I'm still yet to receive a response, not sure if this is the right email address or not but appreciate if you could confirm that it has been received.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

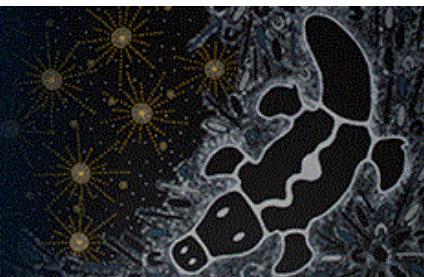
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From: Moller, Scott
Sent: Monday, 16 August 2021 10:21 AM
To: 'Brittany Mae' <[REDACTED]>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Dear Brittany,

As promised during our recent phone conversation, I have detailed the upcoming court proceedings below which I hope will give you some clarity for the next few months.

On Friday 6 August 2021, a summons and brief of evidence was served on the alleged offender's barrister, requiring him to attend the ACT Magistrates Court on Thursday 16 September 2021 for a "first mention".

On that occasion, he may appear in person; or be represented by a lawyer. If he appears in person he will be formally charged. After being charged, he would be expected to enter a plea of either "guilty" or "not guilty".

If he does not appear, but is represented by a lawyer which is what I expect, a plea of "not guilty" may be entered, and thereafter the matter will be set down for a committal hearing. The date for a committal hearing will be set by the court.

Processes beyond the first mention date are speculative and I will advise as we proceed. I have wanted to contact you a number of times since our phone conference however as discussed the current contact system is difficult. I would appreciate being able to contact you directly, if this is acceptable please forward via email a contact number.

Kind Regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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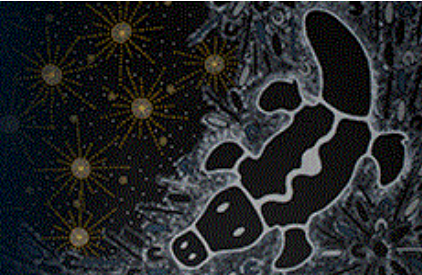
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From: Brittany Mae <[REDACTED]>
Sent: Wednesday, 30 June 2021 6:03 PM
To: Yates, Heidi <[REDACTED]>; Moller, Scott <[REDACTED]>
Cc: David Sharaz <[REDACTED]>; Leon Zwier <[REDACTED]>
Subject: Re: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Good Afternoon,

Thank-you for the status update.

I'd prefer any information be relayed through my lawyer (cc above). Our last conversation was quite distressing and any way we can mitigate any unnecessary protracted conversations would be preferable.

If your advice pertains to whether or not the DPP are planning to proceed. Please feel free to be as blunt and straight to the point as possible. No need for any long form explanations either way.

In turn, I'll continue to respect your overt preference for my ongoing media silence.

Kind regards,
Brittany

Sent from my iPhone

On 30 Jun 2021, at 5:46 pm, Yates, Heidi <[REDACTED]> wrote:

OFFICIAL: Sensitive

Hi Brittany,
Please see below exchange of emails from police, following the email that I cc'd you into to Marcus on Tuesday morning. As discussed, Detective Superintendent Scott Moller has indicated he's now the contact person for your matter.

Please let myself or Police know how you'd like to proceed, or let me know how I might assist to progress.

Regards,

Heidi Yates

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

<image002.jpg>

From: Moller, Scott <[REDACTED]>
Sent: Tuesday, 29 June 2021 4:08 PM
To: Yates, Heidi <[REDACTED]>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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OFFICIAL: Sensitive

Thanks Heidi,
I need to discuss the preliminary findings of the DPP with her. Appreciate if you could facilitate it.

Kind regards
Scott

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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From: Yates, Heidi <[REDACTED]>
Sent: Tuesday, 29 June 2021 3:00 PM
To: Moller, Scott <[REDACTED]>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL

Hi Scott,
Thanks for confirming you're the updated contact for this matter.

I'll advise Ms Higgin regarding the 4 week timeline for finalisation of the brief, and welcome your confirmation that you'll advise us when it is complete.

Regarding a face to face meeting, I'm happy to facilitate a request but I'm not confident that Ms Higgins will be open to a personal meeting next week (although thank you for offering to travel to her). To aid her consideration, are you able to provide some further info re the nature of the meeting? I can discuss by phone. You have my mobile or direct line: [REDACTED].

Regards,

Heidi Yates

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

<image008.jpg>

From: Moller, Scott <[REDACTED]>
Sent: Tuesday, 29 June 2021 2:44 PM
To: Yates, Heidi <[REDACTED]>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]
Importance: High

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OFFICIAL:Sensitive

Hi Heidi,
I'm the point of contact for this matter, please touch base with me for any further queries re this investigation. In response to your below question, I have allowed the investigation team a time line of 4 weeks, noting the current COVID restrictions for the remainder of the brief of evidence to be prepared and presented to the DPP and I'm happy to advise when that is complete.

Additionally I will need to see Ms Higgins personally next week and I'm happy to travel to her if that is easier – are you able to facilitate this meeting?

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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<image006.gif>

<image007.gif>

From: Yates, Heidi <[REDACTED]>
Sent: Tuesday, 29 June 2021 10:23 AM
To: Boorman, Marcus <[REDACTED]>
Cc: Brit Mae <[REDACTED]>
Subject: Heads up & Timeline for finalisation of brief
Importance: High

OFFICIAL: Sensitive

Hi Marcus,

Just touching base, noting that I understand your team will now be working to finalise the outstanding matters in the DPP brief.

Are you able to confirm that police will provide my office with a heads up when the remainder of the brief is provided to the DPP? Which we presume may be in the next 1-2 weeks?

As discussed in our earlier conversation it's likely that, if asked, Shane Drumgold will inform the media when he has received the full brief. Noting this is likely to generate further media interest (including direct requests to Ms Higgins for comment) it would be helpful for Ms Higgins to be on notice when the full brief is provided to the DPP. In particular, this will aid her to adhere to the media approach agreed with police, which is that she will not provide any independent comment on the matter, but will be kept in the loop regarding police or dpp media engagement on her matter.

Please let me know if you'd like to discuss further.

Regards,

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
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AFP Web site: <http://www.afp.gov.au>

From: Moller, Scott
Sent: Thursday, 9 September 2021 1:44 PM
To: 'Yates, Heidi' <[REDACTED]>
Subject: statement re Brittany Higgins [SEC=OFFICIAL]

OFFICIAL

Heidi,
The Investigation team is in the final stages of brief preparation for the Brittany Higgins investigation and have identified a need to obtain a statement from you. Appreciate if you could nominate a time suitable at the conclusion of the lock down period (17 September 2021) for our team to take that statement.

