

Exhibit 1

Subpoena Number: 2023/S/0019

Sections 18(c), 26(1) and 26(3) of the *Inquiries Act 1991*

SUBPOENA TO PROVIDE A WRITTEN STATEMENT

To: Mr Mitchell Greig

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

I, WALTER SOFRONOFF KC, Chairperson of the Board of Inquiry established by the Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023 (NI2023-49)¹ dated 1 February 2023 require you to give a written statement to the Board of Inquiry pursuant to sections 18(c), 26(1)(b) and 26(3)(b) of the *Inquiries Act 1991* in regard to your knowledge of the matters set out in the Schedule annexed hereto.

YOU MUST COMPLY WITH THIS REQUIREMENT BY:

Giving a written statement signed and witnessed in accordance with section 7 of the *Oaths and Affirmations Act 1984* (ACT) to the Board of Inquiry on or before **5:00 pm AEST on 4 April 2023**, by delivering it to Nara House, 3 Constitution Avenue, Canberra City ACT 2601.

A copy of the written statement must also be provided electronically by email at BOI.Notices@inquiry.act.gov.au with the subject line "Requirement for Written Statement".

If you believe that you have a reasonable excuse for not complying with this notice, you will need to satisfy me of this by the above date.

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

Date: 28 March 2023



Walter Sofronoff KC
Chairperson
Board of Inquiry

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

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Notes

Informal service

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

Where the addressee is a corporation or agency

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

Objections

3. If you object to a document or thing produced in response to this notice being inspected by a party to the proceeding or anyone else, you must tell the Board of Inquiry about your objection and the grounds of your objection either orally on the return date for this notice or in writing before or after the return date.

Production of copy instead of original

4. If the notice requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
5. The copy of the document may be—
 - (a) a photocopy; or
 - (b) in PDF format; or
 - (c) in any other electronic form that the issuing party has indicated will be acceptable.

Contempt of Board of Inquiry

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

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Protections

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

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ANNEXURE A Terms of Reference

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

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Schedule of Questions for Statement

Mr Mitchell Greig

Background and Professional History

1. State your current position within the ACT Office of the Director of Public Prosecutions (ODPP).
2. Outline your tertiary qualifications including when and where you obtained them.
3. Outline your diploma qualifications including when and where you obtained them.
4. Outline your work history, including both at the ODPP (detailing the roles you have worked in at the ODDP) and work history prior to commencing at the ODPP.
5. Outline your current role, when you commenced this role and the job description for your current role. **Attach** a formal job description if one exists.
6. **Attach** a current CV.

Duties and Responsibilities – Prosecutor Associate

7. Outline the role, duties and responsibilities of a prosecutor associate in Crown Chambers at the ODPP. Include references to the relevant legislation, agreements, policies and/or guidelines.

Sex Offences Prosecutions

8. State the number (an estimate) of prosecutions related to sex offences you have been involved in as a prosecutor associate within the ACT jurisdiction to date and the years in

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which those prosecutions occurred (roughly).

9. Outline any specialist training you have undertaken in relation to the prosecution of sex offences.

AFP/ACT Police Roles and Responsibilities and Prior Interactions

10. From your perspective as a prosecutor associate, outline the roles, responsibilities, and duties of the Australian Federal Police (**AFP**)/ACT Policing officers, in relation to the investigation of, and commencement of proceedings with respect to, a sex offence matter.
11. Describe, from your perspective, the working relationship, between the ODPP and AFP/ACT Policing prior to the matter of *R v Lehrmann*. Include details about whether the relationship was positive or whether you held any concerns about the relationship and the nature of those concerns.
12. For the period between your commencement at the ODPP and your first involvement in the matter of *R v Lehrmann*, describe your views (if any) in relation to the conduct of the AFP/ACT Policing officers' investigations of sexual assault offences. Include information about the quality of the investigations, whether your views changed over this period, and the reasons for your views. Include examples where possible.
13. Describe your relationship, generally, and the extent of your prior dealings and/or knowledge (if any) with the AFP/ACT Policing officers involved in the investigation of Ms Brittany Higgins' allegation of sexual assault against Mr Bruce Lehrmann (**Investigation**) prior to the commencement of *R v Lehrmann*, including but not limited to:
 - (a) Detective Superintendent Scott Moller;
 - (b) Detective Inspector Marcus Boorman;
 - (c) Detective Sergeant Gareth Saunders;
 - (d) Detective Sergeant Jason McDevitt;
 - (e) Detective Sergeant Robert Rose;

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- (f) Detective Sergeant David Fleming;
- (g) Detective Inspector Callum Hughes;
- (h) Commander Joanne Cameron;
- (i) Acting Commander Hall O’Meagher;
- (j) Acting Sergeant James Brown;
- (k) Detective Leading Senior Constable Trent Madders; and
- (l) Senior Constable Emma Frizzell.

In answering this question outline your professional views (if any) about those officers and the basis of those views.

Involvement in the Matter of *R v Lehrmann*

14. When did you first become aware of Ms Higgins’ allegation of sexual assault against Mr Lehrmann? Include details about how you became aware and what you were aware of. **Attach** a copy of relevant communications with staff of the ODPP including but not limited to correspondence, emails, text messages, file notes, calendar invitations, calendar appointments and diary notes.
15. When were you allocated to/when did you first work on the matter of *R v Lehrmann*? Provide information about who allocated you to the matter and what you were informed of. **Attach** a copy of relevant communications including but not limited to correspondence, emails, text messages, file notes, calendar invitations, calendar appointments and diary notes. To the extent communications were verbal outline the parties to the communications and the effect of the words spoken (the **usual particulars**).
16. What arrangements did Mr Shane Drumgold SC (**DPP**) put in place for the conduct of the prosecution in the matter of *R v Lehrmann*? For instance, job/task allocations, decision-making in relation to disclosure and whether regular meetings were initiated within the ODPP and/or with any other persons involved, including the AFP/ACT Policing and the ACT Victims of Crime Commissioner (**VCC**). **Attach** a copy of relevant communications including but not limited to correspondence, emails, text messages, file

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notes, calendar invitations, calendar appointments and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Pre Trial

21 June 2021 Brief of Evidence and 28 June 2021 advice

17. State whether, at any stage during your involvement in the matter of *R v Lehrmann*, you reviewed the brief of evidence provided by the AFP/ACT Policing to the ODPP on or about 21 June 2021 (**21 June 2021 Brief of Evidence**). Provide details about when you reviewed the brief and why you reviewed the brief at this point in time. **Attach** a copy of the index to the 21 June 2021 Brief of Evidence.
18. State whether at any stage during your involvement in the matter of *R v Lehrmann*, you reviewed the Executive Briefing by Detective Superintendent Scott Moller dated 7 June 2021 and/or the Minute prepared by Detective Inspector Marcus Boorman dated 4 June 2021 (**21 June 2021 Supporting Documents**) provided by the AFP/ACT Policing to the ODPP with the 21 June 2021 Brief of Evidence. Provide details about when you reviewed the documents and why you reviewed the documents at this point in time. **Attach** a copy of the 21 June 2021 Supporting Documents and any relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes.
19. State whether you have read the advice provided by the DPP to Detective Superintendent Scott Moller on 28 June 2021 (**DPP Advice**). Provide details as to the date when you first read the DPP Advice and the extent to which you agreed/disagreed with the DPP Advice (and the basis for this).

Disclosure generally

20. Outline the respective responsibilities/roles of the ODPP and AFP/ACT Policing in relation to disclosure of material on the legal representatives for a defendant in a sex offence matter. Provide details of the usual process for the provision of the brief of

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evidence to the ODPP and the legal representative for a defendant. Include information about the relevant roles/responsibilities of the ODPP and AFP/ACT Policing in this process, the basis for this allocation of roles/responsibilities and whether you perceive there to be any issues, generally, in this allocation. Identify any relevant legislative provisions, **attach** any relevant agreements, policies and/or guidelines or, if already provided, identify the relevant provisions of any such agreements, policies and/or guidelines.

Disclosure certificate

21. Outline your involvement (if any) in the preparation of any disclosure certificate prepared in the matter of *R v Lehrmann (Disclosure Certificates)*. **Attach** copies any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.
22. State whether you were involved in any communications with the DPP, AFP/ACT Policing and/or the legal representatives for Mr Lehrmann in relation to disclosure of documents listed on the Disclosure Certificate. Include details about who was involved in those communications, the purpose of the communications and what was discussed. **Attach** copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.
23. Outline your involvement (if any) in the preparation or swearing of affidavits relating to an application by the legal representatives for Mr Lehrmann for disclosure of documents listed on the Disclosure Certificate. Include details of any conversations you had with, or directions you received from, the DPP or ODPP staff in relation to this.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions

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occurred verbally, provide the usual particulars.

