



Form 6.2 Application in proceeding

Court Procedures Rules 2006

(see r 6007 (Application in proceeding—contents))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

SCC 264 of 2022
r 4750 Court Procedure Rules

THE QUEEN

And

BRUCE LEHRMANN

Take notice that the Court will hear an application by the Accused on 8 September 2022 at 3:00pm (or as soon after that as this application can be heard), to make the following orders:

1. The Crown disclose to the Accused's legal representatives the following material:
 - a. A complete, unlocked and unredacted electronic copy of the Cellebrite extraction of the complainant's phone;
 - b. The '*Investigative Review Document*' referred to at page 18 of **RF1**;



Filed for the **Accused** by **Kamy Saeedi Law**
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955

- c. All material relating to any investigations undertaken by the Australian Federal Police between 23 March 2020 and 31 March 2021 in relation to a security breach at and the subsequent cleaning of the Ministerial Suite as a result of the after-hours attendance of the Accused and the complainant on 23 March 2020.
2. In the alternative, a temporary stay of the prosecution of the Accused until the material set out in Order 1 is disclosed.
3. Any other orders that the Court considers appropriate.

Grounds of application

The orders are sought on the following grounds:

1. The prosecution has refused to disclose material that is relevant or possibly relevant to issues in the case.
2. No explanation has been provided for the failure to disclose the material.
3. The accused cannot obtain a fair trial unless the Crown discloses this material.

Supporting material

This application is supported by the following affidavit:

1. Affidavit of Rachel [REDACTED] Fisher affirmed on 7 September 2022.

Date: 7 September 2022

[REDACTED]

RACHEL [REDACTED] FISHER

SOLICITOR



Fwd: Urgent attention for today - Privileged and Confidential

1 message

Steven Whybrow <[REDACTED]>

21 December 2022 at 11:42

To: Rachel Fisher <[REDACTED]>

Holy crap

Not disclosing this was appalling - and would have been 🚫 - which why he didn't
She even asked to be recalled.

Unbelievable

Sent from my iPhone

Begin forwarded message:

From: Fiona <[REDACTED]>
Date: 21 December 2022 at 11:05:15 AEDT
To: Steven Whybrow <[REDACTED]>
Subject: Fwd: Urgent attention for today - Privileged and Confidential

Begin forwarded message:

From: Fiona <[REDACTED]>
Date: 14 October 2022 at 11:21:12 am AEDT
To: Sarah Pitney <[REDACTED]>, Mitchell Greig <[REDACTED]>
SVC_DPPCases <[REDACTED]>
Subject: Urgent attention for today - Privileged and Confidential

Dear Sarah

Unfortunately my lawyer is unavailable today but advised me to make urgent contact with the Crown Prosecutor.

I am disturbed by the evidence presented by Ms Higgins this morning after reading her testimony online.

Statements made by Ms Higgins are false and misleading regarding what I said to her. She categorically has stated that 100% I said the following:

Ms 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 but that if she went, there would be no prospect of her returning to work after the election.

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 per cent said.

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

Neither Minister Reynolds or I had the authority to pay any staff member out. And I did not at any time state or suggest this.

You have messages I provided in my evidence to the police which clearly show that flowers and cake were for a staff farewell (Chris Payne) not by way of any gift to me or the office and she was reimbursed in cash.

I am deeply troubled by this serious misrepresentation in proceedings and I seek to have them corrected or put to me in court.

Can you please advise what happens is times like this?

Kind regards

Fiona

Sent from my iPhone

Rachel Fisher [REDACTED]

Details (20213941)

1 message

Greig, Mitchell [REDACTED] 12 October 2022 at 10:03
To: '[REDACTED]' <[REDACTED]>, Katrina Musgrove <[REDACTED]>, Rachel Fisher <[REDACTED]>
<[REDACTED]>, [REDACTED] <[REDACTED]>
Cc: "Drumgold, Shane" <[REDACTED]>, "Jerome, Skye" <[REDACTED]>, "Pitney, Sarah" <[REDACTED]>, SVC_DPPCases <[REDACTED]>

OFFICIAL

Dear Defence,

[REDACTED] best contact details are: [REDACTED]

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.

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RE: Lehrmann Brief

1 message

Priestly, Erin [REDACTED]

3 June 2022 at 16:22

To: "gabrielle [REDACTED]"

Cc: "Greig, Mitchell" [REDACTED]

Rachel Fisher [REDACTED]

Kamy Saeedi

<[REDACTED]>

OFFICIAL

Hi Gabrielle

Thanks for letting me know.

We have not password protected it, so there's no password to provide, unfortunately. We are in the process of making another copy onto a USB now. Is it possible to bring over a laptop with you in half an hour so we can check if it's working?

Otherwise, we may have to wait until Monday to sort it out – my apologies for this, our IT team have left for the day and I think I will need to get them to fix it.

Thanks for your patience with this.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

[REDACTED]
T: (02) 6207 5399 (Reception)

[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.

From: Gabrielle [REDACTED]
Sent: Friday, 3 June 2022 4:09 PM
To: Priestly, Erin [REDACTED]
Cc: Greig, Mitchell [REDACTED]; Rachel Fisher <[REDACTED]>; Kamy Saeedi <[REDACTED]>
Subject: Re: Lehrmann Brief

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Hi Erin,

Unfortunately they are still password protected.

Is there any chance your IT department or the AFP could provide us with this password?

Best,

Gabrielle

On Fri, Jun 3, 2022 at 4:03 PM Priestly, Erin [REDACTED] wrote:

OFFICIAL

Hi Gabrielle

Here is the new link: [\[REDACTED\] LEHRMANN](#)

The file is the zipped file called 'Brief for Defence' – it should have all the material in there. Let me know if that doesn't work.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399 (Reception)

W: www.dpp.act.gov.au

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Please consider the environment before printing this e-mail

From: Priestly, Erin
Sent: Friday, 3 June 2022 3:17 PM
To: Gabrielle [REDACTED]
Cc: Greig, Mitchell [REDACTED]; Rachel Fisher <[REDACTED]>; Kamy Saeedi <[REDACTED]>
Subject: RE: Lehrmann Brief

OFFICIAL

Hi Gabrielle

I think I have figured out the issue – we need to upload a zipped file that can then be downloaded and then unzipped by you on your end. The documents aren't actually password protected but I think it comes up as an error because the files can't be accessed.

I am uploading the zipped file to SharePoint now and will send you the link shortly.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399 (Reception)

W: www.dpp.act.gov.au

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Please consider the environment before printing this e-mail

From: Gabrielle [REDACTED]
Sent: Friday, 3 June 2022 1:20 PM
To: Priestly, Erin [REDACTED]
Cc: Greig, Mitchell [REDACTED]; Rachel Fisher <[REDACTED]>; Kamy Saeedi <[REDACTED]>
Subject: Re: Lehmann Brief

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On both actually.

None of the documents in the original BOE were protected, but some in the V2 and additional materials.

On Fri, Jun 3, 2022 at 1:16 PM Priestly, Erin [REDACTED] wrote:

OFFICIAL

Oh, how odd! Is it happening with the SharePoint brief or the brief on the USB?

