

From: Greig, Mitchell
Sent: Thu, 20 Oct 2022 09:18:39 +1000
To: Yates, Heidi;Pitney, Sarah
Subject: RE: Seat reservation @ verdict

OFFICIAL: Sensitive

Good Morning Heidi,

I will do my best to reserve the seats, however I am unable to enter the Court Room until we are called back. If we are called back for a jury note I will be able to reserve the seats then.

Kind regards,



Mitchell Greig
Prosecutor Associate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
[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: Yates, Heidi <[REDACTED]>
Sent: Thursday, 20 October 2022 9:56 AM
To: Greig, Mitchell <[REDACTED]>; Pitney, Sarah <[REDACTED]>
Subject: Seat reservation @ verdict

OFFICIAL: Sensitive

Good morning Mitch and Sarah,

As previously advised, Ms Higgins intends to come to the verdict in person, noting we will only have a short period of notice to make sure she's at the court.

Miss Higgins has asked a small support team to attend with her, a total of six people including her (and myself).

Is it possible that the prosecution could reserve six seats immediately behind you in court?

This would allow Brittany to be looking ahead, with the Media behind her, rather than in front of her, which may make it easier in terms of her being able to have a slightly more private reaction to the verdict.

If this isn't possible, we will of course make other arrangements.

Many thanks,

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

From: Brittany Higgins <[REDACTED]>
Sent: Fri, 21 Oct 2022 11:37:48 +1000
To: Drumgold, Shane; Yates, Heidi
Subject: Fwd: [REDACTED] [SEC=OFFICIAL]

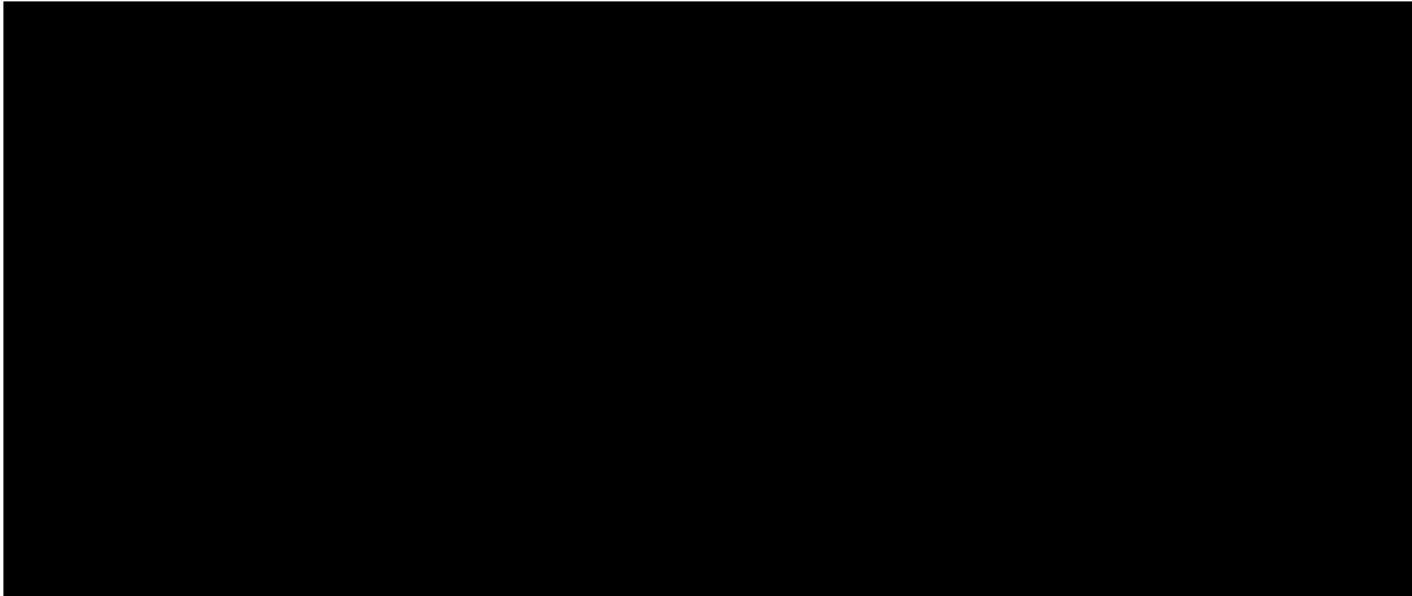
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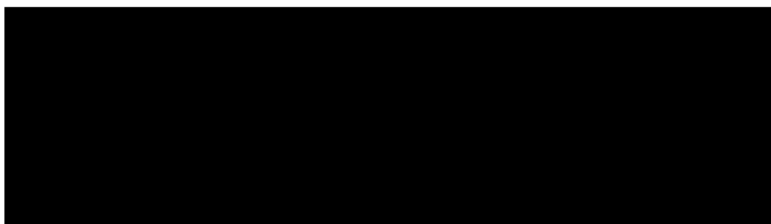
From: [REDACTED]
Date: Fri, 21 Oct 2022 at 12:36 pm
Subject: PRS Investigation Update [SEC=OFFICIAL]
To: [REDACTED]
Cc: [REDACTED]

