

From: Drumgold, Shane
Sent: Thursday, 8 September 2022 9:02 AM
To: Pitney, Sarah; Jerome, Skye; Greig, Mitchell
Subject: RE: Lehrmann application

OFFICIAL: Sensitive - Personal Privacy

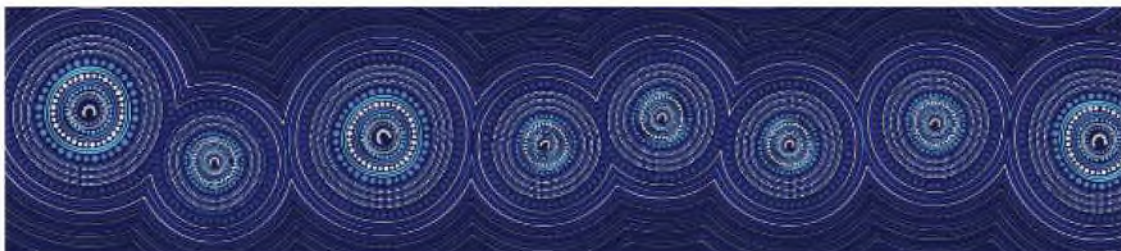
Yes that is fine Sarah – my thinking is that given we have been given less than 24 hours to respond, if her Honour is willing to entertain it, we will need to adjourn the application for a week or two to respond with our own evidence.



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

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: Pitney, Sarah <REDACTED@act.gov.au>
Sent: Thursday, 8 September 2022 8:52 AM
To: Drumgold, Shane <REDACTED@act.gov.au>; Jerome, Skye <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>
Subject: RE: Lehrmann application

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Dear Shane

In terms of providing an affidavit, I don't work Thursday mornings because I have my daughter at home – I realistically wouldn't be starting on it until she goes to sleep around 12:30pm. I'm also not sure how I would sign it.

In relation to 1), I know I have seen the Cellebrite when going through the brief but can't seem to easily locate it now. Given the length of the report and time constraints, I'm not sure I'd be able to satisfy myself of 1) in time (unless we have e.g. an email from the AFP advising that that is the nature of the redaction that I could refer to – but I can't see anything in CASES). But could say e.g. that I have been advised by Emma Frizzell that on a sensible appraisal there is nothing in the redacted portion that is relevant or possibly relevant to a fact in issue or the credibility of a witness.

In relation to 2) and 3), who would I say I have been advised by?

Happy to discuss

Sarah



Sarah Pitney
 Prosecutor
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: REDACTED
 T: (02) 6207 5399 (Reception)
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From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Thursday, 8 September 2022 7:27 AM
To: Pitney, Sarah <REDACTED@act.gov.au>; Jerome, Skye <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>
Subject: Lehrmann application

OFFICIAL: Sensitive - Personal Privacy

Good morning all

I will chat to you both this morning but I have looked at this overnight, and I think we need an affidavit outlining the following:

- 1) Cellebrite report – the report is 56,287 pages long and almost all redaction fall into the following categories
 - a. Health data stored on the phone including training / distance / heart rate / energy burned / body weight etc
 - b. The entire address book for the phone, including the contact details for politicians, staffers many others, the overwhelming majority of whom are not connected to the case
 - c. A record of every email, Facebook post. Whatsapp post sent or received for the life of the phone
 - d. A record of every personal photo taken, sent or received for the life of the phone
- 2) Investigative Review Document
 - a. This document was one of two documents that formed a request for advice from police.
- 3) All material relating to investigations
 - a. There is no material that has not been provided

Sarah, my preliminary thoughts area whether you have access to both the redacted and unredacted Cellebrite report to affirm point 1) in affidavit form, and further whether in relation to points two and three, it would suffice to state that you have been advised and verily believe this to be true, and I can talk to it from the bar table?

My preliminary thoughts, but we can chat later this morning.



Shane Drumgold SC

Director

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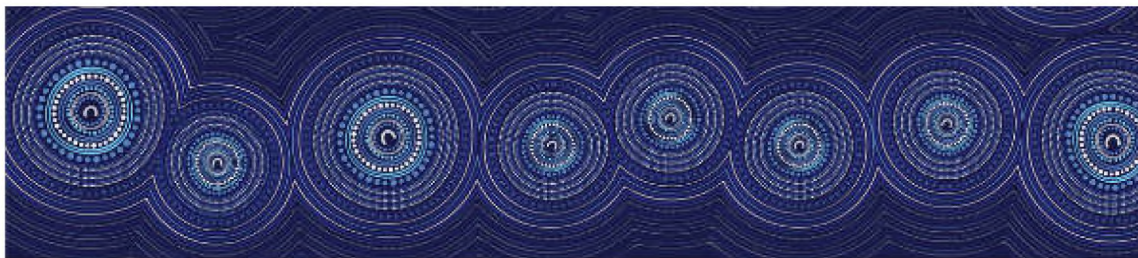
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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Pitney, Sarah
Sent: Monday, 12 September 2022 3:54 PM
To: Drumgold, Shane; Greig, Mitchell
Cc: SVC_DPPCases
Subject: RE: Submissions [202113941]
Attachments: AFFPROS_202113941_12Sep2022 093857.doc

OFFICIAL: Sensitive

Will do.

I have attached a draft affidavit setting out the content of the redactions.

Some issues:

- The "Notes" part of the report is fully redacted, but does contain notes that are relevant. I *think* that all of the relevant notes have already been disclosed in the "Timeline" part of the report (based on my sample of....five), but haven't checked every note is there. I could:
 - o Check all 638 notes are reproduced under "Timeline", however I imagine this would be very time consuming
 - o Screen the notes for relevance, then just check the relevant notes have been reproduced under "Timeline"
- Inconsistencies in the redactions
 - o A lot of material that has been redacted in one place has been disclosed in other places (sometimes apparently in error e.g. bank account details)
 - o Some material appears to have been redacted in error – e.g. accused's contact details

I have tried to make the affidavit fairly detailed so that at least if this part of the application is pressed, we can hopefully narrow it to a particular page range.

Sarah



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Prosecutor
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From: Drumgold, Shane <**REDACTED**@act.gov.au>
Sent: Monday, 12 September 2022 3:06 PM
To: Pitney, Sarah <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>
Subject: Submissions

OFFICIAL: Sensitive

Hi All

Can I get you both to proof read the attached submissions, and could I ask you to form them up into the appropriate form Mitch?



Shane Drumgold SC

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

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Form 6.11 **Affidavit—general**

Court Procedures Rules 2006

(see r 6710 (Affidavit-form))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No. SCC 264 of 2021

BRUCE EMERY LEHRMANN

Applicant

and



THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

On 13 September 2022, I Sarah Pitney of First Floor, Reserve Bank Building, 20-22 London Circuit, Canberra City in the Australian Capital Territory, solemnly affirm –

1. I am a Legal Practitioner employed in the Office of the Director of Public Prosecutions in the Australian Capital Territory. Under his direction I have the conduct of this matter.
2. The accused has been charged with one count of sexual intercourse without consent, pursuant to s 54(1) of the *Crimes Act 1900* (ACT). The matter is listed for trial commencing 4 October 2022.
3. On 7 September 2022, the accused filed an application seeking an order that the Crown disclose to the accused’s legal representatives certain

Filed for the Director of Public Prosecutions
Ground Floor, Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601
DX 5725 Canberra City
GPO Box 595 Canberra ACT 2601

Reference: 202113941
Telephone: 
Facsimile: 

material including “a complete, unlocked and unredacted electronic copy of the Cellebrite extraction of the complainant’s phone”.

Cellebrite Extraction Report

4. I have reviewed the redacted and unredacted Cellebrite Extraction Report dated 3 June 2021 relating to the complainant’s Apple iPhone Xs.

5. Attached and marked ‘SP1’ is a true copy of the redacted Cellebrite Extraction Report.

6. Attached and marked ‘SP2’ is a true copy of the unredacted Cellebrite Extraction Report. [to be provided on USB]

7. The information redacted from the Cellebrite Extract Report may be summarised as follows:

- a. Pages 1 to 2 (‘Device Information’)
 - i. Complainant’s mobile phone number
 - ii. Complainant’s email addresses
- b. Page 3 (‘Contents’)
 - i. Complainant’s Facebook account details
 - ii. Complainant’s email address
- c. Pages 7640 to 7685 (‘Calendar’)
 - i. Email addresses
 - ii. Meeting ID/passcode for Zoom meeting
 - iii. Name of doctor (however this information is disclosed on page 8520)
 - iv. Email signature blocks containing contact details
- d. Pages 7686 to 7703 (‘Call log’)

- i. Phone numbers
 - ii. Facebook account details
- e. Pages 7703 to 17965 ('Chats')
- i. Phone numbers
 - ii. Email addresses
 - iii. Facebook and WhatsApp account details
 - iv. Usernames, passwords, pin codes, verification codes and reference numbers
 - v. Physical addresses
 - vi. Hyperlinks to listings on real estate websites
 - vii. Information relating to Canberra Rape Crisis Centre, including bank account details
 - viii. Complainant's tax file number
 - ix. Complainant's date and place of birth
 - x. Bank account and credit card details
 - xi. Details of payments made by or to the complainant
 - xii. Information relating to flight and accommodation bookings
 - xiii. Information relating to the complainant's motor vehicle
 - xiv. Parcel tracking information
 - xv. Hyperlink to access photographs taken at social event
 - xvi. Hyperlinks to websites shared with the complainant
 - xvii. Details of personal appointments, including with psychologist
 - xviii. Name of partner of 'Heidi'
 - xix. "@samanthamaiden" on page 10159 appears to have been redacted in error
- f. 17965 to 18687 ('Contacts')
- i. Phone numbers
 - ii. Email addresses
 - iii. Facebook account details

- iv. An entry on page 18170 that contains the mobile phone number associated with the accused's name and "Organizations: Reynolds Office" (appears to have been redacted in error)

- g. Pages 18688 to 19025 ('Cookies')
 - i. Facebook account details

- h. Pages 19199 to 19203 ('Emails')
 - i. Email address

- i. Pages 19372 to 19496 ('Instant messages') are fully redacted, with the exception of page 19372 which is partly redacted. These pages contain information relating to the sending and receiving of messages including:
 - i. 'Source' of message (e.g. 'recents' or 'native messages')
 - ii. 'From' and 'to' (mobile phone number or email address and associated contact name)
 - iii. Timestamp
 - iv. 'Content' (details of participants, attachments, source file path, message type, folder); this column does not contain the text of the message nor can attachments be opened

- j. Pages 19495 to 19687 ('GPS', 'Journeys' and 'Locations') are fully redacted. These pages contain location information including:
 - i. Names of locations and/or coordinates
 - ii. Name of any associated file, such as images or wireless network connections
 - iii. Timestamps
 - iv. Elevation (where available)
 - v. Source file path

- k. Pages 19688 to 21563 ('Log Entries') are fully redacted. These pages contain information relating to the use of Applications including:
- i. 'Identifier' and 'Application' (e.g. App Store, Weather)
 - ii. Details of the type of activity (e.g. 'wan in', 'wan out', 'outgoing sms', 'incoming sms')
 - iii. Timestamp
 - iv. Source information including file path
- l. Pages 21563 to 21777 ('Notes') are full redacted. These pages contain information relating to the creation and modification of notes, and include the text of the notes.
- i. As notes 1-638 were created after 28 April 2019, I formed the view that these notes may be duplicated in unredacted or partly redacted format under the heading 'Timeline' referred to below at paragraph [6](u)
 - ii. I took a sample of 5 notes and confirmed that these notes are all reproduced under the heading 'Timeline'
 - iii. Notes 649-644 contain a draft work communication, reflections on ANZAC day, a list of food/beverages and health 'rules', a password, information about a garage remote, a location and a hyperlink
- m. Pages 21778 to 21868 ('Passwords') are fully redacted. These pages contain information relating to passwords associated with various accounts owned by the complainant.
- n. Pages 21868 to 21869 ('Recordings') are fully redacted. These pages contain the file name and timestamp of audio recordings.
- o. Pages 21869 to 21914 ('Searched items') are fully redacted. These pages contain the following information:

- i. Timestamp
 - ii. Source (application (e.g. Safari, Apple Maps)) and file path)
 - iii. Search terms used

- p. Pages 21914 to 21917 ('User accounts') are fully redacted. These pages contain information relating to accounts owned by the complainant.

- q. Pages 21917 to 21981 ('Voicemails') are fully redacted. These pages contain the following information:
 - i. Timestamp
 - ii. 'From' (mobile phone number and associated contact)
 - iii. Duration
 - iv. File name

- r. Pages 21982 to 21985 ('Web bookmarks') are fully redacted. These pages contain the following information:
 - i. Title
 - ii. URL
 - iii. File path
 - iv. Source information

- s. Pages 21986 to 22260 ('Web History') are fully redacted. These pages contain the following information:
 - i. Title
 - ii. URL
 - iii. Last visited (timestamp)
 - iv. Number of visits
 - v. Source information

- t. Pages 22260 to 22283 (Wireless Networks) are fully redacted. These pages contain information relating to Wireless Networks accessed by the complainant's iPhone.

- u. Pages 22284 to 33757 ('Timeline') reproduce the contents of the complainant's iPhone in chronological order by timestamp (including, for example, activity sensor data, location data and instant messages). The redactions may be summarised as follows:
 - i. Pages 22284 to 24284 (timestamp from 10 February 2008 to 28 April 2019 at 11:18:16AM) are fully redacted
 - ii. Pages 24285 to 33757 are redacted in part in a similar manner to that outlined above at paragraphs [6](c)-(e)

- v. Pages 33757 to 56287 ('Data Files')
 - i. Account information contained in file paths

Affirmed by Sarah Pitney

(signature of person making affidavit)

At Canberra City, ACT, in the presence of:

(signature of person before whom affidavit is made)

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

Legal Practitioner

Note If the affidavit extends over more than 1 page, the person making the affidavit and the person taking the affidavit must sign or initial each page of the affidavit (see r 6715(1)(Affidavit-taking of)).

From: Pitney, Sarah
Sent: Monday, 12 September 2022 4:04 PM
To: Drumgold, Shane; Greig, Mitchell
Cc: SVC_DPPCases
Subject: RE: Submissions [202113941]

OFFICIAL: Sensitive

I'll come upstairs now

From: Drumgold, Shane <[REDACTED]@act.gov.au>
Sent: Monday, 12 September 2022 4:03 PM
To: Pitney, Sarah <[REDACTED]@act.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>
Cc: SVC_DPPCases <[REDACTED]@act.gov.au>
Subject: RE: Submissions [202113941]

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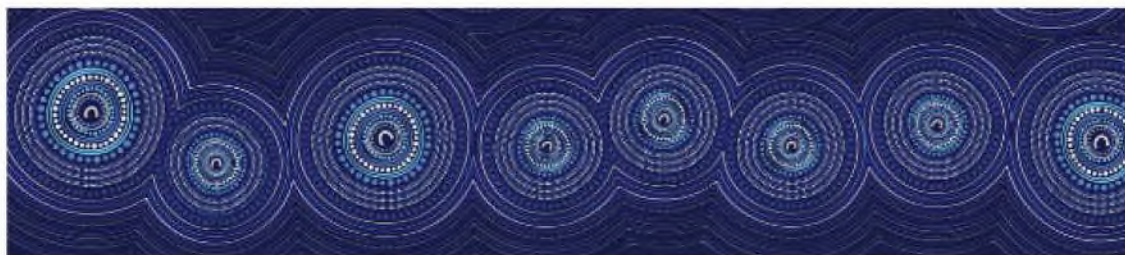
Hey team – could we meet quickly?



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)
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Sarah



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Hi All

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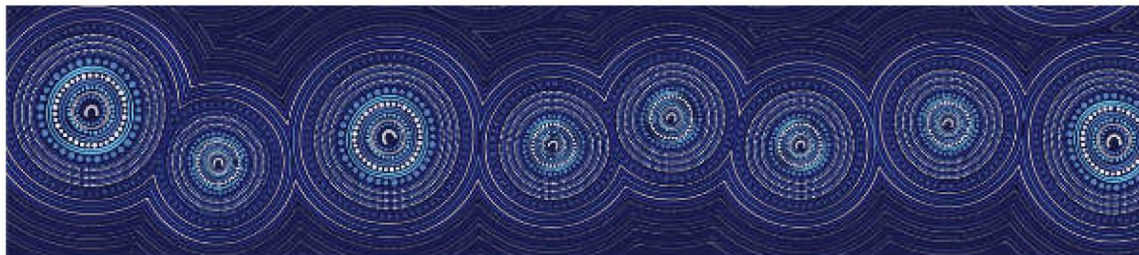
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From: Drumgold, Shane
Sent: Tuesday, 13 September 2022 12:40 PM
To: Pitney, Sarah; Greig, Mitchell
Subject: Affidavits

UNOFFICIAL

Hi All

Where are we up to settling and filing the affidavits? Could I get you to affirm them and send me an electronic copy – and we will need to get them filed



Shane Drumgold SC
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From: Pitney, Sarah
Sent: Tuesday, 13 September 2022 1:16 PM
To: Greig, Mitchell; Drumgold, Shane
Subject: RE: Affidavits
Attachments: scan_sarah pitney_2022-09-13-13-13-37.pdf

UNOFFICIAL

Dear Shane

My affidavit (with no exhibits) is attached.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: REDACTED
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From: Greig, Mitchell <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 12:43 PM
To: Drumgold, Shane <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Hi Shane,

My two are attached, only providing the Affidavit without exhibits today. I'm happy to go over and file them when ready.

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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On September 1992, the respondent filed an application seeking an order
that the Commission disclose to the respondent's lawyers certain documents
relating to the respondent's application for a licence to operate a radio
station in the respondent's name.

Relevant Evidence

The respondent's application for a licence to operate a radio station was
filed on the 19th day of September 1992. The respondent's application
was filed in the Commission's file for the respondent's name.