24. State whether you were involved in any communications with, or the provision of any written or oral advice to, the AFP/ACT Policing regarding the Disclosure Certificates. In providing your response, describe any communications regarding amendments to the Disclosure Certificates and/or claims of legal professional privilege regarding documents listed in the Disclosure Certificates. Include details about who was involved in those communications, the purpose of the communications, details of the substance of any advice provided and the basis for any advice provided. **Attach** copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Cellebrite

25. State whether you were involved in any communications with the DPP/Skye Jerome, AFP/ACT Policing and/or the legal representatives for Mr Lehrmann in relation to the disclosure of all, or part, of Ms Higgins' and/or Mr Lehrmann's Cellebrite records. Include details about who was involved in those communications, the purpose of the communications and what was discussed. **Attach** copies of relevant communications and documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Meeting with Lisa Wilkinson

26. Outline your involvement in any meetings with Lisa Wilkinson prior to the commencement of the trial in the matter of *R v Lehrmann* including but not limited to any meeting on 15 June 2022. Include information about:
- (a) the person who initiated the meeting/discussion/communication;
 - (b) the purpose of the meeting/discussion/communication;
 - (c) where the meeting/discussion/communication took place (i.e. in-person, telephone

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- or email);
- (d) the people in attendance;
 - (e) if there were dominant speakers, who they were, what they said and the basis of that view;
 - (f) the nature of the meeting/discussion/communication;
 - (g) the material (if any) you were provided in relation to the meeting, discussion or communication; and
 - (h) your impressions of the discussions; and
 - (i) whether you, after the meeting/discussion/communication discussed the contents of the meeting/discussion/communication with any other persons not in attendance.
 - (j) Whether there were any discussion in relation to Ms Wilkinson making public comments relating and/or connected to the matter of *R v Lehrmann*.

Attach copies of any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Proofing of Samantha Maiden

27. Outline your involvement in any meetings or arrangements for meetings with Samantha Maiden prior to the commencement of the trial in the matter of *R v Lehrmann*. Include information about:
- (a) the person who initiated the meeting/discussion/communication;
 - (b) the purpose of the meeting/discussion/communication;
 - (c) where the meeting/discussion/communication took place (i.e. in-person, telephone

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- or email);
- (d) the people in attendance;
 - (e) if there were dominant speakers, who they were, what they said and the basis of that view;
 - (f) the nature of the meeting/discussion/communication;
 - (g) the material (if any) you were provided in relation to the meeting, discussion or communication; and
 - (h) your impressions of the discussions; and
 - (i) whether you, after the meeting/discussion/communication discussed the contents of the meeting/discussion/communication with any other persons not in attendance.
 - (j) Whether there was any discussion with the DPP in relation to him taking over responsibility for arranging and undertaking Ms Maiden's proofing and whether this was unusual.
 - (k) Whether you attended any meeting with the DPP and Ms Maiden.

Pre Trial dealings with the AFP/ACT Police

28. In chronological order, outline the meetings and/or discussions you were involved in with AFP/ACT Policing officers in relation to the matter of *R v Lehrmann* prior to commencement of the trial. Include information about:
- (a) the person who initiated the meetings/discussions;
 - (b) the purpose of the meetings/discussions;
 - (c) where the meetings/discussions took place;
 - (d) the people in attendance;
 - (e) the briefing material (if any) you were provided, including whether you reviewed the material prior to or following the meetings/discussions;
 - (f) if there were dominant speakers, who they were, the basis of that view and what

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they said;

- (g) the nature of the discussions in relation to the:
 - i. Investigation and the evidence obtained and to be obtained;
 - ii. the DPPs views in relation to the prospects of the matter and the reasons for your views (in particular, in relation to the reasonable prospects of a conviction and whether a prosecution was in the public interest); and
 - iii. views the DPP held in relation to the conduct of the investigation to date, including the reasons for your views.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Pre Trial Conduct of the AFP/ACT Police

29. Outline your views and experience regarding the conduct of the AFP/ACT Policing officers in relation to the matter of *R v Lehrmann* before the trial of *R v Lehrmann* including:

- (a) in their dealings with the DPP/ODPP;
- (b) in their dealings with defence lawyers; and
- (c) in their provision of information to any persons in relation to the matter of *R v Lehrmann*.

Provide details of the relevant officers' names, the basis for your views and provide examples, where appropriate. **Attach** copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide details of any verbal discussions.

The trial

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Arrangements in relation to Ms Higgins

30. State whether there were any special arrangements requested by Ms Higgins, the VCC, the DPP or ODDP staff regarding Ms Higgins' arrangements for attendances for the trial (for example arrangements relating to accommodation, entering/exiting court and access to, and use of, particular rooms at the court). If so, provide details of any special arrangements requested, who made the requests, whether the requests were accommodated and whether such arrangements were unusual.

Recording of Evidence

31. On what date did you become aware that evidence given by Ms Higgins in court was to be, or was, recorded? Provide details including how you became aware and **attach** copies of any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Unfavourable witnesses

32. List any unfavourable/hostile witnesses in the trial in the matter of *R v Lehrmann*. Provide details as to why those witnesses were declared unfavourable/hostile, the process of how the witnesses became unfavourable/hostile, any views expressed by the DPP to you in relation to these witnesses and your views in relation to these witnesses (if any). **Attach** copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Fiona Brown

33. Outline when and how it first came to your attention that Ms Fiona Brown had sent an email to the ODPP requesting what Ms Brown perceived to be misrepresentations in evidence during the trial be corrected by the ODPP before the court or put to Ms Brown

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in court (**Fiona Brown Email**).

Attach copies of any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

34. When you became aware of the Fiona Brown Email, did you inform anyone within the ODPP of the Fiona Brown Email? If not, why not. If so, provide details including
- (a) who you informed;
 - (b) when you informed them;
 - (c) how you informed them;
 - (d) any further discussions or correspondence you had with anyone you informed; and
 - (e) to the extent not addressed in response to (d) above, any discussions or correspondence that you're aware of between ODPP staff (including between the DPP and Skye Jerome) regarding the Fiona Brown Email.

Attach copies of any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

35. When and how (if at all) did it come to your attention that Fiona Brown made a telephone call on 14 October 2022 to raise with the ODPP those same issues addressed in the Fiona Brown Email (**Fiona Brown Call**)?
36. When you became aware of the Fiona Brown Call (if you did), did you inform anyone within the ODPP of the Fiona Brown Call? If not, why not. If so, provide details including
- (a) who you informed;
 - (b) when you informed them;
 - (c) how you informed them;

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- (d) any further discussions or correspondence you had with anyone you informed; and
- (e) to the extent not addressed in response to (d) above, any discussions or correspondence that you're aware of between ODPP staff (including between the DPP and Skye Jerome) regarding the Fiona Brown Call.

Attach copies of any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

37. State your understanding of the relevance/significance of Fiona Brown's evidence in the trial of *R v Lehrmann* to the prosecution/defence case. Did you consider the matters Fiona Brown wished to have corrected significant to the matter (from either the prosecution or defence perspective) and/or required correction? Why/why not?

Dealings with the AFP/ACT Police during the trial

38. Outline your communications (if any) with AFP/ACT Policing during the trial. Include details about who was involved in those communications, the purpose of the communications, what was discussed, and your impressions of any communications including but not limited to:
- (a) whether you requested tasks to be actioned by any AFP/ACT Policing officers. If so, provide details including to whom the request was made to, what the task involved and the approximate date the request was made;
 - (b) any communications from the AFP/ACT Policing in relation to enquiries regarding Ms Higgins' appointments with a Medical Centre;
 - (c) interactions between the AFP/ACT Policing and the legal representatives for Mr Lehrmann during the trial;
 - (d) the provision of information by the AFP/ACT Policing to any persons in relation to the matter of *R v Lehrmann*; and
 - (e) whether AFP/ACT Policing's communication and involvement with the ODPP during the trial was unusual and the basis of your views. Provide examples where appropriate.

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Attach a copy of relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide details the usual particulars.

Conduct of the AFP/ACT Police during the trial

39. Outline your views as to the conduct of the AFP/ACT Policing officers during the trial of *R v Lehrmann* including:
- (a) in their dealings with the DPP in relation to his duty to decide whether to continue and to discontinue criminal proceedings against Mr Lehrmann;
 - (b) in their dealings with the legal representatives for Mr Lehrmann; and
 - (c) in their provision of information to any persons in relation to the matter of *R v Lehrmann*.

Provide details of the relevant officers' names, the basis for your views and provide examples, where appropriate. **Attach** a copy of relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Discharge of jury and retrial

Discharge of jury

40. State when and how you became aware of the circumstances giving rise to the discharge of the jury in the trial of *R v Lehrmann*. Include information about who informed you, what you were informed of, whether you were told not to disclose the information to any persons and whether you disclosed the information to any persons. **Attach** a copy of relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.
41. Outline when and how you became aware of any persons (if at all), apart from the DPP

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and the legal representatives for Mr Lehrmann, of the circumstances giving rise to and/or the decision to discharge the jury. **Attach** a copy of relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Retrial

42. Outline any discussions or correspondence you had, with the legal representatives for Mr Lehrmann or AFP, regarding the relisting of the trial following the discharge of the jury, including discussions or correspondence in relation to whether the DPP should be the decision maker in relation to whether to proceed with a retrial. If you have had any such discussions provide dates and details in relation to these discussions.

Attach copies of any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide details of any verbal discussions.

1 November 2022 Correspondence from the DPP

43. Were you involved in the preparation of the correspondence from the DPP to the Chief Police Officer, Neil Gaughan dated 1 November 2022 regarding the conduct of the Investigation and trial in the matter of *R v Lehrmann*? If so, include information about:
- (a) who you discussed the contents of the correspondence with;
 - (b) the nature of the discussions (if any);
 - (c) your views in relation to the correspondence; and
 - (d) the basis for your views.