If it's SharePoint I will get our team to look at why it's happening – none of the documents should be locked, so something weird must be going on.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399 (Reception)

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 his e-mail

From: Gabrielle [REDACTED]
Sent: Friday, 3 June 2022 1:13 PM
To: Priestly, Erin [REDACTED]
Cc: Greig, Mitchell [REDACTED] Rachel Fisher [REDACTED] Kamy Saeedi [REDACTED]
Subject: Re: Lehmann Brief

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Hi Erin,

It would be a pretty big list. There doesn't appear to be a particular set of documents, but rather certain police statements, some interviews, some transcripts...

I can make a full list if you would like, but it might be easier if it is one password for all of them?

Let me know what works best for you

Kind regards

Gabrielle

On Fri, Jun 3, 2022 at 1:11 PM Priestly, Erin <[REDACTED]> wrote:

OFFICIAL

Hi Gabrielle

Apologies for missing your call – are you able to identify which documents are asking for a password?

Thank you.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

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W: www.dpp.act.gov.au

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Please consider the environment before printing his e-mail

From: Gabrielle [REDACTED]
Sent: Friday, 3 June 2022 1:09 PM
To: Priestly, Erin [REDACTED]
Cc: Greig, Mitchell [REDACTED] Rachel Fisher [REDACTED] Kamy Saeedi [REDACTED]
Subject: Re: Lehrmann Brief

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Hi Erin,

Thanks for the link. I'm going through the brief now, and some of the files appear to be password protected. Are you able to provide me with this password?


Thanks

Gabrielle

On Fri, Jun 3, 2022 at 10:59 AM Priestly, Erin [REDACTED] wrote:

OFFICIAL

Hi Gabrielle

Please see attached link to the SharePoint brief:  [LEHRMANN](#)

Please let me know if you have any issues accessing any files.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

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--
Gabrielle [REDACTED]

Paralegal

[Redacted]

1 University Ave
Canberra ACT 2601

[Redacted]

[Redacted]

www.kslawyers.com.au

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--

Gabrielle [Redacted]

Paralegal

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[Redacted]

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--

Gabrielle [REDACTED]

Paralegal

[REDACTED]

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--

Gabrielle [REDACTED]

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Brief for Bruce Lehrmann - DPP request

Actioned x



Gabrielle [REDACTED]

to Kamy me

Fri 3 Jun 2022 09:50

Hi Kamy,

Erin Pristley from the DPP called regarding the matter of Bruce Lehrmann. She understands that Legal Aid has given the brief on a USB. She is wondering if she can have that USB back to provide us with additional materials.

I asked her if she could just give us a secondUSB, but that didn't seem to line up with her plans ... Apparently it's quite complex brief and it is easier for her to insert the new materials where they should fit.

I'm happy to run that USB over if you want

--

Gabrielle [REDACTED]

Paralegal

**KAMY
SAEDI
LAW**

1 University Ave
Canberra ACT 2601



Fwd: Lehmann Brief

1 message

Gabrielle [REDACTED]
To: Kamy Saeedi [REDACTED], Rachel Fisher [REDACTED]

FYI

----- Forwarded message -----

From: **Priestly, Erin** [REDACTED]
Date: Fri, Jun 3, 2022 at 10:59 AM
Subject: Lehmann Brief
To: **gabrielle** [REDACTED]
Cc: Greig, Mitchell [REDACTED]

OFFICIAL

Hi Gabrielle

Please see attached link to the SharePoint brief: [LEHRMANN](#)

Please let me know if you have any issues accessing any files.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
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W www.dpp.act.gov.au

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--
Gabrielle [REDACTED]
Paralegal



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Re: Bruce LEHRMANN - Password Protected Brief

1 message

Gabrielle [REDACTED]

To: "Greig, Mitchell" [REDACTED]

Cc: "Priestly, Erin" [REDACTED]

Kamy Saeedi [REDACTED]

Rachel Fisher [REDACTED]

Thanks Mitchell, it's working! I really appreciate all your help with this.

Additionally, would you have an up to date spreadsheet or list of all material provided to Mr Lehmann's previous lawyers and us?

Kind regards

Gabrielle

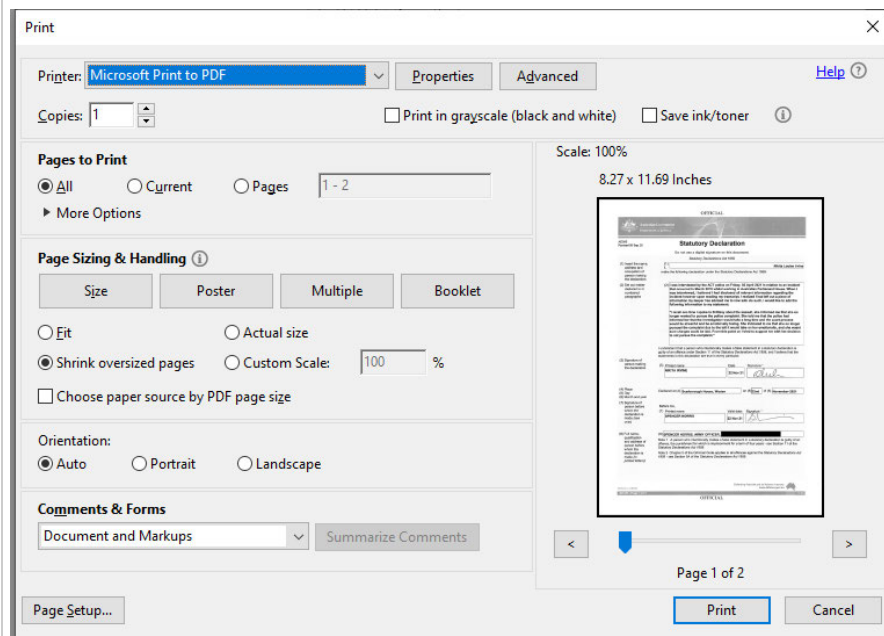
On Mon, Jun 6, 2022 at 1 06 PM Greig, Mitchell [REDACTED] wrote:

OFFICIAL: Sensitive - Legal Privilege

Hey Gabrielle,

I will contact the AFP and see if they can provide the passwords. I know some of the documents in that list appear to have originally come from outside the AFP, so they will need to be contacted.

However, I believe I have found a work around so you're not waiting for a response in the time being. If you change the printer to Microsoft Print to PDF and save it, the new document won't be functions like combine PDF Files. Screenshot below of what to select. I believe your computer should have Microsoft Print to PDF. Let me know if you have any issues.



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 Gabrielle [REDACTED]
Sent Monday, 6 June 2022 12:48 PM
To Priestly, Erin [REDACTED]; Greig, Mitchell [REDACTED]
Cc Kamy Saeedi [REDACTED]; Rachel Fisher [REDACTED]
Subject Bruce LEHRMANN - Password Protected Brief

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Good afternoon Erin and Mitchell,

Per our conversation on Friday, please find below a list of the files in the Bruce Lehrmann brief which are password protected.