The Commission received the respondent's application for a licence to
operate a radio station on the 19th day of September 1992.

a. Page 1 of 2 (Cover sheet)

- i. Commission's file for the respondent
- ii. Commission's file for the respondent

b. Page 2 (Cover sheet)

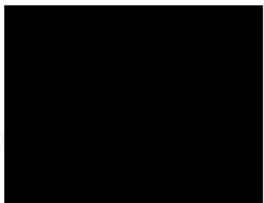
- i. Commission's file for the respondent
- ii. Commission's file for the respondent

c. Page 3 of 3 (Cover sheet)

- i. Cover sheet
- ii. Commission's file for the respondent
- iii. Commission's file for the respondent
- iv. Commission's file for the respondent

d. Page 4 of 3 (Cover sheet)

- i. Commission's file for the respondent
- ii. Commission's file for the respondent



6. Pages 204 to 214 (cont)

- i. Floor numbers
- ii. Land Address
- iii. Telephone and telephone area code details
- iv. References, correspondence codes, verification codes and other data fields
- v. Postal addresses
- vi. Hyperlinks to listing or real estate websites
- vii. Information relating to the listing or real estate website displaying how support details
- viii. Telephone Area Numbers
 - a. Contact number and prefix of 3-11
 - b. Bank number and type/level of facility
 - c. Details of any other public utility to be contacted
 - d. Information relating to the telephone's use or type
 - e. Information relating to the telephone's use or type
 - f. Type of telephone, photograph, other details
 - g. Hyperlinks to websites should with the telephone
 - h. Details of personal operator to be contacted
 - i. Name of personal operator
 - j. "Service number" or other identification number has been recorded in a file

7. Pages 215 to 225 (cont)

- i. Postal address
- ii. Land Address
- iii. Telephone and telephone area code details
- iv. References, correspondence codes, verification codes and other data fields
- v. Postal addresses
- vi. Hyperlinks to listing or real estate websites
- vii. Information relating to the listing or real estate website displaying how support details
- viii. Telephone Area Numbers
 - a. Contact number and prefix of 3-11
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 - f. Type of telephone, photograph, other details
 - g. Hyperlinks to websites should with the telephone
 - h. Details of personal operator to be contacted
 - i. Name of personal operator
 - j. "Service number" or other identification number has been recorded in a file



1. Page 1000-1001 (1000-1001)
A. [Illegible]

2. Page 1002-1003 (1002-1003)
A. [Illegible]

3. Page 1004-1005 (1004-1005) [Illegible]
[Illegible]
[Illegible]
[Illegible]

- A. [Illegible]
- B. [Illegible]
- C. [Illegible]
- D. [Illegible]

4. Page 1006-1007 (1006-1007) [Illegible]
[Illegible]

- A. [Illegible]
- B. [Illegible]
- C. [Illegible]
- D. [Illegible]
- E. [Illegible]

5. Page 1008-1009 (1008-1009) [Illegible]
[Illegible]
[Illegible]

- A. [Illegible]



1. Page 1000 to 1001 (1000) ...

2. Page 1002 to 1003 (1002) ...

- a. ...
- b. ...
- c. ...
- d. ...

3. Page 1004 to 1005 (1004) ...

- a. ...
- b. ...
- c. ...
- d. ...

4. Page 1006 to 1007 (1006) ...

- a. ...
- b. ...
- c. ...
- d. ...

5. Page 1008 to 1009 (1008) ...

6. Page 1010 to 1011 (1010) ...



Including for example, and by way of illustration, the following:
1. The fact that the defendant is a member of the same family as the complainant;
2. The fact that the defendant is a member of the same religious community as the complainant;
3. The fact that the defendant is a member of the same political party as the complainant;
4. The fact that the defendant is a member of the same trade union as the complainant;
5. The fact that the defendant is a member of the same club or society as the complainant;

v. Paper 33 of 2003 (June 2003)
1. The fact that the defendant is a member of the same family as the complainant;

Attested by Sarah Elaine O'Brien

[Redacted signature]

Sarah Elaine O'Brien

W. Oath-taking Act, 1995 (Section 2)

[Redacted signature]

Nathan Douglas Deakes

NATHAN DOUGLAS DEAKES

of Counsel to the Garda Síochána, 2003-2004
Director of the Garda Síochána, 2004-2005

Legal Officer

[Redacted]

From: Drumgold, Shane
Sent: Tuesday, 13 September 2022 2:01 PM
To: Pitney, Sarah; Greig, Mitchell
Subject: RE: Affidavits
Attachments: Pitney affidavit 1 signed.pdf; Greig affidavit 1 signed.pdf; DPP Submissions.pdf

UNOFFICIAL

Thanks Sarah
Mitch could I get you to file the affidavits and submissions

Sarah could I get your second affidavit with the reference to the two Celebrite reports, and the memory stick. That way if required I can tender in court the second affidavit from each of you with the exhibits.



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

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: Pitney, Sarah <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 1:16 PM
To: Greig, Mitchell <REDACTED@act.gov.au>; Drumgold, Shane <REDACTED@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Dear Shane

My affidavit (with no exhibits) is attached.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED**

T: (02) 6207 5399 (Reception)

E: **REDACTED**@act.gov.au

W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Greig, Mitchell <**REDACTED**@act.gov.au>
Sent: Tuesday, 13 September 2022 12:43 PM
To: Drumgold, Shane <**REDACTED**@act.gov.au>; Pitney, Sarah <**REDACTED**@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Hi Shane,

My two are attached, only providing the Affidavit without exhibits today. I'm happy to go over and file them when ready.

Kind regards,



Mitchell Greig
Prosecutor Associate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) **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: Drumgold, Shane <**REDACTED**@act.gov.au>
Sent: Tuesday, 13 September 2022 12:40 PM
To: Pitney, Sarah <**REDACTED**@act.gov.au>; Greig, Mitchell <**REDACTED**@act.gov.au>
Subject: Affidavits

UNOFFICIAL

Hi All

Where are we up to settling and filing the affidavits? Could I get you to affirm them and send me an electronic copy – and we will need to get them filed

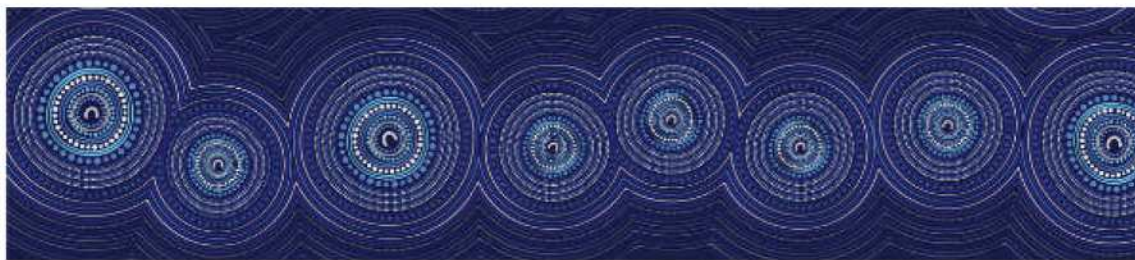


Shane Drumgold SC

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

IN THE SUPREME COURT OF THE)
)
AUSTRALIAN CAPITAL TERRITORY) No. SCC 264 of 2021
)
CRIMINAL JURISDICTION)

BETWEEN: **BRUCE EMERY LEHRMANN**
Applicant

AND: **THE DIRECTOR OF PUBLIC PROSECUTIONS**
Respondent


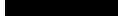
RESPONDENT'S WRITTEN SUBMISSIONS

Application

1. The application in proceedings filed 7 September 2022 seeks two orders:
 - The first order sought is for "*The Crown disclose to the Accused's legal representatives*"
 - a) *A complete, unlocked and unredacted electronic copy of the Cellebrite extraction of the complainant's phone;*
 - b) *The 'Investigative Review Document' referred to at page 18 of RFI 1;*
 - c) *All material relating to any investigations undertaken by the Australian Federal Police between 23 March 2020 and 31 March 2021 in relation to a security breach and the subsequent cleaning of the Ministerial Suite as a result of the after-hours attendance of the Accused and the complainant on 23 March 2020.*

Filed for the respondent by:

Director of Public Prosecutions
1st Floor, Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601

Reference: 202113941
Telephone: 
Facsimile: 

- The second order sought is outlined in the alternative to order one, being a temporary stay of the prosecution of the Accused until the material in Order 1 is disclosed.

Primary Comments on Orders Sought

Order 1b)

2. As outlined in the Affidavit of Mitchell Greig affirmed 12 September 2022, the document entitled “Investigative Review Document” is one of two documents provided by the Australian Federal Police to the Director of Public Prosecutions on 21 June 2021, seeking legal advice.
3. 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
4. Accordingly, the document listed at order 1b) is subject to a claim of legal professional privilege by the Australian Federal Police.

Order 1c)

5. Although no formal leave to amend was sought, at the bar table on Thursday 8 September 2022, counsel advised that the dates in order 1c) should read “23 March 2019 and 31 March 2019”, with the final date being “23 March 2019.
6. As outlined in the Affidavit of Mitchell Greig affirmed 12 September 2022, there is no material meeting the description:

“All material relating to any investigations undertaken by the Australian Federal Police between 23 March 2019 and 31 March 2019 in relation to a security breach

and the subsequent cleaning of the Ministerial Suite as a result of the after-hours attendance of the Accused and the complainant on 23 March 2019.”

Order 2

7. As outlined in these submissions, in light of the courts power to order disclosure, there is an obvious remedy available to overcome any alleged unfair trial other than a stay of prosecution, and the grounds are not made good. In light of this, other than to outline the law in this area, we will make no further submission.

Submission

8. These submissions will address three points:
 - 1) The court’s power to grant a temporary stay;
 - 2) The court’s power to order disclosure of documents;
 - 3) Whether the court should order disclosure of documents:
 - a. When documents meet the test of being documents;
 - b. Competing privacy law impacting disclosure;
 - c. When documents are protected under legal professional privilege.

Power to Grant a Temporary Stay

9. It is clear the court has power to grant a conditional stay in the appropriate circumstances, the question is when it should order such.
10. For example, in the case of R v Trong Bui [2011] ACTSC 102, Refshauge J ordered a conditional stay until the Crown served a prior criminal record for a witness in proceedings. It is noteworthy that the Crown already had a clear obligation to disclose the prior criminal record of a witness, both under section 4 ACT Prosecution Policy and supported by common law. It is unclear in this particular matter why the learned judge did not rely on the power to order disclosure directly, however the power clearly exists.

11. In *R v Swingle* [1996] 1 VR 257; (1995) 80 A Crim R 471 (CA) the court said in a joint judgment (at 264–265; 479):

It is by now well accepted that a superior court can, in the exercise of its supervisory jurisdiction, stay a prosecution if it is satisfied that, in the circumstances, it would be oppressive to allow the prosecution to proceed.

12. As I will address next, the court has a power to order disclosure of evidence so it cannot be said that it would be oppressive to allow the prosecution to proceed, and accordingly the grounds for a conditional stay is not satisfied.

Court has power to order production generally

13. As stated in *Carter v Hayes* (1994) 61 SASR 451 (at 456):

The court has power to order the production to the defence of material in the prosecution's possession or power if the interests of justice so require: *Clarke* (1930) 22 Cr App R 58; *Mahadeo* [1936] 2 All ER 813; *Hatt* (1958) 43 Cr App R 29; *Xinaris* (1955) Crim LR 437; *Charlton* [1972] VR 758.

It will often be necessary, or at least desirable, in the interests of a fair trial that the defence have access to the statements of witnesses and other evidentiary material in the possession of the prosecution in advance of trial in order to prepare for cross-examination of prosecution witnesses and to prepare the defence generally. As these submissions will address, the question before the court is whether the documents sought are disclosable.

Judge's Power to Order Disclosure

14. In *R v Brown* [1998] AC 367; [1998] 1 Cr App R 66; [1997] 3 All ER 769 (HL) Lord Hope of Craighead said (at 380; 76; 778):

If fairness demands disclosure, then a way of ensuring that disclosure will be made must be found.

15. In *Carter v Hayes* (1994) 61 SASR 451; 72 A Crim R 387 (FC) King CJ said (at 456; 392):

Disclosure by those conducting a prosecution of material in the possession or power of the prosecution which would tend to assist the defence case, is an important ingredient of a fair trial (*Clarkson v DPP* [1990] VR 745 at 755), and is an aspect of the prosecution's duty to ensure that the "Crown case is presented with fairness to the accused": *Richardson* (1974) 131 CLR 116 at 119; *Apostilides* (1984) 154 CLR 563; 15 A Crim R 88

The Duty to Disclose is a Duty Owed to the Court, not to the Accused

16. In *Cannon v Tahche* (2002) 5 VR 317 (CA) the court said in a joint judgment (at 340 [57]):

The prosecutor's "duty of disclosure" has been the subject of much debate in appellate courts over the years. But, as it seems to us, authority suggests that, whatever the nature and extent of the "duty", it is a duty owed to the court and not a duty, enforceable at law at the instance of the accused. This, we think, is made apparent when the so-called "duty" is described (correctly in our view) as a discretionary responsibility exercisable according to the circumstances as the prosecutor perceives them to be. The responsibility is, thus, dependent for its content upon what the prosecutor perceives, in the light of the facts known to him or her, that fairness in the trial process requires

17. See also *Hughes v Western Australia* (2015) 299 FLR 197; [2015] WASCA 164; *PAH v Western Australia* [2015] WASCA 159.

Duty of the Prosecutor (in the ACT supported by Section 4 Prosecution Policy)

18. In *R v Farquharson* (2009) 26 VR 410; [2009] VSCA 307, at [213], it was held:

The Crown has a duty to disclose material which can be seen on a sensible appraisal by the prosecution:

- a) To be relevant or possibly relevant to an issue in the case;

- b) To raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use;
 - c) To hold out a real (as opposed to fanciful) prospect of providing a lead on evidence which goes to a) or b).
19. This rule was adopted from *R v Spiteri* (2004) 61 NSWLR 369; [2004] NSWCCA 321. See also *R v Reardon* (2004) 60 NSWLR 454; 146 A Crim R 475; [2004] NSWCCA 197 which cited the decision in *R v Ward* [1993] 1 WLR 619; [1993] 2 All ER 577; (1993) 96 Cr App R 1 where it was held that if the prosecution wished to claim public interest immunity, it is obliged to give notice to the defence of the asserted right so that it can be challenged if necessary by the defence.
20. That notice of a claim of legal professional privilege with respect to order 1b) has been given to defence twice, in the category “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.
21. In *Mallard v The Queen* (2005) 224 CLR 125; 157 A Crim R 121; 222 ALR 236; [2005] HCA 68, at [17], the plurality of the High Court (Gummow, Hayne, Callinan and Heydon JJ) stated "... that the prosecution must at common law also disclose all relevant evidence to an accused and that a failure to do so may, in some circumstances, require the quashing of a verdict of guilty".

Director of Public Prosecutions Policy

22. The test for disclosure outlined in *Farquharson* is reflected in the ACT Prosecution Policy. The legislative basis for the issuing of a Prosecution Policy is found in section 12 Director of Public Prosecutions Act 1990, and the most recent version of the ACT Prosecution Policy was issued on 1 April 2021.

4. DISCLOSURE

4.1 The prosecution is under a continuing obligation to make full disclosure to the accused in a timely manner of all material known to the prosecution which can be seen on a sensible appraisal by the prosecution:

- to be relevant or possibly relevant to an issue in the case;*
- to raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use; or*
- to hold out a real as opposed to fanciful prospect of providing a lead to evidence which goes to either of the previous two matters.*

4.2 The prosecution is also under a duty to disclose to the defence information in its possession which is relevant to the credibility or reliability of a prosecution witness, for example:

- relevant previous conviction or finding of guilt;*
- a statement made by a witness which is inconsistent with any prior statement of the witness;*
- a relevant adverse finding in other criminal proceedings or in non-criminal proceedings;*
- evidence before a court, tribunal or Rayo/ Commission which reflects adversely on the witness;*
- any physical or mental condition which may affect reliability;*
- any concession which has been granted to the witness in order to secure their testimony for the prosecution.*

4.3 The prosecution must fulfil its duty of disclosure as soon as reasonably practicable. The prosecution's duty of disclosure continues throughout the prosecution process and any subsequent appeal.

4.4 In fulfilling its disclosure obligations the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that

information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.

4.5 The prosecution's duty of disclosure does not extend to disclosing material:

- relevant only to the credibility of defence (as distinct from prosecution) witnesses;*
- relevant only to the credibility of the accused;*
- relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or*
- for the purpose of preventing an accused from creating a forensic disadvantage for themselves, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.*

4.6 The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.

4.7 Where material has been withheld from disclosure on public interest grounds, the defence should be informed of the claim of immunity and the basis for the claim in general terms unless to do so would reveal that which it would not be in the public interest to reveal. In some cases it will be sufficient to delay rather than withhold disclosure. For example, if disclosure might prejudice ongoing investigations, disclosure could be delayed until after the investigations are completed.

4.8 Legal professional privilege will ordinarily be claimed against the production of any document in the nature of an internal OPP advice or opinion. Legal professional privilege will not be claimed in respect of any

record of a statement by a witness that is inconsistent with their previous statement or adds to it significantly, including any statement made in conference and any victim impact statement, provided the disclosure of such records serves a legitimate forensic purpose.

4.9 The duty on the prosecution to disclose material to the accused imposes a concomitant obligation on the police and other investigative agencies to notify the prosecution of the existence and location of all such material. If required, in addition to providing the brief of evidence, the police or other investigative agency shall certify that the prosecution has been notified of the existence of all such material.

4.10 Where known, in accordance with Director's disclosure guideline which has been in effect since 3 August 2020 (see Annexure 1), the prosecution is under a duty to disclose the existence of:

(a) Relevant protected material that is subject of a claim of privilege or immunity;

(b) Relevant material that is subject of a statutory publication restriction;

(c) Relevant unprotected material that is not subject to a claim of privilege or immunity or a statutory publication restriction.

Competing Provisions

23. There are a number of competing provisions protecting relevant material that does not fall within the DPP's disclosure obligations.

Information Privacy Act 2014 (ACT)

24. Section 8 defines personal information about an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information is recorded in a material form or not.

25. This would include a range of data redacted from Cellebrite report (particularly as it relates to people other than the owner of the phone) as outlined in the affidavit of Sarah Pitney affirmed 12 September 2022.
26. Section 9(c) of the Information Privacy Act includes amongst “public sector agency” a statutory office holder, and the staff assisting the statutory office holder, which includes the Director of Public Prosecution and staff who appear on my behalf.
27. Schedule 1 to this Act contains the Territory privacy principles (TPP) with TPP 6 stating:
 - 6.1 If a public sector agency holds personal information about an individual that was collected for a particular purpose (the primary purpose), the agency must not use or disclose the information for another purpose (the secondary purpose) unless
 - a) the individual has consented to the use or disclosure of the information; or
 - b) TPP 6.2 or TPP 6.3 apply.
28. TPP 6.2 is relevant and deals with circumstances where the individual would reasonably expect the public sector agency to disclose the information for a secondary purpose, or the disclosure is required by **order of an Australian law, or Court.**
29. TPP 6.3 deals with biometric information and templates and is not relevant to the current case.

Telecommunications (interception and Access) Act 1979 (Cth)

30. Where information has been obtained through the use of surveillance devices or telecommunication interception, disclosure will also be regulated by the *Telecommunications (Interception and Access) Act 1979* ('TIA Act'), the *Surveillance Devices Act 2004* (Cth) ('SD Act') and the *Crime (Surveillance Devices) Act 2010* (ACT) ('ACT SD Act').
31. Section 67(1)(a) of the Telecommunications Act provides that lawfully intercepted information (defined as information obtained by intercepting communications passing

over a telecommunication system rather than the means of collection) may only be disclosed where a permitted purpose exists. Section 5 outlines permitted purposes, that does not include material obtained during an investigation but not relevant and disclosable in a subsequent prosecution.