OFFICIAL

Good afternoon Brittany,

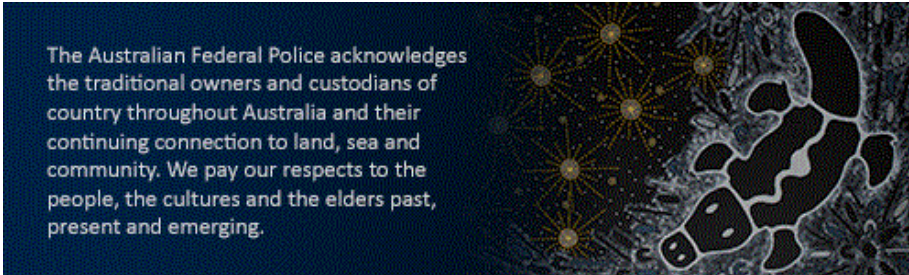


Kind Regards,





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

Fri, 2 Dec at 7:22 am

Reading the Maiden article, she clearly has my media points. I only shared these with Leon - who sent them onto Brittany - and possibly David Shiraz.

Delivered

Hmmm.

All the best for 10am.

From: Yates, Heidi

Sent: Friday, 21 May 2021 3:10 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Client flight & accomm arrangements

OFFICIAL: Sensitive

Hi [REDACTED]

Ms Higgins will need to travel to Canberra on Wednesday next week for a further EIC with police. She has agreed to do this, and has asked that I attend with her. To try and alleviate the stress associated with this attendance, I have offered our Office's assistance in terms of arranging flights and accommodation around the police interview. I also advised her that these are the types of expenses that are generally available to be paid for or reimbursed under FAS.

Ms Higgins has previously been hesitant to make a FAS application – wanting to ensure maximum resources remain available to other victims – however, she is willing to accept FAS assistance at this point, with these specific expenses.

In my view, travel to Canberra for the purposes of the police interview on Tuesday evening, accommodation for the Tuesday night, and a flight back to Brisbane on Wednesday night, could all reasonably be covered by FAS as a justice-related expense. However, I'm conscious Ms Higgins hasn't yet made an application. I would be grateful if we could discuss how we could prepare an application on her behalf – rather than requiring her to go through the paperwork.

We could then book the flights and accommodation on Monday morning – ideally using the FAS credit card but if not, the VOCC one. I will speak to Steph now to ask whether she can look at flight and accommodation options for Tuesday/Wed.

Thanks,
Heidi

From: Yates, Heidi
Sent: Fri, 21 May 2021 16:36:17 +1000
To: [REDACTED]
Subject: FW: Client flight & accomm arrangements

OFFICIAL: Sensitive

Hi [REDACTED] and [REDACTED]
Please see below email to Brittany. I appreciate your help lining up FAS support plus flights & accommodation.

I've indicated that we'll come back to her on Monday morning re flight options.

Huge thanks to you both –
Heidi

Heidi Yates

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



From: Yates, Heidi
Sent: Friday, 21 May 2021 4:35 PM
To: Brit Mae <[REDACTED]>
Subject: FW: Client flight & accomm arrangements

OFFICIAL: Sensitive

Hi Brittany,
Good to speak with you this afternoon. Just confirming, for your records, our chat today in relation to plans for next week.

i) Police Interview – Wed 9.30am

As discussed, police would be glad to undertake a further interview with you to clarify a couple of things. Marcus Boorman confirmed that he will do his best to arrange for the same interviewing officers to be present whom you met when you provided your initial interview.