Bail

44. Outline your involvement in relation to any application regarding bail conditions for Mr Lehrmann following the listing of the matter for retrial including:
- (a) information about your views in relation to the bail conditions for Mr Lehrmann at this time including the reasons for your views and your views in relation to Mr

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Lehrmann surrendering his passport;

- (b) any discussions or correspondence you had with the DPP or Skye Jerome regarding bail conditions for Mr Lehrmann and the content of those discussions;
- (c) any discussions or correspondence with AFP/ACT Policing regarding bail conditions for Mr Lehrmann and the content of those discussions; and
- (d) whether you were aware of the AFP/ACT Policing's engagement with the legal representatives for Mr Lehrmann regarding Mr Lehrmann's bail conditions, including how you became aware, what you were aware of, and what your views in relation to this were.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Discontinuance

- 45. Outline your involvement (if any) in relation to the DPP's decision to discontinue the criminal proceedings against Mr Lehrmann. Include details about your views in relation to the decision, the basis for your impressions and whether you raised/discussed your views with the DPP. **Attach** a copy of relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.
- 46. Outline whether you had any discussions with the legal representatives for Mr Lehrmann in relation to the discontinuance of the matter, prior to the DPP's decision to discontinue the criminal proceedings against Mr Lehrmann. If so, include information about:
 - (a) the person who initiated the discussion;
 - (b) the purpose of the discussion;
 - (c) where the discussion took place;
 - (d) the people in attendance;
 - (e) if there were dominant speakers, who they were, the basis of that view and what

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they said;

- (f) the nature of the discussions.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, social media messages, calendar invitations, calendar appointments, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Dealings with the AFP/ACT Police post trial

47. To the extent not addressed above, outline your communications (if any) with AFP/ACT Policing after the trial. Include details about who was involved in those communications, the purpose of the communications, what was discussed, and your impressions of any communications.

Attach a copy of relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide details the usual particulars.

Conduct of the AFP and ODDP/DPP during matter generally

Conduct of the AFP / ACT Policing Officers

48. To the extent not already addressed in response to the above paragraphs, outline any concerns you have regarding the conduct of the AFP/ACT Police in relation to the Investigation and/or prosecution of the matter of *R v Lehrmann* including:
- (a) in their dealings with the DPP in relation to his duty to decide whether to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann;
 - (b) in their dealings with the legal representatives for Mr Lehrmann before, during or after the trial in the matter of *R v Lehrmann*;

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- (c) in their provision of information to any persons in relation to the matter of *R v Lehrmann*; and
- (d) any instances where you believe that conduct of AFP/ACT Policing officers may have been improper or in breach of their duties (provide examples where possible).

Provide details of the relevant officers' names, the basis for your views and any instances where you raised any such concerns with the AFP/ACT Police or DPP/ODPP. **Attach** copies of any relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

49. Describe your relationship generally, both during the trial and after the trial, with those ACT Policing officers involved in the Investigation and/or the prosecution of the matter of *R v Lehrmann* including but not limited to those officers listed at paragraph 13.

Conduct of the DPP

50. To the extent not already addressed in response to the above paragraphs, outline any concerns you have regarding the conduct of the DPP during the course of the matter of *R v Lehrmann* including:
- (a) in his dealings with the AFP/ACT Policing;
 - (b) in his dealings with the legal representatives for Mr Lehrmann before, during or after the trial in the matter of *R v Lehrmann*;
 - (c) in his provision of information to any persons in relation to the matter of *R v Lehrmann*; and
 - (d) any instances where you believe that conduct of the DPP may have been improper or in breach of their duties (provide examples where possible).

Provide details of the basis for your views and any instances where you raised any such concerns with the DPP/ODPP or the AFP/ACT Policing. **Attach** copies of any relevant

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communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

51. Detail any conversations you had with the DPP, at any point during your involvement in the matter of *R v Lehrmann*, where he expressed a view:
 - (a) there was a strong prosecution case; or
 - (b) in relation to concerns he had regarding the prosecution case or the conduct of the prosecution (including any concerns regarding Ms Higgins mental health).
52. **Attach** any text or chat messages (including messages sent using services such as Whatsapp, Signal etc) between, or including, yourself and the DPP, yourself and Skye Jerome, relating to the matter of *R v Lehrmann*.

Interactions with Ms Higgins

53. State whether, in your experience, it is usual for the DPP and/or the ODPP to discuss a sex offence investigation/prosecution directly with the complainant. Provide a basis for your views.
54. Outline whether you are aware of the DPP directly meeting or communicating with Ms Higgins in relation to the matter of *R v Lehrmann* up to, and until the date of this subpoena. If you are aware of any interactions, provide details about those interactions. **Attach** a copy of any relevant communications including but not limited to correspondence, emails, text messages, social media messages, calendar appointments / invitations, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.
55. In chronological order, outline your direct interactions with Ms Higgins (if any) in relation to the matter of *R v Lehrmann* up to, and until the date of this subpoena. Include

Exhibit 1

information about:

- (a) the person who initiated the meeting/discussion;
- (b) the purpose of the meeting/discussion;
- (c) where the meeting/discussion took place;
- (d) the people in attendance;
- (e) if there were dominant speakers, who they were, the basis of that view and what they said;
- (f) the material (if any) you were provided in relation to the meeting/discussion, including whether you reviewed the material prior to or after the meeting/discussion; and
- (g) the nature of the discussions.

Attach a copy of any relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

56. State whether, at any time from your first involvement in the matter until 2 December 2022, you became aware of any issues related to Ms Higgins' mental health. If so, provide details as to the information within your knowledge and outline any steps you took in relation to that information, including, but not limited to any discussions you had at that time with the DPP and/or the AFP/ACT Policing regarding Ms Higgins mental health. **Attach** a copy of any relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Interactions with the Victims of Crime Commissioner

57. Outline your professional dealings (if any) with the VCC prior to the matter of *R v Lehrmann*.
58. Prior to the matter of *R v Lehrmann* had you prosecuted any sexual offence matters where the VCC (or her staff) had supported a complainant at court or acted as an intermediary between the police and the complainant or between the ODPP and the complainant? If

Exhibit 1

so, provide details as to the involvement of the VCC (or her staff) in those matters and provide matter citations, if applicable.

59. Outline your observations of the VCC's involvement in the matter of *R v Lehrmann* including but not limited to providing support to Ms Higgins and the evidence provided by the VCC in relation to this matter. Provide details about whether the VCC's involvement was unusual in those instances and the basis of your views. Provide examples where appropriate.
60. To the extent not addressed above, in chronological order, outline your interactions and correspondence with the VCC in relation to the matter of *R v Lehrmann* up to, and until the date of this subpoena. Include information about:
 - (a) the person who initiated the meeting/discussion;
 - (b) the purpose of the meeting/discussion;
 - (c) where the meeting/discussion took place;
 - (d) the people in attendance;
 - (e) if there were dominant speakers, who they were, the basis of that view and what they said;
 - (f) the material (if any) you were provided in relation to the meeting/discussion, including whether you reviewed the material prior to or after the meeting/discussion; and
 - (g) the nature of the discussions.

Attach a copy of any relevant communications including but not limited to correspondence, emails, text messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Media

61. Outline your interactions (if any) with the media in relation to the matter of *R v Lehrmann*. **Attach** a copy of any relevant communications including but not limited to

Exhibit 1

correspondence, emails, text messages, social media messages, calendar invitations, calendar appointments, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.

Higgins book

62. Outline how and when you become aware of Ms Higgins' pre-published book. Provide details as to how and when you/the ODPP obtained possession of the pre-published book.
63. State whether you or someone from the ODPP provided a copy of the pre-published book or any of its contents to the AFP/ACT Policing officers. If so, on what date and to whom was it provided. If not, provide the reasons as to why it was not provided to AFP/ACT Policing.
64. State whether you or someone from the ODPP provided a copy of the pre-published book or any of its contents to the legal representatives for Mr Lehrmann. If so, on what date and to whom was it provided? If no, provide the reasons as to why it was not provided to the legal representatives for Mr Lehrmann.

Board of Inquiry

65. State whether you have spoken to the DPP, ODPP staff or any other persons (other than legal advisors you have engaged in relation to your involvement in the Board of Inquiry) in relation to the provision of evidence to the Board of Inquiry under s 26(1)(b) of the *Inquiries Act 1991*, including advice surrounding the provision of information to legal representatives. **Attach** a copy of any relevant communications including but not limited to correspondence, emails, text messages, social media messages, file notes and diary notes. In the event discussions occurred verbally, provide the usual particulars.
66. Outline any other matters you wish to raise with respect to the Terms of Reference of the Board of Inquiry.

Exhibit 1

Exhibit 2

MITCHELL GREIG

E: REDACTED

P: REDACTED

A: REDACTED

RED

| PROFESSIONAL SUMMARY

Ambitious and Determined Legal Advocate, continually looking to enhance and build upon knowledge base.

| WORK HISTORY

Director Of Public Prosecutions - Prosecutor Associate (including secondment from the AFP)
Canberra, ACT • 07/2021 - 4/2023

- Assist the Court to arrive at the correct outcome
- Appeared in Mention and Sentence Lists in Magistrates Court
- Analysis of probable outcomes of cases using knowledge of legal precedents.
- Prepared sentence tender bundles, affidavits, and written submissions.
- General administration related to my case load.

Australian Federal Police - Constable of Police
Canberra, ACT • 04/2019 - 02/2022

- Provided crime prevention suggestions and recommendations.
- Oversaw large number of criminal investigations each year.
- Confronted and resolved emergency and non-emergency situations.