- APH main and rear door 1-11a access
- Email between M [REDACTED] and SC Frizzell_Redacted
- Statutory Declaration of [REDACTED]_Redacted
- ACT CBR Parl House map - 180815
- MinWing Floor Plans Feb 20
- 1 of 2 emails - To Bruce Lehrmann
- 2 of 2 emails - To Bruce Lehrmann
- PSR 480485 - iCloud data extracted from Ms Higgins account
- PSR 492097 - Westpac records
- SW person QLD
- DWong23112021T
- NHamer13052021T
- Transcript ROSW Bruce Lehrmann
- The Project Episode Transcript verified
- Transcript ROC Ms Higgins and Chief of Staff
- Statement [REDACTED] Westpac
- Police statement - SC [REDACTED] - Supplementary
- Police statement - SC [REDACTED]
- Correspondence between DSupt Moller and S. [REDACTED]_Redacted
- Email between B. Higgins and SC Frizzell 15Mar21 1118hrs_Redacted
- Email between B. Higgins and SC Frizzell 17Feb21 2315hrs_Redacted
- Email between B. Higgins and SC Frizzell 17Mar21 1259hrs_Redacted
- Email correspondence DF P. Reid 26Jul21_Redacted
- DPS CCTV Evidence Transfer_Redacted
- Redacted Celebrite - Lehrmann - All pages
- Redacted Celebrite - Higgins - All pages
- APH Entrances to APH 20190323 1am-10 am - Redacted signed
- Disclosure statement_Defence copy_Apr 22
- Police Statement_Cmdr M. Chew
- Police Statement_DSupt Moller
- Supp statement and images_SC J [REDACTED]
- Witness Statement - [REDACTED] signed

It would be greatly appreciated if you could contact the AFP and request a password for these files. Please let me know if I can be of any further assistance.

Kind regards

--

Gabrielle [REDACTED]

Paralegal

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

[REDACTED]

[REDACTED]

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Gabrielle 
Paralegal

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Conversation with Drumgold SC

1 message

Steven Whybrow [REDACTED]

8 June 2022 at 09:54

To: Katrina Musgrove [REDACTED], Rachel Fisher [REDACTED]

Cc: Kamy Saeedi [REDACTED]

Ben Jullienne [REDACTED]

Dear team,

Shortly before CJ came onto the bench I raised with DPP the issue of the confidential counselling notes that were referred to in the disclosure schedule but more importantly were erroneously provided to former Defence counsel.

Conversation proceeded to the effect

I asked whether they were also provided to the DPP.

DPP: Yes they were

SW: Did you or Skye (Jerome) look at those notes?

DPP: Yes we did.

SW: Did you go through the whole of the notes or just until you appreciated they were confidential communications and then stop.

DPP: No we went through them all – we needed to satisfy ourselves that they were confidential counselling notes and were not disclosable

SW: But it would have been obvious almost immediately what they were? They are not to be disclosed to either the prosecution or the defence

DPP: to the effect – well I don't agree we had to ensure they were not disclosable

SW: that is the courts function not yours. I am concerned that you have now had access to material that the defence doesn't and cannot.

Her Honour then came onto the Bench...

Steve

Steven Whybrow

Barrister

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Form 6.11 Affidavit—general*Court Procedures Rules 2006*

(see r 6710 (Affidavit—form))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction**SCC 264 of 2022****THE QUEEN****And****BRUCE LEHRMANN**

On 7 September 2022, I Rachel [REDACTED] Fisher of 1 University Avenue, Canberra in the ACT solemnly affirm—

1. I am a solicitor at Kamy Saeedi Law, the solicitors for the accused, Bruce Lehrmann (the Accused).
2. On Thursday, 2 June 2022 my firm received instructions to act on behalf of the Accused. At that time, we received the brief of evidence, and the materials held by the ACT Legal Aid Commission. Within the materials provided to my office was a Prosecution Disclosure Statement that was signed by Detective Superintendent Scott Moller on 28 April 2022. Exhibited and hereto marked 'RF1' is a copy of that Disclosure Statement.
3. Schedule 3 of RF1 identifies '*relevant unprotected material that is not subject to claim of privilege or immunity or statutory publication restriction*'. Included in RF1 at page 17 within Schedule 3 is an item described as 'Investigative Review Documents' with the comment '*this document outlines versions of events as supplied by Ms Higgins during the course of her engagements with Police since 2019 against the available evidence and subsequent discrepancies. Available upon request and in consultation with the DPP.*'

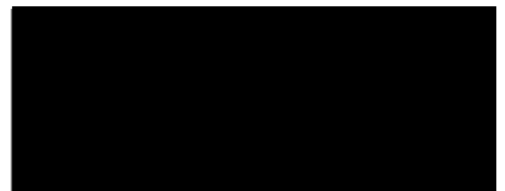
Filed for the **Accused** by Kamy Saeedi Law:
Level 1, 1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955
Ref:

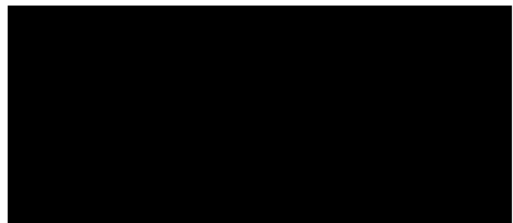


(The 'various versions' document' - emphasis added).

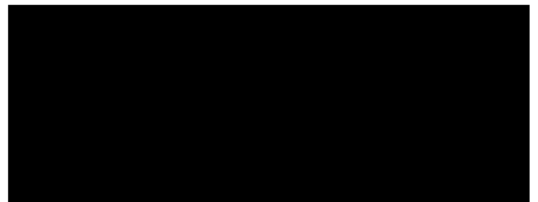
4. On 7 June 2022, my office requested the most up-to-date Disclosure Statement from the Director of Public Prosecution's office via email. Ms Erin Priestly responded attaching a Disclosure Statement. Exhibited and hereto marked '**RF2**' is a copy of that email from Ms Priestly and the associated attached Disclosure Statement.
5. Annexure **RF2** is also signed by Detective Superintendent Scott Moller and also appears to be dated 28 April 2022. In **RF2** the columns providing contact details have been removed and the reference to the item 'Investigative Review Documents' in Schedule 3 that appeared in **RF1** has also been removed.
6. On 9 June 2022, I provided the Director's office with a list of requested disclosure based on the material set out in **RF1** and **RF2**. This included a request for the Investigative Review Document, the relevant AFP PROMIS file, and a copy of the unredacted Cellebrite Report of the complainant's phone. Exhibited and hereto marked '**RF3**' is a copy of the email sent to the Director's Office and the associated attachment.
7. On 15 June 2022, I received an email from Ms Priestly indicating that the Investigative Review Documents were being compiled for review by AFP Legal however providing all material in a timely manner was problematic. I responded and stated we required full disclosure of all PROMIS material sought. Exhibited and hereto marked '**RF4**' is a copy of that correspondence.
8. On 17 June 2022, Ms Priestly by email indicated that the Director's office was not in a position to disclose the full Cellebrite Report of Ms Higgin's mobile phone due to legislative obligations surrounding the protection of personal details. Additionally, it was stated the Director's office was not in a position to provide the PROMIS investigation files due to its size, and material asserted to be prohibited from disclosure.
9. I responded and stated we needed the PROMIS investigation file as a matter of urgency and sought further information as to the asserted prohibitions relied on that prevented disclosure.