Marcus also asked if you could please bring your phone with you to the interview – as he indicated there might be some things that would be useful to discuss in that regard.

We have currently agreed to an interview time of 9.30am on Wednesday morning (26 May) at Winchester Station (Belconnen). As discussed, I'm very happy to come with you in support.

Also if, as the day draws closer, it feels like too much, we can always cancel and make a new plan. This happens frequently for our clients and I can negotiate a change at any time (including on the morning itself). Your well-being in this process is the most important thing.

ii) Flights/Accommodation

We are looking at flight options. Please let us know if you have any particular preferences, otherwise we will come back to you on Monday morning regarding options for:

- A Brisbane – Canberra flight which leaves mid-afternoon and gets you to Canberra before dark.

- Accommodation, likely at the Novotel Canberra on Northbourne, although please let us know if you'd prefer a different location/option.
- A return Canberra – Brisbane flight leaving no earlier than 3pm on Wednesday.

Don't hesitate to let us know any other considerations to make sure we get the bookings right for you.

iii) Support

I'm conscious that the prospect of coming back to Canberra and speaking to police again can't be an easy one, particularly on top of the pressures of the last couple of weeks. Please let me know if there's anything at all we can do by way of support in the lead-up to Wednesday. For example, I'm happy to go back to Police with any further questions that might arise, or as noted above, we can always re-schedule if need be.

Thank you again for the chats today and we'll be back in touch Monday morning re flight options. I hope you can get some sunshine over the weekend. I see it's going to be a balmy 24 degrees in Brisbane tomorrow (!) much more attractive than the minus 1 low we are looking at tonight. Time to put the uggies on shortly!

Take care and talk soon,

Heidi

Heidi Yates

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



From: Yates, Heidi
Sent: Monday, 13 December 2021 10:33 AM
To: Yates, Heidi <[REDACTED]>
Subject: HIGGINS, B - FAS Application - [REDACTED]

OFFICIAL: Sensitive

Dear [REDACTED]

As manager of our FAS team, I am writing in relation to Ms Brittany Higgins' FAS application.

To aid assessment of Ms Higgins' application:

In relation to Injury

[REDACTED]

In relation to report to police

- I confirm that, as reported widely by Australian media, Ms Higgins' matter [is currently before the court](#) and has been listed for hearing in June 2021. Please let me know if you require any further information in relation to this. I note that at this time, Ms Higgins is not seeking a recognition payment – only payments relating to economic loss associated with psychological care expenses.

[REDACTED]

Please let me know if you require any further information to aid processing of payment of the attached invoices.

Regards,

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



<https://www.news.com.au/national/nsw-act/news/brittany-higgins-furious-as-private-diary-entries-leaked/news-story/dde68cdf2c144701e5a7c5f60cb8d1c9>

Brittany Higgins furious as ‘private’ diary entries leaked

Brittany Higgins has lashed out as “private” diary entries have been leaked after the material was sent to police to investigate her sexual assault allegation. [Samantha Maiden](#)

@samanthamaiden

3 min read

February 18, 2023 - 12:02PM

Brittany Higgins has lashed out as the “private contents” of her diary were leaked after the material was sent to police to investigate her sexual assault allegation.

Ms Higgins said a photograph she took on her phone of her diary entry was submitted to police to help them form the brief of evidence but it was not tabled in court during the rape trial of Bruce Lehrmann last October.

The material formed part of the brief of evidence which was also sent by police to prosecutors and the defence legal team during the trial.

Mr Lehrmann, a former Liberal staffer, was charged in relation to the sexual assault allegation but the trial collapsed following juror misconduct and the charge dropped by the DPP. Since he was charged in August 2021, Mr Lehrmann has maintained his innocence.

[The Weekend Australian’s](#) article, titled Doubts, devastation and a designer coat: the story you haven’t heard, today details Ms Higgins’ diary notes.