Section 118 Evidence Act 2011

32. Section 118 Evidence Act provides that evidence must not be presented, if on objection by a client, the court finds that presenting the evidence would result in disclosure of a confidential communication made between a client (in this case the Australian Federal Police) and a lawyer (in this case the Director of Public Prosecutions).
33. It is well established law that the Office of the Director of Public Prosecutions is defined as a lawyer, and a witness in a matter is defined as a client (*See R v Petroulias (No 22) (2007) 213 FLR 293; 176 A Crim R 309*), and legal advice as between the Office of the Director of Public Prosecutions and an employee of the DPP is in a client legal privileged relationship (see *Director of Public Prosecutions (NSW) v Stanizzo [2019] NSWCA 12 at [25]*).
34. It is also well established law that a lawyer / client relationship exists over legal advice provided by the Office of the Director of Public Prosecutions to a Government Department (*See Director of Public Prosecutions (Cth) v Kinghorn (2020) 102 NSWLR 72; 281 A Crim R 546; [2020] NSWCCA 48 at [62]-[64]*) in which case the claim of privilege can be made by the Government Department (see *TransGrid v Members of Lloyds Syndicate 3210 [2011] NSWSC 301, per Ball J at [11]*).
35. In the present case, the document "Investigative Review Document" was provided by the Australian Federal Police, to the Office of the Director of Public Prosecutions for the sole purpose of seeking legal advice, and a claim of privilege has been made 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, as a document falling within the definition of

“Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing”.

Relevant Considerations:

36. For the purposes of this application, the relevant test is whether on a sensible appraisal by the prosecution, the evidence is relevant or possibly relevant to an issue in the case, the credibility or reliability of a prosecution witness, or it will raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use.
37. Material not meeting this test, is otherwise protected from disclosure, except by order of a court. Such an order should only be made if required pursuant to the DPP’s disclosure obligations under section 4 Prosecution Policy, and the tests contained within, and the document is not otherwise protected.
38. In the present case, the material redacted from the Cellebrite report does not meet the test for disclosure. Further, the material listed in order 1b), is neither established as being relevantly disclosable, and further is protected pursuant to section 118 Evidence Act 2011.

Shane Drumgold SC

Director of Public Prosecutions (ACT)

13 September 2022

Form 6.11

Affidavit—general

Court Procedures Rules 2006

(see r 6710 (Affidavit-form))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No. SCC 264 of 2021

DIRECTOR OF PUBLIC PROSECUTIONS

Applicant

and


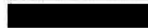
BRUCE EMERY LEHRMANN

Respondent

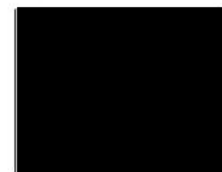
On 13 September 2022, I Mitchell Greig of Ground Floor, Reserve Bank Building, 20-22 London Circuit, Canberra City in the Australian Capital Territory, solemnly affirm—

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

Filed for the Director of Public Prosecutions
Ground Floor, Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601
DX 5725 Canberra City
GPO Box 595 Canberra ACT 2601

Reference: 202113941
Telephone: 
Facsimile: 

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



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

Affirmed by Mitchell Greig



At Canberra City, ACT, in the presence of:



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

Legal Practitioner

Form 6.11 Affidavit—general

Court Procedures Rules 2006

(see r 6710 (Affidavit-form))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No. SCC 264 of 2021

BRUCE EMERY LEHRMANN

Applicant

and



THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

On 13 September 2022, I Sarah Nadine Pitney of First Floor, Reserve Bank Building,
20-22 London Circuit, Canberra City in the Australian Capital Territory, solemnly
affirm –

1. I am a Legal Practitioner employed in the Office of the Director of Public Prosecutions in the Australian Capital Territory. Under his direction I have the conduct of this matter.
2. The accused has been charged with one count of sexual intercourse without consent, pursuant to s 54(1) of the *Crimes Act 1900* (ACT). The matter is listed for trial commencing 4 October 2022.

Filed for the Director of Public Prosecutions
Ground Floor, Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601
DX 5725 Canberra City
GPO Box 595 Canberra ACT 2601

Reference: 202113941
Telephone: 
Facsimile: 

3. On 7 September 2022, the accused filed an application seeking an order that the Crown disclose to the accused's legal representatives certain material including "a complete, unlocked and unredacted electronic copy of the Cellebrite extraction of the complainant's phone".

Cellebrite Extraction Report

4. I have reviewed the redacted Cellebrite Extraction Report ('RF13' exhibited to the Affidavit of Rachel Elizabeth Fisher affirmed on 7 September 2022) and unredacted Cellebrite Extraction Report.
5. The information redacted from the Cellebrite Extract Report may be summarised as follows:
 - a. Pages 1 to 2 ('Device Information')
 - i. Complainant's mobile phone number
 - ii. Complainant's email addresses
 - b. Page 3 ('Contents')
 - i. Complainant's Facebook account details
 - ii. Complainant's email address
 - c. Pages 7640 to 7685 ('Calendar')
 - i. Email addresses
 - ii. Meeting ID/passcode for Zoom meeting
 - iii. Name of doctor (however this information is disclosed on page 8520)
 - iv. Email signature blocks containing contact details
 - d. Pages 7686 to 7703 ('Call log')
 - i. Phone numbers
 - ii. Facebook account details

- e. Pages 7703 to 17965 ('Chats')
 - i. Phone numbers
 - ii. Email addresses
 - iii. Facebook and WhatsApp account details
 - iv. Usernames, passwords, pin codes, verification codes and reference numbers
 - v. Physical addresses
 - vi. Hyperlinks to listings on real estate websites
 - vii. Information relating to Canberra Rape Crisis Centre, including bank account details
 - viii. Complainant's tax file number
 - ix. Complainant's date and place of birth
 - x. Bank account and credit card details
 - xi. Details of payments made by or to the complainant
 - xii. Information relating to flight and accommodation bookings
 - xiii. Information relating to the complainant's motor vehicle
 - xiv. Parcel tracking information
 - xv. Hyperlink to access photographs taken at social event
 - xvi. Hyperlinks to websites shared with the complainant
 - xvii. Details of personal appointments, including with psychologist
 - xviii. Name of partner of 'Heidi'
 - xix. "@samanthamaiden" on page 10159 appears to have been redacted in error

- f. 17965 to 18687 ('Contacts')
 - i. Phone numbers
 - ii. Email addresses
 - iii. Facebook account details
 - iv. An entry on page 18170 that contains the mobile phone number associated with the accused's name and "Organizations: Reynolds Office"



- g. Pages 18688 to 19025 ('Cookies')
 - i. Facebook account details

- h. Pages 19199 to 19203 ('Emails')
 - i. Email address

- i. Pages 19372 to 19496 ('Instant messages') are fully redacted, with the exception of page 19372 which is partly redacted. These pages contain information relating to the sending and receiving of messages including:
 - i. 'Source' of message (e.g. 'recents' or 'native messages')
 - ii. 'From' and 'to' (mobile phone number or email address and associated contact name)
 - iii. Timestamp
 - iv. 'Content' (details of participants, attachments, source file path, message type, folder); this column does not contain the text of the message nor can attachments be opened

- j. Pages 19495 to 19687 ('GPS', 'Journeys' and 'Locations') are fully redacted. These pages contain location information including:
 - i. Names of locations and/or coordinates
 - ii. Name of any associated file, such as images or wireless network connections
 - iii. Timestamps
 - iv. Elevation (where available)
 - v. Source file path

- k. Pages 19688 to 21563 ('Log Entries') are fully redacted. These pages contain information relating to the use of Applications including:
 - i. 'Identifier' and 'Application' (e.g. App Store, Weather)

- ii. Details of the type of activity (e.g. 'wan in', 'wan out', 'outgoing sms', 'incoming sms')
 - iii. Timestamp
 - iv. Source information including file path
- I. Pages 21563 to 21777 ('Notes') are fully redacted. These pages contain information relating to the creation and modification of notes, and include the text of the notes.
- i. Notes 1-638 were created after 28 April 2019. On an examination of 5 notes selected at random, it appears that the notes are duplicated in unredacted or partly redacted format under the heading 'Timeline' (referred to below at paragraph [6](u)).
 - ii. Notes 649-644 contain a draft work communication, reflections on ANZAC day, a list of food/beverages and health 'rules', a password, information about a garage remote, a location and a hyperlink.
- m. Pages 21778 to 21868 ('Passwords') are fully redacted. These pages contain information relating to passwords associated with various accounts owned by the complainant.
- n. Pages 21868 to 21869 ('Recordings') are fully redacted. These pages contain the file name and timestamp of audio recordings.
- o. Pages 21869 to 21914 ('Searched items') are fully redacted. These pages contain the following information:
- i. Timestamp
 - ii. Source (application (e.g. Safari, Apple Maps)) and file path)
 - iii. Search terms used

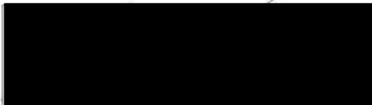


- p. Pages 21914 to 21917 ('User accounts') are fully redacted. These pages contain information relating to accounts owned by the complainant.
- q. Pages 21917 to 21981 ('Voicemails') are fully redacted. These pages contain the following information:
 - i. Timestamp
 - ii. 'From' (mobile phone number and associated contact)
 - iii. Duration
 - iv. File name
- r. Pages 21982 to 21985 ('Web bookmarks') are fully redacted. These pages contain the following information:
 - i. Title
 - ii. URL
 - iii. File path
 - iv. Source information
- s. Pages 21986 to 22260 ('Web History') are fully redacted. These pages contain the following information:
 - i. Title
 - ii. URL
 - iii. Last visited (timestamp)
 - iv. Number of visits
 - v. Source information
- t. Pages 22260 to 22283 (Wireless Networks) are fully redacted. These pages contain information relating to Wireless Networks accessed by the complainant's iPhone.
- u. Pages 22284 to 33757 ('Timeline') reproduce the contents of the complainant's iPhone in chronological order by timestamp

(including, for example, activity sensor data, location data and instant messages). The redactions may be summarised as follows:

- i. Pages 22284 to 24284 (timestamp from 10 February 2008 to 28 April 2019 at 11:18:16AM) are fully redacted
 - ii. Pages 24285 to 33757 are redacted in part in a similar manner to that outlined above at paragraphs [6](c)-(e)
- v. Pages 33757 to 56287 ('Data Files')
- i. Account Information contained in file paths

Affirmed by Sarah Nadine Pitney



(signature of person making affidavit)

At Canberra City, ACT, in the presence of:



(signature of person before whom affidavit is made)



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

Legal Practitioner



From: Pitney, Sarah
Sent: Tuesday, 13 September 2022 2:35 PM
To: Drumgold, Shane
Subject: RE: Affidavits
Attachments: scan_sarah pitney_2022-09-13-14-30-49.pdf

UNOFFICIAL

Please see attached – I'll bring the USB up now

From: Drumgold, Shane <[REDACTED]@act.gov.au>
Sent: Tuesday, 13 September 2022 2:24 PM
To: Pitney, Sarah <[REDACTED]@act.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Oh yes you are correct. Yes please



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

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: Pitney, Sarah <[REDACTED]@act.gov.au>
Sent: Tuesday, 13 September 2022 2:22 PM
To: Drumgold, Shane <[REDACTED]@act.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Are you happy for me to just put the unredacted report on the USB, as the redacted report is already exhibited to Rachel Fisher's affidavit (RF13)?

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: REDACTED
T: (02) 6207 5399 (Reception)
E: REDACTE@act.gov.au
W: www.dpp.act.gov.au
Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 2:01 PM
To: Pitney, Sarah <REDACTE@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Thanks Sarah
Mitch could I get you to file the affidavits and submissions

Sarah could I get your second affidavit with the reference to the two Cellebrite reports, and the memory stick. That way if required I can tender in court the second affidavit from each of you with the exhibits.



Shane Drumgold SC
Director
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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Pitney, Sarah <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 1:16 PM
To: Greig, Mitchell <REDACTED@act.gov.au>; Drumgold, Shane <REDACTED@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Dear Shane

My affidavit (with no exhibits) is attached.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
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Please note that I do not work Thursday mornings or Fridays.

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From: Greig, Mitchell <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 12:43 PM
To: Drumgold, Shane <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Hi Shane,

My two are attached, only providing the Affidavit without exhibits today. I'm happy to go over and file them when ready.

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: Drumgold, Shane <(REDACTED)@act.gov.au>
Sent: Tuesday, 13 September 2022 12:40 PM
To: Pitney, Sarah <(REDACTED)@act.gov.au>; Greig, Mitchell <(REDACTED)@act.gov.au>
Subject: Affidavits

UNOFFICIAL

Hi All

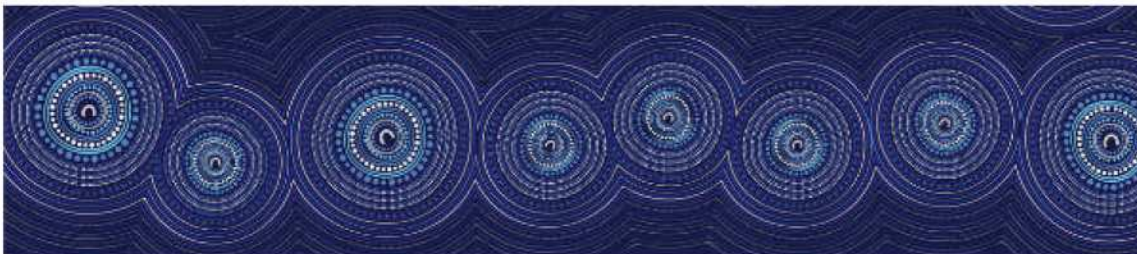
Where are we up to settling and filing the affidavits? Could I get you to affirm them and send me an electronic copy – and we will need to get them filed



Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
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Artwork by Ngarrindjeri artist Jordan Lovegrove

Form 6.11 Affidavit—general

Form 6.11 Affidavit—general (2002)

Form 6.11 Affidavit—general

In the Supreme Court of the State of New South Wales
at the City of Sydney

No. 3002 of 2002

ERIC OF EMERY LEHMAN

Applicant

vs

THE DIRECTOR OF PUBLIC PROSECUTION

Respondent

I, the Applicant, do hereby declare that I am a legal practitioner employed in the office of the Director of Public Prosecutions, the Director of Public Prosecutions, Office of the Director of Public Prosecutions, Sydney, New South Wales.

I am a legal practitioner employed in the office of the Director of Public Prosecutions, the Director of Public Prosecutions, Office of the Director of Public Prosecutions, Sydney, New South Wales.

I declare that I am a legal practitioner employed in the office of the Director of Public Prosecutions, the Director of Public Prosecutions, Office of the Director of Public Prosecutions, Sydney, New South Wales.

I declare that I am a legal practitioner employed in the office of the Director of Public Prosecutions, the Director of Public Prosecutions, Office of the Director of Public Prosecutions, Sydney, New South Wales.

Signature
of witness

2002-0011



1. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...

Department of Social Services

2. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...

3. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...



4. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...

5. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...



6. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...

7. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...

8. The Department of Social Services, in its capacity as the lead agency for the...
of the Department of Social Services, in its capacity as the lead agency for the...

From: Pitney, Sarah
Sent: Tuesday, 13 September 2022 3:13 PM
To: Drumgold, Shane; Greig, Mitchell
Subject: RE: Affidavits
Attachments: scan_sarah pitney_2022-09-13-15-11-41.pdf

UNOFFICIAL

Dear Shane

Please see attached with both reports

I will bring up the USB

Sarah

From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 2:36 PM
To: Pitney, Sarah <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Actually I think they are only excerpts included in RF 14 Sarah?



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



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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Pitney, Sarah <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 2:22 PM
To: Drumgold, Shane <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Are you happy for me to just put the unredacted report on the USB, as the redacted report is already exhibited to Rachel Fisher's affidavit (RF13)?

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: REDACTED
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From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Tuesday, 13 September 2022 2:01 PM
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Subject: RE: Affidavits

UNOFFICIAL

Thanks Sarah
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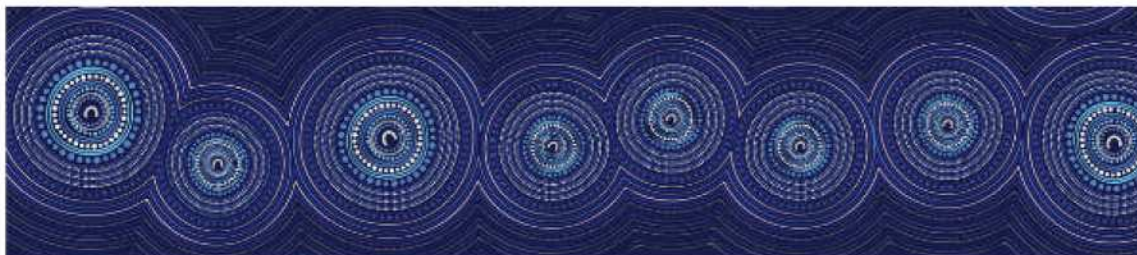
Sarah could I get your second affidavit with the reference to the two Cellebrite reports, and the memory stick. That way if required I can tender in court the second affidavit from each of you with the exhibits.



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From: Pitney, Sarah <**REDACTE** @act.gov.au>
Sent: Tuesday, 13 September 2022 1:16 PM
To: Greig, Mitchell <**REDACTED** @act.gov.au>; Drumgold, Shane <**REDACTED** @act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

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Sarah Pitney
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GPO Box 595, Canberra ACT 2601 (DX 5725)
T: **REDACTED**
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From: Greig, Mitchell <**REDACTED** @act.gov.au>
Sent: Tuesday, 13 September 2022 12:43 PM

To: Drumgold, Shane <[REDACTED]@act.gov.au>; Pitney, Sarah <[REDACTED]@act.gov.au>
Subject: RE: Affidavits

UNOFFICIAL

Hi Shane,

My two are attached, only providing the Affidavit without exhibits today. I'm happy to go over and file them when ready.

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: Drumgold, Shane <[REDACTED]@act.gov.au>
Sent: Tuesday, 13 September 2022 12:40 PM
To: Pitney, Sarah <[REDACTED]@act.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>
Subject: Affidavits

UNOFFICIAL

Hi All

Where are we up to settling and filing the affidavits? Could I get you to affirm them and send me an electronic copy – and we will need to get them filed



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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Artwork by Ngarrindjeri artist Jordan Lovegrove

Form 6.11 Affidavit—general

Case No. 19-00000000000000000000

In the State of New York

I, **CHRISTOPHER DAVID M. DE BONO**, County Clerk of the County of **NEW YORK**, do hereby certify that

the following is true:

DEBORA M. DE BONO

is the

and

THE COUNTY OF NEW YORK

is the

On this 19th day of August, 2021, I, the undersigned, being duly sworn, depose and say that the foregoing is true and correct to the best of my knowledge and belief.

1. I am a duly sworn officer of the County of New York and I am the County Clerk of the County of New York.

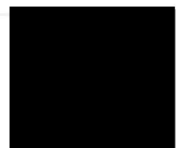
2. The above information is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on this 19th day of August, 2021, at New York, New York.

Notary Public
for the State of New York

My Comm. Expires

12/31/2023



2. On 11 September 2011, the witness received a telephone call from [redacted] and was advised that the witness was to provide a copy of the witness's personal records to the witness's attorney, [redacted]. The witness advised that the witness did not have any records that would be relevant to the witness's case.

