

**RE: Higgins matter [SEC=OFFICIAL]**

**From:** "Chew, Michael" <[REDACTED]>  
**To:** "Drumgold, Shane" <[REDACTED]@afp.gov.au>  
**Cc:** "Moller, Scott" <[REDACTED]@afp.gov.au>  
**Date:** Thu, 08 Jul 2021 12:23:15 +1000

OFFICIAL  
 Shane

Thanks for the notification. As is our policy we don't generally comment on where, why or whether we have referred anything to the DPP. We sent something out to that effect this morning as we had some enquiries as well.

Whilst being transparent we don't make comment on investigation status. As discussed once a formal decision is made we will inform the media what that decision is.

Regards

Michael

COMMANDER MICHAEL CHEW  
 DEPUTY CHIEF POLICE OFFICER - RESPONSE  
 ACT POLICING  
 Tel: [REDACTED]  
[www.afp.gov.au](http://www.afp.gov.au)<<http://www.afp.gov.au>>

[Australian Federal Police]<<http://www.afp.gov.au/>>

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From: Drumgold, Shane <[REDACTED]>  
 Sent: Wednesday, 7 July 2021 4:17 PM  
 To: Chew, Michael <[REDACTED]>  
 Cc: Moller, Scott <[REDACTED]>  
 Subject: RE: Higgins matter [SEC=OFFICIAL]

OFFICIAL

Hi Mick and Scott

As anticipated, I have received an enquiry from the ABC asking "have you made an assessment in the Brittany Higgins case and passed it back to the police? Or can you tell me if the prosecution will proceed or not"

As outlined, I propose responding:

In relation to this matter, the DPP provided an advice to the AFP on Monday 28 June 2021. The content of that advice is subject to Legal Professional Privilege, and cannot be disclosed by the DPP.

I will delay my response until tomorrow morning to allow you to prepare as you see fit.

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Shane Drumgold SC  
 Director  
 Office of the Director of Public Prosecutions (ACT)  
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From: Chew, Michael <[REDACTED]>  
 Sent: Friday, 2 July 2021 12:45 PM  
 To: Drumgold, Shane <[REDACTED]>  
 Cc: Moller, Scott <[REDACTED]>  
 Subject: Higgins matter [SEC=OFFICIAL]

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OFFICIAL  
 Shane

I understand you have had some email traffic with Scott concerning the Higgins matter.

I appreciate your position as stated. As you are aware we don't generally advertise the fact when we seek the DPP's advice but in this case the victim first heard about it as a result of the comments you made to the media. This created a high level of anxiety with the victim and eroded the relationship we have with her.

I accept your commentary surrounding transparency but it would assist us if you inform us should another media enquiry come your way. It is anticipated that once the brief is complete and we have decided on a course of action will do something in the media space but until that time we won't be making any further comment.

Regards

Michael

COMMANDER MICHAEL CHEW  
 DEPUTY CHIEF POLICE OFFICER - RESPONSE  
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[Australian Federal Police]<<http://www.afp.gov.au/>>

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From: Drumgold, Shane <[REDACTED]>  
 Sent: Thursday, 1 July 2021 10:19 AM  
 To: Moller, Scott <[REDACTED]>  
 Cc: Boorman, Marcus <[REDACTED]>; Jerome, Skye  
 Subject: RE: Advice on Brittany Higgins complaint [SEC=OFFICIAL]

OFFICIAL: Sensitive - Legal Privilege

Hi Scott

Thanks for the advice, and the time frame is noted.

In relation to the media issue, generally, the AFP seeking the advice of the DPP pursuant to the 2019 Collaborative Agreement is subject to legal professional privilege, that is privilege that belongs to the AFP, and can only be waived by the AFP.

Notwithstanding his confusion about who makes key decisions, the fact that a brief was to be provided to the DPP for the purposes of seeking DPP advice was publicly disclosed by the Federal Commissioner on 25 May 2021, which waived the privilege to the extent that a brief of evidence and corresponding advice would be sought and provided on this matter. This in my view also waived the privilege as to the dates the relevant exchanges occur.

Accordingly, the dates and times that the AFP provided the brief of evidence seeking advice, and the dates and times the DPP provided that advice, are no longer subject to legal professional privilege.

I do not seek media on this or any other topic, but if a media enquiry comes in, and the information is not subject to privilege, I should respond transparently and accurately.

Accordingly, if I am asked a question in relation to the exchange, our response would be:

In relation to this matter, the DPP provided an advice to the AFP on Monday 28 June 2021. The content of that advice is subject to Legal Professional Privilege, and cannot be disclosed by the DPP.

I have no direct contact with the complainant, so if this could be potentially harmful, my suggestion is that you contact her representatives to advise that the advice has been received and that this may appear in the media. Conversely, the AFP could advise both the complainant and the media of its receipt of the advice which would avoid any questions being asked of me. As outlined, I do not seek media, however my role requires me to respond transparently and accurately to matters in the public domain.

The content of that advice remains subject to legal professional privilege, and only the AFP can waive that privilege by disclosing its content.

I hope this is of assistance.

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Shane Drumgold SC  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595 Canberra ACT 2601 (DX 5725)

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From: Moller, Scott <[Redacted]>  
Sent: Thursday, 1 July 2021 9:45 AM  
To: Drumgold, Shane <[Redacted]>  
Cc: Boorman, Marcus <[Redacted]>; Jerome, Skye <[Redacted]>  
Subject: RE: Advice on Brittany Higgins complaint [SEC=OFFICIAL]

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OFFICIAL

Thanks Shane,  
I have a team dedicated to this investigation and have allocated a time line of 4 weeks, noting the current COVID restrictions to complete all outstanding enquiries. I will keep you apprised of our progress as we work through the final aspects of the brief preparation. I have sort an internal agreement to maintain silence in relation to any media requests throughout this stage of the investigation due to the impact the media is having on Ms Higgins mental health. I'd appreciate if your office could maintain the same media confidentiality given the adverse effect media reporting is having on Ms Higgins.

Kind regards  
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER  
CRIMINAL INVESTIGATIONS  
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Tel: [Redacted]  
www.afp.gov.au<http://www.afp.gov.au/>

[Australian Federal Police]<http://www.afp.gov.au/>

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From: Drumgold, Shane <[Redacted]@act.gov.au<mailto:[Redacted]@act.gov.au>>  
Sent: Monday, 28 June 2021 4:55 PM  
To: Moller, Scott <[Redacted]>; Boorman, Marcus <[Redacted]>  
Cc: Jerome, Skye <[Redacted]@act.gov.au<mailto:[Redacted]@act.gov.au>>  
Subject: Advice on Brittany Higgins complaint  
Importance: High

OFFICIAL: Sensitive - Legal Privilege

Please find enclosed advice in relation to complaint made by Brittany Higgins.

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Shane Drumgold SC  
Director  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)

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E: [Redacted]

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