SKILLS

- Advocacy
- High level and efficient problem solving
- Experienced in report writing
- Excellent verbal and written communication
- Experienced in legal writing
- High level of investigation skills
- Efficient researcher
- Critical thinking
- Experienced in document filing and administration
- Time Management
- Experience in summons and subpoena serving
- Service-Oriented

| EDUCATION

University of Southern Queensland
Toowoomba, QLD • 08/2021

- **Juris Doctor**

Griffith University
Brisbane, QLD • 11/2012

- **Criminology And Criminal Justice Degree**

Exhibit 2

- Determined appropriate course of criminal prosecution by analyzing and evaluating information.
- Communicated regularly with the community to establish rapport effectively.
- Conducted interviews and gathered details regarding incidents to determine best course of action.
- Administration and report writing pertaining to my caseload.

Australian Federal Police - *Protective Service Officer*

Canberra, ACT • 03/2015 - 04/2019

- Drafted reports of property damage, theft, accidents, and unusual occurrences for the purpose of documenting daily activities and irregularities.
- Enforced security policies and removed violators and unauthorized individuals from premises to maintain safe environment across multiple government buildings.
- Gathered information, identified, and implemented resolutions, planned follow-up and logged incident reports to successfully manage complaints and enquiries.
- General administration that pertained to my role

Griffith University

Brisbane, QLD • 11/2012

- ***Psychological Science Degree***

Exhibit 3

Andrew Freer

From: Drumgold, Shane
Sent: Monday, 12 September 2022 10:12 AM
To: Greig, Mitchell
Subject: Suggested wording
Attachments: Briefing request attachment.pdf; Briefing request.pdf

OFFICIAL: Sensitive

Hi Mitch – this is some suggested wording

The document listed at order 1b) of the Application in proceedings dated 7 September 2022, called the “Investigative Review Document” is one of two documents provided by the Australian Federal Police to the Director of Public Prosecutions on 21 June 2021, for the purpose of seeking legal advice.

This document falls within the definition of “Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing” listed in schedule 1 of the Disclosure Declaration at RF1 and RF2 of the Affidavit of Rachel Elizabeth Fisher affirmed on 8 September 2022 and read in this application in proceedings on 8 September 2022, in which legal professional privilege is claimed.

Although this document was also listed at page 18 of the first disclosure declaration at RF1 suggesting it was not subject to a claim of legal professional privilege, it simultaneously fell within the definition of “Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing” listed in schedule 1. It was subsequently removed from the list of items not subject to a claim of privilege in the second disclosure document at RF 2.

I am informed and verily believe that it was inserted in the first disclosure declaration individually as not being subject to a claim of privilege in error, which was remedied in the second disclosure document.

I am informed and verily believe that the document referred to as “Investigative Review Document” appropriately falls within the definition of “Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing” listed in schedule 1 of the Disclosure Declaration at RF1 and RF2 of the Affidavit of Rachel Elizabeth Fisher affirmed on 8 September 2022 and read in this application in proceedings on 8 September 2022, in which legal professional privilege is claimed.

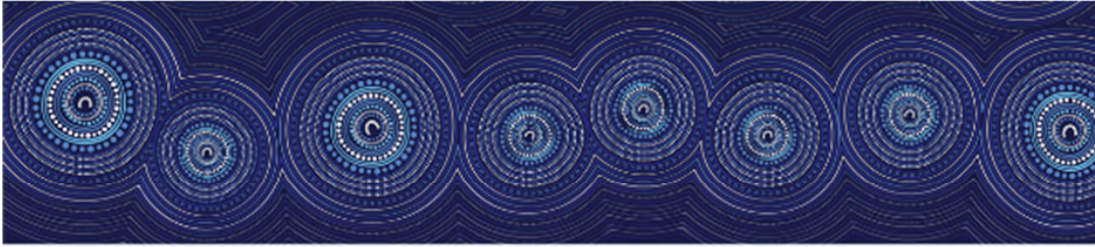


Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: **REDACTED** (Direct line)
 T: **REDACTED**
 M: **REDACTED**
 E: **REDACTED**@act.gov.au
 E: **REDACTED**@act.gov.au (EO)
 W: www.dpp.act.gov.au

Exhibit 3

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

Exhibit 4

Andrew Freer

From: Priestly, Erin
Sent: Friday, 17 June 2022 11:17 AM
To: Rachel Fisher
Cc: Kamy Saeedi; Greig, Mitchell; SVC_DPPCases
Subject: R v Lehrmann - Request for disclosure of Cellebrite Report, iCloud and Google data, PROMIS investigation files - 202113941

OFFICIAL

Dear Rachel

I refer to your request for disclosure on 9 June.

1. Full Cellebrite Report of Higgins' mobile (unredacted) – we cannot provide this completely unredacted. We have legislative obligations in relation to the personal information of complainant's and their families which would prohibit providing, amongst other things, their personal contact details. Can you please narrow the request as to what redacted material is sought?
2. iCloud, Google Data and PROMIS investigation files - we are not in a position to provide this. As noted previously, the amount of material sought is impossibly voluminous, and potentially contains material that is prohibited from disclosure such as personal data or other protected information. Further, it may be that not all the material falls within the disclosure regime. If the requests could be refined, we will reconsider our position.

Kind regards



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

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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Exhibit 5

Andrew Freer

From: Priestly, Erin
Sent: Monday, 20 June 2022 6:00 PM
To: Greig, Mitchell
Subject: FW: R v Lehrmann - Operation Covina - Disclosure request [DPP ref: 202113941] [SEC=OFFICIAL:Sensitive] [AFP-L.FID51138]

Importance: High

OFFICIAL

FYI

From: Priestly, Erin
Sent: Monday, 20 June 2022 6:00 PM
To: [REDACTED] Stephanie [REDACTED] <[REDACTED]>
Cc: [REDACTED] Shelley <[REDACTED]> [REDACTED] Helen [REDACTED] <[REDACTED]>; [REDACTED] Callum [REDACTED] <[REDACTED]>; Frizzell, Emma [REDACTED] <[REDACTED]>; Madders, Trent [REDACTED] <[REDACTED]>; SVC_DPPCases <[REDACTED]>
Subject: RE: R v Lehrmann - Operation Covina - Disclosure request [DPP ref: 202113941] [SEC=OFFICIAL:Sensitive] [AFP-L.FID51138]
Importance: High

OFFICIAL

Dear Stephanie

Can you please urgently advise regarding the ETA for the requested material?

The accused is making an application for an adjournment/temporary stay tomorrow at 9.00am. Part of that application rests on the outstanding material.

Thank you for your assistance.

Kind regards



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

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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Exhibit 5

From: Priestly, Erin
Sent: Friday, 17 June 2022 3:35 PM
To: [REDACTED] Stephanie [REDACTED] >
Cc: RED [REDACTED] Shelley <[REDACTED]>; [REDACTED], Helen [REDACTED]; [REDACTED], Callum [REDACTED]; Frizzell, Emma [REDACTED]; Madders, Trent [REDACTED]; SVC_DPPCases <[REDACTED]>
Subject: RE: R v Lehrmann - Operation Covina - Disclosure request [DPP ref: 202113941] [SEC=OFFICIAL:Sensitive] [AFP-L.FID51138]

OFFICIAL

Dear Stephanie

Please see attached email from defence and updated disclosure certificate.

Are you able to please provide the ETA requested for the disclosure of this material? I note in our meeting that it was indicated a number of items were not in the possession of the AFP. Can you please confirm whether the AFP intends to make attempts to obtain those items?

Thank you.

Kind regards



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

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

Please consider the environment before printing this e-mail

From: Priestly, Erin
Sent: Friday, 17 June 2022 12:13 PM
To: [REDACTED] Stephanie [REDACTED] >
Cc: RED [REDACTED] Shelley <[REDACTED]>; [REDACTED], Helen [REDACTED]; [REDACTED], Callum [REDACTED]; Frizzell, Emma [REDACTED]; Madders, Trent [REDACTED]; SVC_DPPCases <[REDACTED]>
Subject: RE: R v Lehrmann - Operation Covina - Disclosure request [DPP ref: 202113941] [SEC=OFFICIAL:Sensitive] [AFP-L.FID51138]

OFFICIAL

Dear Stephanie

Thank you for your email.

I confirm we have contacted defence and advised we will not be in a position to disclose the report of iCloud and Google drive data or the PROMIS investigation files, unless they narrow the request.

Exhibit 5

So you are aware, I have also indicated we cannot provide the full unredacted Cellebrite report for privacy reasons and have asked them to outline which redacted material they are seeking.

Kind regards



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

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

Please consider the environment before printing this e-mail

From: [REDACTED] Stephanie [REDACTED]
Sent: Thursday, 16 June 2022 6:21 PM
To: Priestly, Erin <[REDACTED]@act.gov.au>
Cc: [REDACTED] Shelley <[REDACTED]>; [REDACTED] Helen [REDACTED]; [REDACTED], Callum [REDACTED]; Frizzell, Emma [REDACTED]; Madders, Trent [REDACTED]
Subject: R v Lehrmann - Operation Covina - Disclosure request [SEC=OFFICIAL:Sensitive] [AFP-L.FID51138]

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OFFICIAL:Sensitive

Dear Erin

Thank you for your time this afternoon and please pass along our thanks to the Director and Skye.

I have attached a list of the items that defence have asked to be disclosed. Based on our conversation, we understand the DPP will resist the disclosure of the categories below on the basis that they are currently too broadly framed, with a view to the defence then narrowing the scope of any request for disclosure of items falling within these categories:

- Full report of Ms Higgins iCloud and Google drive cloud-based data
- All PROMIS 6831473 investigation files – INCLUDING the 'Investigative Review Documents' referred to in the Disclosure Statement.

We understand the DPP is content for the AFP to pause its review of documents responsive to these requested items until we hear further from you.