Kind regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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From: Yates, Heidi
Sent: Fri, 10 Sep 2021 18:22:11 +1000
To: [REDACTED]
Subject: Notes from today's discussion

OFFICIAL: Sensitive - Personal Privacy

Hi Brittany,

Good to speak with you and Shane Drumgold, the Director of Public Prosecutions, this afternoon. As discussed, below are a few rough notes from the conversation, for your records.

Court process

The matter will start in the magistrates court.

The magistrate has to 'commit' the charge to the supreme court.

There are three options here;

- Defence can 'waive' committal, which means there is no fuss, and the magistrate court simply commits the matter to the supreme court.
- Defence can ask for a copy of the brief, the magistrate then has to read the brief and this all takes some time.
- Defence could make an application to cross-examine any witnesses on a committal. This would be extremely unusual and DPP would oppose it strongly. Shane doesn't think this is likely to happen.

Most likely this will be a straightforward step, and the matter will be committed either on the papers, or go up to the supreme court by way of a committal.

Once the matter gets to the supreme court, the DPP will be ready to go. The matter goes into a call over and is allocated to a trial list (there are 4 trial periods each year).

The matter will then be allocated a trial date. Shane's well advanced in his preparation for trial. He's got a good sense of the time the trial will take, **likely two weeks**, based on the number of witnesses.

DPP team who will be handling the matter

From the DPP's perspective, the trial will be prosecuted by a team of three.

- Shane will be lead counsel
- Skye Jerome will be junior counsel; and
- shortly they'll be joined by an instructing solicitor. They haven't allocated an instructing solicitor as yet – he wants to ensure the team is consistent throughout the matter, just waiting to get someone on board who can be there throughout.

Shane or Skye will appear at each stage in the matter. Shane will appear via AV this Thursday. He wants to ensure the matter is dealt with expeditiously. They want to bring the matter to trial ASAP.

Shane noted that his office have a witness assistance service, but in this matter, he and Skye will engage with you directly. Shane would like as few people as possible engaged in this matter.

Relationship with police

The matter is now with the DPP, who are your key contact. As far as Shane is concerned, you should no longer have a working relationship with police. If police want to say anything to you, they should contact the DPP, who will contact me, and we'll contact you as required.

Updates as the matter progresses

- You have indicated that you would like updates from the DPP to be communicated via my office (unless of course you advise any time that you'd like to receive them directly, or in another way)
- Essentially the communication from the DPP to you will be direct and brief for some months. When we get closer to the trial date, DPP will invite you to meet with them, and will thoroughly prepare you. As part of this, you'll have the opportunity to watch the EIC at the DPP's offices.

Your evidence

Your evidence will consist of:

- Your EIC
- After this is played, Shane will ask you some questions to familiarise the jury with the journey that you have been on.

Shane indicated that witnesses often think trial proceedings will reflect what they've seen on TV. Please be assured the court is usually civilised, calm.

Shane indicated there will then be some cross-examination, but this shouldn't collectively take more than around a day. Shane doesn't want you spend six months being fearful about how this day will look. It will be over quickly.

Overall, you emphasised you were going in with very realistic outcomes. Shane encouraged you not to adopt too much pessimism. The DPP are comfortable with this case from an evidential perspective.

Witnesses

- DPP will issue a subpoena for any witness to attend
- If they don't respond, they're committing a criminal offence. DPP has the power to get a warrant.
- Witnesses almost always attend, and provide honest evidence.

Undertaking other work and advocacy

In terms of your capacity to engage in other work and advocacy from now until when the trial is completed, Shane indicated that his preference would be that you'd avoid discussing any fact that a jury might need to determine. Playing it safe, this likely reflects the period from the afternoon before the incident, through to the first time you spoke to the AFP.

Beyond this, he indicated that he's not concerned generally about media engagement (and doesn't share the police's concern about the media).

Next steps

From this point:

- Communication from the DPP to you (via my office) for the next 4-5 months will likely be quite brief, updating you on progress
- Shane encouraged you to do your best to live your life over the coming months.
- He encouraged you not to live as if this event is at the centre of your life, because life's short.
- To the extent that you can, don't live your life thinking about the trial.

Once it's committed to trial, and there's a trial date, they'll be in contact and will move to preparation phase, including watching your EIC at the DPP's office and talking about the trial process in some detail.

If you're interested, their website (www.dpp.act.gov.au) there are a few videos that show the court process. These may assist in terms of any worries or questions you may have about attending court.

Shane concluded by indicating he or Skye would be happy to answer your questions at any point.

.....

I hope you found this afternoon's meeting useful, and of course, please let me know if you have further questions you'd like to raise with the DPP, or if I can assist with any other matters.

All the best for a sunny weekend!

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

5 Constitution Avenue
Canberra City ACT 2601

Tel (02) 6205 2222



From: Yates, Heidi
Sent: Wed, 15 Sep 2021 09:07:25 +1000
To: Moller, Scott
Bcc: [REDACTED]
Subject: RE: statement re Brittany Higgins [SEC=OFFICIAL]

OFFICIAL

Thanks Scott,

As discussed, happy to assist.

By way of clarification, I confirm the notes I took were in the capacity of my role as a support person for Ms Higgins. Accordingly, they primarily summarise information that police provided to Ms Higgins (for her records).

To aid my ability to come back to you regarding a timeframe to provide a statement, can I clarify whether your team is seeking a face-to-face discussion to prepare a written statement? Or whether they propose this statement be prepared and settled remotely / by phone/online?

Regards,

Heidi Yates

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



From: Moller, Scott <[REDACTED]>
Sent: Wednesday, 15 September 2021 8:50 AM
To: Yates, Heidi <[REDACTED]>
Subject: FW: statement re Brittany Higgins [SEC=OFFICIAL]

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OFFICIAL

Hi Heidi,

Thanks for getting back to me by phone re the below. As discussed the investigation has identified that you were present for a number of meetings between investigators and Ms Higgins, in particular a meeting in which Ms Higgins provided information which is relevant to the matter currently before Court. I am also aware that you took notes during these meetings and as such believe you will be able to offer corroborative, and independent evidence in relation to these meetings.

Given the COVID lock down is now continuing until 15 October 2021 there will be a need to obtain your statement prior to the conclusion of lock down. Appreciate if you could nominate a suitable time, date and location in the next week and I will have the investigators available to facilitate the taking of your statement.

Kind regards
Scott.