10. Ms Priestly indicated the DPP did not have access to the PROMIS file as it was too large and contained various protected information and communications and material falling outside the disclosure obligations.
11. Ms Priestly asked us to identify any particular item or group of items we sought. Exhibited and hereto marked 'RF5' is a copy of that chain of correspondence.
12. On 18 June 2022, I sent an email to Ms Priestly and requested the urgent disclosure of all materials from Mathew [REDACTED] and Kristen [REDACTED] and "*the AFP document summarising the various records of interview of the complainant.*" On 20 June 2022, Ms Priestly confirmed she had passed that request onto the AFP. Exhibited and hereto marked 'RF6' is a copy of that correspondence.
13. Ms Higgins has made various assertions that she first spoke with police on 26 or 27 March 2019.
14. **RF1** and **RF2** indicate that Matthew [REDACTED] and Kristen [REDACTED] were involved in investigating the security breach and subsequent cleaning of the Ministerial Suite as a result of the after-hours attendance of the accused and Ms Higgins. **RF1** and **RF2** indicate that diary notes and investigative documents relating to this investigation exist.
15. To date I am not aware of any material having been disclosed that details any investigations by the AFP into the security breach or any contact by the AFP with Ms Higgins, prior to 1 April 2019.
16. On 15 June 2022, I issued a subpoena to the Australian Federal Police (AFP) which was returnable on 23 June 2022. On 20 June 2022, I received an email from Ms Stephanie [REDACTED] of the AFP confirming that the AFP had compiled material responsive to the subpoena and were of the view that any documents captured by the subpoena would be provided to me by way of disclosure by the DPP and therefore, did not propose to produce any documents pursuant to the subpoena. I confirmed I did not take issue with this approach and accordingly would not call on the subpoena. Exhibited and hereto marked 'RF7' is a copy of that correspondence.

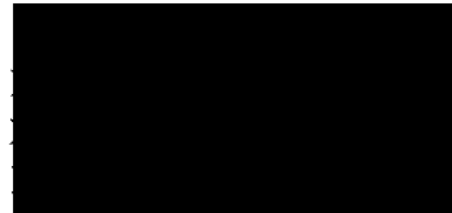


17. On 22 June 2022, Ms Stephanie [REDACTED] wrote to the ACT Supreme Court and confirmed the material responsive to the subpoena was being provided by way of disclosure and accordingly, no material was being produced. Exhibited and hereto marked 'RF8' is a copy of that correspondence.
18. On 15 August 2022, I wrote a letter to Ms Stephanie [REDACTED] outlining we had received sporadic disclosure from the DPP and requested an itemised list of things that were provided to the DPP that were captured by the subpoena schedule. Exhibited and hereto marked 'RF9' is a copy of that correspondence.
19. On 18 August 2022, I received a response to this letter outlining the nature of the material provided to the DPP. Exhibited and hereto marked 'RF10' is a copy of that correspondence.
20. On 23 August 2022, I wrote to Ms Priestly reiterating our requests for disclosure. Exhibited and hereto marked 'RF11' is a copy of that correspondence.
21. On 31 August 2022, I received a letter from the Director's office indicating that no further material would be disclosed as all information that is in the knowledge of and within the possession of the DPP and/or investigators which falls into the disclosure obligations has been disclosed. Exhibited and hereto marked 'RF12' is a copy of that correspondence.
22. The redacted Cellebrite disclosed to the defence runs to some 56,287 pages. An electronic copy of the redacted Cellebrite Report is Exhibited and hereto marked 'RF13'. The report has been provided in a 'locked' pdf format that prevents any copying or pasting of any parts of the document, which significantly hinders my ability to extract relevant parts.
23. The report includes hypertext links to various items stored on the phone, however these links have been disabled and this significantly hinders my ability to navigate such identified data or information.
24. RF13 has been heavily redacted to exclude contact details of all persons referred to in the document, limiting the ability of the defence to contact possibly relevant witnesses.



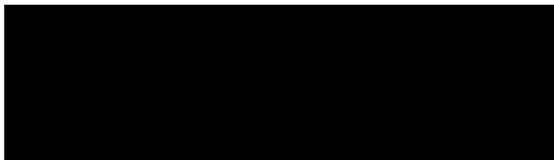
25. In addition, nearly 5,000 pages of the report have been entirely redacted (see for example pages 19,373-21,982 and 22,283 - 24,284). These redactions appear to include about 18,900 chronological entries of phone use, including calls and messages sent and received prior to 21 April 2019, as well as images, audio and other media stored on the phone at the time the extraction was undertaken by police.
26. Shortly prior to the phone data extraction occurring it appears Ms Higgins took steps to remove material from her phone in anticipation of the extraction being undertaken. For example, at page 17,675 of **RF13** Ms Higgins indicates to her partner Mr Shiraz by text message on 21 May 2021 that she is "*clearing out my phone ahead of the police.*" A copy of this page of the redacted Cellebrite report is Exhibited and hereto marked **RF14**.
27. The defence has obtained other material that suggests Ms Higgins held material on her phone before the extraction including photographs and audio files that is relevant material. Without a full unredacted and unlocked electronic copy of the Cellebrite extraction, the defence cannot ascertain what material may have been removed from the phone before it was provided to police for the extraction process or even what material was on the phone but has not been disclosed.

AFFIRMED by the deponent in the
Australian Capital Territory



) Deponent:
Rachel [redacted] Fisher

Before me:



Michael Mascitti
Lawyer, Kamy Saeedi Law
Level 1, 1 University Avenue
Canberra ACT 2601

IN THE SUPREME COURT OF)
THE AUSTRALIAN CAPITAL TERRITORY)

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

Index to Exhibits for Affidavit filed for the Accused

Exhibit	Description	Page Number
RF1	Prosecution Disclosure Statement	1-21
RF2	Copy of correspondence from Ms Erin Priestly dated 7 June 2022 and the associated attached Disclosure Statement.	22-41
RF3	Copy of correspondence sent to the Director's office dated 9 June 2022 and the associated attachment.	42-45
RF4	Copy of correspondence from Ms Erin Priestly dated 15 June 2022.	46-48
RF5	Copy of correspondence from Ms Erin Priestly dated 17 June 2022.	49-51
RF6	Copy of correspondence between Ms Erin Priestly and Rachel Fisher between 18 June 2022 and 20 June 2022.	52-54
RF7	Copy of correspondence between Ms Stephanie [REDACTED] of the AFP and Rachel Fisher dated 20 June 2022.	55-58
RF8	Copy of correspondence from Ms Stephanie [REDACTED] to the ACT Supreme Court dated 22 June 2022.	59-60
RF9	Copy of correspondence to Ms Stephanie [REDACTED] dated 15 August 2022.	61-62
RF10	Copy of correspondence from Ms Stephanie [REDACTED] dated 18 August 2022.	63-65
RF11	Copy of correspondence to Ms Erin Priestly dated 23 August 2022.	66-68
RF12	Copy of correspondence from the Director's office dated 31 August 2022.	69-72

