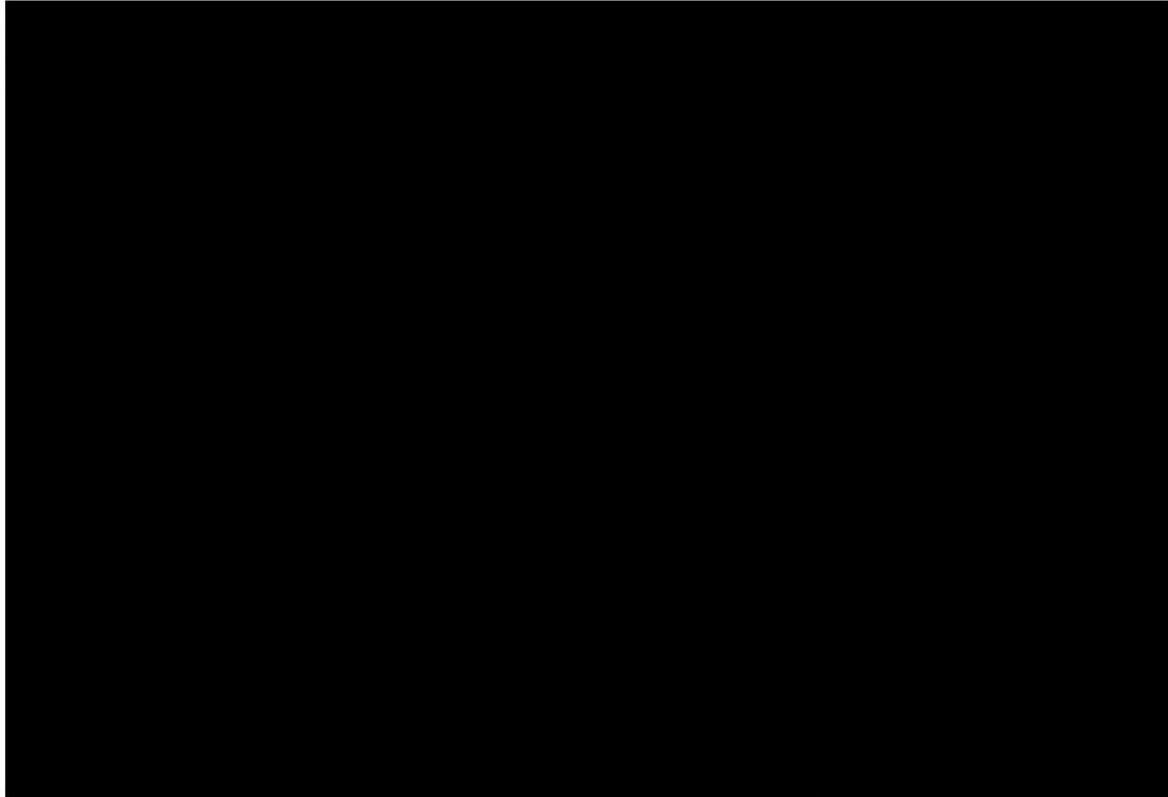


AUSTRALIAN CAPITAL TERRITORY

BOARD OF INQUIRY
CRIMINAL JUSTICE SYSTEM

In the matter of the Inquiries Act 1991
Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023
Board of Inquiry into the Criminal Justice System in the Australian Capital Territory



STATEMENT OF FIONA BROWN

I, Fiona Brown, c/- [REDACTED] state as follows:

The following statement is provided in response to the subpoena I received from the Board of Inquiry into the Criminal Justice System in the Australian Capital Territory requiring me to give information in a written statement regarding my knowledge of matters set out in the Schedule attached to that subpoena. Attached and marked '**Exhibit 1**' is a copy of the relevant subpoena.

