

Tuesday, August 1, 2023 | Today's Paper | Mind Games

'I'm not a monster': Higgins rejects claims she made up rape

Brittany Higgins has completed her cross examination in the rape trial against Bruce Lehrmann, as the court adjourns for the weekend.

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14 MINUTE READ

Day nine of the rape trial against former political staffer Bruce Lehrmann her wrapped up in Canberra.

The defence in Bruce Lehrmann's high-profile trial has accused Brittany Higgins of making up her rape claim.

Day four of the trial in the ACT Supreme Court also heard that after going public with her story, Higgins was offered \$325,000 to write a book about her experience in a deal brokered by Peter FitzSimons.

During a combative cross-examination on Friday, barrister Steven Whybrow suggested to Higgins that she did not visit a doctor in the days after the alleged rape on March 23, 2019, because it never happened.

Higgins is back in the witness stand today.

Her former bosses - [Senators Linda Reynolds and Michaelia Cash](#) - will appear next week. As will her boyfriend David Sharaz.

[The Project's Lisa Wilkinson](#), whose Logies acceptance speech in June caused the trial to be delayed by more than three months, has been dropped from the case.

The Oz is in court

10.02am -

Brittany Higgins, wearing a tan dress, has entered the witness box in the trial of Bruce Lehrmann, who she has accused of rape.

Barrister Steven Whybrow, representing Lehrmann, will continue his cross-examination of Higgins.

Lehrmann has pleaded not guilty to sexual intercourse without consent and recklessness as to whether Higgins was consenting.

Higgins has been unavailable to appear as a witness since Monday.

The ACT Supreme courtroom is about three quarters full.

10.09am -

Whybrow (Lehrmann's barrister), has accused Higgins of making up that Lehrmann tried to kiss her weeks before the alleged rape in 2019.

He said to Higgins: "I suggest the incident you described did not happen [and there] was no occasion where Mr Lehrman tried to kiss you?"

Higgins replied "that's incorrect".

When pressed on the day the alleged kiss took place, Higgins said: "I just know we went to the Kingo and he tried to kiss me."

10.16am -

Higgins has directly addressed her accused rapist Bruce Lehrmann during her cross examination telling him that "nothing was fine after you raped me".

Under cross examination, by defence Barrister Steven Whybrow, Higgins said she tried to "maintain calm" and "hold on" in the days following the alleged rape on March 23, 2019 because Lehrmann was "higher in station than me" at work and she cared about her career "more than anything in the world".

Whybrow suggested Higgins had acted normally at work on Monday and Tuesday after the alleged assault because it had not happened.

"I wouldn't say normal. After a trauma you go through a strange holding period of an extended freeze but I was trying to maintain calm because he had a higher station in the office to me. I was trying to hold on because I was scared.

"It was me compartmentalising my trauma and trying to do my job which I cared about, weirdly, more than my own life, which is f..ked up. I was trying to silo what had happened."

Whybrow suggested that Higgins did not tell Linda Reynolds' chief of staff Fiona Brown about the alleged rape during their first meeting on Tuesday, March 26, 2019 and that her main concern was that her "dream job was now in jeopardy".

"It was absolutely a concern but ... I just let it out. I shared what had happened to me," she said.

"I was pretending everything was fine but nothing was fine.

"Nothing was fine after what you did to me, nothing," she said directed to Lehrmann.

10.26am - 'I felt very threatened': Higgins speaks to Reynolds

Higgins said Linda Reynolds' chief of staff Fiona Brown offered to pay her six weeks' wages to go to the Gold Coast during the election campaign (in 2019) but that if she went, there would be no prospect of her returning to work after the election.

Whybrow put to Higgins that Reynolds and her chief of staff were supportive of her after the alleged assault and tried to offer her "special arrangements" such as working from the Gold Coast.

"During that meeting you were concerned about your job and Linda Reynolds said there would be no impact on your career. Did she say that or words to that effect to you?" Whybrow asked.

Higgins said that "nice words" were said but that she felt threatened in their meeting and that her job was at risk.

"Words that are said and the context are very different things," she said.

"I felt very threatened in that meeting."

Higgins said Reynolds' "subsequent behaviour" made her feel that her "job was on the line".

"They said they would pay me out for the entirety of the election to go to the Gold Coast but there would be no prospect of me coming back," she said.

"That was 100% said.

"That was a conversation Fiona Brown and I had and that was the tipping point of me going to Perth."