10.10.11

4. On 11 September 2011, the witness received a telephone call from [redacted] and was advised that the witness was to provide a copy of the witness's personal records to the witness's attorney, [redacted]. The witness advised that the witness did not have any records that would be relevant to the witness's case.

5. On 11 September 2011, the witness received a telephone call from [redacted] and was advised that the witness was to provide a copy of the witness's personal records to the witness's attorney, [redacted]. The witness advised that the witness did not have any records that would be relevant to the witness's case.

6. On 11 September 2011, the witness received a telephone call from [redacted] and was advised that the witness was to provide a copy of the witness's personal records to the witness's attorney, [redacted]. The witness advised that the witness did not have any records that would be relevant to the witness's case.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

WITNESS STATEMENT: [redacted] of [redacted] at [redacted] on [redacted].
[redacted] of [redacted] at [redacted] on [redacted].

[redacted]

From: Keegan Lee <REDACTED@bgchambers.com.au>
Sent: Monday, 19 September 2022 3:40 PM
To: Pitney, Sarah
Cc: Greig, Mitchell
Subject: RE: Lehrmann - Sarah Pitney affidavit clarification

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Dear Sarah,

Thank you for that clarification.

Yours faithfully,

Keegan Lee
Barrister

BURLEY GRIFFIN
CHAMBERS

Level 5, AMP Building, 1 Hobart Place ACT 2600
P. 02 REDACTED / F. REDACTED
DX 5629 Canberra / PO Box 3056 Canberra ACT 2601
E REDACTED@bgchambers.com.au

From: Pitney, Sarah <REDACTED@act.gov.au>
Sent: Monday, 19 September 2022 12:29 PM
To: Keegan Lee <REDACTED@bgchambers.com.au>
Cc: Greig, Mitchell <REDACTED@act.gov.au>
Subject: RE: Lehrmann - Sarah Pitney affidavit clarification

OFFICIAL

Good afternoon

Details of payments made by or to the complainant

See pages 11392, 12853, 12856, 15381, 16090, 16122, 16539, 16541, 16547.

Hyperlink to access photographs taken at social event

Sorry this appears to be a mistake.

I believe this is a reference to page 17711, but the Dropbox link of "photos from last night/last nights function") is in fact unredacted in both versions.

When reviewing the reports, I first went through the redacted version to identify the pages I needed to check in the unredacted version. I assume I marked up page 17711 because there is a hyperlink and defence had raised an issue

about hyperlinks potentially working in the unredacted but not the redacted version (this link works in both versions).

It seems that when I have come back to page 17711 in the unredacted version, I have erroneously described the link as a redaction.

Notes

I confirm that '649' is a typo and my affidavit should read '639'.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: **REDACTED**
T: (02) 6207 5399 (Reception)
E: **REDACTED**@act.gov.au
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Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Keegan Lee <**REDACTED**@bgchambers.com.au>
Sent: Sunday, 18 September 2022 8:05 PM
To: Pitney, Sarah <**REDACTED**@act.gov.au>
Cc: Greig, Mitchell <**REDACTED**@act.gov.au>
Subject: Lehrmann - Sarah Pitney affidavit clarification

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Dear Sarah

In your affidavit affirmed 13/09/2022 at [5](e) you refer to:

- xi. Details of payments made by or to the complainant; and
- xv. Hyperlink to access photographs taken at social event

Can you please advise on which pages these redactions were made?

Also, at [5](l)(ii) you state:

- ii. Notes 649-644 contain a draft work communication, reflections on ANZAC day, a list of food/beverages and health 'rules', a password, information about a garage remote, a location and a hyperlink.

I take it the reference to '649' should be to '639'. Could you please confirm?

Thank you.

Yours faithfully,

Keegan Lee
Barrister

BURLEY GRIFFIN CHAMBERS

Level 5, AMP Building, 1 Hobart Place ACT 2600

P. 02 **REDACTED** / F. **REDACTED**

DX 5629 Canberra / PO Box 3056 Canberra ACT 2601

E. **RE**@[bgchambers.com.au](mailto:re@bgchambers.com.au)

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Frizzell, Emma <[REDACTED]@afp.gov.au>
Sent: Sunday, 11 September 2022 1:13 PM
To: Pitney, Sarah; Greig, Mitchell; Jerome, Skye
Cc: Madders, Trent; [REDACTED] Callum; SVC_DPPCases
Subject: RE: Meeting with DPP prior to trial [202113941] [SEC=OFFICIAL]

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Hi Sarah,

Can we please arrange for 10:00am on Tuesday 20th. Probably best to do in person if that's ok.

I'll be on a day off Tuesday and in all day training on Wednesday but D/Ins [REDACTED] and DLSC Madders will attend.

Kind regards,
Em

SENIOR CONSTABLE EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - SACAT TEAM 1
ACT POLICING
Tel: [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: Pitney, Sarah <[REDACTED]@act.gov.au>
Sent: Wednesday, 7 September 2022 10:00 AM
To: Frizzell, Emma <[REDACTED]@afp.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>
Cc: Madders, Trent <[REDACTED]@afp.gov.au>; [REDACTED] Callum <[REDACTED]@afp.gov.au>; SVC_DPPCases <[REDACTED]>
Subject: RE: Meeting with DPP prior to trial [SEC=OFFICIAL] [202113941]

OFFICIAL

Good morning

Thank you for your email.

Skye, Mitchell and I are all available any time on Tuesday 20 September or Wednesday 21 September – is there a time on either day that would be suitable for you?

Kind regards



Sarah Pitney

Prosecutor

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED**

T: (02) 6207 5399 (Reception)

E: **REDACTED**@act.gov.au

W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Frizzell, Emma <[REDACTED]@afp.gov.au>

Sent: Monday, 5 September 2022 1:59 PM

To: Greig, Mitchell <[REDACTED]@act.gov.au>; Pitney, Sarah <[REDACTED]@act.gov.au>; Jerome, Skye

<[REDACTED]@act.gov.au>

Cc: Madders, Trent <[REDACTED]@afp.gov.au>; [REDACTED] Callum <[REDACTED]@afp.gov.au>

Subject: Meeting with DPP prior to trial [SEC=OFFICIAL]

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OFFICIAL

Good afternoon all,

I hope this email finds you all well.

As we are now a month out from trial, I'm just touching base to arrange a last meeting between DPP and ACTP to ascertain/finalise if there are any outstanding tasks that require our attention and also to set out what will be required throughout the trial, noting that it is set down for 5 weeks.

Due to scheduled warrants/meetings etc on our end, could I please ask that we look at some time from next Wednesday onwards?

Kind regards,

Em

ACTING SERGEANT EMMA FRIZZELL

CRIMINAL INVESTIGATIONS - SACAT TEAM 1

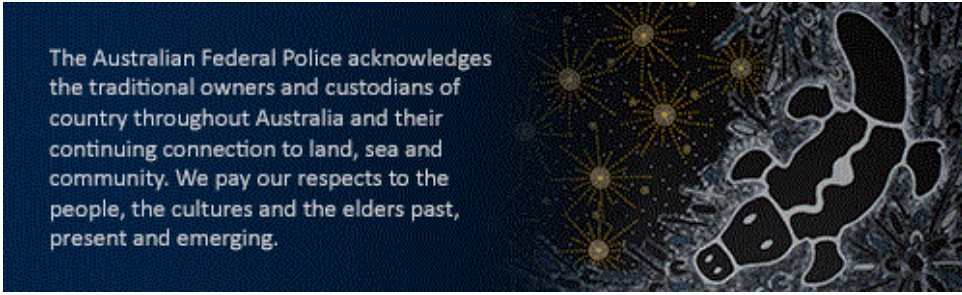
ACT POLICING

Tel: **REDACTED**

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

From: Greig, Mitchell
Sent: Monday, 12 September 2022 1:40 PM
To: Drumgold, Shane; Jerome, Skye
Cc: Pitney, Sarah
Subject: FW: Meeting with DPP prior to trial [202113941] [SEC=OFFICIAL]

OFFICIAL

For your information.

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.

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From: REDACTED Callum <REDACTED@afp.gov.au>
Sent: Monday, 12 September 2022 1:34 PM
To: Greig, Mitchell <REDACTED@act.gov.au>
Subject: RE: Meeting with DPP prior to trial [202113941] [SEC=OFFICIAL]

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OFFICIAL

Thanks Mitchell. Please send the invite to D/Supt Hall [REDACTED] too. Hall has taken over as the Superintendent of Crime from Scott Moller.

Kind regards,

DETECTIVE INSPECTOR CALLUM [REDACTED]
Writing to you from Ngunnawal Country
CRIMINAL INVESTIGATIONS - SEXUAL OFFENCES & CHILD ABUSE
ACT POLICING
Tel: REDACTED
www.afp.gov.au



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From: Greig, Mitchell <[REDACTED]@act.gov.au>

Sent: Monday, 12 September 2022 1:33 PM

To: Frizzell, Emma <[REDACTED]@afp.gov.au>; Pitney, Sarah <[REDACTED]@act.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>

Cc: Madders, Trent <[REDACTED]@afp.gov.au>; [REDACTED] Callum <[REDACTED]@afp.gov.au>; SVC_DPPCases <[REDACTED]>

Subject: RE: Meeting with DPP prior to trial [202113941] [SEC=OFFICIAL]

OFFICIAL

Hi Emma,

I'll send out a calendar invite for Tuesday 20th at 10:00am for both D/Ins [REDACTED] and DLSC Madders.

From our office, Shane, Skye, Sarah and myself will be in attendance.

Kind regards,



Mitchell Greig

Prosecutor Associate

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) [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: Frizzell, Emma <[REDACTED]@afp.gov.au>

Sent: Sunday, 11 September 2022 1:13 PM

To: Pitney, Sarah <[REDACTED]@act.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>

Cc: Madders, Trent <[REDACTED]@afp.gov.au>; [REDACTED] Callum <[REDACTED]@afp.gov.au>; SVC_DPPCases <[REDACTED]@act.gov.au>

Subject: RE: Meeting with DPP prior to trial [202113941] [SEC=OFFICIAL]

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I'll be on a day off Tuesday and in all day training on Wednesday but D/Ins [REDACTED] and DLSC Madders will attend.

Kind regards,
Em

SENIOR CONSTABLE EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - SACAT TEAM 1
ACT POLICING
Tel: [REDACTED]
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From: Pitney, Sarah <[REDACTED]@act.gov.au>
Sent: Wednesday, 7 September 2022 10:00 AM
To: Frizzell, Emma [REDACTED]@afp.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>
Cc: Madders, Trent [REDACTED]@afp.gov.au>; [REDACTED] Callum [REDACTED]@afp.gov.au>; SVC_DPPCases <[REDACTED]@act.gov.au>
Subject: RE: Meeting with DPP prior to trial [SEC=OFFICIAL] [202113941]

OFFICIAL

Good morning

Thank you for your email.

Skye, Mitchell and I are all available any time on Tuesday 20 September or Wednesday 21 September – is there a time on either day that would be suitable for you?

Kind regards



Sarah Pitney

Prosecutor

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED**

T: (02) 6207 5399 (Reception)

E: **REDACTE**@act.gov.au

W: www.dpp.act.gov.au

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From: Frizzell, Emma <[REDACTED]@afp.gov.au>

Sent: Monday, 5 September 2022 1:59 PM

To: Greig, Mitchell <[REDACTED]@act.gov.au>; Pitney, Sarah <[REDACTE]@act.gov.au>; Jerome, Skye <[REDACTE]@act.gov.au>

Cc: Madders, Trent <[REDACTED]@afp.gov.au>; [REDACTED] Callum <[REDACTED]@afp.gov.au>

Subject: Meeting with DPP prior to trial [SEC=OFFICIAL]

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OFFICIAL

Good afternoon all,

I hope this email finds you all well.

As we are now a month out from trial, I'm just touching base to arrange a last meeting between DPP and ACTP to ascertain/finalise if there are any outstanding tasks that require our attention and also to set out what will be required throughout the trial, noting that it is set down for 5 weeks.

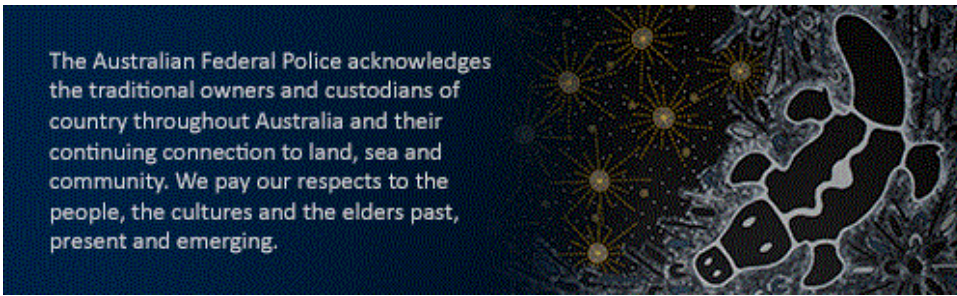
Due to scheduled warrants/meetings etc on our end, could I please ask that we look at some time from next Wednesday onwards?

Kind regards,
Em

ACTING SERGEANT EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - SACAT TEAM 1
ACT POLICING
Tel: **REDACTED**
www.afp.gov.au



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

From: Drumgold, Shane
Sent: Monday, 19 September 2022 11:35 AM
To: Greig, Mitchell; Jerome, Skye; Pitney, Sarah
Subject: Re: AFP Meeting

OFFICIAL

Sounds good

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

Sent from my iPad

From: Greig, Mitchell <REDACTED@act.gov.au>
Sent: Monday, September 19, 2022 11:30:36 AM
To: Drumgold, Shane <REDACTED@act.gov.au>; Jerome, Skye <REDACTED@act.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>
Subject: AFP Meeting

OFFICIAL

Hi all,

Callum has requested the meeting be adjourned until the AFP LPP situation has resolved.

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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Subject: AFP Investigators Meeting - R v Lehrmann

Start: Wed 21/09/2022 4:00 PM
End: Wed 21/09/2022 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Greig, Mitchell

Required Attendees: Drumaold, Shane; [redacted]@afp.gov.au; [redacted]@afp.gov.au;
[redacted]@afp.gov.au; [redacted]@afp.gov.au

Optional Attendees: Jerome, Skye; Pitney, Sarah; [redacted], Joanne

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 443 983 282 422

Passcode: 52ptkD

[Download Teams](#) | [Join on the web](#)



[Learn More](#) | [Help](#) | [Meeting options](#) | [Legal](#)

From: Pitney, Sarah
Sent: Wednesday, 21 September 2022 4:25 PM
To: Greig, Mitchell
Cc: SVC_DPPCases
Subject: File note - meeting with AFP [202113941]

OFFICIAL

Meeting with AFP

- Joanne Cameron – 8 documents plus claim of privilege over 1 document (initial version of table which ended up in Boorman’s briefing document, have evidence it was created for purpose of discussions with DPP)
- Shane Drumgold – has requested we get what defence gets
- Helen [REDACTED] – other documents:
 - o document authored by Andrew Smith
 - o document called identified discrepancies which is table identifying some discrepancies between complainant’s evidence
 - o review doc which does a similar thing
 - o executive briefing done fairly early on
 - o briefing note to the CPO which reproduces the table in Marcus Boorman document you have received
 - o case note entry put together by protection team shortly after the first complaint – not sure if previously been disclosed, contains an account that was provided at a very early stage
- Helen [REDACTED] will forward those through to DPP
- Shane Drumgold
 - o [REDACTED] plus getting them through into court
 - o We are making arrangements for FB and LR – arranging to come through back of court
 - o [REDACTED]
- Callum to touch base with court security, City Police to assist in first week
- Mitch to send revised witness list to Emma Frizzell and rough timetable
 - o **I need to update [REDACTED], Fiona Brown in witness weeks document**
- Mitch to follow up with RF re whether defence wish to view EICI, Emma Frizzell to provide AFP available dates for viewing EICI
- Shane Drumgold – not up to us to chase defence for redactions to EICI, we assume not required
- Shane Drumgold – some SACAT witnesses will be called off, we will just make them available to defence
- Cellebrite – KL liasing with someone unrelated for disclosure, Callum stated request will be met with urgency
- Shane Drumgold - we don’t want details of that



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: **REDACTED**
T: (02) 6207 5399 (Reception)
E: **REDACTED**@act.gov.au
W: www.dpp.act.gov.au
Please note that I do not work Thursday mornings or Fridays.

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[REDACTED]

From: Frizzell, Emma [REDACTED]@afp.gov.au
Sent: Tuesday, 4 October 2022 9:22 AM
To: Greig, Mitchell
Cc: Madders, Trent; REDA, Adam; Pitney, Sarah
Subject: RE: Request from Defence [SEC=OFFICIAL]

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OFFICIAL

Good morning Mitchell,

As per the initial email yesterday, defence were also seeking clarification as to whether a particular person they've identified, [REDACTED], was ever spoken to by anyone. I'm not sure this fits into the 1a) aspect of the response received.

Regardless, can your office please advise Mr Whybrow that [REDACTED] was not identified, nor spoken to by Police. Can you please confirm the advice has been provided.

Kind regards,
Em

SENIOR CONSTABLE EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - UNSOLVED HOMICIDE
ACT POLICING
Tel: REDACTED
www.afp.gov.au



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From: Greig, Mitchell <REDACTED@act.gov.au>
Sent: Monday, 3 October 2022 3:59 PM
To: Frizzell, Emma <[REDACTED]@afp.gov.au>
Cc: Madders, Trent <[REDACTED]@afp.gov.au>; REDA, Adam <REDACTED@afp.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>
Subject: RE: Request from Defence [SEC=OFFICIAL]

OFFICIAL

Hi Em,

As Steve has gone through you, please notify him. If he wants to discuss it, inform him to message our team.

Kind regards,



Mitchell Greig
Prosecutor Associate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: (02) REDACTED
W: www.dpp.act.gov.au

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From: Frizzell, Emma <REDACTED@afp.gov.au>
Sent: Monday, 3 October 2022 3:27 PM
To: Greig, Mitchell <REDACTED@act.gov.au>
Cc: Madders, Trent <REDACTED@afp.gov.au>; REDA, Adam <REDACTED@afp.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>
Subject: Re: Request from Defence [SEC=OFFICIAL]

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Hi Mitchell,

No worries - will DPP notify defence or do you want us to?

From: Greig, Mitchell <REDACTED@act.gov.au>
Date: 3 October 2022 at 12:47:35 pm AEDT
To: Frizzell, Emma <REDACTED@afp.gov.au>
Cc: Madders, Trent <REDACTED@afp.gov.au>; REDA, Adam <REDACTED@afp.gov.au>; Pitney, Sarah <REDACTED@act.gov.au>
Subject: Re: Request from Defence [SEC=OFFICIAL]

OFFICIAL

Hi Em,

The DPPs position is that this is part of the application, ground 1a) which is being dealt with by Keegan Lee. Any request for redacted information from the Cellebrite report/data should be requested through him as part of the application.

It should not be going through you, the AFP.