My recent employment history is set out below:

1. Period of employment
 - a. Office of the Prime Minister, The Hon. Scott Morrison MP
Director of Operations
24 September 2018 – 13 March 2019

- b. Senator the Hon Linda Reynolds
Minister for Defence Industry
14 March 2019 – 6 April 2019
- c. Commonwealth employee of the Department of Finance during the post election staff deferral period 19 May – 30 June 2019, I returned to the Prime Minister’s office during this period to assist with operational matters for the office.
- d. Office of the Prime Minister, The Hon Scott Morrison MP
Director of Operations
1 July 2019 – 23 May 2022

2. Pre trial interactions with AFP/ACT Policing

- a. Monday 22 March 2021 - AFP Detectives Boorman and Madders arranged an interview at Belconnen Police Station with Detective Marcus Boorman and Detective Trent Madders. I attended that interview. I was accompanied by my counsel [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. Friday 6 August 2021 – there was a public announcement that the Higgins matter would be proceeding to trial. I phoned Detective Boorman to inquire about the trial process, the call was unanswered.
- e. Wednesday 13 October 2021 – There was an email exchange between myself and Detective Madders regarding the provision of my personal particulars for the purposes of receiving a subpoena for Court to attend as a witness. [Exhibit 2]

[REDACTED]
FIONA BROWN

[REDACTED]
[REDACTED] (JP)
Justice of the Peace NSW Reg. No. 196683

Witness

- f. Monday 7 February 2022 – I phoned Detective Boorman to enquire about the trial process. The call was unanswered.
- g. Friday 8 April 2022 – I received a call from [REDACTED] Police Station to arrange the issuing of a subpoena to me.
- h. Wednesday 13 April 2022 – I received a call from Detective Emma Frizzell to arrange the reissuing of the subpoena.
- i. My interactions with the AFP/ACT Policing were professional and courteous.

3. Pre-Trial interactions with the DPP/ODPP

- a. Friday 6 May 2022 – I received an email invitation from Erin Priestly for DPP Proofing 18 May 2022. [Exhibit 3]
- b. I recall a phone conversation with Erin Priestly in May 2022 to discuss my appearance in court.
- c. [REDACTED]
- d. Thursday 18 May 2022 – there was pre-trial proofing with the DPP, accompanied by my counsel [REDACTED]. Meeting held via AVL in her chambers. During that conference I advised Mr Drumgold of my concerns about the upcoming broadcast of the Logie Awards (on 19 June 2022). Mr Drumgold was dismissive and unconcerned about the impact and trauma this could have on me as a witness and the jury.
- e. Thursday 23 June 2022 – my lawyers wrote to the DPP requesting a meeting with the DPP. The DPP's offer to schedule that meeting in the next 7-8 weeks was intimidating and dismissive of me as a witness. [Exhibit 4]
- f. Wednesday 13 July 2022 – Email from Erin Priestly with letter attached re. Formal Notice of new trial date and advice concerning likely date to be called to give evidence. [Exhibit 5]

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FIONA BROWN

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- g. Monday 19 September 2022 – Email exchange with DPP Sarah Pitney re. logistics for attending court [Exhibit 6]
- h. 20 September 2022 – Email from Mitchell Greig providing Witness Fact Sheet. [Exhibit 7]
- i. Monday 26 and Tuesday 27 September 2022 – Emails from DPP Sarah Pitney regarding logistics for attending court [Exhibit 8]
- j. Tuesday 27 September 2022 – I received emails from Mitchell Greig advising me that the Defence had asked for my contact details. I telephoned Mr Greig to enquire why the Defence would ask this. I recall Mr Greig saying that whilst the request was unusual there was no issue with me agreeing to the request, the choice was mine. I said I provided everything along with a statement and I understood that that material formed part of the brief handed over to the Defence. Mr Greig replied along the lines they may have evidence the prosecution was unaware of or they may wish to clarify something. I said ‘I would think about it and get back to him’. Ultimately I decided not to provide my contact details. [Exhibit 9]
- k. Tuesday 27 September 2022 – Email from Sarah Pitney re. logistics for attending court [Exhibit 10]
- l. Thursday 5 October 2022 – Email from Sarah Pitney re. logistics for attending court [Exhibit 11]
- m. My pre-trial interactions with staff from the ODPP (Erin Priestly, Sarah Pitney, Mitchell Greig, Izzi Johnston) were professional and courteous.
- n. My pre-trial interaction with the DPP Mr Drumgold was only on 18 May. I found Mr Drumgold to be mostly professional.