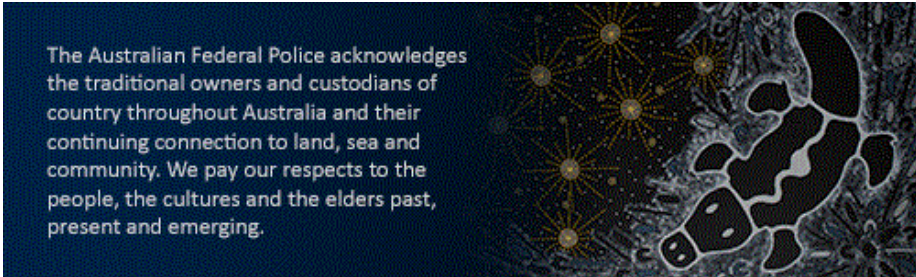
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From: Moller, Scott
Sent: Thursday, 9 September 2021 1:44 PM
To: 'Yates, Heidi' <[REDACTED]>
Subject: statement re Brittany Higgins [SEC=OFFICIAL]

OFFICIAL

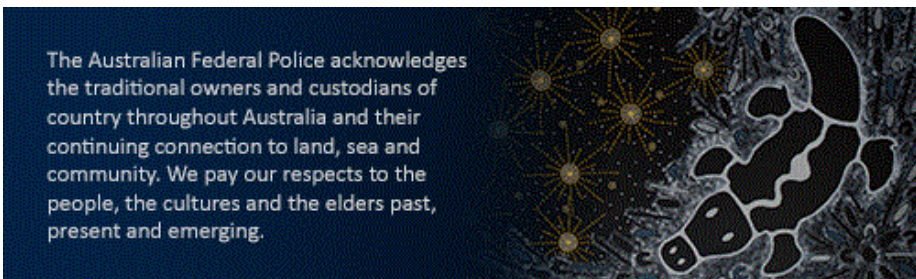
Heidi,
The Investigation team is in the final stages of brief preparation for the Brittany Higgins investigation and have identified a need to obtain a statement from you. Appreciate if you could nominate a time suitable at the conclusion of the lock down period (17 September 2021) for our team to take that statement.

Kind regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER
CRIMINAL INVESTIGATIONS
ACT POLICING
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]
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16 Sep 2021 at 9:30 am

Heidi-Work Yates-Work

Morning Shane. Do you have any insight into when the Lehmann matter might appear in the list this morning?

9:30 am

Shane Drumgold

First up I think

9:30 am

Heidi-Work Yates-Work

Great. Thanks.

9:30 am

From: Yates, Heidi
Sent: Thu, 16 Sep 2021 12:21:25 +1000
To: [REDACTED]
Subject: FW: Police v Lehrmann update

OFFICIAL

Hi Britt,
Please see below update from the DPP for your records in relation to today's appearance.

Do let me know if you'd like me to routinely include David, Leon or others in sending through these updates.

I am gathering some further information in relation the whereabouts of the defendant.
The DPP has indicated that his charge sheet lists his address in [REDACTED] which I understand is just out of [REDACTED].
They note he was previously in [REDACTED] but may have returned to his [REDACTED] home during lockdown.
The DPP will provide an update on this when they can.

Please let me know if there's anything in the above that you'd like to discuss?

Regards,

Heidi Yates

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



From: Drumgold, Shane <[REDACTED]>
Sent: Thursday, 16 September 2021 10:12 AM
To: Yates, Heidi <[REDACTED]>
Subject: Police v Lehrmann update

OFFICIAL

Hi Heidi

Below is the result of the mention on 16/9/21

- Mention before Magistrate Beth Campbell
- Warwick Korn appeared via AVL on behalf of Mr Lehrmann and I appeared via AVL for the Crown
- A plea of not guilty was entered to the single charge
- Prosecution indicated that the brief of evidence was served and we were ready to commit the matter whenever defence were ready
- Defence confirmed they had a brief of evidence, however sought a 4 week adjournment to go through the brief and confirm they have everything
- Matter was adjourned to 14 October 2021 at 9.30 for committal for trial



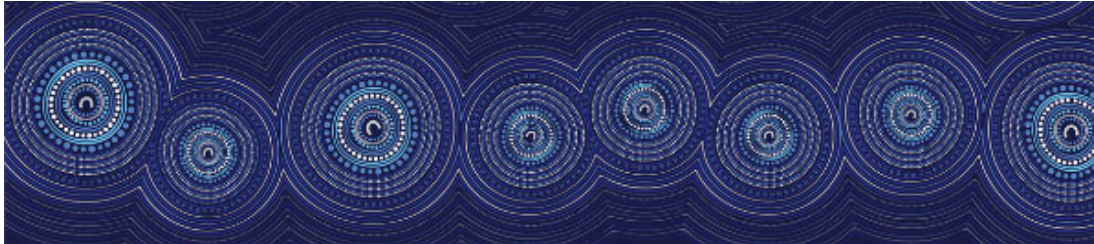
Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W: www.dpp.act.gov.au

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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Drumgold, Shane
Sent: Thu, 16 Sep 2021 10:39:34 +1000
To: Yates, Heidi
Cc: Jerome, Skye
Subject: RE: Lehrmann in [REDACTED]

OFFICIAL: Sensitive

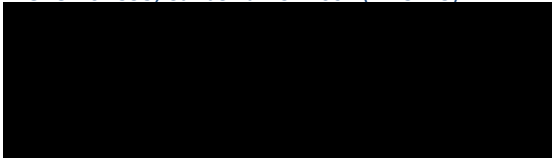
Hey Heidi

His charge sheet lists his address in [REDACTED] which I understand is just outside [REDACTED] He was in [REDACTED] but may have returned to his [REDACTED] home during lockdown.

I will however confirm when if I can.



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 16 September 2021 10:30 AM
To: Drumgold, Shane <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>
Subject: Lehrmann in [REDACTED]

OFFICIAL: Sensitive

Hi Shane,

Thank you for appearing in this matter this morning.

Good to see they consented to the committal.

A safety issue - Brittany was concerned to learn that the defendant is in [REDACTED] (she previously thought he was based somewhere near [REDACTED] Might there be a way for us to gather some further information about whether he is in [REDACTED] She has some safety concerns in relation to the possibility of contact with him, noting she's living in [REDACTED]

Thanks,

Heidi Yates

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



From: Yates, Heidi
Sent: Thu, 16 Sep 2021 11:09:25 +1000
To: Drumgold, Shane
Subject: RE: Police v Lehrmann update

OFFICIAL

Hi Shane,
Thanks for this update which I'll share with Ms Higgins.

Regards,

Heidi Yates

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



From: Drumgold, Shane <[REDACTED]>
Sent: Thursday, 16 September 2021 10:12 AM
To: Yates, Heidi <[REDACTED]>
Subject: Police v Lehrmann update

OFFICIAL

Hi Heidi

Below is the result of the mention on 16/9/21

- Mention before Magistrate Beth Campbell
- Warwick Korn appeared via AVL on behalf of Mr Lehrmann and I appeared via AVL for the Crown
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Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Priestly, Erin
Sent: Fri, 17 Sep 2021 08:23:42 +1000
To: Yates, Heidi
Subject: RE: Police v Lehrmann

OFFICIAL

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

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

Kind regards
Erin

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

OFFICIAL

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

We are fortunate to have you assisting with this matter.