The AFP will continue to collate and review the other documents sought in the disclosure request, and provide these to the DPP as soon as possible. As mentioned, there are some items for which the AFP does not hold records.

Exhibit 5

Also, as mentioned, we will shortly provide you with copies of the two additional 'Investigative Review Documents' referred to in our teleconference for your assessment as to whether they may be disclosable.

We will also review the celebrite report and consider whether there is material, in addition to that redacted for victim privacy, that does not need to be disclosed and keep you informed of progress.

Kind regards

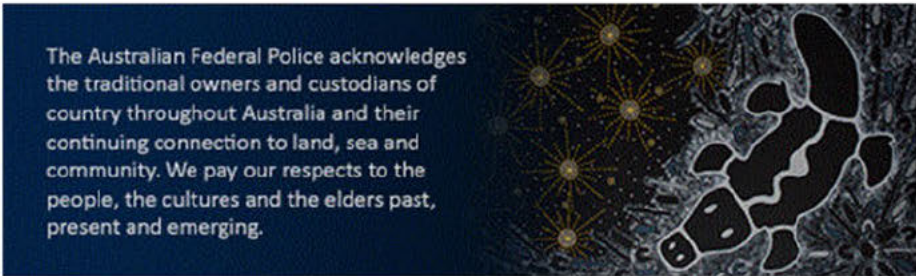
Stephanie

STEPHANIE [REDACTED]
LAWYER - AFP LEGAL
CHIEF LEGAL COUNSEL

REDACTED
www.afp.gov.au



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

Exhibit 6

Andrew Freer

From: Frizzell, Emma <Emma.Frizzell [REDACTED]>
Sent: Monday, 20 June 2022 6:32 PM
To: Priestly, Erin
Cc: Greig, Mitchell; Fleming, David; [REDACTED] Callum; [REDACTED] Stephanie
Subject: RE: Defence requests [SEC=OFFICIAL]
Attachments: Status_Requests for Disclosure 220609.docx

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Hi Erin,

I'll drop off a USB on my way to Court in the morning, noting there will still be outstanding material. I've attached the listing of disclosure requests and added some columns as below:

- Numbered – This informs the folder structure of provision for ease of reading;
- Status – This is the current status of the requests. All items noted 'COMPLETE' will be provided on the USB.

The following items will be provided at a later date, most likely Wednesday/Thursday:

- Supplementary statement SC Frizzell ([REDACTED].txts);
- Warrants, recordings and transcripts from initial meeting of Wilkinson and Higgins;
- Transcript un-redacted version of The Project;
- Statement of Alicia [REDACTED] – AFP DF; and
- Any other outstanding requests.

Kind regards,
Em

SENIOR CONSTABLE EMMA FRIZZELL
 CRIMINAL INVESTIGATIONS - SACAT TEAM 1
 ACT POLICING
 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.



Exhibit 6

From: Priestly, Erin <REDACTED@act.gov.au>
Sent: Monday, 20 June 2022 5:19 PM
To: Frizzell, Emma <REDACTED>
Cc: Greig, Mitchell <REDACTED@act.gov.au>; Fleming, David <REDACTED>; <REDACTED>, Callum <REDACTED>
Subject: RE: Defence requests [SEC=OFFICIAL]

OFFICIAL

Hi Em

If it could please be sent through as it becomes available, that would be best.

Defence have just made a further application for an adjournment/temporary stay of the trial. Primarily, it is based on the recent Logies media, however they also briefly mentioned the outstanding material (I accept it was a late request by them and a significant amount of material to review and provide).

The application is adjourned until tomorrow at 9.00am.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
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E: REDACTED@act.gov.au
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.

Please consider the environment before printing this e-mail

From: Frizzell, Emma <REDACTED>
Sent: Monday, 20 June 2022 4:54 PM
To: Priestly, Erin <REDACTED@act.gov.au>
Cc: Greig, Mitchell <REDACTED@act.gov.au>; Fleming, David <REDACTED>; <REDACTED>, Callum <REDACTED>
Subject: Defence requests [SEC=OFFICIAL]

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OFFICIAL

Hi Erin,

Could I please query with you DPP's preference to receive the material that Defence are requesting.

Would you prefer us to 'drip feed' it through over the next few days via email or would you prefer to receive it all at once on a USB on Wednesday?

Exhibit 6

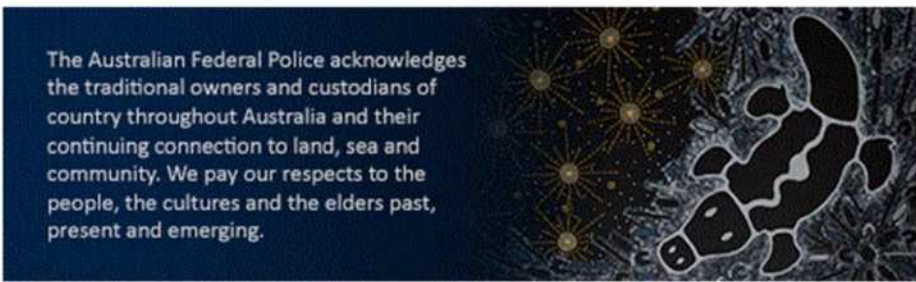
Kind regards,
Em

SENIOR CONSTABLE EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - SACAT TEAM 1
ACT POLICING

REDACTED
www.afp.gov.au



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Exhibit 6

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

Exhibit 7

Andrew Freer

From: Drumgold, Shane
Sent: Tuesday, 21 June 2022 8:28 AM
To: Priestly, Erin
Cc: Jerome, Skye; Greig, Mitchell
Subject: RE: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

OFFICIAL

I believe these documents are preparatory to confidential communications between DPP and AFP for the dominant purpose of providing legal advice, and are not disclosable pursuant to s118 Evidence Act 2011.



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
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T: (REDACTED)
M: (REDACTED)
E: (REDACTED)@act.gov.au
E: (REDACTED)@act.gov.au (EO)
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: Priestly, Erin <(REDACTED)@act.gov.au>
Sent: Monday, 20 June 2022 8:19 PM
To: Drumgold, Shane <(REDACTED)@act.gov.au>
Cc: Jerome, Skye <(REDACTED)@act.gov.au>; Greig, Mitchell <(REDACTED)@act.gov.au>
Subject: Fwd: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

OFFICIAL

OFFICIAL

Exhibit 7

Hi Shane

Please see below request for advice and attached documents.

Further, I understand the AFP will not be taking any steps to obtain documents not in their possession- which I understand is a full Cellebrite download of SHARAZ' phone and a draft of the HIGGINS memoir. Are you content with this approach? If so, I will advise defence.

Thanks
Erin

Get [Outlook for iOS](#)

From: [REDACTED], Stephanie [REDACTED]
Sent: Monday, June 20, 2022 7:10 pm
To: Priestly, Erin <[REDACTED]@act.gov.au>
Cc: [REDACTED], Shelley <[REDACTED]>; Helen [REDACTED] [REDACTED] Callum [REDACTED]; Frizzell, Emma <[REDACTED]>; Madders, Trent <[REDACTED]>; [REDACTED] David [REDACTED]
Subject: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

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**OFFICIAL:Sensitive
Legal privilege**

Dear Erin

Further to our meeting last week, please find attached the following documents which we are advised by ACT Policing fall within the description of "investigative review documents" in the disclosure request received from the defence in this matter. We are providing these to you for the purpose of advice as to whether they should be disclosed in the proceedings. The documents are as follows:

- 4 June 2021 – minute from Marcus Boorman to DCPO-R titled "Op Covina Direction/ Decision – Alleged sexual assault Australian Parliament House 23 March 2019"
- 7 June 2021 – executive brief from Scott Muller to Michael Chew titled "Seeking direction in relation to Operation COVINA – alleged sexual intercourse without consent, Australian Parliament House 23 March 2019, and completed cover sheet.
- 2 August 2021 – investigation review conducted by Cmdr Smith.
- Undated - document titled "identified discrepancies"; and
- Undated - document titled "review doc".

We understand the Director has previously received the documents dated 4 June 2021 and 7 June 2021 in the context of being asked to provide advice and considers in that context the documents are subject to LPP. We would be grateful if you could confirm that these are the same documents and that the Director's position is that they are privileged.

Assuming at this stage the Director's position is that the first two documents should not be disclosed because they are subject to LPP, we note that if disclosure of the documents is pressed by the defence, there is a potential argument that other copies of the documents in the hands of the AFP are not privileged. The argument would be that prior to being provided to the Director, these documents were documents prepared for the purpose of internal AFP briefing and guidance, and that copies of the documents held by the AFP are not privileged because they did not

Exhibit 7

involve communications with a legal advisor and were not made for the dominant purpose of obtaining legal advice or for use in, or for the purposes of litigation proceedings. Grateful if you could advise whether you consider this relevant in the current circumstances.

We do not believe you have previously been provided with the third, fourth or fifth documents, in the context of a request for advice or otherwise, and it appears to us that the documents would be disclosable, but will defer to your office's view on this.

Please note some documents have legal professional privilege claims marked up. However, to enable you to see the LPP content, we have not applied these redactions. Should the documents be disclosed to defence, please apply the LPP redactions to the following documents:

- Investigation reviewed conducted by Cmdr Smith dated 2 August 2021*
- Higgins brief response by DCRO*

As detailed in Emma Frizzell's email, ACT Policing will provide you with the other documents captured by the disclosure request.