4. Briefing of Minister by AFP/ACT Policing and/or DPP

I did not attend any briefings with a Minister by the AFP/ACT Policing and/or DPP.

5. CCTV Footage

At no time did I ever view, was asked to view or was asked by anyone to arrange viewing of the CCTV footage.

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FIONA BROWN

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6. The Trial – 11 October evidence

- a. A short time after being sworn in, there was a morning tea break. As I left the witness box, Mr Drumgold and his associate (Skye Jerome) approached me and berated me for the way I was answering my questions. Mr Drumgold said “you are coming close to providing inadmissible evidence”. I asked “How? What have I done wrong?” Mr Drumgold repeated his criticism so I asked “could you please give me an example, I don’t understand what I am doing wrong?” Mr Drumgold replied “you elaborated too much when defining the [REDACTED], you said one of the [REDACTED]”. I replied ‘it is...and you asked me several times to explain how the [REDACTED] and I answered. When you asked me again I took that to mean you wanted a broader explanation of the [REDACTED]’. I then said “I don’t know if I can ask this, but the judge suspended proceedings briefly to remind a journalist who was leaving the courtroom that evidence was to be suppressed, so what has been put in place to ensure that a journalist in the public gallery isn’t repeating my evidence to a witness who is to return to the stand”. I recall Mr Drumgold and Ms Jerome responding aggressively and were intimidating me. They initially spoke at the same time as each other, then individually each repeating what the other said. The statements made to me were ‘that’s none of your business’, ‘it has nothing to do with you’, ‘you are here as witness only’ ‘you have no right it is not of your concern’. Upon entering the courtroom I observed that a fellow witness, Samantha Maiden was present in the courtroom. To my knowledge she was still listed as a witness and I was unsettled by her presence.

Mr Drumgold and Ms Jerome were intimidating and forceful and I felt overwhelmed and victimised. This impacted my ability and freedom to answer questions put to me when I returned to the courtroom.

7. 14 October 2022 email and telephone call

- a. When Ms Higgins returned to court on Friday 14 October 2022, I read an online media report that she had provided evidence that I had offered to pay her out for the entirety of the election to go to the Gold Coast but there would be no prospect of her returning to work after the election.
- b. Friday 14 October 2022 – I sent an email for the DPP to Sarah Pitney, Mitchell Greig, ODPP advising them I wished to be recalled or have the

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opportunity to have corrected false and misleading evidence in court by Ms Higgins. No response was received [Exhibit 12]

- c. Friday 14 October 2022 – I then called the ODPP to speak with Ms Pitney or Mr Greig, neither were available. I called Izzi Johnston and explained my concerns regarding Ms Higgins' evidence as reported in the media at 11.20-1130am. I asked Ms Johnston to bring this matter and my email to the urgent attention of Ms Pitney, Mr Greig and the DPP. I was assured she would attend to that immediately.
- d. I never received a response from the DPP/ODPP.
- e. In the event of any statements made by Ms Higgins about me which were false and misleading prior to me being sworn in as a witness (on 11 October 2022), there was an opportunity for matters to be put to me whilst I was under examination. However, due to court proceedings continuing whilst Ms Higgins was absent, and the ongoing presence of journalists in the courtroom, I had an apprehension that closed testimony could be repeated to Ms Higgins and/or those close to her prior to her returning to the witness box.
- f. Evidence given by Ms Higgins was particularly concerning to me, including a false assertion that she had been induced by an offer of public funds by me.

8. Interactions with DPP/ODPP during the trial

- a. Ms Lizzi Johnston, Witness Liaison Officer, assisted me with entering the court house.
- b. To the best of my memory other interactions with the DPP/ODPP have been addressed in the paragraphs above in this statement.