Filed for the Accused by Kamy Saeedi Law:
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955

RF13	Electronic copy of the redacted Cellebrite Report.	73
RF14	A copy of page 17,675 of RF13.	74-75

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Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955

Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

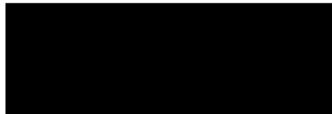
THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF1 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Saeedi Law:
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE**Disclosure**

Matter of: Bruce Emery Lehrmann

Charge No(s): 2021/8143

For indictable or summary offence(s) of: Sexual Intercourse without Consent

The following persons did not provide statements but may be able to give relevant evidence:

Name	Address	Telephone No.	Nature of Evidence - Reason why no statement
Detective Inspector Matthew [REDACTED]	Edmond Barton Building, 12 Blackall Street, Barton, ACT	[REDACTED]	Police Witness - D/Ins [REDACTED] conducted an investigation in 2019 into the security breach and subsequent cleaning of the Ministerial Suite at Australian Parliament House as a result of Ms Higgins and Mr Lehrmann's after-hours attendance. The investigation did not relate to an allegation of sexual assault.
Sergeant Kristen [REDACTED]	Edmond Barton Building, 12 Blackall Street, Barton, ACT	[REDACTED]	Police Witness - FA/ [REDACTED] was present during a meeting between D/Ins [REDACTED] Supt [REDACTED] and [REDACTED] in 2019 in relation to the security breach and subsequent cleaning of the Ministerial Suite at Australian Parliament House as a result of Ms Higgins and Mr Lehrmann's after-hours attendance. The

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

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			investigation did not relate to an allegation of sexual assault. [REDACTED] [REDACTED] has provided a statement to Police.
Sergeant Paul [REDACTED]	Melbourne AFP Headquarters, 383 La Trobe Street, Melbourne, Victoria	[REDACTED]	Police Witness - Sgt [REDACTED] requests have been submitted within the brief. Sgt [REDACTED] was present during the meeting between DC/Leanne [REDACTED] Minister Linda Reynolds and Fiona Brown in April 2019, for all of whom statements have been provided.
Superintendent Greg [REDACTED]	[REDACTED]	[REDACTED]	Police Witness - Supt [REDACTED] was the Security Controller at APH at the time of the alleged incident. Supt [REDACTED] did not undertake investigation and referred the AFP security response to members listed above.
Detective Inspector Matthew [REDACTED]	AFP Headquarters, Edmond Barton Building, 12 Blackall Street, Barton, ACT	[REDACTED]	Police Witness - D/Ins [REDACTED] was the officer in charge of the ACT Policing SACAT team. D/Ins [REDACTED] liaised with APH in relation to the ongoing preservation of CCTV.
Senior Constable Lysa [REDACTED]	Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen	[REDACTED]	Police Witness - SC/ [REDACTED] collected receipts from The Dock, Kingston and provided them to the investigation team. SC/ [REDACTED] had no other involvement.

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Constable Ashleigh [REDACTED]	Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen, ACT	[REDACTED]	Police Witness - C/ [REDACTED] collected records from the Canberra Rape Crisis Centre and provided them to the investigation team. C/ [REDACTED] had no other involvement.
Leading Senior Constable Mark [REDACTED]	Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen, ACT	[REDACTED]	Police Witness - LSC/ [REDACTED] attended the residential building of Ms Higgins and Mr Sharaz in the company of SC/ Emma Frizzell during which time a number of evidentiary items were seized. LSC/ [REDACTED] has no further evidence to offer and the interactions are contained within SC Frizzell's Police statement.
Constable Matthew [REDACTED]	Belconnen Police Station, Benjamin Way, Belconnen, ACT	[REDACTED]	Police Witness - C/ [REDACTED] was performing front office duties at the time Ms Higgins attended the Belconnen Police Station. D/Sgt [REDACTED] was notified and has provided a statement re: the interaction.
Senior Constable Lauren Gilliland	Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen, ACT	[REDACTED]	Police Witness - SC/ Gilliland was performing the role of Criminal Investigation Reception Officer (CIRO). D/Sgt [REDACTED] contacted the CIRO and provided a briefing based on her meeting with Ms Higgins. SC/ Gilliland referred D/Sgt [REDACTED] to the Sexual Assault and Child Abuse Team.

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Detective Sergeant Robert Rose	Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen, ACT	[REDACTED]	Police Witness – D/Sgt Rose oversaw the investigation team from June 2021.
Detective Sergeant David Fleming	Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen, ACT	[REDACTED]	Police Witness – D/Sgt Fleming oversaw the investigation team from October 2021.
Detective Inspector Callum Hughes	Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen, ACT	[REDACTED]	Police Witness – D/Ins Hughes oversaw the investigation team from November 2021.
[REDACTED]	Video Operations Team, Winchester Police Centre, Cnr Benjamin Way and College Street, Belconnen, ACT	[REDACTED]	Civilian Witness – Mr [REDACTED] compiled a stream lined video of CCTV collected within the investigation. The product created has been provided.
[REDACTED]	[REDACTED]	[REDACTED]	Civilian Witness – Mr [REDACTED] was present at The Dock, Kingston. He can provide evidence in relation to [REDACTED] arranging after-hours drinks and that he invited Ms Higgins.
[REDACTED]	[REDACTED]	[REDACTED]	Civilian Witness – Ms Higgins is said to have disclosed the alleged incident to her mother while in the company of [REDACTED] Mr [REDACTED] denies knowledge of the conversation.

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	<p>Executive Producer, The Project, Network Ten, 1 Saunders Street, Pymont, NSW</p>		
	<p>Executive Producer, The Project, Network Ten, 1 Saunders Street, Pymont, NSW</p>		<p>Civilian Witness - Mr [REDACTED] is the producer of The Project. Mr [REDACTED] corresponded with Ms Higgins in regards to the administrative arrangements of her interview conducted by Lisa Wilkinson on The Project. Mr [REDACTED] has not been engaged by Police to determine the extent of his involvement.</p>
<p>Lisa Wilkinson</p>	<p>Executive Producer, The Project, Network Ten, 1 Saunders Street, Pymont, NSW</p>		<p>Civilian Witness - Ms Wilkinson conducted a recorded interview with Ms Higgins whereby disclosures were made. It is likely that conversations were had beforehand in the context of Ms Higgins disclosing her version of events. The recorded interview and transcripts are contained within the brief of evidence. Ms Wilkinson has not been engaged by Police to determine the extent of her involvement.</p>
<p>Samantha Malden</p>	<p>Political editor, news.com.au</p>	<p>[REDACTED]@news.com.au [REDACTED]</p>	<p>Civilian Witness - Ms Malden is a journalist for news.com.au who reported frequently on</p>