I look forward further contact over coming weeks.

Regards,

Heidi Yates

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



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

OFFICIAL

Hi Heidi

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

Kind regards



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

W: www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and go to the Witnesses and Victims link.

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From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 16 September 2021 4:03 PM
To: Drumgold, Shane <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>; Priestly, Erin <[REDACTED]>
Subject: RE: Police v Lehrmann

OFFICIAL

Many thanks Shane,

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

If you need to contact me directly at any time, my mobile [REDACTED]

Regards,

Heidi Yates

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



From: Drumgold, Shane <[REDACTED]>
Sent: Thursday, 16 September 2021 3:51 PM
To: Yates, Heidi <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>; Priestly, Erin <[REDACTED]>
Subject: Police v Lehrmann

OFFICIAL

Hi Heidi

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



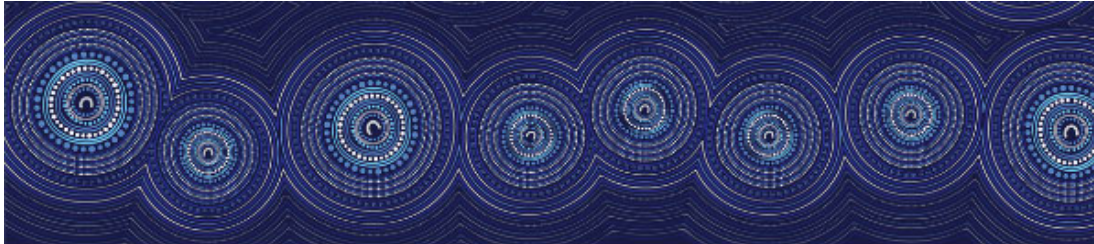
Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Moller, Scott <[REDACTED]>
Sent: Fri, 17 Sep 2021 11:30:48 +1000
To: Yates, Heidi
Cc: [REDACTED]
Subject: RE: statement re Brittany Higgins [SEC=OFFICIAL]

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OFFICIAL

Great thanks Heidi, **Wednesday 22nd September at 10.30am** the team will call.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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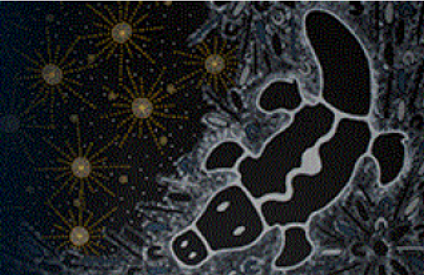
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]

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From: Yates, Heidi <[REDACTED]>
Sent: Friday, 17 September 2021 10:35 AM
To: Moller, Scott <[REDACTED]>
Cc: [REDACTED]
Subject: Re: statement re Brittany Higgins [SEC=OFFICIAL]

OFFICIAL

Thanks Scott. I'll await your further advice on timing.

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
P: 6205 2222
E: [REDACTED]

From: Moller, Scott <[REDACTED]>
Sent: Friday, September 17, 2021 9:08:00 AM
To: Yates, Heidi <[REDACTED]>
Cc: [REDACTED]
Subject: RE: statement re Brittany Higgins [SEC=OFFICIAL]

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Thanks Heidi, Ill discuss with the team and get back to you.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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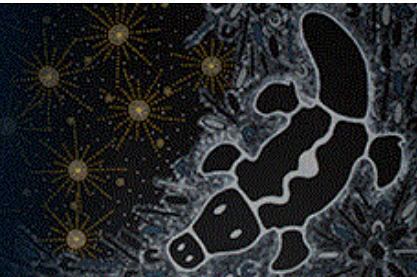
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]

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From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 16 September 2021 8:46 PM
To: Moller, Scott <[REDACTED]>
Cc: [REDACTED]
Subject: RE: statement re Brittany Higgins [SEC=OFFICIAL]
Importance: High

OFFICIAL

Hi Scott,
Thanks – online works for me.

I'm afraid my diary is full next week, noting I'm going on leave the following week.

However, this is a priority and I'm happy to work to clear time. My preference would be a window (may 90 mins be sufficient?) on **Wednesday 22nd** between 10.30 and 2pm, if that works for your team? If it doesn't – we can work with my EA, [REDACTED], to identify other options.

Regards,

Heidi Yates

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



From: Moller, Scott <[REDACTED]>
Sent: Wednesday, 15 September 2021 10:57 AM
To: Yates, Heidi <[REDACTED]>
Subject: RE: statement re Brittany Higgins [SEC=OFFICIAL]

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OFFICIAL

Thanks Heidi,

Our proposal is to do it remotely via Zoom or similar. If you could nominate the appropriate time and date I will have the Investigators work out the finer details.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

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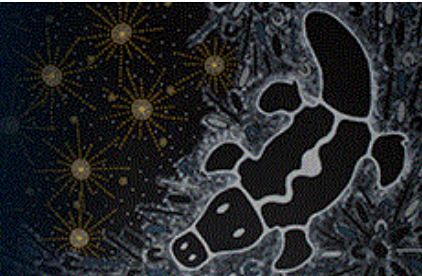
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]

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From: Yates, Heidi <[REDACTED]>
Sent: Wednesday, 15 September 2021 9:07 AM
To: Moller, Scott <[REDACTED]>
Subject: RE: statement re Brittany Higgins [SEC=OFFICIAL]

OFFICIAL

Thanks Scott,

As discussed, happy to assist.

By way of clarification, I confirm the notes I took were in the capacity of my role as a support person for Ms Higgins.

Accordingly, they primarily summarise information that police provided to Ms Higgins (for her records).

To aid my ability to come back to you regarding a timeframe to provide a statement, can I clarify whether your team is seeking a face-to-face discussion to prepare a written statement? Or whether they propose this statement be prepared and settled remotely / by phone/online?

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

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



From: Moller, Scott <[REDACTED]>
Sent: Wednesday, 15 September 2021 8:50 AM
To: Yates, Heidi <[REDACTED]>
Subject: FW: statement re Brittany Higgins [SEC=OFFICIAL]

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OFFICIAL

Hi Heidi,

Thanks for getting back to me by phone re the below. As discussed the investigation has identified that you were present for a number of meetings between investigators and Ms Higgins, in particular a meeting in which Ms Higgins provided information which is relevant to the matter currently before Court. I am also aware that you took notes during these meetings and as such believe you will be able to offer corroborative, and independent evidence in relation to these meetings.

Given the COVID lock down is now continuing until 15 October 2021 there will be a need to obtain your statement prior to the conclusion of lock down. Appreciate if you could nominate a suitable time, date and location in the next week and I will have the investigators available to facilitate the taking of your statement.