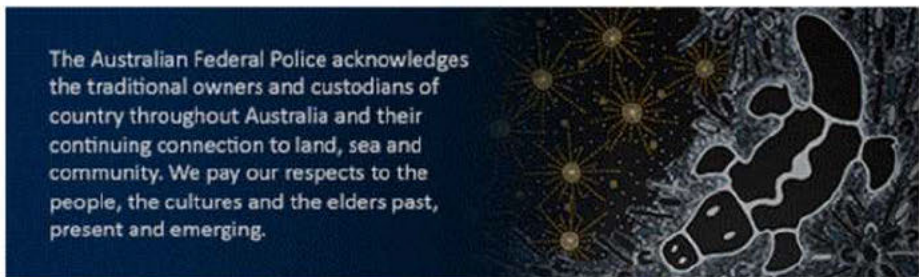
Aside from the above, as mentioned in our teleconference on Thursday, ACT Policing will not be taking any steps to source material sought in the disclosure request which is not currently in our possession.

Kind regards
Stephanie

STEPHANIE [REDACTED]
 LAWYER – AFP LEGAL
 CHIEF LEGAL COUNSEL
 [REDACTED]
www.afp.gov.au



POLICING FOR
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inbox.

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

Exhibit 8

Andrew Freer

From: Priestly, Erin
Sent: Tuesday, 21 June 2022 8:30 AM
To: Drumgold, Shane
Cc: Jerome, Skye; Greig, Mitchell
Subject: FW: Disclosure material [SEC=OFFICIAL]

OFFICIAL

Hi Shane

In case the disclosure issue is raised this morning, please see below the material which the AFP will be providing to us today.

Kind regards



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

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

Please consider the environment before printing this e-mail

From: Frizzell, Emma <[REDACTED]>
Sent: Tuesday, 21 June 2022 8:00 AM
To: Priestly, Erin <**REDACTED**@act.gov.au>
Cc: Hughes, Callum <[REDACTED]>; Fleming, David <[REDACTED]>; Madders, Trent <[REDACTED]>, Stephanie <[REDACTED]>
Subject: Disclosure material [SEC=OFFICIAL]

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OFFICIAL

Good morning Erin,

As requested, ACT Policing will be providing the following documentation as per the disclosure request from Defence, via DPP this date:

- Correspondence between Police and the Canberra Rape Crisis Centre;
- Correspondence between Police and Her Time Counselling requesting client notes relating to Ms Higgins;

Exhibit 8

- Cover letter from the Her Time Counselling Service to the Director of Public Prosecutions AND/OR Australian Federal Police enclosing notes
- ALL CCTV from APH entrances and exits including entrance logs & descriptions from 23 March 2019. ALL CCTV from Ministerial Wing on 23 March 2019
- ALL CCTV from the Dock
- ALL communications with AFP and Brittany Higgins including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications. Including full disclosure of any documents or materials provided by Brittany Higgins to AFP.
- Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representative acting on behalf of the complainant, **Brittany Higgins**
- Self-prepared statement of [REDACTED]
- Self-prepared statement of [REDACTED]
- PBS Patient Summary – 01/01/2019 – 09/04/2021 of Ms Higgins and all other medical material held by the Australian Federal Police related to Ms Higgins during this period
- All notebooks, diary entries or PROMIS entries related to Detective Inspector Matthew [REDACTED] and Superintendent Greg Hinds regarding conversations with civilian witnesses on the 'security breach' and 'cleaning' of the Ministerial Suite.
- ALL communications with AFP and [REDACTED] including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications

I confirm the AFP do not hold the following and will not be sourcing the material:

- Draft of Ms Higgins Memoir – Penguin Random House
- Any Celebrite Report of a phone of David SHARAZ
- ALL communications with Philip Gaetjens or his delegates with Brittany Higgins including copies of any emails, letters or other forms of correspondence including briefings, emails, notebook or any other form of contemporaneous note taking or recordings
- ALL communications with Philip Gaetjens or his delegates with anyone interviewed or spoken to in relation to the inquiry being conducted at the request of the former Prime Minister, including copies of any emails, letters or other forms of correspondence including any notebook entries or contemporaneous notes or recordings

Finally, please note the following points for DPP's consideration:

- While we do not consider the correspondence with CRCC and Her Time Counselling to fall within the definition of "protected confidence" for the purpose of section 79A of the *Evidence (Miscellaneous Provisions) Act 1991*, DPP may wish to consider this issue.
- The emails from Heidi Yates and Leon Zwier outline Ms Higgins' privacy and LPP concerns associated with police accessing her iCloud and Google drives and we would ask the DPP to take these comments into account in any negotiations with defence in relation to the request to disclose this material in full.

Kind regards,
Em

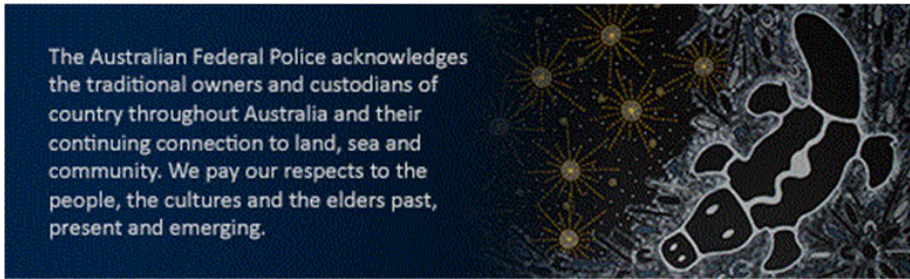
SENIOR CONSTABLE EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - SACAT TEAM 1
ACT POLICING

REDACTED
www.afp.gov.au



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

Exhibit 9

Andrew Freer

From: Priestly, Erin
Sent: Tuesday, 21 June 2022 10:37 AM
To: [REDACTED], Stephanie
Cc: Hughes, Callum; Frizzell, Emma; Fleming, David; Madders, Trent; [REDACTED] Shelley; [REDACTED], Helen; Greig, Mitchell; SVC_DPPCases
Subject: RE: Disclosure material - 202113941 [SEC=OFFICIAL] [AFP-L.FID51138]

OFFICIAL

Good morning Stephanie

Thank you for providing that material.

We are of the view that the material does not amount to a protected confidence and is disclosable (it has already been disclosed as part of the substantive brief).

Kind regards



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

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

Please consider the environment before printing this e-mail

From: [REDACTED], Stephanie [REDACTED]
Sent: Tuesday, 21 June 2022 10:18 AM
To: Priestly, Erin <[REDACTED]@act.gov.au>
Cc: Hughes, Callum <[REDACTED]>; Frizzell, Emma [REDACTED]>; Fleming, David [REDACTED]>; Madders, Trent <[REDACTED]>; [REDACTED] Shelley <[REDACTED]>; [REDACTED], Helen [REDACTED]>
Subject: RE: Disclosure material [SEC=OFFICIAL] [AFP-L.FID51138]

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OFFICIAL

Good morning Erin

Further to Emma's below email, overnight we took another look at the **attached** medical records from Ochre Health Kingston which are captured by defence's disclosure request.

Exhibit 9

Relevantly, we have considered whether the records contain 'protected confidences' as defined in the *Evidence (Miscellaneous Provisions) Act 1991*.

Our assessment is that it is unlikely that protected confidence immunity will apply to the records, noting the definitions of "counselling communication" and "counsellor". However noting the contents of the records, in particular the entries concerning the complainant's mental health, we wanted to bring this issue to your attention, so that you can make your own assessment as to whether these documents may be protected.

Should you have any questions, please do not hesitate to contact me or Helen [REDACTED].

Kind regards
Stephanie

STEPHANIE [REDACTED]
LAWYER - AFP LEGAL
CHIEF LEGAL COUNSEL

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: Frizzell, Emma [REDACTED] >
Sent: Tuesday, 21 June 2022 8:00 AM
To: Priestly, Erin <REDACTED@act.gov.au>
Cc: Hughes, Callum <[REDACTED]>; Fleming, David <[REDACTED]>; Madders, Trent <[REDACTED]>; [REDACTED], Stephanie <[REDACTED]>
Subject: Disclosure material [SEC=OFFICIAL]

OFFICIAL

Good morning Erin,

As requested, ACT Policing will be providing the following documentation as per the disclosure request from Defence, via DPP this date:

- Correspondence between Police and the Canberra Rape Crisis Centre;
- Correspondence between Police and Her Time Counselling requesting client notes relating to Ms Higgins;
- Cover letter from the Her Time Counselling Service to the Director of Public Prosecutions AND/OR Australian Federal Police enclosing notes
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- ALL CCTV from the Dock
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Exhibit 9

- Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representative acting on behalf of the complainant, **Brittany Higgins**
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- Self-prepared statement of [REDACTED]
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- ALL communications with AFP and [REDACTED] including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications

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- ALL communications with Philip Gaetjens or his delegates with anyone interviewed or spoken to in relation to the inquiry being conducted at the request of the former Prime Minister, including copies of any emails, letters or other forms of correspondence including any notebook entries or contemporaneous notes or recordings

Finally, please note the following points for DPP's consideration:

- While we do not consider the correspondence with CRCC and Her Time Counselling to fall within the definition of "protected confidence" for the purpose of section 79A of the *Evidence (Miscellaneous Provisions) Act 1991*, DPP may wish to consider this issue.
- The emails from Heidi Yates and Leon Zwier outline Ms Higgins' privacy and LPP concerns associated with police accessing her iCloud and Google drives and we would ask the DPP to take these comments into account in any negotiations with defence in relation to the request to disclose this material in full.