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			<p>the allegations within the media. Ms Higgins advised Police that she had engaged with Ms Maiden since 2019. This included making disclosures to her, and maintaining contact throughout the media coverage during which Ms Maiden reportedly was disclosing to Ms Higgins information that she was privy to, prior to reporting on it. Ms Higgins noted herself that she has difficulty recalling if the information she has been told is her own memory or rather information provided to her. Ms Maiden has not been engaged by Police to determine the extent of her involvement.</p>
[REDACTED]	[REDACTED]	[REDACTED]	<p>Civilian Witness - Ms [REDACTED] is the ex-partner of Mr Lehrmann, who at the time of the alleged incident was in a relationship and residing with Mr Lehrmann. Ms [REDACTED] has had two conversations with Police which are outlined in the statements of SC Frizzell and D/Sgt McDevitt. Ms [REDACTED] declined to provide a statement.</p>
[REDACTED]	[REDACTED]	[REDACTED]	<p>Civilian Witness - Ms [REDACTED] was the girlfriend of Mr Lehrmann at the time he allegedly became aware of Ms Higgins' allegations against him. Ms [REDACTED] had a telephone conversation with SC/ Frizzell whereby she reported to have had lengthy</p>

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SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

			<p>conversations with Mr Lehrmann about the allegations however declined to provide statement. [REDACTED] noted the conversation with Mr Lehrmann would be favourable in nature to him.</p>
[REDACTED]			<p>Civilian Witness - Mr [REDACTED] was the housemate of Ms Higgins after the incident during which time she made a disclosure. SC/ Frizzell provides context within her Police statement. [REDACTED] declined to provide a statement.</p>
[REDACTED]			<p>Civilian Witness - Ms Lehrmann is the mother of Mr Lehrmann. It has been reported to Police that any disclosures to Ms Lehrmann have been minimal in an attempt to shield her.</p>
Various staff members	Canberra Rape Crisis Centre	[REDACTED]	<p>Civilian Witness - Staff have supported Ms Higgins in the course of their duties. Notes were made and have not been provided within the brief however appear under Schedule 3 of the disclosure certificate.</p>
[REDACTED]	Her Time Counselling	[REDACTED]	<p>Civilian Witness - Ms [REDACTED] provided a counselling service to Ms Higgins. Ms [REDACTED] records have been obtained and have not been provided within the brief however appear under Schedule 3 of the disclosure certificate.</p>

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Receptionist	Ochre Medical Centre Kingston	[REDACTED]	Civilian Witness - Provided SC/ Frizzell the medical records of Ms Higgins.
[REDACTED]	Ochre Medical Centre	[REDACTED]	Civilian Witness - Medical staff who have treated Ms Higgins. All relevant information is contained within the medical records provided.

- There are no known Co-Defendant/s or Co-Young Person/s
- The following details are provided of Co-Defendant/s or Co-Young Person/s (Tick appropriate box)

Name	Date of Birth	Charge No(s)	Next in Court	Other disposition (Court status/Court outcome)

Guideline issued under section

12(1)(a) Director of Public Prosecutions Act 1990 (ACT)

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Informant initial:



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Guideline

This guideline is effective 1 July 2020, issued under section 12(1)(a) of the *Director of Public Prosecutions Act 1990* and applies to all prosecutions in the Australian Capital Territory.

On 13 April 2015, pursuant to section 12(3) of the *Director of Public Prosecutions Act 1990*, the Office of the Director of Public Prosecutions ('DPP') issued 'The Prosecution Policy of the Australian Capital Territory' ('Prosecution Policy').

Paragraph 4 of the Prosecution Policy outlines the DPP disclosure policy. Paragraph 4 is provided below.

4 DISCLOSURE

- 4.1 *The prosecution is under a continuing obligation to make full disclosure to the accused in a timely manner of all material known to the prosecution which can be seen on a sensible appraisal by the prosecution:*
- *to be relevant or possibly relevant to an issue in the case;*
 - *to raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use; or*
 - *to hold out a real as opposed to fanciful prospect of providing a lead to evidence which goes to either of the previous two matters.*
- 4.2 *The prosecution is also under a duty to disclose to the defence information in its possession which is relevant to the credibility or reliability of a prosecution witness, for example:*
- *a relevant previous conviction or finding of guilt;*
 - *a statement made by a witness which is inconsistent with any prior statement of the witness;*
 - *a relevant adverse finding in other criminal proceedings or in non-criminal proceedings;*
 - *evidence before a court, tribunal or Royal Commission which reflects adversely on the witness;*
 - *any physical or mental condition which may affect reliability;*
 - *any concession which has been granted to the witness in order to secure the witness's testimony for the prosecution.*
- 4.3 *The prosecution must fulfil its duty of disclosure as soon as reasonably practicable. The prosecution's duty of disclosure continues throughout the prosecution process and any subsequent appeal.*

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- 4.4 *In fulfilling its disclosure obligations the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.*
- 4.5 *The prosecution's duty of disclosure does not extend to disclosing material:*
- *relevant only to the credibility of defence (as distinct from prosecution) witnesses;*
 - *relevant only to the credibility of the accused;*
 - *relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or*
 - *for the purpose of preventing an accused from creating a forensic disadvantage for himself or herself, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.*
- 4.6 *The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.*
- 4.7 *Where material has been withheld from disclosure on public interest grounds, the defence should be informed of the claim of immunity and the basis for the claim in general terms unless to do so would reveal that which it would not be in the public interest to reveal. In some cases it will be sufficient to delay rather than withhold disclosure. For example if disclosure might prejudice ongoing investigations, disclosure could be delayed until after the investigations are completed.*
- 4.8 *Legal professional privilege will ordinarily be claimed against the production of any document in the nature of an internal DPP advice or opinion. Legal professional privilege will not be claimed in respect of any record of a statement by a witness that is inconsistent with that witness's previous statement or adds to it significantly, including any statement made in conference and any victim impact statement, provided the disclosure of such records serves a legitimate forensic purpose.*
- 4.9 *The duty on the prosecution to disclose material to the accused imposes a concomitant obligation on the police and other investigative agencies to notify the prosecution of the existence and location of all such material. If required, in addition to providing the brief of evidence, the police or other investigative agency shall certify that the prosecution has been notified of the existence of all such material.*

The DPP requires the following acknowledgment and certification attached to the service of each brief of evidence received by the DPP.

Acknowledgment

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I am aware that as a law enforcement officer Investigating an alleged indictable or summary offence, I have a duty to disclose to the DPP all relevant material if the DPP is involved in the prosecution of the offence.

I understand **relevant material** to be all relevant information, documents or other evidence obtained during the investigation that falls within section 4 of the Prosecution Policy.

I am aware that my duty to disclose continues until the DPP decides that the accused person will not be prosecuted for the alleged offence(s), the accused person is found guilty or acquitted, or the prosecution is terminated.

I am aware that my duty to disclose as outlined above is subject to claims of privilege, public interest immunity or statutory immunity. I am aware that such claims are to be directed as follows:

- (a) for police officers—through the Chief Police Officer, the Deputy Chief Police Officer Response or the Deputy Chief Police Officer Capability and Community Safety.
- (b) for other law enforcement officers—through the Commissioner or an Assistant Commissioner of the agency of which I am an officer.

I am aware that the duty to disclose is also subject to any statutory publication restriction.

Certification

I certify that the information I have given in Schedules 1, 2 and 3 below is true, to the best of my knowledge and belief.