Kind regards,
Mitchell

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From: Frizzell, Emma [REDACTED]@afp.gov.au>
Sent: Monday, October 3, 2022 9:47:11 AM
To: Greig, Mitchell <[REDACTED]@act.gov.au>
Cc: Madders, Trent <[REDACTED]@afp.gov.au>; [REDACTED] Adam <[REDACTED]@afp.gov.au>
Subject: Request from Defence [SEC=OFFICIAL]

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Hi Mitchell,

I've received a request from Mr Whybrow as follows, for your attention:

- trying to get a hold of contact ID of various numbers in Ms Higgins CCR;
- seems she has deleted every text from her phone the night but they show up in the CCR as numbers;
- query if can give us numbers and get the ID would be helpful, noting beyond privacy issues when it's people she contacted and then deleted texts.

Please note that we won't be providing any information directly to Defence and will require DPP to confirm this information is required. If so, we'll provide to you to convey across to their office.

I responded to the initial query and advised I was passing the request on. Mr Whybrow has since responded and advised they've ID'd a number in particular as [REDACTED], and asked if they've been spoken to. Haven't yet responded.

Kind regards,
Em

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

From: Greig, Mitchell <REDACTED@act.gov.au>
Sent: Wednesday, 21 September 2022 7:08 PM
To: Drumgold, Shane; Jerome, Skye; Pitney, Sarah
Subject: Fwd: Subpoena - documents to be produced by the AFP [SEC=OFFICIAL]
Attachments: Document 1 & 2 - Briefs from Scott Moller and Marcus Boorman - redacted.pdf

OFFICIAL

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From: Helen <REDACTED@afp.gov.au>
Sent: Wednesday, September 21, 2022 6:25:26 PM
To: Greig, Mitchell <REDACTED@act.gov.au>
Subject: RE: Subpoena - documents to be produced by the AFP [SEC=OFFICIAL]

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OFFICIAL

Hi Mitchell,

Documents 1 and 2 attached.

Helen

From: Helen
Sent: Wednesday, 21 September 2022 6:24 PM
To: 'Greig, Mitchell' <REDACTED@act.gov.au>
Subject: FW: Subpoena - documents to be produced by the AFP [SEC=OFFICIAL]

OFFICIAL

Hi Mitchell,

Further to our meeting this afternoon, please find attached copies of documents 3-5 and 7-9 that we will be producing in response to the subpoena on Friday morning. I will separately send documents 1 and 2 as the file is large. As discussed, we will be making a claim of legal professional privilege over one document, document 6, which I have not attached.

Regards,

Helen

HELEN
Writing to you from Ngunnawal Country
PRINCIPAL LAWYER - OPERATIONS LEGAL
CHIEF LEGAL COUNSEL
Tel: REDACTED
www.afp.gov.au

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

**PROTECTED****ACT Policing**

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

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

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

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PROTECTED

Comments:		
Name/Position:	Signature:	Date:

Comments:		
Name/Position:	Signature:	Date:

Comments:		
Name/Position:	Signature:	Date:

Comments:		
Name/Position:	Signature:	Date:

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PROTECTED
Sensitive: Legal

Executive Briefing

Addressee DCPO - R

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

Action required:

For information and decision

Deadline:

ASAP

Reasons for proposed actions:

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

54 (1) - Sexual Intercourse without Consent

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

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

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

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

Sensitive: Legal
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Sensitive: Legal

Expected Reaction:

Positive.

Recommendation:

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



Scott Ivonier
Detective Superintendent
SIO Operation COVINA





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Investigation into alleged sexual assault at Parliament House

Media Options

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Background

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

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

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

Outcome 1 – DPP supports criminal prosecution

Option A – Issue Media Release

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

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

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

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

Mitigating strategies required

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

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

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

Option B – Issue Media Release and conduct Press Conference

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

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

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

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

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

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

Mitigating strategies required

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

Potential questions at a press conference

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

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

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

Outcome 2 – DPP against criminal prosecution

Option A – Issue a Media Release

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

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

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

Mitigating strategies required

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

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

Conclusion: This approach is not recommended.

Option B – Issue Media Release and conduct Press Conference

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

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

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

Mitigating strategies required

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

Potential questions at a press conference

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

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

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

Media reporting during the court hearing process

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

ACT Policing does not comment on matters before the court.

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

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

Wednesday 14 April 2021

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

Channel: ABC Canbarra

Program: Breakfast with Lish Fejer

Date: 7 April 2021

Time: 7:38 AM - 7:40 AM

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

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

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

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

NEIL GAUGHAN: Yeah.

Transcript generated by Stream | 896127300 | 6/10/2021 10:00

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

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

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

Document controlled by National POW/MI and CSIS Operations

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Attachment B

[REDACTED] Elena

From: [REDACTED] Elena
 Sent: Thursday, 4 March 2021 2:08 PM
 To: Chew, Michael; [REDACTED] Tamerra; [REDACTED] Callum; Moller, Scott
 Subject: FW: STATEMENT: STRIKE FORCE WYNDARRA UPDATE [SEC=OFFICIAL]

OFFICIAL

FYI

Thanks,

ELLENA [REDACTED]
 COORDINATOR MEDIA AND PUBLIC ENGAGEMENT
 ACT POLICING
 [REDACTED]
www.afp.gov.au



POLICING FOR A SAFER AUSTRALIA

From: AFP Media <afp.gov.au>
 Sent: Thursday, 4 March 2021 12:59 PM
 To: [REDACTED] Renee; [REDACTED]
 Cc: [REDACTED] Dean <afp.gov.au>; [REDACTED] Julie <afp.gov.au>; [REDACTED]
 Subject: FW: STATEMENT: STRIKE FORCE WYNDARRA UPDATE [SEC=OFFICIAL]

OFFICIAL

From: NSW Police Media <media_donotreply@police.nsw.gov.au>
 Sent: Thursday, 4 March 2021 9:37 AM
 To: NSW Police Media <media_donotreply@police.nsw.gov.au>
 Subject: STATEMENT: STRIKE FORCE WYNDARRA UPDATE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

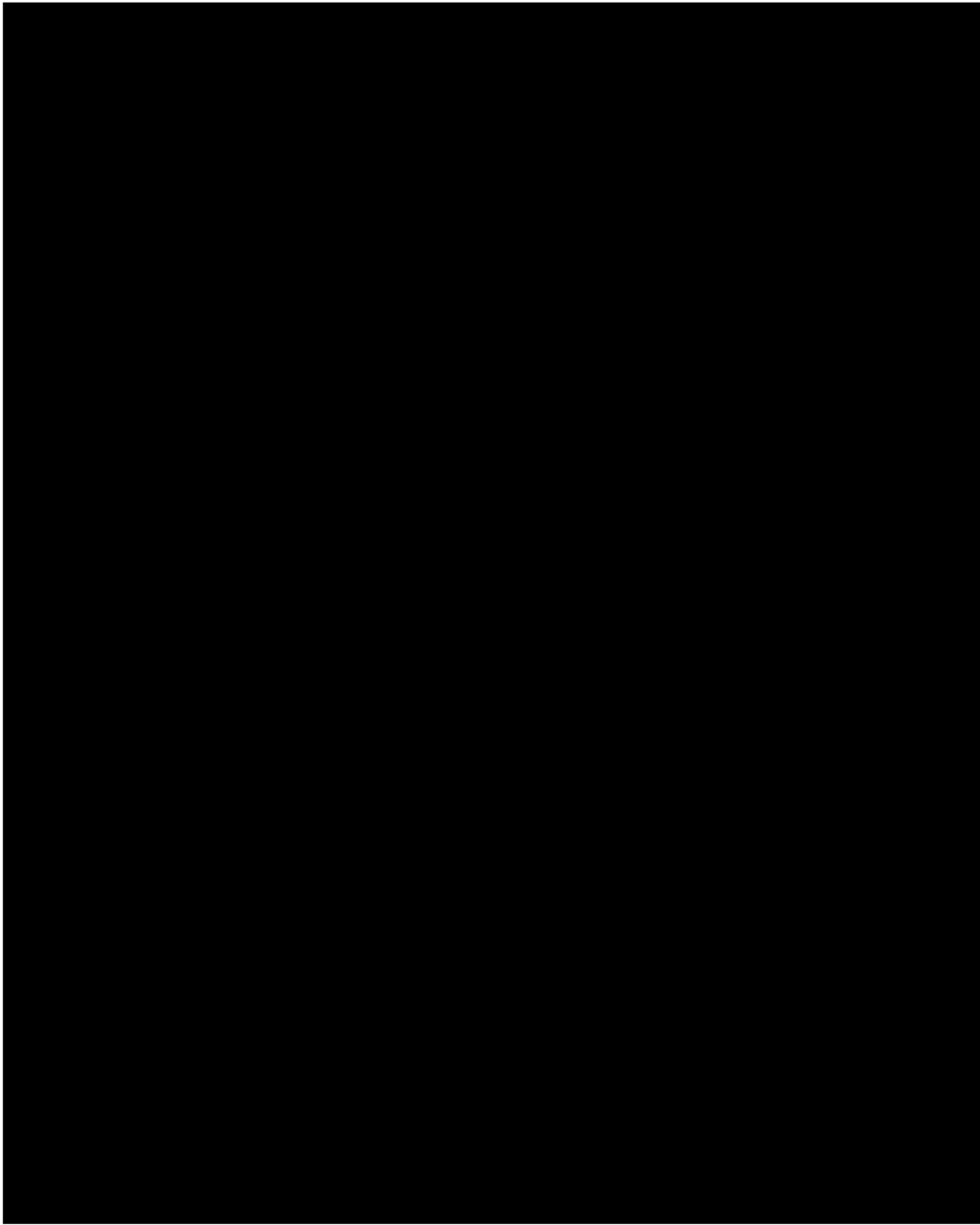
[REDACTED]

[REDACTED]

[REDACTED]

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AFP
AUSTRALIAN FEDERAL POLICE

Minute

Addressee DCPO-R

Through: Supt-C [REDACTED]

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

Action Decision

Deadline As soon as possible

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

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

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

Background

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

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

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

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

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

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

[REDACTED] As a result of the above, both individuals were questioned by Minister Reynolds - Chief of Staff, with Mr Lehrmann's employment subsequently terminated in relation to the security breach.

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

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

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

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

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

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

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

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

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

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

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

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

Issues

Disclosure - HIGGINS

Disclosure of this incident has 8 significant components:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE SCENE

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

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

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

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

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

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

INJURY TO LEG

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



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

MEDICAL ATTENTION/MORNING AFTER PILL

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

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

Outstanding Inquires

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

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

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

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

Recommendation

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



Marcus Boorman
Detective Inspector
Crime Manager Major Crime ACTP
Investigation Manager Op Covina

4 June 2021

From: Greig, Mitchell <REDACTED@act.gov.au>
Sent: Wednesday, 21 September 2022 7:08 PM
To: Drumgold, Shane; Jerome, Skye; Pitney, Sarah
Subject: Fwd: Subpoena - documents to be produced by the AFP [SEC=OFFICIAL]
Attachments: Document 3 - Op Covina - Report - ToR - Register_Redacted.pdf; Document 4 - REDACTED - Identified discrepancies.pdf; Document 5 - Review Doc.pdf; Document 7 - Executive Briefing - Alleged Sexual Assault APH 08 02 2021.pdf; Document 8 - CPO Briefing notes_Redacted.pdf; Document 9 - FW_ CNE - Alleged Sexual Assault.pdf

OFFICIAL

Hi all,

The documents being produced by the AFP.

Mitch

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From: Helen <REDACTED@afp.gov.au>
Sent: Wednesday, September 21, 2022 6:24:14 PM
To: Greig, Mitchell <REDACTED@act.gov.au>
Subject: FW: Subpoena - documents to be produced by the AFP [SEC=OFFICIAL]

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

OFFICIAL

Hi Mitchell,

Further to our meeting this afternoon, please find attached copies of documents 3-5 and 7-9 that we will be producing in response to the subpoena on Friday morning. I will separately send documents 1 and 2 as the file is large. As discussed, we will be making a claim of legal professional privilege over one document, document 6, which I have not attached.

Regards,

Helen

HELEN REDACTED
Writing to you from Ngunnawal Country
PRINCIPAL LAWYER - OPERATIONS LEGAL
CHIEF LEGAL COUNSEL
Tel: REDACTED
www.afp.gov.au

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



From: [Redacted], Andrew
Sent: Tuesday, 3 August 2021 4:11 PM
To: [Redacted] Peter
Subject: Operation Covina - Internal Review [SEC=OFFICIAL:Sensitive]
Attachments: Op Covina - Report - ToR - Register.pdf

OFFICIAL:Sensitive

DCPO – AC [Redacted]

As requested by CPO – Deputy Commissioner Neil Gaughan via Commander Chew attached is the final report, ToR, and document log in relation to an internal review of Op Covina.

Please advise me if you require this to be sent through via another AFP system.

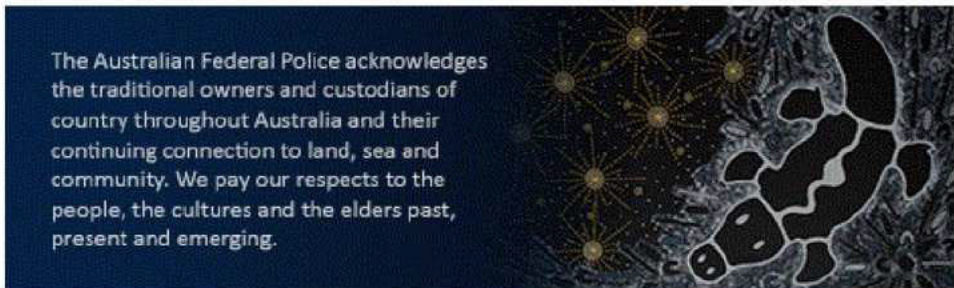
Regards,

Andrew

ANDREW [Redacted]
COMMANDER INTERNATIONAL ENGAGEMENT
INTERNATIONAL COMMAND
Tel: [REDACTED]
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA



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Investigation review

ACT Policing - Chief Police Officer
Deputy Commissioner Neil Gaughan APM

Via: DCPO Assistant Commissioner Peter Crozier

Title of review

Review of Operation Covina (PROMIS 6381473)

Purpose of the review:

The purpose of the review is to undertake a tactical investigative review of Operation Covina in line with the Australian Federal Police (AFP) review standard.

The review has been initiated by ACT Policing Senior Executive, following an investigation into an allegation of a sexual assault occurring at Australian Parliament House (APH) on 23 March 2019. It is noted that the investigation has been oversighted by the Sensitive Investigations Oversight Board (SIOB).

Scope of the review:

The scope of the review will address the following:

- Further avenues of inquiry.
- Consideration of the material already obtained, focussing on the current draft Statement of Facts (SOF), Record of Interview (ROI), Evidence in Chief Interviews (EICIs), statements, Record of Conversations (ROC) and associated entries, documents and/or recordings.
- Any further considerations that may inform the investigation.

The Terms of Reference are attached - Annexure A.

Plan and methodology:

The review examined electronic records pertaining to Operation Covina available within the ACT Policing - Sexual Assault and Child Abuse Team (SACAT) shared drive and associated PROMIS case, 6381473, that were uploaded prior to the 28 July 2021. Not all material contained within the shared drive or PROMIS case was reviewed.

The drive location was identified as:

S:\ACT\rhq\CI-ACTP\CI Teams\SACAT\Investigations\Madders\02 - Active Investigations\PROMIS 6381473 - Operation Covina

OFFICIAL:Sensitive

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The tactical review will be conducted in two phases:

- Phase one:** Review the information obtained throughout the investigation, with particular focus on the current draft SOF, ROI, EICs, statements, ROCs and associated entries, documents and/or recordings.
- Phase two:** Analyse the avenues of inquiry and consider any further investigative considerations that may assist in obtaining relevant information.

The review was conducted over four days.

Describe the reviewers:

Commander Andrew [REDACTED]; Detective Sergeant Mark [REDACTED]; Detective Sergeant Matt [REDACTED]; Acting Sergeant Lauren GILLILAND ([REDACTED])

Case information

PROMIS number	6381473	Operation name	Covina
Date accepted	4 April 2019	Estimated completion date	Ongoing
CCPM priority	Not applicable	CCPM impact	Not applicable
CCPM client Impact	Not applicable	CCPM value to AFP	Not applicable
Office	ACT – Criminal Investigations	Function	ACT Policing
Crime type	Sexual Assault	Team	SACAT

Briefly summarise the investigation to date:

On 1 April 2019, members of the AFP Protection Liaison Team, based at APH in Canberra, met with Ms Brittany Higgins (Ms Higgins), a Ministerial staff member employed within the office of Senator the Honourable, Linda Reynolds (Minister Reynolds), Minister for Defence Industry. Ms Higgins disclosed to AFP members that she had been the victim of a sexual assault by another Ministerial staff member whom she identified as Mr Bruce Lehrmann (Mr Lehrmann). At the time, Mr Lehrmann was also employed within Minister Reynold's office. It was alleged the incident occurred on the morning of the 23 March 2019, within Minister Reynolds' office, APH, Australian Capital Territory (ACT).

Due to the nature of the allegation, the matter was referred to ACT Policing. SACAT members met with Ms Higgins on 5 April 2019, to commence an investigation into the matter.

On 13 April 2019, Ms Higgins advised via email that she did not wish to proceed with the matter. Notwithstanding Ms Higgins decision, inquiries continued in respect of [REDACTED] evidence, including Closed Circuit Television (CCTV) footage.

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On 5 February 2021, the investigation was re-activated at the request of Ms Higgins.

Material has been obtained that shows Ms Higgins and Mr Lehrmann attended APH and entered their office of employment at approximately 1:41am on 23 March 2019.

In Mr Lehrmanns ROI, he stated that following entry to their office of employment, he and Ms Higgins went to separate areas within the office and had no further interactions with each other on that day. Mr Lehrmann stated whilst he was in his office he conducted some work in line with his duties and collected some of his personal belongings before departing APH.

In Ms Higgins EICs, she stated that following entry to their office of employment, she moved from sitting by the window to a lounge located within Minister Reynolds' office. There, she laid down and fell asleep. Ms Higgins was later awoken by feeling pressure on her right leg. When she opened her eyes she saw Mr Lehrmann above her engaging in penile/vaginal intercourse. She said "no" to Mr Lehrmann a number of times, but he continued. After an unknown amount of time, Mr Lehrmann got off Ms Higgins, did not say anything to her and left the room. Ms Higgins states she has then fallen back to sleep or passed out.

CCTV footage shows Mr Lehrmann departed APH at 2:33am and Ms Higgins departed APH at 10:01am on 23 March 2019.

Conduct of review

Describe your findings:

Based upon the material considered, the review team has formed an opinion that the investigation was conducted in a thorough, reasonable and proportionate manner, adhering to the lawful requirements for interviewing suspects and witnesses. The exercise of search, seizure and examination of material was lawful, utilising either consent or warrant. The investigation team applied a critical and analytical mindset to the material which identified their avenues of inquiry.

The review team did not identify any significant additional avenues of inquiry. There is nothing to suggest the investigation was inadequate or unprofessional.

The material reviewed reveals:

The accounts of the evening leading up to attending APH are largely consistent. The differences in account are:

- The level of physical contact between Ms Higgins and Mr Lehrmann.

Police notes taken during initial reporting of the incident on 1 April 2019, record that Ms Higgins disclosed that touching and hugging did take place at a club between Mr Lehrmann and herself, prior to their arrival at APH.