Kind regards,
Em

SENIOR CONSTABLE EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - SACAT TEAM 1
ACT POLICING

REDACTED
www.afp.gov.au



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Exhibit 9

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

Exhibit 10

Andrew Freer

From: Priestly, Erin
Sent: Wednesday, 17 August 2022 3:17 PM
To: Greig, Mitchell
Cc: SVC_DPPCases
Subject: FW: R v Lehrmann - Operation Covina - Correspondence received from defence - 202113941 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID57634]
Attachments: 220815_LettertoAFP_sub material.pdf; Subpoena SCC LEHRMANN.pdf; Requests for Disclosure 220609.docx

OFFICIAL

FYI

From: [REDACTED], Stephanie [REDACTED]
Sent: Wednesday, 17 August 2022 2:39 PM
To: Priestly, Erin <[REDACTED]@act.gov.au>
Cc: [REDACTED], Helen [REDACTED]; Hughes, Callum [REDACTED]; Madders, Trent [REDACTED]; Frizzell, Emma [REDACTED]; [REDACTED] Ryan <[REDACTED]@afp.gov.au>
Subject: R v Lehrmann - Operation Covina - Correspondence received from defence [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID57634]

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**OFFICIAL:Sensitive
Legal privilege**

Hi Erin

I hope you're well. On Monday 15 August 2022, the AFP received the attached correspondence from the defendant's solicitor.

You may recall that the subpoena issued at the request of the defendant sought material in similar terms to that sought in defence's disclosure request (attached).

As stated in the letter, the AFP and Ms Fisher agreed that any material captured by the subpoena would be provided to defence by way of disclosure and, as a result, the subpoena was not pressed.

I am instructed that on or about 21 June 2022, the AFP disclosed material to the DPP which would be captured by the highlighted portions of defence's disclosure request (and the subpoena).

To assist us in responding to Ms Fisher's letter, I would be grateful if you can confirm whether the material provided by the AFP to the DPP has been disclosed to defence.

Please don't hesitate to contact me should you have any questions or concerns.

Looking forward to hearing from you.

Kind regards

Exhibit 10

Stephanie

STEPHANIE [REDACTED]
LAWYER - OPERATIONS LEGAL
CHIEF COUNSEL PORTFOLIO

REDACTED
www.afp.gov.au



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

Exhibit 11

Andrew Freer

From: Priestly, Erin
Sent: Wednesday, 17 August 2022 3:17 PM
To: [REDACTED], Stephanie
Cc: [REDACTED] Helen; Hughes, Callum; Madders, Trent; Frizzell, Emma; [REDACTED] Ryan; Greig, Mitchell; SVC_DPPCases
Subject: RE: R v Lehrmann - Operation Covina - Correspondence received from defence [DPP ref: 202113941] [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID57634]

OFFICIAL

Hi Stephanie

Thank you for your email.

I can confirm that we have disclosed upon defence the material provided to us by the AFP that relates to communications between the AFP and Ms Higgins, or her representatives.

Kind regards



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

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

Please consider the environment before printing this e-mail

From: [REDACTED], Stephanie [REDACTED] >
Sent: Wednesday, 17 August 2022 2:39 PM
To: Priestly, Erin <[REDACTED]@act.gov.au>
Cc: [REDACTED], Helen [REDACTED] >; Hughes, Callum <[REDACTED] >; Madders, Trent <[REDACTED] >; Frizzell, Emma <[REDACTED] >; [REDACTED] Ryan <[REDACTED]@afp.gov.au>
Subject: R v Lehrmann - Operation Covina - Correspondence received from defence [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID57634]

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Exhibit 11

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Please don't hesitate to contact me should you have any questions or concerns.

Looking forward to hearing from you.

Kind regards
Stephanie

STEPHANIE [REDACTED]
LAWYER - OPERATIONS LEGAL
CHIEF COUNSEL PORTFOLIO

REDACTED
www.afp.gov.au



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inbox.

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

Exhibit 12

Andrew Freer

From: Greig, Mitchell
Sent: Friday, 19 August 2022 3:04 PM
To: Rachel Fisher
Cc: Priestly, Erin; SVC_DPPCases
Subject: USB Evidence Disclosure - R v Lehrmann (DPP Ref: 202113941)

OFFICIAL

Dear Rachel,

I have compiled the brief and placed it on a USB for collection from Reception.

I have not included any of the material which has been provided by way of subpoena's.

Kind regards,



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

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

Please consider the environment before printing this e-mail

Exhibit 13

Andrew Freer

From: Priestly, Erin
Sent: Tuesday, 23 August 2022 12:28 PM
To: Drumgold, Shane
Cc: Jerome, Skye; Pitney, Sarah; Greig, Mitchell
Subject: FW: REQUEST FOR DISCLOSURE: LEHRMANN

OFFICIAL

Hi Shane

Please see below from defence.

Can you please confirm:

1. Does the below change our position that the full unredacted Cellebrite will not be disclosed?
2. Are you happy for me to request any PROMIS records in this matter that pre-date 1 April (although I suspect there are none)?
3. Does the below change our position that the full PROMIS file, Google drive data and iCloud data will not be disclosed?

Mitchell is going to speak with Rachel about the assertion we have not provided the material provided to us by the AFP – it has been disclosed twice now.

Kind regards



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

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

Please consider the environment before printing this e-mail

From: Rachel Fisher <**REDACTED**@kslawyers.com.au>
Sent: Tuesday, 23 August 2022 12:05 PM
To: Priestly, Erin <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>; Jerome, Skye <**REDACTED**@act.gov.au>
Subject: REQUEST FOR DISCLOSURE: LEHRMANN

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Exhibit 13

Dear Erin,

Cellbrite

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

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

PROMIS

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

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

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

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

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

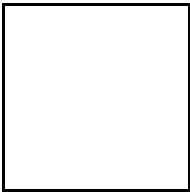
Exhibit 13

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

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

Kind regards,

Rachel Fisher
Lawyer



1 University Ave
Canberra ACT 2601

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

www.kslawyers.com.au

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Exhibit 14

Andrew Freer

From: Greig, Mitchell
Sent: Tuesday, 23 August 2022 4:13 PM
To: Drumgold, Shane; Priestly, Erin
Cc: Jerome, Skye; Pitney, Sarah
Subject: RE: REQUEST FOR DISCLOSURE: LEHRMANN

OFFICIAL

Hi Shane,

Regarding items:

3) We have these and disclosed on Defence twice. However, I was in contact with Rachel today who advised me that the folder the documents are contained in do not contain any of the material. I am uncertain why this has occurred and have requested the return of the USB so that Cam can ascertain why it has not copied across. In the meantime I am planning on providing the information via sharepoint.

4) The PROMIS files are in the same location as item 3) So this will be rectified soon

Kind regards,



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

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From: Drumgold, Shane <**REDACTED**@act.gov.au>
Sent: Tuesday, 23 August 2022 1:50 PM
To: Priestly, Erin <**REDACTED**@act.gov.au>
Cc: Jerome, Skye <**REDACTED**@act.gov.au>; Pitney, Sarah <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>
Subject: RE: REQUEST FOR DISCLOSURE: LEHRMANN

OFFICIAL

Hi All

In preparation for tomorrows meeting, it appears the following 6 items are sought

- 1) Unredacted Celebrite report
 - a. I think this extends beyond disclosure and I would resist it, but will formulate a response after our meeting
- 2) In the alternative or possibly in addition, images shared or movies on the phone that are not thumbnails.
 - a. It appears this is well beyond disclosure obligations and I would resist this also.

Exhibit 14

- 3) All case notes, email and SMS correspondence between Higgins and AFP
 - a. Do we have these?
- 4) PROMIS file
- 5) iCloud
- 6) Google data
 - a. Although this appears to be supplemented by the phrase “all material already provided to the DPP by AFP” which appears to suggest that the PROMIS, iCloud and Google data files have been provided.
 - b. It seems for reasons outlined, the entire cloud nor the entire PROMIS file can be captured in a servable format, and further the entire PROMIS file would have items that are protected, but I will formulate a response after our meeting.

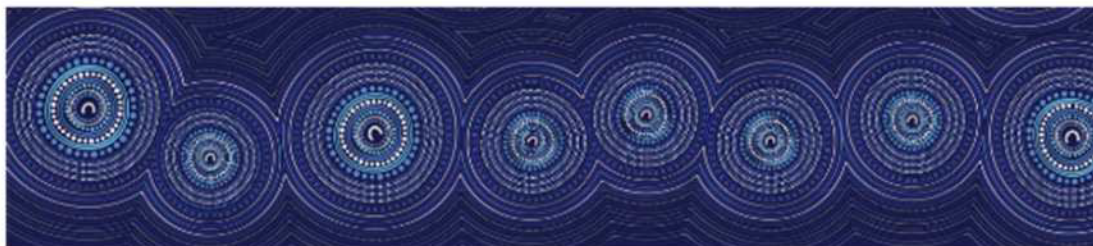


Shane Drumgold SC

Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: **REDACTED** (Direct line)
 T: **REDACTED**
 M: **REDACTED**
 E: **REDACTED**@act.gov.au
 E: **REDACTED**@act.gov.au (EO)
 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: Priestly, Erin <**REDACTED**@act.gov.au>
Sent: Tuesday, 23 August 2022 12:28 PM
To: Drumgold, Shane <**REDACTED**@act.gov.au>
Cc: Jerome, Skye <**REDACTED**@act.gov.au>; Pitney, Sarah <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>
Subject: FW: REQUEST FOR DISCLOSURE: LEHRMANN

OFFICIAL

Hi Shane

Please see below from defence.