“*The Weekend Australian* has seen copies of two pages from Higgins’ 2021 Kikki. K gold spiral-bound diary for the week from March 8 to March 14 – the week before the March4Justice where Higgins would speak,” the article states.

It notes that she met with journalists that month for lunch and dinner and with former Prime Minister Malcolm Turnbull.

In response, Ms Higgins said today that the publication of her private phone records was not appropriate and she also complained it was not the first time it had happened.

<https://www.news.com.au/national/nsw-act/news/brittany-higgins-furious-as-private-diary-entries-leaked/news-story/dde68cdf2c144701e5a7c5f60cb8d1c9>

“Stop publishing the private contents of my phone,” she said on social media. “I took a photo of an old page in my diary on the 7th of July 2021.

“It is now being referenced in an article in *The Australian*. This is the third time private images, texts and WhatsApps from my phone have been published by this particular news outlet.

“I voluntarily provided this material to the police to help them form the brief of evidence and none of it was tabled in court.

“Therefore, no journalist should have seen the photo of my diary.”

Ms Higgins said the fact it had leaked and was published was distressing.

“I entrusted police with my private information for the sole purpose that it could aid their investigation into my sexual assault, nothing else,” she said.

Two years after news.com.au first reported the advice obtained from the Department of Finance in relation to Brittany Higgins’ rape allegation, the correspondence is also referenced in today’s article.

According to former Defence Minister Linda Reynolds, the “secret” email bolsters her argument that Brittany Higgins was offered support and care at all times.

Marked “sensitive, personal” the correspondence outlines the steps that the Department of Finance suggested be taken when handling concerns that an employee had raised concerns she was sexually assaulted at work.

It was sent by a Department of Finance’s Lauren Barons and followed a request by the chief of staff Fiona Brown on how to respond to the matter with sensitivity and care.

Ms Barons was the person who first alerted Senator Reynolds’ office to the fact Ms Higgins had been found by security guards in the suite.

The sexual assault charge against Bruce Lehrmann, who has maintained his innocence, was dropped last year. Picture: NCA NewsWire / Gary Ramage

The email was first reported by news.com.au on February 15, 2021 and in more detail on February 17, 2021.

<https://www.news.com.au/national/nsw-act/news/brittany-higgins-furious-as-private-diary-entries-leaked/news-story/dde68cdf2c144701e5a7c5f60cb8d1c9>

The date of the leaked email is crucial: Friday, 29 March 2019 at 6.05pm.

During the trial, Ms Brown confirmed she was aware by Friday that Ms Higgins had told her in a meeting “I remember him on top of me.”

Ms Brown also told the Supreme Court that she informed Senator Reynolds what Ms Higgins had said before their April 1 meeting with Ms Higgins in her ministerial suite.

Ms Reynolds has denied this under oath and in parliament.

She said she only recalled being aware of a security incident. She said that Brittany Higgins never used the word “rape” but that she nevertheless urged her to go to police.

Two years ago, she offered the following apology on the matter.

“I am deeply sorry that she felt that way because my chief of staff and I at the time genuinely wanted to provide the support that she wanted,” Senator Reynolds said.


However, Senator Reynolds now says she couldn’t have done more and said the Sexual Discrimination Commissioner Kate Jenkins couldn’t tell her anything more she could have done.

At the time, the Prime Minister Scott Morrison’s office also said this: “During this process, the Minister and a senior staff member met with the staff member in the Minister’s office. Given the seriousness of the incident, the meeting should have been conducted elsewhere.”

The material was published today as part of an exclusive interview with Ms Reynolds who complains she is the victim of a “hit job”.

There is no suggestion the phone material was provided by Senator Reynolds, because she never had access to it.

Ms Higgins said the only individuals it was initially provided to was the ACT police.