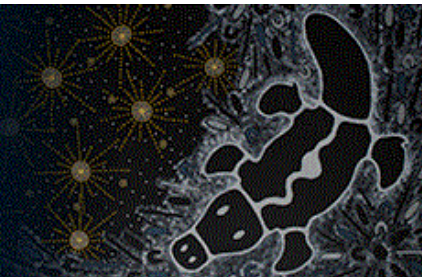
Kind regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER
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From: Moller, Scott
Sent: Thursday, 9 September 2021 1:44 PM
To: 'Yates, Heidi' <[REDACTED]>
Subject: statement re Brittany Higgins [SEC=OFFICIAL]

OFFICIAL

Heidi,

The Investigation team is in the final stages of brief preparation for the Brittany Higgins investigation and have identified a need to obtain a statement from you. Appreciate if you could nominate a time suitable at the conclusion of the lock down period (17 September 2021) for our team to take that statement.

Kind regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

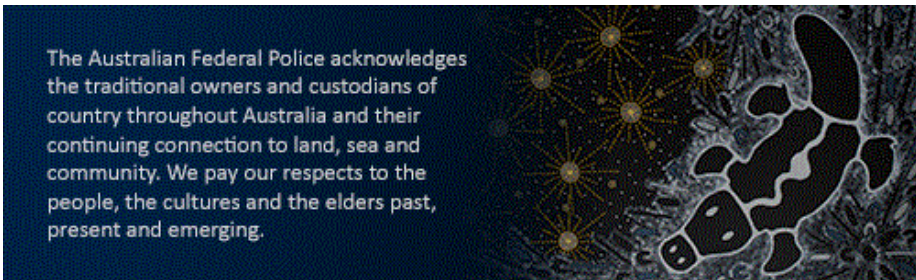
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Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]

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

21 Sep 2021 at 11:37 am

Shane Drumgold

Do you have 5 for a quick chat

11:37 am

Heidi-Work Yates-Work

I could call just before 12?

11:40 am

Shane Drumgold

Sounds good



11:41 am

22 Sep 2021 at 7:17 am

Shane Drumgold

Hi Heidi - AFP have confirmed all of my fears in the Lehremann matter - I will be in touch later

7:17 am

Heidi-Work Yates-Work

Thank you for confirming Shane.

7:26 am

Shane Drumgold

I have written to the AFP directing them to fix the issue immediately and write to you and Brittany informing what happened and what remedial action has been undertaken.

10:57 am

Heidi-Work Yates-Work

Thank you. Can I potentially call you briefly to to discuss before 3pm or tomorrow?

2:39 pm

Shane Drumgold

Yea now

2:40 pm

From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 23 September 2021 10:05 PM
To: Crozier, Peter <[REDACTED]>
Cc: [REDACTED]
Subject: Seeking Update
Importance: High

OFFICIAL: Sensitive

Peter,

Thank you for the opportunity to briefly discuss this morning what I understand to be a substantial privacy breach in the Higgins matter. I am yet to receive any information from your team in relation to this.

As discussed, I will need to update Ms Higgins tomorrow (Friday) morning at the latest regarding what I understand has occurred, based on preliminary advice I have received from the DPP.

My priority is to ensure Ms Higgins has the clearest possible information regarding the nature of the breach. Any written advice available from your team prior to 10am tomorrow morning would be most welcome, particularly in relation to written confirmation regarding:

- Whether her protected records were indeed served on the defence.
- If so, what documents were served, on what time/day, and with whose authority.
- What steps ACTP have taken to remedy this breach, including whether written confirmation has been obtained from defence in relation to:
 - whether defence have destroyed/deleted the records and any notes or copies taken in relation to these protected records;
 - whether defence has disclosed receipt of these records to any other person;
 - whether defence has shared the records with the accused, or informed the accused that they have been received.

I am of course highly concerned about the likely impact of this news on Ms Higgins and await your team's advice.

Regards,

Heidi Yates

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



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From: Yates, Heidi <[REDACTED]>
Sent: Friday, 24 September 2021 10:55 AM
To: Drumgold, Shane <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>
Subject: FW: Seeking Update [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Good morning Shane,

I have communicated the news of the privacy breach to Ms Higgins this morning. It was devastating news for her and her family.

Two things:

1. Ms Higgins is understandably disturbed by what we understand to be the inappropriate disclosure of her personal, sensitive information. To manage her concerns, it would assist her to be able to review a copy of the [REDACTED] counselling records which have been served on Defence.

I could obviously seek a copy of these records directly from the organisations but it would be more straightforward if they could be provided to her by ACTP or your office. Might this be possible?

2. A quick heads up that Ms Higgins has received ongoing advice about a range of issues associated with different aspects of her matter from [Mr Leon Zwier](#). At Brittany's request, I have spoken with Mr Zwier in this capacity on a number of occasions. It is possible Mr Zwier may contact your office in relation to her sharing this news with him.

I look forward to staying in touch, noting DCPO Crozier's advice below that his office will be writing to you on these matters.

Regards,

Heidi Yates

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



From: Yates, Heidi
Sent: Fri, 24 Sep 2021 10:56:42 +1000
To: Drumgold, Shane
Bcc: [REDACTED]
Subject: RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thank you Shane. I will update my advice to Ms Higgins based on the below.

Regards,

Heidi Yates

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



From: Drumgold, Shane <[REDACTED]>
Sent: Friday, 24 September 2021 10:50 AM
To: Yates, Heidi <[REDACTED]>
Subject: FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Dear Heidi
Please find attached response from Superintendent Moller



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

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We acknowledge and respect their continuing culture and the contribution they make
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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Moller, Scott <[REDACTED]>
Sent: Friday, 24 September 2021 10:41 AM
To: Drumgold, Shane <[REDACTED]>
Cc: Frizzell, Emma <[REDACTED]>; Madders, Trent <[REDACTED]>; Rose, Robert
<[REDACTED]>; [REDACTED]; Jerome, Skye <[REDACTED]>
Subject: RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Good morning Shane,

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

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

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

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

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

Regards
Scott

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

ACT POLICING

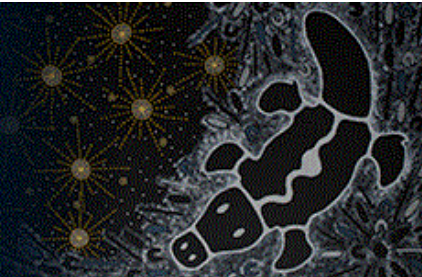
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]

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From: Drumgold, Shane <[REDACTED]>
Sent: Wednesday, 22 September 2021 8:17 AM
To: Moller, Scott <[REDACTED]>
Cc: Frizzell, Emma <[REDACTED]>; Madders, Trent <[REDACTED]>; Rose, Robert <[REDACTED]>;
<[REDACTED]>; Jerome, Skye <[REDACTED]>;
Priestly, Erin <[REDACTED]>
Subject: RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