Schedule 1

Schedule 1 relates to relevant protected material, being relevant material not contained in the brief of evidence that is the subject of a claim of privilege, public interest immunity or statutory immunity. I am aware that I am required to disclose to the DPP the existence and nature of all such material. I am aware that I must retain the material for as long as my duty to disclose exists and provide the material to the DPP on request. I acknowledge that if I object to the disclosure of relevant protected material to the DPP, I can request a conference with the responsible lawyer in the DPP to discuss reasons for this.

Schedule 2

Schedule 2 relates to relevant material not contained in the brief of evidence that is the subject of a statutory publication restriction. I am aware that I am required to disclose to the DPP the existence of any such material, and the nature of the material, however, only to the extent not prohibited by the

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statutory publication restriction. I am aware that I must retain the material for as long as my duty to disclose exists.

Schedule 3

Schedule 3 relates to relevant unprotected material, being relevant material not contained in the brief of evidence that is not the subject of a privilege or an immunity claim or a statutory publication restriction. Unless Impracticable to do so, I have attached a copy of all such material to this certificate. If a copy of any such material has not been provided, I am aware that I must retain the material for as long as my duty to disclose exists and facilitate access to the material by the DPP.

Undertaking

I undertake to advise the DPP in writing, as soon as practicable, if I become aware of any additional information, documents or other evidence that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Signed [officer responsible for investigation of case]:

Date: 10/04/2022

Name: Scott Moller

Rank [if applicable]: Detective Superintendent

Received and noted by Sergeant *

Signed [Sergeant]:

Date: 27/04/2022

Name: Callum Hughes

Rank [if applicable]: Detective Inspector

*If the disclosing law enforcement officer is a police officer, this form must be signed by a police officer who holds a rank in the ACT Policing of Sergeant. If the disclosing law enforcement officer is an officer of another agency, this form must be signed by the Commissioner or an Assistant Commissioner of that agency.

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Schedule 1: relevant protected material that is subject of claim of privilege or immunity

Certification*

Yes

No

There is relevant protected material, not contained in the brief of evidence that is the subject of a claim of privilege, public interest immunity or statutory immunity. That material is described in the Schedule below.

Description of item

Privilege/immunity sought**

Section 3LA and Section 3E Crimes Act 1914 affidavits for warrants to search premises and person	PII
[REDACTED]	
Information Reports – Intelligence holdings	PII
Investigators diary notes surrounding Police methodology	PII
Investigation files (Not already included in brief) in relation to PROMIS 6381473 surrounding Police methodology	PII
Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing	LPP
Investigators diary notes surrounding meeting/s with DPP	LPP

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SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE**Schedule 2: relevant material that is subject of statutory publication restriction**

Certification*

Yes

No

There is relevant material, not contained in the brief of evidence that is the subject of a statutory publication restriction and the existence of which I can disclose without contravening the statutory publication restriction. That material is described in the Schedule below. *[Describe the material only to the extent not prohibited by the statutory publication restriction]*

Description of item

Evidence in Chief Interview with Ms Higgins on 24/02/2021	A transcript of the Evidence in Chief Interviews has been provided within the brief of evidence. To have access to an audio visual recording, Section 54 of the Evidence (Miscellaneous Provisions) Act 1991 requires written notice be given to the Superintendent of Judicial Operation, ACT Policing.
Evidence in Chief Interview with Ms Higgins on 26/05/2021	
Canberra Rape Crisis Centre – Client notes.	The client notes created by staff members of the Canberra Rape Crisis Centre in relation to their engagement with Ms Higgins performing the role of a counselling service. This information is not contained within the brief and would be subject of Court orders to produce.
Her Time – Cover letter, counselling records and clinical notes.	The client notes created by [REDACTED] of the Her Time Counselling in relation to her engagement with Ms Higgins performing the role of a counselling service. This information is not contained within the brief and would be subject of Court orders to produce.

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Schedule 3: relevant unprotected material that is not subject to claim of privilege or immunity or statutory publication restriction

Certification* Yes No

There is relevant unprotected material, not contained in the brief of evidence that is not the subject of a claim of privilege or immunity or a statutory publication restriction. That material is described in the Schedule below.

Description of Item**

Description of Item	Comment
Internal AFP	
Diary notes of investigating members (Not already included in brief).	Redacted in respect of personal information and unrelated matters. Outside of redactions, the notes, not subject to PII claim relate to administrative functions. Available if requested.
Investigative documents and correspondence in relation to Australian Parliament House security breach and subsequent cleaning of the Ministerial suite in 2019. (Not already included in brief) Initial response and investigation conducted by Detective Inspector (D/Ins) Matthew [REDACTED] Superintendent (Supt) Greg [REDACTED] Sergeant (Sgt) Paul [REDACTED] and Sgt Kristen [REDACTED]	Available if requested. Redacted in respect of personal investigation, unrelated matters, and/or privileges and immunities. Some material is already provided within the brief, of which can be confirmed by investigators.
Diary notes of Detective Inspector Matthew [REDACTED]	[REDACTED]
Diary notes of Superintendent Greg [REDACTED]	

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Email correspondence between Detective Inspector Matthew [REDACTED] and APH staff member [REDACTED]	
Administrative documents between Investigation Police members and the ACT Policing Video Operations Team.	
Internal request and response from [REDACTED]	Investigators provided Forensics with a still image from The Dock CCTV of the male Ms Higgins identified as her [REDACTED] in an attempt to identify the person.
Administrative documents and results in relation to the request and response of external enquiries in relation to both Mr Lehrmann and Ms Higgins.	[REDACTED] information does not provide evidence which proves or disproves the offences. Relevant material has been included within the brief provided. The information can be made available if requested.
AFP Digital Record of Interview System records showing continuity of the audio/visual recorded files and logs.	This information does not provide any evidence which proves or disproves the offences and would only be relevant to show continuity of the storage of interviews and property. Available if requested.
Property logs within Police Real-Time Online Management Information System (PROMIS).	
PROMIS 6381473 Investigation files.	This information does not provide any evidence which proves or disproves the offence. Available if requested upon consultation with AFP Legal team on a case by case basis.
Administrative correspondence and documentation in relation to Mr Lehrmann and Ms Higgins.	Internal AFP briefing and investigative material inclusive of situation, evidentiary reviews, enquiries and identified issues and/or discrepancies.
Pro-forma of Evidence in Chief Interview.	This information does not provide any evidence which proves or disproves the offence. Available if requested.
Pro-forma of Record of Interview.	