<  >

Samantha >

3 Feb 2022 at 10:17 pm



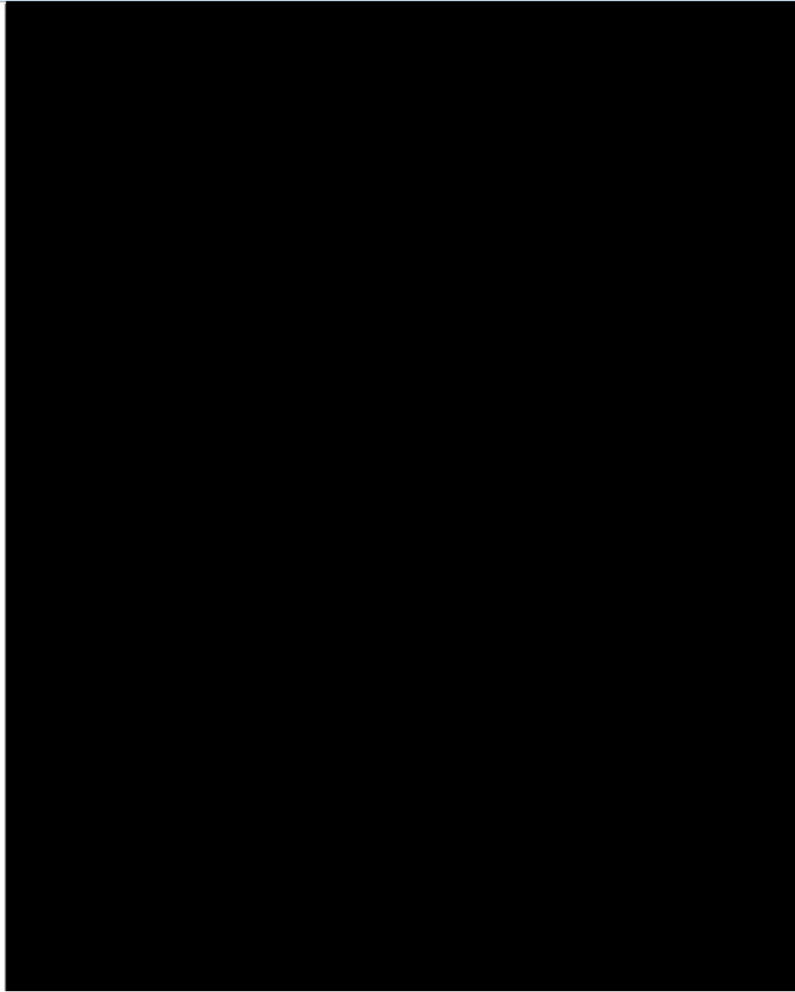
Text Message



Optus 4G 3:19 pm

< SM >

Samantha >



Hi. Yes we're fine.
Thanks.

Great. Thanks Sam.



Text Message



[REDACTED]

From: Yates, Heidi <[REDACTED]>
Sent: Monday, 6 September 2021 5:56 PM
To: [REDACTED]
Subject: RE: 1 phone call: Jenna Price from Sydney Morning Herald / Tel: [REDACTED]

OFFICIAL

Thanks [REDACTED]

Heidi Yates

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



VICTIMS OF CRIME
COMMISSIONER
ACT Human Rights Commission

From: [REDACTED] <[REDACTED]>
Sent: Monday, 6 September 2021 5:09 PM
To: Yates, Heidi <[REDACTED]>
Cc: Human Rights Media <[REDACTED]>
Subject: 1 phone call: Jenna Price from Sydney Morning Herald / Tel: [REDACTED]

OFFICIAL

Hi Heidi,

Jenna Price, a reporter from SMH, is drafting a Column on sexual assault, and is seeking your input.

Regards

[REDACTED]

[REDACTED]

ACT Human Rights Commission | ACT Government
5 Constitution Avenue, Canberra City | GPO Box 158 Canberra ACT 2601





<https://www.smh.com.au/national/brittany-higgins-alleged-assaulter-may-well-be-acquitted-what-happens-then-20210907-p58pf5.html>

OPINION

Brittany Higgins' alleged assaulter may well be acquitted. What happens then?



Jenna Price

Columnist and academic

September 8, 2021 — 9.59am

The first court appearance of Bruce Lehrmann, the man accused of the sexual assault of former Liberal staffer Brittany Higgins, is Thursday week. The trial, most likely a jury trial in the ACT, won't be until next year, April at the earliest.

In a better world, every accused and accuser would have the justice they deserve. Each of us deserves to be treated with fairness. Lehrmann absolutely denies he and Higgins had sexual intercourse. Higgins alleges she was raped.