During the ROC, conducted with [REDACTED], she stated she observed kissing and touching between Mr Lehrmann and Ms Higgins at 88MPH nightclub in the Canberra City. This is corroborated by a text message sent by [REDACTED] to Ms [REDACTED] on 23 March 2019.

Ms Higgins EICs and Mr Lehrmanns ROI did not describe the kissing, touching and/or hugging taking place at 88MPH.

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- The reasons for returning to APH.

There is differing accounts as to why Ms Higgins and Mr Lehrmann returned to APH. Numerous accounts were identified, being consumption of alcohol, conducting work, collection of documents or collecting personal belongings.

Ms Fiona Brown, Chief of Staff to Minister Reynolds, stated in her ROC that Mr Lehrmann's purpose for returning to APH was to consume Whiskey.

- The level of intoxication of Ms Higgins and Mr Lehrmann.

Ms Higgins describes her level of intoxication as being high, including falling over and unable to recall some events of the night. Mr Lehrmann's account of his level of intoxication varied but stated he did not observe anyone so intoxicated that they could not function.

CCTV and accounts of witnesses are inconclusive regarding the level of intoxication, although an APH security officer described Ms Higgins as being intoxicated upon her entry to APH.

There is corroborating material that indicates both Ms Higgins and Mr Lehrmann had consumed alcohol.

The review team is aware that inquiries are continuing in relation to the Uber records of Mr Lehrmann with a focus on arrival at APH.

There are no further avenues of inquiry that the review team can recommend in respect to the activities prior to attending APH.

Within the Ministerial suite there are two different accounts of what occurred between 1:48am and 2:31am on 23 March 2019.

Ms Higgins' account is obtained through two EICs conducted in 2021, during which she stated that she was sexually assaulted by Mr Lehrmann.

Mr Lehrmann's account is obtained through a formal ROI, conducted in 2021, during which he denied any physical contact or having sexual intercourse with Ms Higgins within APH.

ROC with [REDACTED], indicated that about 4:20am, Ms Higgins was observed laying fully naked on the lounge. She observed her dress and shoes to be on the floor.

ROC with M [REDACTED], did not identify any significant cleaning required of the Ministerial suite on the afternoon of 23 March 2019.

The review team has viewed CCTV footage of Ms Higgins and Mr Lehrmann's entry and exit of APH, [REDACTED]

It is recommended that further inquiries be conducted to obtain this footage. Other than the footage, there are no further avenues of inquiry that the review team can recommend in respect to what occurred within the Ministerial office.

Due to the time elapsed between the alleged offence taking place and EICs being conducted there is:

- No forensic evidence of sexual assault;
- No physical evidence of sexual assault; and
- No medical evidence of sexual assault.

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There are no further avenues of inquiry that the review team can recommend in respect to what occurred within the Ministerial office to obtain forensic, physical or medical evidence.

Since the investigation recommenced on 5 February 2021, SACAT have undertaken extensive inquiries in relation to this matter. This has included numerous ROCs, statements, searches and inquiries in relation to obtaining evidentiary material.

The primary material are the accounts provided by Ms Higgins and Mr Lehmann. The only direct material of a sexual assault are the disclosures and EICIs of Ms Higgins.

Based upon the current draft SOF, ROI, EICIs, statements, ROCs and associated entries, documents and/or recordings, it is highly probable the credibility of witnesses will be an issue in any proceedings. The review team acknowledges that the Court is the proper authority for these issues to be determined. Issues may include:

- Time between the allegation, formal EICIs and the ROI being obtained - difficulty in determining between a direct memory or a memory informed by later conversations;
- Levels of intoxication; and
- Inconsistencies between material provided by various persons involved.

The review team is aware that following Ms Higgins' second EICI, she provided her mobile telephone for the purpose of a forensic examination. There are entries of communications relating to the matter that should be further investigated. The review team acknowledges it is not best practice to conduct multiple EICIs and that this risk should be balanced against potential evidence collection.

Given this risk, the review team recommend **LPP** [REDACTED]

The review team is aware that a brief of evidence has been provided to the ACT DPP for their consideration. As this process has already commenced, **the review team recommend that SACAT continue to liaise with the ACT DPP.**

This investigation is complex, and there continues to be a high level of risk due to the associated political and media environment. **The review team recommends that adequate resources continue to be deployed in support of the investigation.**

Follow up action

The review team recommends the following:

- Inquiries continue in relation to the Uber records of Mr Lehmann and any account of the Uber driver with a focus on travel and arrival at APH.
- Inquiries continue in relation to the CCTV footage of Ms [REDACTED]
- Consultation with the ACT DPP on whether a further EICI is offered to Ms Higgins.
- Continue consultation with ACT DPP with regards to decisions relating to a prosecution.
- Adequate resources continue to be deployed in support of the investigation.

[REDACTED]
Andrew [REDACTED]
Commander

3 August 2021

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AFP
AUSTRALIAN FEDERAL POLICE

Investigation Review - Terms of Reference

Addressee Deputy Commissioner Neil Gaughan APM

Title Terms of Reference (ToR) – Operation Covina Tactical Investigation Review

To: Neil Gaughan
Chief Police Officer, ACT Policing

On 5 February 2021, the AFP re-commenced an investigation into an alleged sexual assault incident that occurred on 22 March 2019. The report alleged a sexual assault had occurred within the precinct of the Australian Parliament House, Canberra. The investigation is named Operation Covina.

The incident is being investigated by ACT Policing Criminal Investigations - Sexual Assault and Child Abuse Team (SACAT), utilising their specialist skills that are developed within this investigation type.

A brief of evidence was provided to ACT Office of the Director of Public Prosecutions (ACT DPP) on 18 June 2021.

SACAT has continued with the investigation and further brief preparation.

In parallel with this, the AFP initiated a tactical investigation review. This review is to be conducted as per the AFP review standard.

The AFP review team is led by an SES officer and experienced detectives. It is further supported by the involvement of Investigation Standards and Practices (ISP) members to provide advice on review methodology and standards.

The review team have not been involved in Operation Covina and have no conflict of interest with any element of the operation.

The review will address the following:

- Further avenues of inquiry.
- Consideration of the material already obtained, focussing on the current draft Statement of Facts (SOF), Record of Interview (ROI), Evidence in Chief Interviews (EICIs), statements, Record of Conversations (ROC) and associated entries, documents and/or recordings.
- Any further considerations that may inform the investigation.

The tactical review will be conducted in two phases, which will assess and advise on the following:

Phase one: Review the information obtained throughout the investigation, with particular focus on the current draft SOF, ROI, EICIs, statements, ROCs and associated entries, documents and/or recordings.

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Phase two: Analyse the avenues of inquiry and consider any further investigative considerations that may assist in obtaining relevant information.

The review team will consider the information held in the investigation shared drive and in PROMIS case 6381473.

The review team will assess the information as it is recorded on 28 July 2021. If any new information becomes available during the review period, the team will be notified by SACAT.

The review will be delivered as a report, based on the AFP review template.

The review will be delivered to the Chief Police Officer, ACT Policing.

.....
Andrew [REDACTED]
Commander
AFP International Network

Date: 28 July 2021

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Review of matter 6381473 - Documents reviewed log

Document/File title	Date reviewed
Brittany Higgins - Timeline.docx	28/07/2021
EICI of Ms HIGGINS - First	28/07/2021
EICI of Ms HIGGINS - Second	28/07/2021
SOF.docx	28/07/2021
BHiggins24022021T.docx	28/07/2021
Version of events supplied by Ms HIGGINS.docx	28/07/2021
BHiggins26052021T.docx	28/07/2021
BLehrmann19042021T.docx	29/07/2021
ROI - Bruce LEHRMANN - Aud and Vid	29/07/2021
CCTV footage - APH	29/07/2021
Fiona BROWN ROC transcript	29/07/2021
[REDACTED] ROC transcript	29/07/2021
[REDACTED] ROC transcript	29/07/2021
[REDACTED] - PSS ROC transcript	29/07/2021
[REDACTED] statement	29/07/2021
[REDACTED] - ROC statement	29/07/2021
[REDACTED] - ROC statement	29/07/2021
[REDACTED] - ROC statement	29/07/2021
[REDACTED] - screenshots	29/07/2021
[REDACTED] - ROC statement	29/07/2021
Medical records of Ms HIGGINS	29/07/2021
Bruce LEHRMANN CCR/RCCR	29/07/2021
[REDACTED] - statement	30/07/2021
Case Note Entry - regarding [REDACTED] interaction. Entered by Jason McDevitt on 1 April 2021	30/07/2021
[REDACTED] - statement	30/07/2021
[REDACTED] statement and notes	30/07/2021
[REDACTED] x2 and associated documents/notes	30/07/2021
Audio recording of LEHRMANN entering APH	30/07/2021
3x video files - The Project	30/07/2021
Partial review of Ms HIGGINS phone	30/07/2021
Sarah HARMAN - statement	2/08/2021
Emma FRIZZELL- statement	2/08/2021
Trent MADDERS - statement	2/08/2021
Marcus BOORMAN - statement	2/08/2021
Partial review of Dock CCTV footage	2/08/2021
ACT DPP advice dated 28 June 2021	2/08/2021

Identified discrepancies

MR LEHRMANN WAS BUYING MS HIGGINS DRINKS ALL NIGHT

- During various disclosures Ms Higgins stated that she was bought numerous drinks by Mr Lehrmann.
- CCTV footage from the The Dock Pub, Kingston does not support this disclosure. The footage shows Ms Higgins purchasing her own drinks or being bought drinks by other members of their group. Mr Lehrmann is shown to purchase drinks using a bank card.
- Receipts from The Dock Pub, at times that members of the group attend the bar area, do not reveal numerous drink purchases.
- A statement from [REDACTED], who was present at 88mph, states they were in a drinks shout.
- A bank statement from Mr Lehrmann shows he only made one purchase using his bank card for \$40.00 whilst at 88mph.

MS HIGGINS STATED THAT SHE WAS HIGHLY INTOXICATED TO THE POINT THAT SHE COULDN'T WALK UNASSISTED THROUGH THE SECURITY CHECK POINT

- CCTV from Australian Parliament House shows that Ms Higgins is able to walk unaided.
- CCTV from Australian Parliament House shows that Ms Higgins trots and smiles as she heads towards the elevator.
- CCTV from Australian Parliament House shows that she only has an issue when she attempts to put on her high heel shoe. She takes about 30 seconds to try and put her shoe on before then stopping trying to put the shoe on.
- Ms Higgins has interactions and appears to be speaking to the security guards but stated in EICI she doesn't remember interacting with them.
- [REDACTED] states that both Mr Lehrmann and Ms Higgins were not highly intoxicated when they entered Australian Parliament House. He stated that he could not smell any alcohol, they could easily follow directions and spoke without slurring their words. He formed the opinion that she was slightly intoxicated.
- Mr Lehrmann stated during ROI that he and Ms Higgins were moderately intoxicated.
- Mr Lehrmann stated during ROI that they were talking in the Uber on the way to Australian Parliament House. They were talking about [REDACTED] and [REDACTED], who were with them at 88mph. Ms Higgins said that she was unable to remember any conversation during the Uber ride.

MS HIGGINS TOLD POLICE THAT SHE COULD NOT REMEMBER THE SECOND VENUE THEY WENT TO PRIOR TO GOING TO AUSTRALIAN PARLIAMENT HOUSE

- A statement from [REDACTED] states that she walked with Ms Higgins on 28 March 2019. During that walk she was told by Ms Higgins that they went to 88mph and she had returned to Australian Parliament House with Mr Lehrmann because he wanted to show her some whisky or something about whisky.
- During a meeting with FA [REDACTED] and FA [REDACTED] on 01 April 2019 Ms Higgins does not state the name of the second venue.

- During the meet/greet with SC Harman on 08 April 2019 Ms Higgins states that she couldn't recall and she would ask friends about the location. She had been informed by SC Harman that CCTV footage had been collected from The Dock Pub, Kingston.
- During the EICI on 24 February 2021 Ms Higgins stated they went to 88mph after The Dock Pub.

MS HIGGINS PARTICIPATED IN AN INTERVIEW ON THE PROJECT PRIOR TO PARTICIPATING IN AN EICI AND STATED SHE HAD NO ROMANTIC INTEREST IN MR LEHRMANN

- A witness, [REDACTED], states that Ms Higgins was sitting very close to Mr Lehrmann at 88mph and they appeared to be getting 'handsy'. She further stated that she saw Ms Higgins and Mr Lehrmann kissing while at 88mph. This observation was corroborated by [REDACTED] sending [REDACTED] a text message on 23 March 2019 that Ms Higgins and Mr Lehrmann had 'hooked up'.
- During the meeting on 01 April 2019 with FA [REDACTED] and FA [REDACTED], Ms Higgins stated that Mr Lehrmann was getting 'handsy' but she didn't mind.
- During the EICI on 24 February 2021 Ms Higgins stated that Mr Lehrmann helped her get up after she had fallen over whilst at 88mph.

MS HIGGINS STATED THAT HER DRESS WAS AROUND HER WAIST AND THE STRAPS WERE OFF HER SHOULDERS WHEN SHE WOKE UP DURING THE ALLEGED SEXUAL ASSAULT AND LATER THAT MORNING

- [REDACTED], states that when she did a welfare check on Ms Higgins she was naked, with the dress on the ground beside the couch.

MS HIGGINS STATED THAT HER HEAD WAS FACING THE DOOR TO THE MINISTERS OFFICE DURING THE ALLEGED INCIDENT AND WHEN SHE WOKE UP

- [REDACTED] states that Ms Higgins' feet were facing the door when she conducted the welfare check. [REDACTED]

MS HIGGINS STATES THAT DURING THE ALLEGED INCIDENT SHE WAS CRYING AND SAYING NO

- [REDACTED], states that she looked directly at the face of Ms Higgins during the welfare check and did not see any signs of distress or that she had been crying.

MS HIGGINS STATES THAT SHE ATE CHOCOLATES AND VOMITED IN THE BATHROOM

- The cleaner [REDACTED], stated that he did not find any sign of a party in the office or suite. He stated that he checked the bins for condoms, as requested, and did not have to do more than a light clean. A light clean is emptying bins and dusting down surfaces.
- [REDACTED] checked the couch but did not see any stains and did not observe anything to suggest the bathroom had been used (towels still in place, etc).

MS HIGGINS STATES THAT SHE RETURNED HOME IN A DISTRESSED STATE THAT WAS NOTICED BY HER FLATMATE

- [REDACTED], flatmate, cannot recall her being distressed or the weekend in question. [REDACTED] is a nurse and does remember about a week later Ms Higgins received a phone call from the Police about her work. She remembers this call as she thought it strange Police would call about Australian Parliament House.

MS HIGGINS WAS TAKING PHOTOS WHILE AT 88MPH

- [REDACTED] stated that Ms Higgins was taking 'selfies' while at 88mph.
- Ms Higgins told SC Harman during the meet/greet on 08 April 2019 that she had images from the night and was asked to retain the images.

MS HIGGINS STATED THAT SHE DISCLOSED TO MS FIONA BROWN THE ALLEGED SEXUAL ASSAULT DURING HER FIRST MEETING ABOUT BEING IN THE OFFICE AFTER HOURS

- During a ROC Ms Brown, Chief of Staff for Minister Reynolds, states that during the first meeting with Ms Higgins she never disclosed a sexual assault. Ms Brown has notes from the meeting that indicate that Ms Higgins said that she went back to Australian Parliament House with Mr Lehrmann, that she remembers going through the security point and then being waking at 8am the next morning. She was asked if she remembered anything else but said she didn't and that she was responsible for what she drank and her actions.
- Prior to this meeting Ms Higgins had a conversation with [REDACTED], via text, in which she says she may no longer be working for the Minister because something bad happened. When questioned that she means she states "I genuinely don't know how it's going to play out/how I want it to play out".
- Ms Higgins said during a television interview that in the first meeting she vocalised that she had been raped but during her EICI she states she never used the word rape to Ms Brown.

MS HIGGINS STATED DURING THE FIRST MEETING WITH MS BROWN SHE WAS MADE TO SIGN A CODE OF CONDUCT FORM

- Ms Brown provided the signed form which is dated 28 March 2019, which was the second meeting.

MS HIGGINS STATED THAT SHE SOUGHT MEDICAL ASSISTANCE AFTER THE ALLEGED INCIDENT

- During the meeting with FA [REDACTED] and FA [REDACTED] on 01 April 2019 Ms Higgins stated she attended the Phillip Medical Centre and was waiting for the results. Enquiries with the medical centre show she last attended in February 2019.
- Text messages from Ms Higgins to [REDACTED] state that she attended a doctor on the evening of 26 March 2019.
- Ms Brown stated that Ms Higgins informed her that she had a doctor's appointment on 29 March 2019.
- During the meeting with SC Harman on 08 April 2019 Ms Higgins stated she had not sought medical assistance.
- Ms Higgins provided SC Frizzell with consent for her medical records at the Kingston Medical Practice, which she states she attended after the incident. Enquiries with the medical centre show she attended in October 2019.
- Protected confidence [REDACTED]
- [REDACTED]

MS HIGGINS STATED THAT SHE HAD NO FURTHER CONTACT WITH MR LEHRMANN AFTER THE INCIDENT EXCEPT FOR WORK RELATED ISSUES

- A Cellebrite data extraction of Mr Lehrmann's phone shows that he sent her an email to her personal email account on 24 March 2019. The content of the email is not known due to the message being stored on the cloud. (Mr Lehrmann does not recall sending this message)

MS HIGGINS STATED THAT DURING THE MEETING WITH MINISTER REYNOLDS SHE DISCLOSED THE ALLEGED INCIDENT

- Minister Reynolds provided Police with a statement outlining her knowledge of the allegation. During the meeting on 01 April 2019 she states that Ms Higgins was apologetic for accessing the office after hours and that she didn't want to lose her job. When asked what happened she stated that she got drunk, attended Australian Parliament House and she had no recollection of what had happened other than she woke up in the morning, got dressed and left.
- A text message from Ms Higgins to [REDACTED], unsure of exact date but after 26 March 2019, states "So on Friday night how I ended up in the Ministerial office didn't play out how I made out. I don't remember getting there at all, vaguely remember Bruce being there and then I woke up in the morning half-dressed by myself in the Ministers office on Saturday morning". (Once prompted by [REDACTED], if she had sex, she states she doesn't think it was consensual)

MS HIGGINS PROVIDES LEG INJURY IMAGE TO THE PROJECT FOR TELEVISION INTERVIEW

- During the television interview an image is supplied by Ms Higgins of a mark on her leg which she states was caused during the incident. Ms Higgins has not provided her mobile phone for Cellebrite data extraction to verify the metadata of this image.
- The image does not appear to match the description of how she says the injury was caused. She stated that it was caused during the incident when she was on the couch. (Images of couch show that it has no hard surfaces that may cause a linear mark on skin)

COMMENTS ABOUT MR LEHRMANN ON THE PROJECT

- During her television interview she is asked what happened to Mr Lehrmann and replies that he is fine without suffering any consequences. Protected confidence [REDACTED]

COMMENTS ABOUT MINISTER CASH ON THE PROJECT

- Ms Higgins states that she believes the Minister knew about the allegation from another source. In a statement Minister Cash states that she had three phone calls relating to the alleged incident. The first call from Ms Higgins she only talked about the after-hours access. In the second call she stated that she remembered struggling with Mr Lehrmann. The third call relates to a journalist asking about the sexual assault allegation. (The third call was about a week after the second and the first time Minister Cash heard the actual allegation of sexual assault)

DISCREPENCIES

Brittany Version	Evidence
Initial report to SIDL	
Brittany speaks to Police at Parliament House on 01/04/2019 and states she cannot recall the second venue.	<p>Conversation with ██████████ at Parliament House on 28/03/2019.</p> <ul style="list-style-type: none"> - States that she went to 88mph with the other persons and went back to Parliament House with Bruce. - Stated that Bruce wanted to drink whiskey or show her his whiskey. <p>In diary notes of F/A ██████████ on 01/04/2019 there is no mention of the name of the second venue.</p> <p><i>Advises in EICI she is unsure how she knows it was 88mph</i></p>
Version provided to F/A ██████████ on 01/04/2019.	<ul style="list-style-type: none"> - Diary notes state that Brittany said Bruce was getting handsy at the second venue but she didn't mind. - Diary notes state that Brittany remembers a conversation about a storm in Queensland prior to entering Parliament House. - Remembers being on the couch, remembers him being on top of her, remembers him saying something about finishing and her saying 'no, don't'. - Remembers waking up around 8am and thinking 'why am I here' 'are people about to get in'. - Felt grossed out as she could smell what had happened on her and went to the Ministers bathroom to use the deodorant.
Initial report to SACAT	
EICI	
Brittany provides that she extended the invitation to drinks at The Dock to people in her office	<ul style="list-style-type: none"> - Statement of ██████████ provides that the drinks were a normal event and that ██████████ invited Brittany; - Bruce corroborates that Brittany invited him.
There were reports of Bruce bullying her in the office	<ul style="list-style-type: none"> - Discloses to ██████████ that her and Bruce were friend. - No information has suggested there was any complaints or witnesses to bullying
During EICI stated that she was on the couch, head towards the door with her dress scrunched up to her waist. Stated that she had been crying throughout the incident and was unable to move off the couch.	<p>██████████ conducted the welfare check and advised:</p> <ul style="list-style-type: none"> - She observed her to be naked with her feet facing the door. - The dress was on the ground next to the couch and her makeup on her face was not disturbed or smudged. - ██████████ states she did not look distressed.