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

May I suggest the following as a start:

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

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

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

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



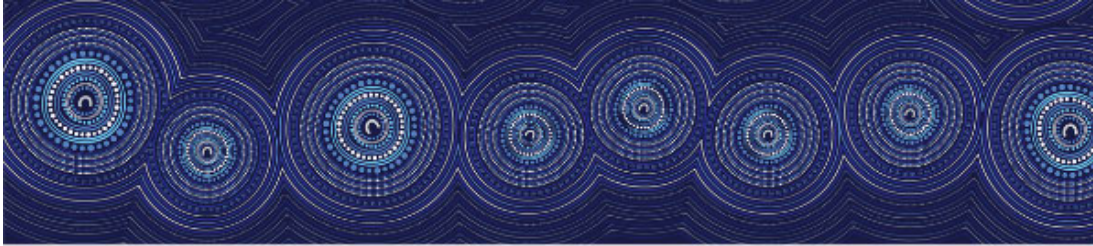
Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

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

Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Moller, Scott <[REDACTED]>
Sent: Wednesday, 22 September 2021 6:41 AM
To: Drumgold, Shane <[REDACTED]>
Cc: Frizzell, Emma <[REDACTED]>; Madders, Trent <[REDACTED]>; Rose, Robert <[REDACTED]>;
<[REDACTED]>;
Subject: FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,
Please see response below as requested.

Regards Scott.

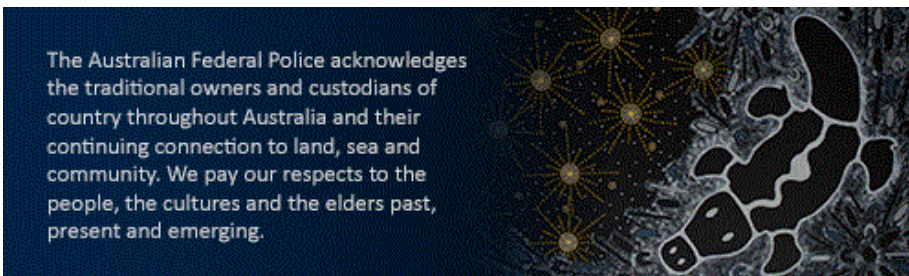
DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS
ACT POLICING

Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA



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

OFFICIAL:Sensitive

Dear Sir,

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

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

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

- i. [REDACTED] Records;
- ii. [REDACTED] Records;
- iii. [REDACTED] Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to acquire data;

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

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



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

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

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

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

Kind Regards,

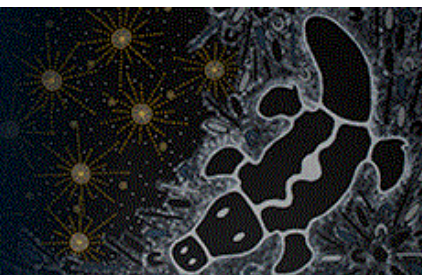
Bob

DETECTIVE SERGEANT ROBERT ROSE
TEAM LEADER JACET & CSORT - CRIMINAL INVESTIGATIONS
ACT POLICING
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]
www.afp.gov.au



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From: Moller, Scott <[REDACTED]>
Sent: Tuesday, 21 September 2021 1:34 PM
To: Rose, Robert <[REDACTED]>
Subject: FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Bob,
A response by cob today please.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

ACT POLICING

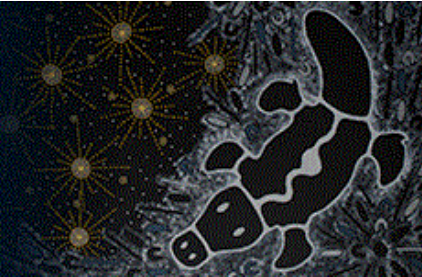
Tel: [REDACTED] Ext: [REDACTED] Mob: [REDACTED]

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From: Drumgold, Shane <[REDACTED]>
Sent: Tuesday, 21 September 2021 1:31 PM
To: Moller, Scott <[REDACTED]>; Frizzell, Emma <[REDACTED]>; Boorman, Marcus <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>; Priestly, Erin <[REDACTED]>
Subject: RE: Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

Dear All

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



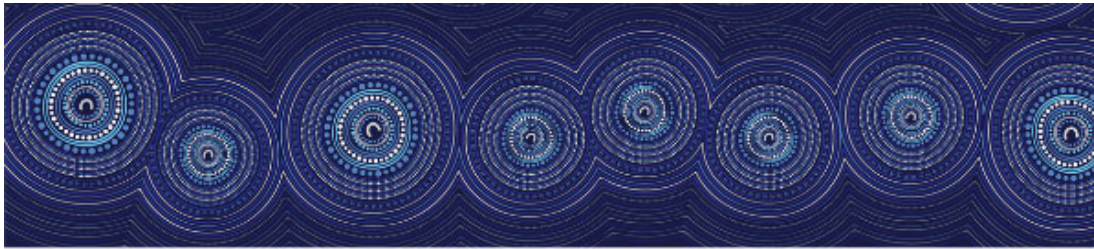
Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W: www.dpp.act.gov.au

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

Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Drumgold, Shane

Sent: Friday, 17 September 2021 2:31 PM

To: Moller, Scott <[REDACTED]>; [REDACTED]; Boorman, Marcus <[REDACTED]>

Cc: Jerome, Skye <[REDACTED]>; Priestly, Erin <[REDACTED]>

Subject: Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

Dear Superintendent Moller et al

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

Unlocked redactions

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

- i. [REDACTED] Records;
- ii. [REDACTED] Records;
- iii. [REDACTED] Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to access iCloud;
- vii. Consent to acquire data;

Defence copy of the brief

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

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

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

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

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

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

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

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

Further evidence

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

- i. Audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021
- ii. Police statements
 1. Gareth Saunders
 2. Jason McDevitt
 3. Kristy [REDACTED]
- iii. Statements regarding complaint evidence
 4. [REDACTED]
 5. [REDACTED]
 6. [REDACTED]
 7. [REDACTED]
 8. [REDACTED]
 9. [REDACTED]
- viii. Documents:
 10. Photos of Lehrmann's Phone – SC James [REDACTED]
 11. [REDACTED] – Trent Madders
 12. Complete download – Complainant's 3 phones
 13. Complete download – Accused's phone
 14. Transcript – [REDACTED]
 15. Transcript – [REDACTED]
 16. Transcript – [REDACTED]

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



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

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

From: Yates, Heidi
Sent: Fri, 24 Sep 2021 10:42:53 +1000
To: Crozier, Peter; O'Meagher, Hall
Cc: [REDACTED]
Bcc: Drumgold, Shane
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Thank you for the update Peter.

I have had to inform Ms Higgins of the breach this morning. [REDACTED]
[REDACTED]

I will await the DPP's further advice to ensure I can keep Ms Higgins informed.