We fear a lack of justice for our daughters, and we fear a lack of justice for our sons. The reason we fear it? The criminal justice system treats sexual assault so badly, it's heartbreaking. Who can have confidence in it?

Reports account for a tiny proportion of incidents. Of those who report, barely any get to court. The majority of cases of sexual assault are in the category of non-aggravated sexual assault with a conviction rate of 40 per cent.

"Underneath that is a sea of cases where the victim never reported, or it didn't come to prosecution," says Don Weatherburn, former director of the NSW Bureau of Crime Statistics and Research and now a professor at UNSW.

It is hard to reconcile our empathy with victims – "believe all women" – with acceptance that not all alleged perpetrators will be found guilty. It feeds our sense of injustice. I don't "believe" anyone in the natural course of events, but there is clear research that reveals very few women make false complaints.

Rachael Burgin, lecturer at Swinburne and executive director of Rape and Sexual Assault Research and Advocacy, or RASARA, says an acquittal may mean the jury considered the accused had reasonable grounds to believe in consent. Much of what the court hears are matters that should be irrelevant,

<https://www.smh.com.au/national/brittany-higgins-alleged-assaulter-may-well-be-acquitted-what-happens-then-20210907-p58pf5.html>

she says, namely a bunch of what we call rape myths: the perfect virginal victim, whether there was resistance, past behaviour, sexual history. She says jurors have an idea in their minds about what a “real rape” looks like. “There’s an idea that it’s fight or flight, but it should be fight, flight or freeze.”

I write about this now because, in the event of an acquittal, the fury that gathered around Higgins must not be directed at Lehrmann. It must be directed at changing Australia through state and territory legislators, who oversee much of the criminal justice system, and at governments that slash funding for the kinds of deep social support needed to make change.

The ACT’s Victims of Crime Commissioner Heidi Yates is clear on what must occur. Yes, recognise Higgins’s advocacy and those others: Tegan Wagner, Grace Tame, Rosie Batty, Chanel Contos, Saxon Mullins, Bri Lee. Their leadership, their individual yet collective experience, shows we have been fighting this battle for a long time. Vale Violet Roberts. Vale Lynette Daley whose fight for justice began only after she was murdered.

But Yates says domestic violence and sexual assault cost Australia \$15.6 billion each year. The cost of prevention is likely to be far less. The federal government should invest in services to provide free, immediate and long-term medical, counselling and other responses to support survivors’ long-term recovery. Survivors shouldn’t have to wait months or years for therapeutic support, which makes matters far worse.

Survivors consistently report that their dealing with police and other parts of the criminal justice system is retraumatising, Yates says. It all takes a long time. Even if there is a conviction, sentencing often doesn’t reflect the gravity of the crime. The Royal Commission into Institutional Responses to Child Sexual Abuse explicitly recognised this in relation to children and people with disabilities. As Yates says, “The court system is not working for survivors of sexual assault.”

I am confident powerhouse Higgins, a 26-year-old whose experience has come to symbolise the plastic pragmatism of the Coalition, is well aware she may lose her case. She is smart, has surrounded herself with good advisers, she knows her chances. But I fear that those who walked with her in March are not as well-prepared. In the event of an acquittal, rage will be the response.

In the week of the Prime Minister’s stunt summit, where he has failed to manage the collective anger of women, there was plenty of rage on display, most notably from Marcia Langton and from Australian of the Year Grace Tame. But rage will not be enough to fix the problem. We need money. We

<https://www.smh.com.au/national/brittany-higgins-alleged-assaulter-may-well-be-acquitted-what-happens-then-20210907-p58pf5.html>

need a federal government that will fix not just the problems of service provision but the long-term problem of culture. The expression rape culture doesn't even begin to address what is truly a gender inequality culture. Only respectful relationship education from preschool will change that.

I asked Saxon Mullins how she survived. Her case was extraordinary. Her alleged rapist was found guilty but successfully appealed. Further appeals ensued and in the end the court said it would be oppressive for Luke Lazarus to face a third trial. Mullins has joined Burgin at RASARA. She says: "There are a lot of cases which for a moment feel like the sexual assault case of the time. But it is not about this particular survivor, or any survivor. They all carry our hope for change."