DISCREPENCIES

Bruce had to collect something from work – reason for going to APH	- Corroborated by Bruce' version of events
She fell over up the stairs	- Both ██████████ and Bruce recall Brittany falling over within 88mph.
Alleged Bruce told her to be quiet otherwise they won't let them in	- Told ██████████ they conversed about QLD weather; - Bruce said they were discussing the evening out
Brittany provided that she 'essentially woke up mid rape', and told Bruce to stop numerous times, while crying. He didn't say anything to her.	In diary notes of F/A ██████████ on 01/04/2021 Brittany states that she remembers Bruce being on top of her, he saying something about finishing and her saying 'no, don't'
Brittany says that 'he was almost done'. She could tell because he was sweaty.	Remembers being on the couch, remembers him being on top of her, remembers him saying something about finishing and her saying 'no, don't'.
States that she was about a 9/10 intoxicated entering Parliament House, cannot recall going through security or interacting with the guards.	- CCTV footage shows her interacting with the guards and appearing to walking without issue. - The guards state they could not smell alcohol on either party and both signed their names to enter the building. - A message to ██████████ states that she can't recall getting to Parliament House, vaguely remembers Bruce being there then waking up half naked. - After ██████████ questions whether she hooked up with Bruce or did he take advantage of her she states was barely lucid and thinks it wasn't consensual because of the way he left.
Bruce was buying her alcohol all night	- CCTV footage from The Dock does not show him buying her alcohol. - Bank statements show he only bought one \$40 round of drinks.
She was distressed when she returned home and her flatmate thought this was odd.	- The flatmate is a registered nurse who does not recall her being distressed or emotional on the weekend in question. - She does remember a strange phone call about a week or two later that Brittany said was the AFP following up about something at work. - She only thought it was odd due to the AFP calling Brittany about her workplace.
She attended Ochre medical centre in Kingston after the incident for the morning after pill.	- The medical centre she nominated has records of her only visit to them was in October 2019. - SC Sarah Harman states during the meet/greet on 08/04/2019 Brittany expressed concern about possibly getting pregnant. - In a text message to ██████████ on 27 March 2019, she reports she went to the GP the previous evening. - Medicare records do not support medical attention during this period of time.
States that she can't recall the Uber/taxi ride to Parliament House.	- Bruce states they talked about the night.

DISCREPENCIES

	<ul style="list-style-type: none"> - During EICI she states she remembers being in the back seat with Bruce but doesn't remember anything else. - In diary notes of F/A [REDACTED] from 01/04/2019 Brittany stated that they spoke about a big storm in North Queensland. (Open source search reveals Tropical Cyclone Veronica)
States that Fiona Brown came to Canberra to specifically deal with the security breach.	<ul style="list-style-type: none"> - Fiona Brown states she was in Canberra setting up the office.
States that her [REDACTED] left after a couple of hours due to being mocked by the other parties at the drinks.	<ul style="list-style-type: none"> - CCTV footage shows Brittany leaving the [REDACTED] after Bruce arrives and does not re-engage with him at all. - The [REDACTED] leaves after about 40 minutes. - Witnesses state that Brittany was not interested in the [REDACTED] and 'ditched' him quite quickly. - In diary notes of F/A [REDACTED] on 01/04/2019 Brittany says she was not interested in her [REDACTED].
States that she signed the code of conduct on 26/03/2019 and disclosed that Bruce had been on top of her during that meeting. This was her first meeting with Fiona Brown and also her first disclosure.	<p>Fiona Brown told Police that:</p> <ul style="list-style-type: none"> - During the first meeting Brittany tells Fiona that she is responsible for how much she drank and her actions. - Fiona Brown provided documentation to show she signed the code of conduct on 28/03/2019. - Fiona Brown has notes to show that Brittany recalled Bruce being on top of her on 28/04/2019. This date was the second meeting.
States that her intoxication was as drunk as she has ever been in her life.	<ul style="list-style-type: none"> - CCTV footage from The Dock and Parliament House do not show her having any issue walking or trotting and she appears happy. - The security guards at Parliament House state that she signed her own name, followed instructions regarding identification and didn't smell of alcohol. - The only indication to the guards that she was intoxicated was due to her having issues with putting on her high heels. - Conversation with [REDACTED] provides that Brittany was known to drink a lot of alcohol, and continued to do so after the incident in Perth
States she had no communication with Bruce over the weekend.	<ul style="list-style-type: none"> - Bruce also provides there was no further contact - Cellebrite extraction shows Bruce sent an email to her personal email account on 24/03/2019 (Message unknown).

DISCREPENCIES

Upon waking, her dress was up around her waist, and the straps were down.	- ██████ reportedly located her completely undressed, with her clothing on the floor.
Other	
Brittany reports to 'The Project' that she arranged the drinks	- Not supported by disclosure in EICI, ██████ or ██████ statements
Brittany reports to FA/ ██████ that she attended the ██████ following the incident	The medical centre she nominated has no records of her attendance from the date of the incident and onwards.
Recorded conversation between Brittany and Minister Cash.	Relates the incident to Minister Cash and states that she struggled with Bruce and he wouldn't stop. <i>She has never mentioned this detail in any other version.</i>
She reports that Bruce said he just had to pick something up [From APH]	- Bruce corroborated this, advising he had to attend APH to collect his keys.
States on The Project that she had no interest or sexual interest in Bruce.	- ██████ states that Brittany and Bruce were sitting very close to each other at 88mph and kissed (pushed). - During the ROI with Bruce he stated he couldn't remember this occurring but didn't discount that it happened. - In diary notes of F/A ██████ from 01/04/2019 Brittany stated that Bruce was getting 'handsy', but she didn't mind.
States to The Project that she invited a number of people to drinks to meet Bruce and it was so she could value add to the office.	She was invited to drinks by ██████. Bruce was leaving the portfolio but believes he was invited to the drinks by Brittany.
██████ – Told ██████ she was given a taxi home [from APH]	- She caught an Uber
<p>–</p> <ul style="list-style-type: none"> - 23 March – Brittany told him she went back to APH with a group of people. - On 26 March – Brittany txt him advising she may not continue to be employed by Linda (Reynolds). Goes on to say that Friday didn't play out like she made out. Vaguely recall Bruce being there, woke up Saturday morning half-dressed by herself. - ██████ asks Brittany if it was just her and Bruce, if there was a group of people, or <u>if she was taken advantage of?</u> 	<ul style="list-style-type: none"> - First partial disclosure; - Still no direct disclosure of sexual assault. No disclosures of assault had been made until after ██████ asks her if she was taken advantage of; - Brittany omitted these conversations when discussing with Police; - Brittany states they were in a relationship; - ██████ advised ██████ was engaged while have sex with Brittany in the office and sending her flowers every couple of days, ██████'. These were being sent in Perth (after incident). He ended his engagement after his relationship with Brittany; - It appears incident occurred while still 'seeing' ██████

DISCREPENCIES

- | | |
|---|--|
| <ul style="list-style-type: none">- Further states it was just her and Bruce and that she was barely lucid and didn't feel like it was consensual, stating if he thought it was okay, why did he leave her there- That he and Brittany were not in a relationship. They were having sex. | |
|---|--|

PROTECTED



EXECUTIVE BRIEFING



PROTECTED

- She has recorded conversations with persons within her workplace and noted that the recordings may not be able to be used by SACAT investigators and may not have been obtained legally.

Ms Higgins was not willing to provide investigators with a formal statement in relation to the allegations until the media stories had been published. She indicated she would be spending time interstate during the next few weeks and requested investigators make contact with her again on Wednesday 24 February 2021 to discuss a suitable future date for a formal statement to be provided.

Whilst not discouraged from reporting the incident to the media, Ms Higgins was informed that the media coverage may jeopardise the police investigation. She was also made aware that delays in providing a statement in order to progress the investigation may similarly jeopardise the collection of evidence.

In accordance with the victim-centred approach adopted in sexual assault investigations, Ms Higgins was informed that investigators would not commence overt enquiries, such as approaching potential witnesses, without a formal statement from her and subsequent confirmation that she was willing to proceed with the police investigation.

Ms Higgins provided investigators with a USB storage device she stated contained records in support of her allegations regarding the sexual assault and the subsequent pressure she received from within her workplace not to progress with a police investigation. These records are believed to include covert audio recordings between Ms Higgins and certain Ministers. As a result, the USB storage device has been sealed and secured in a safe.

Ms Higgins had retained the dress worn by her at the time of the alleged sexual assault and she was able to provide this to investigators.

Ms Higgins appeared to be making two distinct allegations during her interactions with SACAT investigators. The first being an allegation of sexual assault and the second being an allegation regarding the manner in which she was encouraged by APH staff not to proceed with the investigation, as well as the alleged associated high level suppression which occurred surrounding the incident. Consideration should be given to notifying AFP Professional Standards regarding this allegation.

Intended Action:

Identify, consolidate and review current evidence holdings
 Arrange a formal statement to be taken from Ms Higgins
 Ongoing support to Ms Higgins
 Engagement with Security Investigations Diplomatic Liaison
 Consult with AFP Media Team and ACTP Media Team

Expected Reaction:

It is anticipated there will be significant interest from members of the Australian Government, as well as from the broader Australian community when the media stories are published. As a result, consideration should be given to declaring the investigation a 'Sensitive Investigation' in accordance with the *AFP National Guideline on Sensitive Investigations*.

Additional risk treatments, including the appointment of Senior Investigating Officer (SIO), increased investigative resources and the creation of an engagement plan with relevant journalists and news media organisations, via AFP Legal and AFP/ACTP Media Teams, should also be considered.

AFP National Media Team and ACTP Media Team have not been briefed at this time.

WITLOREN



BRIEFING FOR CPO – 6 MAY 2021

Disclosure of this incident has 7 significant components:

1. Disclosure to [REDACTED]
2. Disclosure to Fiona Brown (2019)
3. Disclosure to initial Police [REDACTED] (2019)
4. Disclosure to SACAT (2019)
5. Disclosure to Mikayla Cash (2021)
6. Disclosure to the Project (2021)
7. EICI (2021)

Below is a time line of the disclosures of this incident:

TIME LINE OF DISCLOSURE:

23 MARCH 2019	
<ul style="list-style-type: none"> • 10.08am 23 March 2019 – [REDACTED] 	<ul style="list-style-type: none"> • Phone Call. [REDACTED] missed a phone call from Ms Higgins on 22 March 2019 at 10.39pm • Ms Higgins told [REDACTED] she had went back to APH for a ‘party’ or ‘back for drinks’ or similar; • Shut down the conversation when probed further; • [REDACTED] thought she had hooked up with someone.
<ul style="list-style-type: none"> • Return Home – Flatmates • Brittany states that she was distressed when she returns home and her flatmate thought this was odd. 	<ul style="list-style-type: none"> • Statement from [REDACTED] (Registered nurse) does not recall Ms Higgins being distressed or emotional during the weekend
26 MARCH 2019	
<ul style="list-style-type: none"> • 12.00pm Mr Lehrmann summonsed to Fiona Brown’s office regarding security breach. Meeting ends with Bruce packing his items and leaving the building. • At 1.14pm Mr Lehrmann had left the building. 	
<ul style="list-style-type: none"> • 12.30pm 26 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> • Text message thread to ex-lover [REDACTED]. • ‘So, I think I may not continue to be employed with Linda’ • ‘I genuinely don’t know how it is going to play out/how I want it to play out’ • ‘So on Friday night I ended up in the minister’s office, it didn’t play out how I made out’ • ‘I was barely lucid, I don’t feel like it was consensual at all’ ‘I just think if he felt it was ok, why would he just leave me there like that’

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

	<ul style="list-style-type: none"> • Went to the City (NFD) and had further drinks. Things get a little hazy here • Recalls falling over at some point • While sitting in the booth, Mr Lehrmann got 'a little handsy, I didn't really mind' • Got into a taxi (Uber) – gave Bruce my address. Next recall being at APH. • Talking about a storm in QLD; • Couldn't write my name in the security log, gave a version of my signature • Recall being in the Minister's office. • Recall him being on top of her. • Mr Lehrmann said something about finishing and I said something like 'No don't' • Mr Lehrmann left I just stayed there; • Felt grossed out because I could smell what had happened on me. • Was sick in the bathroom • Saw stains all over the top of my dress (dark) • Had dealings with Mr Lehrmann on the Monday and Tuesday. • Has been to Phillip Medical Centre to get tests done – awaiting results.
<ul style="list-style-type: none"> • Notes from Rebecca [REDACTED] 	<ul style="list-style-type: none"> • Mr Lehrmann told her to 'Play along'
2 April 2019	
<ul style="list-style-type: none"> • 2 April 2019 - CRCC 	<ul style="list-style-type: none"> • Protected confidence [REDACTED] • [REDACTED] • [REDACTED]
8 APRIL 2019	
<ul style="list-style-type: none"> • 8 April 2021 – Meet and Greet with ACTP CI SACAT (Harman) (Taken from Diary notes. 	<ul style="list-style-type: none"> • Got an Uber from the Dock to the City; • She went to one other venue (a bar) in the City – she did not know the location and stated that she would ask a friend and advise me;

	<ul style="list-style-type: none"> • She was intoxicated and Bruce signed her name for her; • Work spoke with her on Wednesday 27/03/2019 and asked her what had happened surrounding the security breach; • She reported the sexual assault and work told her that if she wanted to report it (to Police) she could and they would not stop her, they just wanted to know if she did; • She stated she had photographs of the evening on her phone and she was asked not to delete them; • Ms Higgins stated she was unsure if protection was used in the intercourse and she stated she had not sought any medical attention. I discussed seeing a GP or the option of attending the sexual health clinic/FAMSAC. She accepted the offer for me to make enquiries with FAMSAC/the Sexual Health Clinic and providing those details to her. • She advised that work would give her time off to attend or she could go on the weekend; • Discussed the value of evidence available now versus later and the potential importance of CCTV/Clothing etc;
<p>29 January 2021 – Ms Higgins submits her resignation to ██████████, COS to Minister Michaelia Cash. Following this Ms Higgins records a telephone conversation with Minister Cash (Open source, 4Corners interview indicates this date to be 5 February 2021)</p>	
<p>5 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Minister Cash 	<ul style="list-style-type: none"> • Invited defence industry contacts to drinks; • Mr Lehrmann had a record of bullying Ms Higgins within the office, everyone knew about it • Very inebriated • 'I last remember passing out on the couch, remember him assaulting me, I had a struggle with him and he wouldn't stop, then he left and I couldn't get off the couch'
<p>THE PROJECT – 15 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Lisa Wilkinson • (Full transcript can be provided) 	<ul style="list-style-type: none"> • Mr Lehrmann was buying her a lot of drinks

	<ul style="list-style-type: none"> • Ms Higgins fell over in front of a lot of people; • Showed no romantic interest towards Mr Lehrmann • He said 'just be quiet' • Not sure if Mr Lehrmann guided her there, or if Ms Higgins made her own way there, but she ended up on the couch; • First thing that awoke Ms Higgins was pain; • My leg was kind of being crushed; • He was clearly almost finished, I woke up mid-rape, he was sweaty, I couldn't get him off me, I started crying; • I told him to stop, at least half a dozen times, I was crying the whole way through it, he didn't speak with me the entire time; • Eventually he stopped and got up, he just looked at me, I couldn't get up and he just left; • Presents the bruise as an injury sustained that night during the incident • My dress was up around my waist, the straps were kind of down, I was pretty dishevelled; • I was scared I was at work; • I got home and my roommate thought it was kind of weird
EICI – 24 FEBRUARY 2021	
<ul style="list-style-type: none"> • 24 February 2021 – Ms Brittany Higgins • (Full EICI transcript can be provided) 	<ul style="list-style-type: none"> • Mr Lehrmann was buying Ms Higgins a lot of drinks • Went to 88 MPH, where Ms Higgins recalls falling over; • Mr Lehrmann said he had to pick something up from work (APH); • I've just sort of pieced together what I thought happened; • 'just be quiet or they wont let you in' • Difficulties signing her name due to intoxic; • 'something about me being so drunk I couldn't sign my own name' • I was falling all over the place, I fell over at Parliament;