Regards,

Heidi Yates

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



From: Crozier, Peter <[REDACTED]>
Sent: Friday, 24 September 2021 10:11 AM
To: Yates, Heidi <[REDACTED]>; O'Meagher, Hall <[REDACTED]>
Cc: [REDACTED]
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]

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OFFICIAL: Sensitive

Good morning Heidi.

The team are providing information back to the ACT DPP to enable the advice to be provided to you in accordance with the arrangement that communication for provision to Ms Higgins is managed through this channel.

The team are in the process of addressing measures to address a number of issues which are reflected in your email.

If you need any further clarity post the advice of the ACTDPP, please contact me – [REDACTED] and I will endeavour to provide this.

Best regards,

Peter

ASSISTANT COMMISSIONER PETER CROZIER
DEPUTY CHIEF POLICE OFFICER
ACT POLICING
Tel: [REDACTED]
www.afp.gov.au



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From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 23 September 2021 10:05 PM
To: Crozier, Peter <[REDACTED]>
Cc: [REDACTED]
Subject: Seeking Update
Importance: High

OFFICIAL: Sensitive

Peter,

Thank you for the opportunity to briefly discuss this morning what I understand to be a substantial privacy breach in the Higgins matter. I am yet to receive any information from your team in relation to this.

As discussed, I will need to update Ms Higgins tomorrow (Friday) morning at the latest regarding what I understand has occurred, based on preliminary advice I have received from the DPP.

My priority is to ensure Ms Higgins has the clearest possible information regarding the nature of the breach. Any written advice available from your team prior to 10am tomorrow morning would be most welcome, particularly in relation to written confirmation regarding:

- Whether her protected records were indeed served on the defence.
- If so, what documents were served, on what time/day, and with whose authority.
- What steps ACTP have taken to remedy this breach, including whether written confirmation has been obtained from defence in relation to:
 - whether defence have destroyed/deleted the records and any notes or copies taken in relation to these protected records;
 - whether defence has disclosed receipt of these records to any other person;
 - whether defence has shared the records with the accused, or informed the accused that they have been received.

I am of course highly concerned about the likely impact of this news on Ms Higgins and await your team's advice.

Regards,

Heidi Yates

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



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From: Yates, Heidi
Sent: Fri, 24 Sep 2021 14:52:38 +1000
To: Brittany Mae
Subject: Copy of records
Attachments: [REDACTED].pdf, Clinical Notes. B.Higgins - [REDACTED].pdf
Importance: High

OFFICIAL: Sensitive - Legal Privilege

Hello Britt,
Please see attached counselling records, for your review.
Shane recognises how distressing this situation must be for you.
I also understand from my brief chat with David just before 2pm that Shane's also spoken with Leon today.
I'll call again towards end of day to touch base.

Regards,

Heidi Yates

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



From: Drumgold, Shane <[REDACTED]>
Sent: Friday, 24 September 2021 11:01 AM
To: Yates, Heidi <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>; Priestly, Erin <[REDACTED]>
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Dear Heidi
I completely understand Ms Higgins' distress, and have enclosed the counselling notes from both [REDACTED] and [REDACTED], and I am happy for you to share them with her.

I am happy to take Mr Zwier's call.



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W: www.dpp.act.gov.au

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From: Yates, Heidi <[REDACTED]>
Sent: Friday, 24 September 2021 10:55 AM
To: Drumgold, Shane <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>
Subject: FW: Seeking Update [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Good morning Shane,

I have communicated the news of the privacy breach to Ms Higgins this morning. It was devastating news for her and her family.

Two things:

1. Ms Higgins is understandably disturbed by what we understand to be the inappropriate disclosure of her personal, sensitive information. To manage her concerns, it would assist her to be able to review a copy of the [REDACTED] counselling records which have been served on Defence.

I could obviously seek a copy of these records directly from the organisations but it would be more straightforward if they could be provided to her by ACTP or your office. Might this be possible?

2. A quick heads up that Ms Higgins has received ongoing advice about a range of issues associated with different aspects of her matter from [Mr Leon Zwier](#). At Brittany's request, I have spoken with Mr Zwier in this capacity on a number of occasions. It is possible Mr Zwier may contact your office in relation to her sharing this news with him.

I look forward to staying in touch, noting DCPO Crozier's advice below that his office will be writing to you on these matters.

Regards,

Heidi Yates

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



From: Yates, Heidi
Sent: Friday, 24 September 2021 10:43 AM
To: 'Crozier, Peter' <[REDACTED]>; O'Meagher, Hall <[REDACTED]>

Cc: [REDACTED]
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Thank you for the update Peter.

I have had to inform Ms Higgins of the breach this morning. [REDACTED]
[REDACTED]

I will await the DPP's further advice to ensure I can keep Ms Higgins informed.

Regards,

Heidi Yates

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



From: Crozier, Peter <[REDACTED]>
Sent: Friday, 24 September 2021 10:11 AM
To: Yates, Heidi <[REDACTED]>; O'Meagher, Hall <[REDACTED]>
Cc: [REDACTED]
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]

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OFFICIAL: Sensitive

Good morning Heidi.

The team are providing information back to the ACT DPP to enable the advice to be provided to you in accordance with the arrangement that communication for provision to Ms Higgins is managed through this channel.

The team are in the process of addressing measures to address a number of issues which are reflected in your email.

If you need any further clarity post the advice of the ACTDPP, please contact me – [REDACTED] and I will endeavour to provide this.

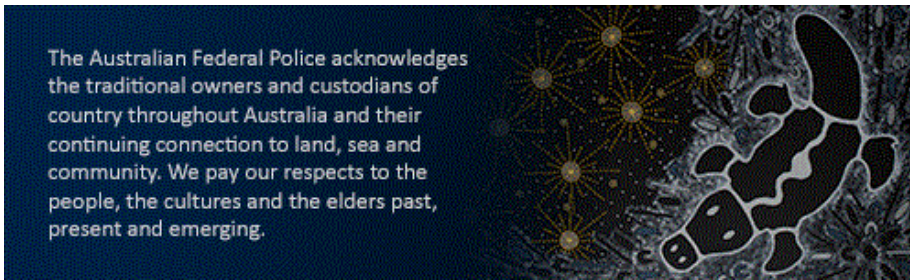
Best regards,

Peter

ASSISTANT COMMISSIONER PETER CROZIER
DEPUTY CHIEF POLICE OFFICER
ACT POLICING
Tel: [REDACTED]
www.afp.gov.au



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From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 23 September 2021 10:05 PM
To: Crozier, Peter <[REDACTED]>
Cc: [REDACTED]
Subject: Seeking Update
Importance: High

OFFICIAL: Sensitive

Peter,

Thank you for the opportunity to briefly discuss this morning what I understand to be a substantial privacy breach in the Higgins matter. I am yet to receive any information from your team in relation to this.