[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Friday, 11 November 2022 6:06 PM
To: Lottie Twyford ([REDACTED])
Subject: Statement regarding Victim Support ACT and the court support program

UNOFFICIAL

Hi Lottie

Please find following a statement, in response to your earlier inquiry to Heidi Yates.

Kind regards

[REDACTED]

11 November 2022

Statement regarding Victim Support ACT and the court support program

Please attribute all comments to a spokesperson for the ACT Human Rights Commission

As the Victims of Crime Commissioner, Heidi Yates oversees Victim Support ACT's (VSACT) court support program. The court support program is one of VSACT's core services. It is available to all victims of crime in the ACT.

VSACT is funded by government to provide support to all victims of crimes committed in the ACT, regardless of whether the crime has been reported to police or whether the alleged offender has been convicted. It has never been a requirement of the court support program that a defendant be found guilty before court support is made available to a complainant.

Limiting court support to matters where a court has delivered a finding of guilt would not be consistent with the beneficial purpose of the *Victims of Crime Act 1994*. It would limit the provision of VSACT services to a very small proportion of Canberrans affected by crime, and such services would only be available to those people at the tail-end of justice processes. This is not the approach envisioned by the Charter of Victims Rights in part 3A of the Act, which says that victims have certain rights to support and consultation during proceedings against an accused.

The administration of justice begins long before an offence is or may be proven, and many victims require advocacy to navigate these early justice processes and to ensure their rights under the Charter of Victims Rights are upheld.

The court support program provides support to victims in a range of legal and justice settings and throughout the entire criminal justice process, for example, from initial reports to police, attendance at meetings with the DPP and at various points in court and post-sentence procedures.

It is very common for victims of crime to seek support and advocacy services from VSACT while engaged in the criminal justice system, including through a trial process, because navigating the justice system can be retraumatising and complex for victims of crime, particularly in times of great personal distress.

Providing court support is a core frontline service offered by VSACT. Provision of this support is often not in the public eye, as our clients' cases are rarely covered by media.

Generally, VSACTs highly trained staff and volunteers administer the court support program. However, in cases where there is likely to be intense media scrutiny, it is more likely that senior staff members, including the Commissioner, may provide this service directly. For example, the previous Victims of Crime Commissioner, Mr John Hinchey, provided extensive court support to the Winchester family in the trial of David Eastman.

Every year VSACT assists thousands of Canberrans. Demand for VSACT services has grown every year for the past four years, with substantial increases in the numbers of people assisted over that period.

ENDS

[REDACTED]
Media Officer

[ACT Human Rights Commission](#)

[REDACTED]
[REDACTED]
Twitter: [@ACTHumanRights](#)

fb: [ACT Human Rights Commission](#)

Part-time: Tuesday-Friday/

I acknowledge the traditional owners of the country on which I live & work, their wisdom & their ongoing custodianship.

8 February 2023

Commission welcomes board of inquiry announcement

8 February 2023

The ACT Human Rights Commission welcomes the announcement of Mr Walter Sofronoff as Chair of the Board of Inquiry into several agencies involved in R V Lehrmann trial. The Commission also welcomes the [inquiry's terms of reference](#).

The Commission values highly the essential work that Victims of Crime Commissioner Heidi Yates continues to do, providing support, advocacy and assistance to victims of crime in the ACT.

Under Commissioner Yates' leadership, Victim Support ACT (VSACT) has helped more Canberrans than ever, with demand for VSACT's support, advocacy and financial assistance services growing every year for the past four years.

About the court support program

The court support program is one of VSACT's core services and has been operating for more than 5 years. The program recognises that attending court can be challenging and distressing for victims of crime.

The court support program can provide support to victims of crime from the time a person reports to police, through to attending meetings with prosecutors and at various points in court and post-sentence procedures.

Any victim of crime in the ACT may request court support, at any time during their interaction with criminal justice agencies. As stipulated in the ACT's [Charter of Rights for Victims of Crime](#), victims do not have to wait until a verdict is handed down to access assistance, including court support and many other services offered by VSACT.

Services similar to VSACT operate in every state and territory around Australia, and are similarly designed to help people deal with the consequences of crimes committed against them, as well as challenges related to engaging with the justice system.

ENDS