	<ul style="list-style-type: none">• Don't recall interactions with security guard;• Recalls sitting on a ledge in the Ministers Office• Next thing I recall is being on the couch and he was raping me• I felt like he was almost finished• The first thing that I sort of woke up to was a pain in my leg• My head was on the top end of the couch closest to the door, he had his knee on my thigh;• I was stuck in a corner and couldn't get him off me;• I was crying throughout the entire process, I said no at least a half dozen times, he did not stop, he kept going, to my knowledge he finished but I'm not exactly sure;• Ive always assumed that he finished in me, but I'm not sure• He looked at me and left, I couldn't get up off the couch and I passed out until the next day• I ate most of a box of chocolates• Was sick in the Minister's bathroom;• Went home, saw roommate, I said that I had been at APH after a good night out;• I spent the entire weekend sort of bunkered down, sort of essentially in hysterics crying;• Disclosed to Fiona Brown on Tuesday 26 March 2019;• Was drinking Vodka Lime and Soda;• Drank the whole gauntlet, Rum and Coke, shots• Adversarial relationship with Bruce – Came to the attention of Fiona Brown;• Recalls seating in a booth with everyone at 88MPH• Recalls dancing• No commentary about Bruce at 88MPH• I've always had in my mind and known that it was 88MPH• It's as drunk as I have ever been in my whole life;
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	<ul style="list-style-type: none"> • Cant recall if it was an uber or a taxi, but believes it was a Taxi; • Doesn't recall much in the taxi, at that point I was focussed on not being sick, I felt very ill; • Mr Lehrmann wanted to stop in and get something from work; • Doesn't really carry much cash • My dress was on my body, but it was scrunched up, around my waist • As soon as I came too I started crying • I felt like he finished in me but I cant be sure, a strange moment of eye contact • He definitely didn't have pants on; • I kind of remember him getting dressed, I remember him looking at me, strange eye contact, I didn't say anything, he didn't say anything, then he left; • I was sick in the Minister's toilet; • The next thing I remember is security yelling at me, they didn't come in just yelling in • Probably around 8am • Doesn't recall waking up at all between assault and 8 am • Security said, 'Is everything ok in there, I replied 'I'm Fine' • DLO's office, found a box of chocolates • Clothing was still around waist when she woke up • When I got home my room mate tried to introduce her to her friend [REDACTED], I was quite distressed; • My room mate thought that it was weird • No communication with him over the weekend, he was in the office on Monday • I remember he bought me a coffee; • I was trying to over compensate, broadly nice to him • Thought he was single at the time
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Disclosures contain differences in detail;

RECORD OF INTERVIEW WITH MR LEHRMANN:

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

The following are points of interest in the investigation as a whole:

INTOXICATION	
DISCLOSURE	OBJECTIVE EVIDENCE
<ul style="list-style-type: none"> Lehrmann buying her drinks all night 	<ul style="list-style-type: none"> CCTV footage does not depict this; Statement from ██████ states that at 88MPH the group were in shouts; Financial records of Lehrmann reflects \$XXX spent at the Dock and \$40.00 spent at 88MPH
<ul style="list-style-type: none"> In relation to intoxication. Ms Higgins states that her intoxication in the Uber was: <i>'Um, yeah, and at that point I was kind of focussed on not being sick, I felt very ill'; 'Um, I don't think there was much of a conversation, I think I was really quite out of it'</i> and describes her intoxication level as <i>'10/10'</i> drunk - EICI <i>'I feel like I got super inebriated'</i> – ██████ AFP diary notes <i>'I couldn't write my name –</i> ██████ AFP diary notes <i>'Bruce signed her name – Harman</i> AFP Diary notes 	<ul style="list-style-type: none"> APH CCTV footage depicts Ms Higgins as interacting with security; APH CCTV shows Ms Higgins smiling and laughing, no signs of sickness or being unwell; APH CCTV shows Ms Higgins walking without issue in heels; APH CCTV shows significant conversation and interaction with security; APH CCTV shows Ms Higgins jogging with a smile towards Mr Lehrmann; Statement from ██████ describes Ms Higgins as willingly signing her own name; Describes as slightly intoxicated; Neither party was slurring Wouldn't allow in if Ms Higgins was intoxicated as described in the media F/A ██████ notes indicate that there was conversation about a storm in QLD; ROI with Lehrmann states conversation about how the night went and how ██████ and ██████ were hooking up; Lehrmann describes their intoxications levels as 7/10 – Moderately intoxicated.

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

THE SCENE	
DISCLOSURE	OBJECTIVE EVIDENCE
<ul style="list-style-type: none"> Ms Higgins states that she had her dress up around her hips and the straps down below her shoulders. 	<ul style="list-style-type: none"> Statement from [REDACTED]. Ms Higgins was completely naked in the foetal position. Her dress was on the floor next to her shoes.
<ul style="list-style-type: none"> Ms Higgins states that she had her head towards the door during the alleged sexual assault. Following the alleged assault she fell straight asleep. 	<ul style="list-style-type: none"> Statement from [REDACTED]. Ms Higgins was not found in the position described. Her head was towards the window and feet towards the door (180 degree difference).
<ul style="list-style-type: none"> In some disclosures Ms Higgins states that she was crying throughout the incident. 	<ul style="list-style-type: none"> Statement from [REDACTED]. Took attention to her face. Observed a full face of makeup, no signs of crying or distress.
<ul style="list-style-type: none"> Ms Higgins states in EICI (nowhere else) that she ate a whole box of roses branded chocolates 	<ul style="list-style-type: none"> Cleaner, [REDACTED] paid special attention to the state of the office. No sign of Roses chocolates or wrappers. Backed by text messages and independent phone calls Statement obtained from DLO [REDACTED] who stated there were no chocolates in his office to the best of his knowledge
<ul style="list-style-type: none"> Ms Higgins describes vomiting in the bathroom 	<ul style="list-style-type: none"> Cleaner, [REDACTED], checked the bathroom and toilet for any signs of disturbance or need to be cleaned. Nothing found. Backed by text messages and independent phone calls.
	<ul style="list-style-type: none"> Cleaner deliberately checked all bins of the office, looking for condoms, alcohol containers or any signs of a party. Nothing found. Cleaner checked the couch for staining. No stains.

PHONE	
<ul style="list-style-type: none"> • 19 February 2021 	<ul style="list-style-type: none"> • Ms Higgins asked to participate in EICI, appointment made. Police informed Ms Higgins we required her phones
<ul style="list-style-type: none"> • 24 February 2021 	<ul style="list-style-type: none"> • EICI conducted advised Police wished to download phone
<ul style="list-style-type: none"> • 25 February 2021 	<ul style="list-style-type: none"> • Declined to provide phone – citing privacy and information sharing concerns
<ul style="list-style-type: none"> • 26 February 2021 	<ul style="list-style-type: none"> • Recontacted Ms Higgins, told of the need for the phone and damage at court, example given;
<ul style="list-style-type: none"> • 8 March 2021 	<ul style="list-style-type: none"> • Contacted Ms Higgins, request she bring phones to appointment
<ul style="list-style-type: none"> • 10 March 2021 	<ul style="list-style-type: none"> • Confirmation of appointment with Police on 12 March 2021, will bring phones happy to relinquish for the day
<ul style="list-style-type: none"> • 12 March 2021 	<ul style="list-style-type: none"> • Doesn't show for appointment due to urgent legal matter. Open source shows this is the defamation issue with Senator Reynolds resolution. Ms Higgins makes appointment for 15 March 2021
<ul style="list-style-type: none"> • 15 March 2021 	<ul style="list-style-type: none"> • Two investigators on OT, DFT on standby to examine phone. Doesn't show. Open source shows Ms Higgins attended March4Justice rally. Introduced to stage by Lisa Wilkinson who states Ms Higgins contacted her on 14 March advising of her attendance.
<ul style="list-style-type: none"> • Identified Issues 	<ul style="list-style-type: none"> • Investigators are aware 'selfies' were taken on the evening, this is through the independent witness [REDACTED] and also through the conversations had between Ms Higgins and DSC Harman on 8 April 2019; • Private email has been discovered (content unknown) between the personal email account of Ms Higgins and Mr Lehrmann two days after the incident; • Ms Higgins stated that she utilises secure applications to communicate with persons. Records of these communications will not show on any CCR/RCCR;

	<ul style="list-style-type: none">• Ms Higgins has provided screenshots of conversations relating to this matter. These are not objective and do not provide the full circumstance of the communication;• Edited versions of her screenshots have been published by the media to support a version of events but do not provide an objective overview of the conversation. I.e the blurring of the text relating to Ms Fiona Brown being very helpful throughout her ordeal.• No metadata obtained in relation to the image of injury provided to the media.
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INJURY TO LEG

- Digital image of injury to right leg provided to media outlets. Ms Higgins states this injury occurred during the assault.
- First disclosure of any injury was to the 'Project' in 2021, no prior mentions;
- The photo itself has not been provided to Police (see phone issues) as such no metadata including date/time/location of where the photo was taken can be ascertained;
- Ms Higgins is wearing a different dress and shoes at the time of the digital image;
- This injury appears to be of the upper right outside thigh of Ms Higgins, based on disclosure, this leg would have been closest to the back of the couch;
- Ms Higgins and [REDACTED] both state that she fell up some steps at 88MPH – this could be the likely cause of the injury
- A physical examination of the couch did not identify any hard surfaces or objects.



MEDICAL EVIDENCE	
<ul style="list-style-type: none"> • 27 March 2019 	<ul style="list-style-type: none"> • Text conversation with [REDACTED]. Stated that Ms Higgins had 'been to a GP last night and back at work today'
<ul style="list-style-type: none"> • 28 March 2019 	<ul style="list-style-type: none"> • Text conversation with Fiona Brown. Stated that she had made a GP appointment and would be working from home tomorrow
<ul style="list-style-type: none"> • 1 April 2019 	<ul style="list-style-type: none"> • AFP [REDACTED]. Had been to the Philip Medical Centre and was awaiting test results
<ul style="list-style-type: none"> • 2 April 2019 	<ul style="list-style-type: none"> • Protected confidence [REDACTED]
<ul style="list-style-type: none"> • 8 April 2019 	<ul style="list-style-type: none"> • AFP Harman. Had not sought medical attention. Harman made enquiries on her behalf.
<ul style="list-style-type: none"> • 2021 	<ul style="list-style-type: none"> • AFP Frizzell. Went to Kingston Medical Centre after the incident
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Only attendance for Ms Higgins at Philip Medical Centre is in February 2019. Prior to the alleged offending; • Ms Higgins was not a patient at Kingston Medical Centre until October 2019. 7 months after the alleged offending. • Medicare records show no engagement with medical facilities at the time of the alleged offending. • Morning after pill can be prescribed by a pharmacist within 48 hours of intercourse. Suggest examination of financial records at the time to ascertain location of Morning After Pill. • [REDACTED] states that the pharmacist would be required to keep a record of the issue of the morning after pill.

MOTIVE

- Ms Higgins' is likely to come under intense scrutiny in relation to her motives in relation to this matter.

MEDIA ISSUES

- As a result of media attention, Mr Lehrmann has been further accused of other offences from a further four females:
 - **Victim 1** – Anonymous person known only to media outlets – Has not come forward to Police;
 - **Victim 2** – Anonymous person known only to media outlets – Has not come forward to Police;
 - **Victim 3** – Personal information [REDACTED] In 2019 met Mr Lehrmann in a bar in Canberra. Was seated at a table with Mr Lehrmann and other people from APH. During this encounter inappropriate jokes and stories were told. Mr Lehrmann looked at [REDACTED] in a 'suggestive manner' and placed his hand on her clothed thigh. [REDACTED] left the table. Mr Lehrmann and [REDACTED] had no further contact; and
 - **Victim 4** – Personal information [REDACTED] – Previous house mate of Mr Lehrmann in Sydney. Mr Lehrmann asked [REDACTED] for sex on one occasion. [REDACTED] declined. Nil further action taken by NSWSP in relation to this matter.
- Mr Lehrmann has been described in the media as hurriedly leaving APH. CCTV does not show this. Mr Lehrmann appears to be walking at a normal pace.

OTHER FACTORS

- [REDACTED] indicates that Ms Higgins and [REDACTED] have had sex on multiple occasions in the same office to which she is stating she was sexually assaulted.
- That Ms Higgins and [REDACTED] were having an affair as [REDACTED] was engaged at the time
- That Mr Lehrmann did have whiskey in his desk
- *****STATEMENT NOT OBTAINED*****
- Ms Higgins has been counselled for lying before.
*****STATEMENT NOT OBTAINED*****

DEFAMATION RISK

- Ms Higgins took defamation action against a sitting Australian Senator whereby Ms Higgins was referred to as a 'lying cow';
- This matter was resolved with the Senator paying an undisclosed sum to a charity nominated by Ms Higgins. The public perception of this is that Ms Higgins could not be lying; and
- An Adelaide radio presenter made comments relating to Ms Higgins' version of events. He was subsequently sacked by the radio station.

RISK MITIGATION

- Consideration should be given to obtaining independent objective legal counsel regarding this matter given political and media pressures upon DPP and AFP;
- Female high ranking investigator should also review
- SIOB to endorse decision to prosecute or not
- SIOB to approve second EICI with Higgins given potential media implications.
- Investigator to conduct second ROI with Lehrmann

Please see attached for a list of witnesses spoken with and witnesses yet to be spoke to.

CCTV

CCTV has been obtained, viewed and documented from the following premises:

- Australian Parliament House; and
- The Dock.

There is no further CCTV enquiries to be made.

TELECOMMUNICATIONS:

- Stored Communications warrant has been obtained, nil of interest to the investigation has been identified.

WARRANTS:

- A section 3E Warrant and 3LA order were executed and Mr Lehrmanns phone seized. As a result of the examination the following key points were identified:
 - 3 x emails from Mr Lehrmann's personal email account on 24th, 25th and 26th of March 2019 to a combination of Ms Higgins' personal, defence and APH emails.
*****The content of these emails is unknown at this stage*****;

From: REDACTED, Kenneth
To: ACT-SACAT-TL
Cc: [REDACTED], Paul; [REDACTED], Matthew
Subject: FW: CNE - Alleged Sexual Assault [DLM=For-Official-Use-Only]
Date: Wednesday, 3 April 2019 11:46:00 AM
Importance: High

For-Official-Use-Only

Hi SACAT team,
 I would be grateful if someone from SACAT could give me a call re: the below matter. Now that the alleged offence has been briefed to the AFP I want to ensure we are doing all we can, and we appropriately identify and mitigate the risks that are now presented.
 Thanks
 Ken

SUPERINTENDENT KEN REDACTED
 NATIONAL COORDINATOR - PROTECTION ASSESSMENT AND LIAISON
 PROTECTION OPERATIONS
 Tel: REDACTED
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

For-Official-Use-Only

From: REDACTED, Paul
Sent: Tuesday, 2 April 2019 3:18 PM
To: [REDACTED] Kenneth; [REDACTED] GregJames
Subject: FW: CNE - Alleged Sexual Assault [SEC=PROTECTED, DLM=Sensitive]
Importance: High

PROTECTED, Sensitive

Good afternoon Gentlemen,
 Please see below for your information and briefing purposes. As discussed Greg, we will seek to view the security footage and have that quarantined at this stage, together with obtaining the time stamps of access to APH. Thank you both.
 Cheers
 [REDACTED]

SERGEANT PAUL REDACTED
 PROTECTION LIAISON PARLIAMENT HOUSE
 PROTECTION
 Tel: REDACTED
www.afp.gov.au



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A SAFER AUSTRALIA

PROTECTED, Sensitive

From: [REDACTED] Rebecca
Sent: Tuesday, 2 April 2019 3:06 PM
To: [REDACTED] Paul
Cc: [REDACTED], Katie
Subject: CNE - Alleged Sexual Assault [SEC=PROTECTED, DLM=Sensitive]
Importance: High

PROTECTED, Sensitive

Title: PL-APH – Allegation of sexual assault between two Ministerial Staff members

Background:

On Friday 22 March 2019, members of staff for the Hon Linda Reynolds, Senator for Western Australia, Minister for Defence industry, decided to participate in after work drinks at the Dock bar located in Kingston ACT.

During the course of the evening, the party attended an additional bar in Civic before disbanding to return to their various homes. Around this time a young female staff member has been assisted into the rear of an Uber vehicle, by a male colleague, with the intention of returning home. At this time she has provided her address to him under the belief she would be dropped off at the location provided.

The male colleague has allegedly instructed the Uber driver to drop them both at APH, before escorting the highly intoxicated female to the Ministers Suite where he has engaged in non-consensual penile vaginal intercourse before leaving the female in a non-conscious state, naked on the Ministers couch where she was discovered by cleaning staff the following morning.

Issue/Event:

On Monday 1 April 2019, the young female staff member (the complainant) has established contact with PL-APH with the assistance and support of the Chief of Staff.

The Complainant was able to particularise the following events:

- Approximately six members of staff attended the Dock bar between the hours of 6:30 – 10:30pm;
- The complainant consumed approximately four (4) Gin and Tonic alcoholic beverages, purchased by herself and others known to her;
- At approximately 10:30pm, the group, now consisting of four colleague, attended a bar in Civic;
- The complainant could not recall the name nor the location of the bar;
- Around this time the complainant began feeling excessively intoxicated, which in her mind was disproportionate to the amount of alcohol she believed she had consumed;
- One of her male colleagues, known to her for approximately one month, commenced hugging and physically touching her in an overly friendly but not overtly sexual manner;
- Having fallen over twice, due to her level of intoxication, the complainant decided to return home;
- She recalled being escorted to the rear of an Uber vehicle where she provided her male colleague with her home address;
- A short time later she recalls being dropped at Parliament House by the Uber driver, she was very confused as to why she was there, she recalls her male colleague telling her to “play along” at which time she remembers entering Parliament House with him and signing her name to gain access;
- She remembers being within the Ministers Suite but does not recall getting there;
- At some point she recalled her male colleague being on top of her participating in non-consensual sex, she recalled telling him “no”;
- She did not recall anything further until waking up the next morning on the Ministers couch alone feeling very confused as to what had occurred;
- Upon being sick in the Ministers bath room she has sourced a jacket from the good will box and returned home via Uber.

The complainant was visibly distraught and concerned as to what options may be available to her, however, was not willing to participate in a formal interview after the investigations and Court process was explained to her, stating she did not wish for the narrative of the events to define her reputation within APH.

As a result of the above, both individuals were questioned by the Chief of Staff with the outcome being the male person’s employment was terminated in relation to this and other unrelated

incidents.

Confirmation has been received that the Complainant has recently sought medical advice and potential treatment to address any medical issues resulting out of the sexual contact.

The Complainant has only recently moved from QLD to Canberra for work and as such does not have an active support network; however, it appears the Chief of Staff is participating in protective behaviours to support the complainant.

The Complainant has provided her consent for her details to be provided to support services for contact.

Initial advice has been received from SACAT in respect to submitting a wraparound referral to ensure the appropriate support services are engaged.

Intended Action/Outcome:

[REDACTED]

As the Complainant does not wish to progress with a formal complaint, at this time, all relevant information/evidence will be compiled to support an investigation should one be requested in the future.

Enquiries continuing in respect to available CCTV and access logs to corroborated the Complainants version of events.

NOTIFICATIONS:

NCPAL – for information and awareness;

MPH – for information and awareness.

Media

No media attention anticipated at this time.

Case Officer – Name:

[REDACTED] Rebecca (AFP [REDACTED])

Case Officer – Title:

F/A

REBECCA [REDACTED]

PROTECTION LIAISON

CANBERRA OFFICE

Tel [REDACTED]

www.afp.gov.au



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