10.28am - The alleged doctor's appointment

Higgins has conceded she told AFP officers she had gone to see a doctor when she hadn't, telling the court she "wasn't perfect".

An emotional Higgins told jurors she made appointments with doctors with the intention of going but couldn't go because she was depressed and not coping with her alleged rape.

"Going and confronting it [alleged rape] with a health professional was a really big f..cking deal for me," she said.

10.38am - Life inside the 'Canberra Bubble'

Higgins said she thanked Brown for being "absolutely incredible" and bought the office flowers and champagne because that was the kind of person she was and she needed to maintain contacts for her career.

Higgins gestured with her hands and said Parliament House was "this big" and in politics you "need every contact in perpetuity".

When Whybrow questioned Higgins on why there were messages missing from her phone, Higgins said she lost her WhatsApp chat logs when she stopped working for the government and handed back her phone without backing up the application.

Higgins said she tried to find the missing messages when she went to the media.

"I couldn't because all of them had kind of gone," she said.

10.47am - Higgins asked ex for support

Higgins has been quizzed about whether she asked her ex-boyfriend Ben Dillaway to inform the Prime Minister's office of her alleged sexual assault within a fortnight of it allegedly occurring.

Higgins said she asked Dillaway to reach out to the PM's office about her alleged rape.

“I want to suggest to you that Mr Dillaway specifically asked you if it was OK if he took this to Mr Leembruggen [Julian Leembruggen was former Prime Minister Scott Morrison's media adviser] and you gave him consent?” Whybrow asked.

“Yes that’s correct,” she said.

“Yeah I was asking for help because I didn’t feel like it was being managed properly by my office and I felt unsupported so I reached out to Ben.

10.57am -

Whybrow has accused Higgins of "fabricating" a photo of a bruise that she alleges was sustained when she was raped by Lehrmann.

Whybrow said there was no reference to the photo in texts or emails in a cellular extraction of three of Higgins phones.

He said there was no reference to the photo before January 2021.

Higgins said she sent the photo to journalists Samantha Maiden and Lisa Wilkinson but said before making a complaint to police "why would I send it around?"

When Whybrow suggested to her the bruise was a "fabrication", Higgins gave a hollow laugh and replied "Yeah sure. I reject you completely."

11.02am - 'I'm not a monster': Higgins refutes fabrication

Higgins has told the court she is “not a monster” and would not fabricate a rape allegation.

She said she “naturally” rejects the defence team’s proposition that she made up the sexual assault allegation out of fear she’d lose her job.

“That you had been found naked by a guard in parliament house was an embarrassing situation for you to find yourself in,” Whybrow put to her.

Higgins said that “naturally I was embarrassed to be found in that state”.

“I was found naked because I was raped. I don’t know what more to say,” she said.

Whybrow suggested that Higgins “did what you felt was necessary to have people believe you’d suffered a sexual assault”.

“I’m not a monster,” she said.

“I’d never do something like that.

“You’re asserting to me that I completely fabricating this to keep a job and I cared about my job but I’d never do that.”

11.05 - Higgins explains missing underwear

Higgins said she has never accused Lehrmann of removing her underwear, which she has told the court she didn't wear because the lines would have shown in her dress.

"I'm a girl, I care about things like that," she told the jury.

"I know that's salacious and clickbaity but that dress had lines."

11.10am - What she told Wilkinson

Higgins has told the court she is “embarrassed” that she did not wear underwear under her dress on the night of the alleged rape.

She admitted to having misled [The Project star Lisa Wilkinson](#) during a conversation read out in court in which Wilkinson asked if Lehrmann had “removed your panties” and Higgins had responded “yeah”.

“I didn’t sign a stat dec on this. This is just us talking,” she said of her conversation with Wilkinson.

Higgins, 27, said it was just a conversation in which she was trying to “feel out” Wilkinson and that she had omitted the fact out of embarrassment.

“I’m embarrassed by it,” she told the court.

“I continue to be embarrassed by it and I’m now embarrassed by it in front of the court.

“He had taken my dress off my body. He could not take my underwear because I wasn’t wearing underwear. I was only wearing a bra.”

Higgins said she had since set the record straight about what she was wearing.

“My dignity has left the building a long time ago,” she said.

“I wasn’t wearing underwear and that’s the truth.”

11.25am - Michaelia Cash offered to pay Higgins to not work

Higgins said she became stressed and went on medication to help her cope after a journalist began making inquiries about an incident in the office of Linda Reynolds.