As discussed, I will need to update Ms Higgins tomorrow (Friday) morning at the latest regarding what I understand has occurred, based on preliminary advice I have received from the DPP.

My priority is to ensure Ms Higgins has the clearest possible information regarding the nature of the breach. Any written advice available from your team prior to 10am tomorrow morning would be most welcome, particularly in relation to written confirmation regarding:

- Whether her protected records were indeed served on the defence.
- If so, what documents were served, on what time/day, and with whose authority.
- What steps ACTP have taken to remedy this breach, including whether written confirmation has been obtained from defence in relation to:
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 - whether defence has disclosed receipt of these records to any other person;
 - whether defence has shared the records with the accused, or informed the accused that they have been received.

I am of course highly concerned about the likely impact of this news on Ms Higgins and await your team's advice.

Regards,

Heidi Yates

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From: Yates, Heidi
Sent: Fri, 24 Sep 2021 14:49:35 +1000
To: Drumgold, Shane
Cc: Jerome, Skye; Priestly, Erin
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks Shane – much appreciated.
The disclosure has had, as you would expect, a very weighty impact on Ms Higgins and her family.

Regards,

Heidi Yates

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



From: Drumgold, Shane <[REDACTED]>
Sent: Friday, 24 September 2021 11:01 AM
To: Yates, Heidi <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>; Priestly, Erin <[REDACTED]>
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]

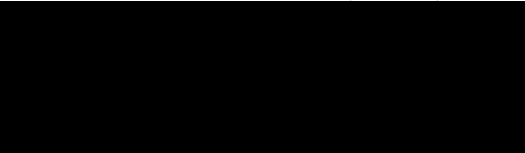
OFFICIAL: Sensitive

Dear Heidi
I completely understand Ms Higgins' distress, and have enclosed the counselling notes from both [REDACTED], and I am happy for you to share them with her.

I am happy to take Mr Zwier's call.



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)



W:www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

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

Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <[REDACTED]>
Sent: Friday, 24 September 2021 10:55 AM
To: Drumgold, Shane <[REDACTED]>
Cc: Jerome, Skye <[REDACTED]>
Subject: FW: Seeking Update [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Good morning Shane,

I have communicated the news of the privacy breach to Ms Higgins this morning. It was devastating news for her and her family.

Two things:

1. Ms Higgins is understandably disturbed by what we understand to be the inappropriate disclosure of her personal, sensitive information. To manage her concerns, it would assist her to be able to review a copy of the [REDACTED] counselling records which have been served on Defence.

I could obviously seek a copy of these records directly from the organisations but it would be more straightforward if they could be provided to her by ACTP or your office. Might this be possible?

2. A quick heads up that Ms Higgins has received ongoing advice about a range of issues associated with different aspects of her matter from [Mr Leon Zwier](#). At Brittany's request, I have spoken with Mr Zwier in this capacity on a number of occasions. It is possible Mr Zwier may contact your office in relation to her sharing this news with him.

I look forward to staying in touch, noting DCPO Crozier's advice below that his office will be writing to you on these matters.

Regards,

Heidi Yates

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



From: Yates, Heidi
Sent: Friday, 24 September 2021 10:43 AM
To: 'Crozier, Peter' <[REDACTED]>; O'Meagher, Hall <[REDACTED]>

Cc: [REDACTED]
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Thank you for the update Peter.

I have had to inform Ms Higgins of the breach this morning. [REDACTED]
[REDACTED]

I will await the DPP's further advice to ensure I can keep Ms Higgins informed.

Regards,

Heidi Yates

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



From: Crozier, Peter <[REDACTED]>
Sent: Friday, 24 September 2021 10:11 AM
To: Yates, Heidi <[REDACTED]>; O'Meagher, Hall <[REDACTED]>
Cc: [REDACTED]
Subject: RE: Seeking Update [SEC=OFFICIAL:Sensitive]

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OFFICIAL: Sensitive

Good morning Heidi.

The team are providing information back to the ACT DPP to enable the advice to be provided to you in accordance with the arrangement that communication for provision to Ms Higgins is managed through this channel.

The team are in the process of addressing measures to address a number of issues which are reflected in your email.

If you need any further clarity post the advice of the ACTDPP, please contact me – [REDACTED] and I will endeavour to provide this.

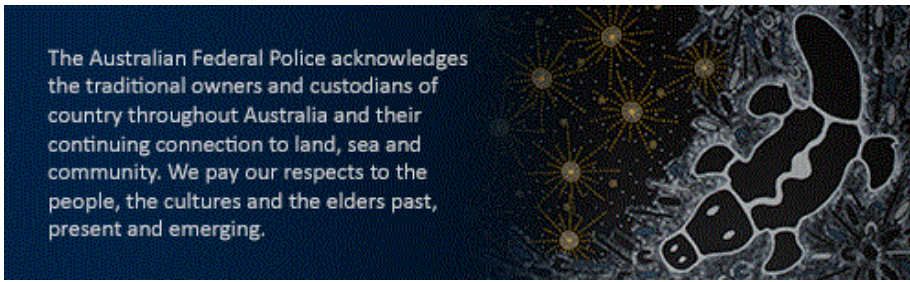
Best regards,

Peter

ASSISTANT COMMISSIONER PETER CROZIER
DEPUTY CHIEF POLICE OFFICER
ACT POLICING
Tel: [REDACTED]
www.afp.gov.au



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A SAFER AUSTRALIA



From: Yates, Heidi <[REDACTED]>
Sent: Thursday, 23 September 2021 10:05 PM
To: Crozier, Peter <[REDACTED]>
Cc: [REDACTED]
Subject: Seeking Update
Importance: High

OFFICIAL: Sensitive

Peter,

Thank you for the opportunity to briefly discuss this morning what I understand to be a substantial privacy breach in the Higgins matter. I am yet to receive any information from your team in relation to this.

As discussed, I will need to update Ms Higgins tomorrow (Friday) morning at the latest regarding what I understand has occurred, based on preliminary advice I have received from the DPP.

My priority is to ensure Ms Higgins has the clearest possible information regarding the nature of the breach. Any written advice available from your team prior to 10am tomorrow morning would be most welcome, particularly in relation to written confirmation regarding:

- Whether her protected records were indeed served on the defence.
- If so, what documents were served, on what time/day, and with whose authority.
- What steps ACTP have taken to remedy this breach, including whether written confirmation has been obtained from defence in relation to:
 - whether defence have destroyed/deleted the records and any notes or copies taken in relation to these protected records;
 - whether defence has disclosed receipt of these records to any other person;
 - whether defence has shared the records with the accused, or informed the accused that they have been received.

I am of course highly concerned about the likely impact of this news on Ms Higgins and await your team's advice.

Regards,

Heidi Yates

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



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