Can you please confirm:

Exhibit 14

1. Does the below change our position that the full unredacted Cellebrite will not be disclosed?
2. Are you happy for me to request any PROMIS records in this matter that pre-date 1 April (although I suspect there are none)?
3. Does the below change our position that the full PROMIS file, Google drive data and iCloud data will not be disclosed?

Mitchell is going to speak with Rachel about the assertion we have not provided the material provided to us by the AFP – it has been disclosed twice now.

Kind regards



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

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

Please consider the environment before printing this e-mail

From: Rachel Fisher <**REDACTED**@kslawyers.com.au>
Sent: Tuesday, 23 August 2022 12:05 PM
To: Priestly, Erin <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>; Jerome, Skye <**REDACTED**@act.gov.au>
Subject: REQUEST FOR DISCLOSURE: LEHRMANN

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Dear Erin,

Cellbrite

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

Exhibit 14

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

PROMIS

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

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

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

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

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

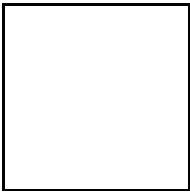
Further, the PROMIS file as well as the icloud and google data is stated to be too voluminous to disclose. We do not understand that to be a valid basis to refuse disclosure of any of that material. We request disclosure of all the material already provided to the DPP by the AFP and we can reconsider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

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

Kind regards,

Exhibit 14

Rachel Fisher
Lawyer



1 University Ave
Canberra ACT 2601

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

www.kslawyers.com.au

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Exhibit 15

Andrew Freer

From: Greig, Mitchell
Sent: Thursday, 25 August 2022 11:53 AM
To: 'Rachel Fisher'
Subject: RE: Hard Drive - 2x

OFFICIAL

Dear Rachel,

The Hard drives with the Brief are ready for collection from Reception.

The location relating to the AFP Disclosure material can be found at the following:
D:\Brief for Defence\Additional material received\Material Received 21.6.22\USB 210622\09.1 Correspondence with Ms Higgins

Please let me know if there are any problems with the Hard Drives.

Kind regards,



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

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

Please consider the environment before printing this e-mail

From: Greig, Mitchell
Sent: Thursday, 25 August 2022 9:48 AM
To: Rachel Fisher <**REDACTED**@kslawyers.com.au>
Subject: RE: Hard Drive - 2x

OFFICIAL

Dear Rachel,

Yes I can confirm that I received both hard drives and am beginning to copy the Brief across.

Kind regards,

Exhibit 15



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

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

Please consider the environment before printing this e-mail

From: Rachel Fisher <**REDACTED**@kslawyers.com.au>
Sent: Thursday, 25 August 2022 9:40 AM
To: Greig, Mitchell <**REDACTED**@act.gov.au>
Subject: Re: Hard Drive - 2x

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Dear Mitchell,

I understand the two hard-drives were taken over.

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**
1 University Ave
Canberra ACT 2601

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

www.kslawyers.com.au

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Exhibit 15

On Wed, 24 Aug 2022 at 16:33, Greig, Mitchell <REDACTED@act.gov.au> wrote:

OFFICIAL

Rachel,

No problem. Once received in the morning I'll begin to copy the same brief across to them.

I will contact you once they are ready for collection.

Kind regards,



Mitchell Greig

Prosecutor Associate
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: REDACTED

W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

From: Rachel Fisher <RED@kslawyers.com.au>

Sent: Wednesday, 24 August 2022 4:29 PM

Exhibit 15

To: Greig, Mitchell <**REDACTED**@act.gov.au>
Subject: Hard Drive - 2x

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Mitch,

I've got 2 hard drives that I'm going to get my paralegal to run over first thing in the morning (I understand your reception is closed).

If I can get the complete brief that you gave me on a USB drive on Friday onto those two hard drives that will be very helpful.

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

T: (02) 6230 6600

After hours: 1800 266 830

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Exhibit 16

Andrew Freer

From: Drumgold, Shane
Sent: Monday, 29 August 2022 9:09 AM
To: Jerome, Skye; Pitney, Sarah; Priestly, Erin; Greig, Mitchell
Subject: My proposed response - for your views
Attachments: Disclosure response.docx

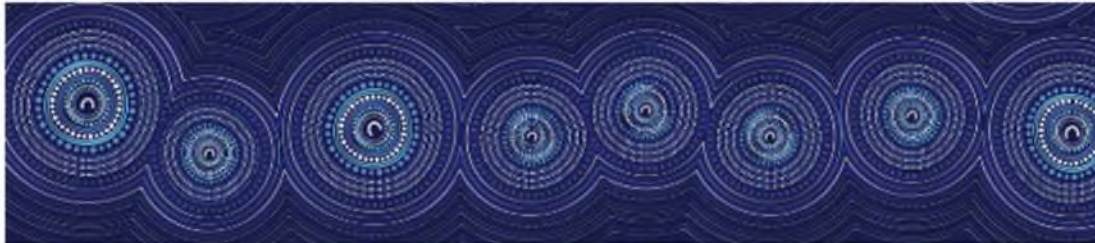
UNOFFICIAL



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

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Please consider the environment before printing this e-mail



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

Artwork by Ngarrindjeri artist Jordan Lovegrove

Exhibit 17

Andrew Freer

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

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Dear Skye and Erin,

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

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

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

Kind regards,

Rachel Fisher
 Lawyer

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

Dear Erin,

Exhibit 17

Dear Erin,

Cellbrite

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

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

PROMIS

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

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

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

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

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

Exhibit 17

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

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

Kind regards,

Rachel Fisher
Lawyer

KAMY
1 University Ave
Canberra ACT 2601

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

www.kslawyers.com.au

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Exhibit 18

Andrew Freer

From: Drumgold, Shane
Sent: Tuesday, 30 August 2022 7:14 AM
To: Priestly, Erin; Pitney, Sarah; Greig, Mitchell; Jerome, Skye
Subject: Disclosure response
Attachments: Disclosure response.docx

OFFICIAL

Hi All

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



Shane Drumgold SC

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: REDACTED (Direct line)

T: REDACTED

M: REDACTED

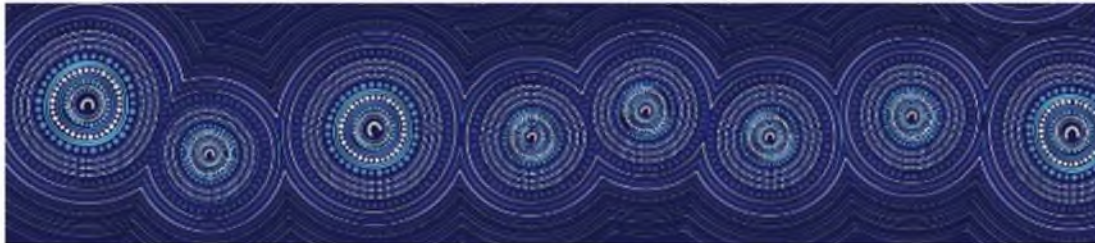
E: REDACTED@act.gov.au

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

W: www.dpp.act.gov.au

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Please consider the environment before printing this e-mail



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

Artwork by Ngarrindjeri artist Jordan Lovegrove

Exhibit 19

Andrew Freer

From: Greig, Mitchell
Sent: Wednesday, 31 August 2022 3:32 PM
To: Rachel Fisher
Cc: Jerome, Skye; Priestly, Erin; SVC_DPPCases
Subject: RE: REQUEST FOR DISCLOSURE: LEHRMANN (DPP Ref: 202113941)
Attachments: Disclosure response.pdf; Witness List (003) (002).pdf

OFFICIAL

Dear Rachel,

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

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

Kind regards,



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

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

Please consider the environment before printing this e-mail

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

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Dear Skye and Erin,

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

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

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

Exhibit 19

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**
1 University Ave
Canberra ACT 2601

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

www.kslawyers.com.au

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

Exhibit 19

PROMIS

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- Email correspondence between AFP Members and Ms Higgins or her representatives; and
- SMS correspondence between AFP Members and Ms Higgins.

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

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

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

Kind regards,

Rachel Fisher
Lawyer

Exhibit 19
KAMY
SAEEDI
LAW
1 University Ave
Canberra ACT 2601

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

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Exhibit 20

Andrew Freer

From: Drumgold, Shane
Sent: Wednesday, 7 September 2022 4:26 PM
To: McNaughton Sarah; Pitney, Sarah; Greig, Mitchell
Subject: Application
Attachments: Affidavit.pdf; Application in proceedings.pdf

OFFICIAL: Sensitive

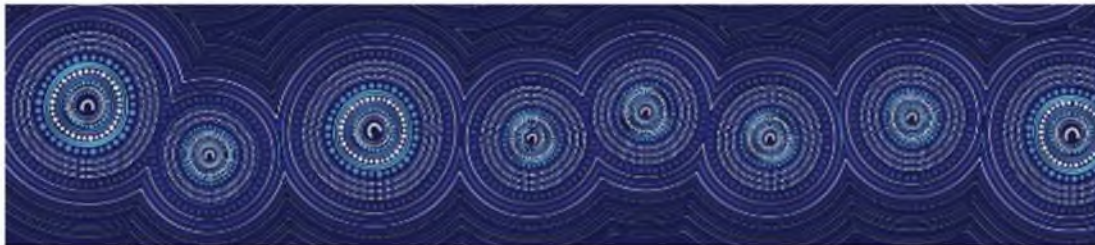
Hi All
This gem arrived just now



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: REDACTED (Direct line)
T: REDACTED
M: REDACTED
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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