9. Interactions with AFP/ACT Policing during the trial

To the best of my memory they were no interactions with the AFP/ACT during the trial.

10. Post Trial – Interactions with DPP/ODPP after the trial

- a. Thursday 2 November 2022 – in the morning I telephoned the ODDP main office number and enquired if I could receive the court transcript. I was

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Witness

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advised I could and to send an email which I did [Exhibit 13]. Ms Pitney replied to that email to advise it was inappropriate to receive the transcript because the matter had been listed for a new trial in February. I had not received notice of this retrial. A few hours later I received written advice from Ms Pitney about a new trial proceeding. [Exhibit 14]

- b. Wednesday 22 November 2022 – email from Sarah Pitney advising new trial date and subpoena delivery [Exhibit 15].

11. Interactions with AFP/ACT Policing after the trial

- a. Monday 28 November 2022 – I called Trent Madders, the call was unanswered, so I sent a text message asking if he could give me a call. He did not return my call.
- b. Tuesday 29 November 2022 – I called Detective Emma Frizzell to talk to her about [REDACTED].
[REDACTED] I said that I felt it was related to the case and me as a witness.
- c. Thursday 1 December 2022 – I spoke with Detective Frizzell who advised that [REDACTED].
- d. Friday 2 December 2022 – I attended [REDACTED].
- e. Monday 5 December 2022 – I attended [REDACTED].
- f. Thursday 22 December 2022 – I telephoned Detective Emma Frizzell to [REDACTED].

12. Legal representatives for Mr Lehrmann

- a. Friday 2 December 2022 – Late in the day I contacted Mr Steve Whybrow SC by telephone.

[REDACTED]

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FIONA BROWN

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[REDACTED] JP)
Justice of the Peace NSW Reg. No. 196683

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Witness

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b. Sunday 4 December 2022 – I called Mr Whybrow

As the trial had been aborted and there was to be no re-trial, I felt free to finally start to talk about what had happened to me along the way. I did this in the call with Mr Whybrow. In the call I referred to my concerns about The Channel Ten Project interview with Lisa Wilkinson and Brittany Higgins, being nominated for an award at the time a trial was to be held, how I raised those concerns in my proofing meeting with the DPP in May 2022, that those concerns had been dismissed [REDACTED] and that following the Logies and subsequent fall out from the award ceremony, my lawyers had written to the DPP on 23 June 2022 outlining a number of concerns. Mr Whybrow said he didn't know about that and felt he should have received a copy of the letter as part of his brief of evidence. He asked if he could receive a copy of the letter. I agreed because I understood it was not legal advice, but nevertheless I was cautious about it. He undertook to keep it

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FIONA BROWN

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confidential and let me know if he was going to give it to anyone.

I also spoke to Mr Whybrow about how I had contacted the DPP by phone and email on 14 October 2022 after reading a media report of Ms Higgins evidence and that I never received a response from the DPP. He said he should have been advised of my contact with the ODPP. He asked for a copy of that email which I provided.

[REDACTED]

c. On Wednesday 22 February 2023 I received a text message from Mr Whybrow advising me that he was speaking with the Sofronoff Inquiry and would like to provide the letter of 23 June 2022 to the Inquiry. [Exhibit]

o. [REDACTED] it
[REDACTED]
[REDACTED]
[REDACTED]

13. Victims of Crime Commissioner

I did not have any contact with the Victims of Crime Commissioner.

14. Media

a. [REDACTED]
[REDACTED] s
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[REDACTED] s
[REDACTED] y
[REDACTED]

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FIONA BROWN

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Witness

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vi.

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FIONA BROWN

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Justice of the Peace NSW Reg. No. 196683

Witness

SWORN before me at New South Wales on 21 April 2023

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FIONA BROWN

[Redacted]
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Signature of witness [Redacted]
Justice of the Peace NSW Reg. No. 196683
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NAME OF WITNESS