Higgins told jurors Senator Reynolds called Daniel Try, then her chief-of-staff in the office of Michaelia Cash, and disclosed the alleged rape without her consent.

“My rape was becoming new information to my office, which I had kept siloed,” she said.

Higgins said Try then disclosed the alleged rape to Senator Cash and the three of them did a “weird tradie” photo opportunity.

All of this, Higgins said, happened during Senate estimates.

She said when she later tried to resign she had several conversations with Try and said she tried to extract more information about who knew what about the alleged

assault.

Higgins said after she tendered her resignation letter she had a conversation with Cash who offered to "pay me to essentially not do my job."

Higgins said Cash appeared to be acting like she didn't know about the alleged rape despite having previously spoken to her about it a number of times.

She said she and Cash were friends and she didn't hold any ill will towards her.

11.37am - Higgins accused of lying to police

Whybrow has accused Higgins of lying to police during her interviews with them in February 2021.

Whybrow said Higgins told federal agent Emma Frizzell on February 6, 2021 that after the alleged rape she had washed her white dress once and not worn it again.

"That statement was incorrect. I had worn the dress once," she said.

Whybrow said what Higgins told police "was a lie".

"It wasn't a lie. I was mistaken," she said.

"I had washed the dress. I told her that up front.

"I don't recall specifically saying that (I hadn't worn it again) but that was a mistake."

11.40am -

Whybrow has accused Ms Higgins of lying to police during her interviews with them in February 2021 about attending a medical appointment two weeks after her alleged rape.

Whybrow said Higgins told federal agent Emma Frizzell on February 6, 2021 that she had attended Ochre Medical Centre at Kingston about two weeks after the alleged assault and a number of times since then.

“When you spoke to Emma Frizzell on February 6 you were aware or cognisant you’d made a number of bookings but you hadn’t gone through with them because it was all too difficult for you emotionally to go and see a doctor?” he put to her Higgins.

Higgins said that was a correct assessment.

“I don’t recall but I definitely referred her to that centre and said I’d got treatment from them and I did,” she said.

Whybrow said Frizzell had recorded notes indicating that Higgins told her she had attended the centre two weeks after the alleged assault and three times in total.

“If you’d said you went there two weeks after the event that would not be an accurate statement?” he asked.

She replied: “No it would not”.

He asked if that would be a lie.

“Yes that’s correct,” she said.

11.47am - 'He was in my body': Higgins tells court

Whybrow has put to Brittany Higgins, one final time, that Bruce Lehrmann did not rape her.

Whybrow also said that his client, Lehrmann, did not even go into Linda Reynolds’ office where she had passed out on the couch.

“I obviously don’t agree,” she furiously responded.

“He was in there.

“He was physically violating me. He was in my body. I know.”

Higgins started crying and was excused from the witness box for a short break.

12.02pm - Why Higgins went to the media

Higgins says there are "a dozen stories like hers" and there are systemic culture issues in Parliament House.

She said she went to police and the media as two different approaches to different issues.

"One was about going through the justice system to see if I could have this day in court," she said.

"The other one was about the systemic culture in Parliament House that is so rife."

"In my mind they were two different things and I was approaching two different issues in two different ways."

Higgins said she kept the white dress she wore when she was allegedly raped hanging in her closet in Canberra after wearing it once in Perth.

"I never wore it again it was just too hard," she said.

12.08pm - Higgins completes her evidence

Higgins has finished giving evidence in the high-profile trial of her accused rapist.

During a short re-examination Higgins said her text message to ex-boyfriend, Ben Dillaway on April 9, 2019 in which she said it was “all beyond strange” was in relation to the AFP having already obtained CCTV footage from The Dock.

Crown prosecutor Shane Drumgold, in his final question, sought to clarify whether Higgins was worried that her “job was on the line” as a result of her entering

Parliament House after hours or reporting her alleged rape to police.

Higgins said the concern was the alleged sexual assault becoming “a media story prior to the election”.

“I don’t think they particularly cared if I went through the police process,” she said.

“It was if it leaked that was the issue.”

12.37pm - Court adjourned

Higgins has completed giving her evidence and the trial of Lehrmann has been adjourned until Monday.

Witnesses slated to appear next week include [Senator Linda Reynolds](#), [Senator Michaelia Cash](#) and Higgins' partner David Sharaz.

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