

From: [Jerome, Skye](#)
To: [Priestly, Erin](#); [Drumgold, Shane](#)
Cc: [Greig, Mitchell](#)
Subject: Re: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]
Date: Tuesday, 21 June 2022 5:15:09 AM

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Hi everyone

I think these documents are not disclosable. It is someone's opinion on the weaknesses of the case.

Kind regards

Skye

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From: Priestly, Erin <[REDACTED]@act.gov.au>
Sent: Monday, June 20, 2022 8:19:13 PM
To: Drumgold, Shane <[REDACTED]@act.gov.au>
Cc: Jerome, Skye <[REDACTED]@act.gov.au>; Greig, Mitchell <[REDACTED]@act.gov.au>
Subject: Fwd: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

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Hi Shane

Please see below request for advice and attached documents.

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

Thanks
Erin

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From: [REDACTED] Stephanie <[REDACTED]@afp.gov.au>
Sent: Monday, June 20, 2022 7:10 pm

To: Priestly, Erin <[REDACTED]@act.gov.au>
Cc: [REDACTED] Shelley <[REDACTED]>; [REDACTED] Helen <[REDACTED]>
 [REDACTED] Callum <[REDACTED]> Frizzell, Emma
 <[REDACTED]>; Madders, Trent <[REDACTED]>; Fleming,
 David <[REDACTED]>
Subject: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive,
 ACCESS=Legal-Privilege] [AFP-L.FID51138]

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OFFICIAL:Sensitive
Legal privilege

Dear Erin

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

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

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

Assuming at this stage the Director’s position is that the first two documents should not be disclosed because they are subject to LPP, we note that if disclosure of the documents is pressed by the defence, there is a potential argument that other copies of the documents in the hands of the AFP are not privileged. The argument would be that prior to being provided to the Director, these documents were documents prepared for the purpose of internal AFP briefing and guidance, and that copies of the documents held by the AFP are not privileged because they did not involve communications with a legal advisor and were not made for the dominant purpose of obtaining legal advice or for use in, or for the purposes of litigation proceedings. Grateful if you could advise whether you consider this relevant in the current circumstances.

We do not believe you have previously been provided with the third, fourth or fifth documents, in the context of a request for advice or otherwise, and it appears to us that the documents

would be disclosable, but will defer to your office's view on this.

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

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

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

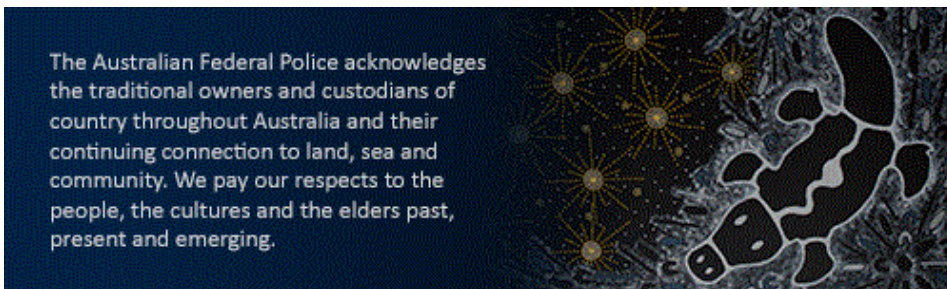
Aside from the above, as mentioned in our teleconference on Thursday, ACT Policing will not be taking any steps to source material sought in the disclosure request which is not currently in our possession.

Kind regards
Stephanie

STEPHANIE [REDACTED]
LAWYER – AFP LEGAL
CHIEF LEGAL COUNSEL
Tel: +61(0) [REDACTED]
www.afp.gov.au



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