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Investigative review documents	This document outlines versions of events as supplied by Ms Higgins during the course of her engagements with Police since 2019 against the available evidence and subsequent discrepancies. Available upon request and in consultation with DPP.
Unused material	
Administrative correspondence between Police and Ms Higgins.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Contents of USB provided by Ms Higgins: Resignation letter, CoS pre-estimates VM-Oct 19, [REDACTED] voicemail, Fiona Brown voicemail, Initial CRCC contact – Post April, M Cash voicemail – Pre estimates Oct 19, Sarah Harman initial voicemail, Uber receipt 2, Uber receipt.	Ms Higgins' provided a USB of which relevant holdings were contained within the brief of evidence. Remaining content available upon request.
Administrative correspondence between Police and [REDACTED]	The correspondence relates to initial contact with Police and the provision of screenshot images which are contained within the brief and can be found as 'images' accompanying statement of SC/ Frizzell. Available if requested.
Administrative correspondence between D/Ins Boorman and high office holders.	D/Ins Boorman was the conduit between ACT Policing and high office holders in facilitating a number of appointments, as well as evidentiary items such as documentation and collection of said documentation, all of which have been provided within the brief and noted within his Police statement. The correspondence does not provide any evidence which proves or disproves the offences. Available if requested.
Email correspondence between Police and Uber enquiring and making arrangements as to the service of 3E Crimes Act 1914 search warrant.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Email correspondence between Police and local taxi companies seeking trip records between 22 and 23 March 2019.	Ms Higgins provided evidence to Police that she and Mr Lehrmann travelled to the Australian Parliament House via a taxi as well as not recalling how she travelled from Kingston to the Canberra City. Mr Lehrmann advised Police he and Ms Higgins caught

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	an Uber ride service. Enquiries were conducted with local taxi companies which yielded no results. No taxi services were utilised. Available if requested.
Administrative correspondence between Police and the Canberra Rape Crisis Centre.	The correspondence relates to the request of client notes created by CRCC in relation to their engagement with Ms Higgins. This information does not provide any evidence which proves or disproves the offences. Available if requested.
Administrative correspondence between Police and Her Time Counselling requesting client notes in relation to Ms Higgins.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
PBS Patient Summary 01/01/2019-09/04/21 – Ms Higgins	Enquiries were conducted in relation to attempting to identify a medical practice Ms Higgins alleged she attended shortly following the incident. Available if requested.
PBS Patient Summary and Medicare records 01/01/2021-28/03/2021 – Mr Lehrmann	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Centrelink records – Mr Lehrmann	This information does not provide any evidence which proves or disproves the offences. Available if requested.
CCTV – The Dock.	Original CCTV as provided to Police. All CCTV depicting Ms Higgins and Mr Lehrmann has been compiled into one stream-lined video and provided within the brief. The original CCTV is available if requested.

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Cellebrite report of Ms Higgins mobile phone devices without redactions.	Redacted information pertains to personal details of identified contacts.
Full Cellebrite report of Ms Higgins mobile phone devices.	The Cellebrite report of Ms Higgins mobile device totals tens of thousands of pages. Police have reviewed all material and provided information of relevance to the matter before the Court. Available if requested.
Full report of Ms Higgins iCloud and Google Drive cloud based data.	Police have reviewed all material and provided information of relevance to the matter before the Court. Available if requested, noting the material will require lengthy redactions of personal information outside of that to be relevant to the matter before Court.
Self prepared statement of [REDACTED]	[REDACTED] contacted Police providing information he thought may have been useful to the investigation in regards to Mr Lehrmann and previous sexual partners. Upon review, it is evident the information in relation to the alleged sexual conduct of Mr Lehrmann does not prove or disprove the current matter before the Court, nor did [REDACTED] hold concerns that Mr Lehrmann's prior relationships were of concern. Deemed to be not relevant.
Self prepared statement of [REDACTED]	[REDACTED] contacted Police providing information that Ms Higgins disclosed the alleged sexual assault to her on 4 April 2019. The information provided by [REDACTED] was not substantiated. Further information and enquiries conducted can be provided if requested.

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Material not obtained but aware of existence	
Draft of Ms Higgins memoir – Penguin Random House.	The content of Ms Higgins' memoir cannot be confirmed however is reportedly, in open source forums, a personal account of her story in relation to APH and creating a women's movement.

Copy attached?***

**Tick either yes or no in relation to the statement*

***Describe the nature of the privilege or immunity claim in relation to each item*

****Is a copy attached*

Request for meeting with DPP lawyer*



No

I object to the disclosure of relevant protected material and request a conference with the responsible solicitor in the Office of the Director of Public Prosecutions.

**Tick either yes or no in relation to the statement*

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Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

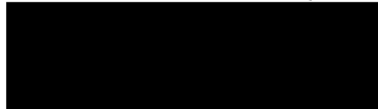
THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF2 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Saeedi Law:
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955

07/09/2022, 10:51

Kamy Saeedi Lawyers Mail - RE: Disclosure Statement for Bruce Lerhmann

**KAMY
SAEEDI
LAW**

Rachel Fisher [REDACTED]

RE: Disclosure Statement for Bruce Lerhmann

1 message

Priestly, Erin [REDACTED] 7 June 2022 at 16:49
To: "gabrielle [REDACTED]"
Cc: Kamy Saeedi [REDACTED], Rachel Fisher [REDACTED], "Greig, Mitchell" [REDACTED]

OFFICIAL

Good afternoon

Please see attached.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: [REDACTED] (Direct)

T: [REDACTED] (Reception)

E: [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: Gabrielle [REDACTED]
Sent: Tuesday, 7 June 2022 4:47 PM
To: DPP, Partics [REDACTED]; Priestly, Erin [REDACTED]; Greig, Mitchell [REDACTED]
Cc: Kamy Saeedi [REDACTED]; Rachel Fisher [REDACTED]
Subject: Disclosure Statement for Bruce Lerhmann

Caution: This email originated from outside of the ACT Government. Do not click links or open

07/09/2022, 10:51

Kamy Saeedi Lawyers Mail - RE: Disclosure Statement for Bruce Lerhmann

attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good afternoon,

May you please provide us with the most up-to-date version of the Disclosure Statement for the matter of Bruce Lerhmann.

Kind regards

--

Gabrielle [REDACTED]

Paralegal

[REDACTED]
1 University Ave
Canberra ACT 2601

[REDACTED]
After hours: 1800 266 830

www.kslawyers.com.au

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07/09/2022, 10:51

Kamy Sacedi Lawyers Mail - RE: Disclosure Statement for Bruce Lehmann

for any purpose, nor disclose its contents to any other person.

 Disclosure statement_Defence copy_Apr 22.pdf
1747K

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE**Disclosure**

Matter of: Bruce Emery Lehrmann

Charge No(s): 2021/8143

For indictable or summary offence(s) of: Sexual Intercourse without Consent

The following persons did not provide statements but may be able to give relevant evidence:

Name	Nature of Evidence – Reason why no statement
Detective Inspector Matthew [REDACTED]	Police Witness - D/Ins [REDACTED] conducted an investigation in 2019 into the security breach and subsequent cleaning of the Ministerial Suite at Australian Parliament House as a result of Ms Higgins and Mr Lehrmann's after-hours attendance. The investigation did not relate to an allegation of sexual assault.
Sergeant Kristen [REDACTED]	Police Witness – FA/ [REDACTED] was present during a meeting between D/Ins [REDACTED] Supt [REDACTED] and [REDACTED] in 2019 in relation to the security breach and subsequent cleaning of the Ministerial Suite at Australian Parliament House as a result of Ms Higgins and Mr Lehrmann's after-hours attendance. The investigation did not relate to an allegation of sexual assault. [REDACTED] has provided a statement to Police.
Sergeant Paul [REDACTED]	[REDACTED] present during the meeting between DC/ Leanne [REDACTED] Minister Linda Reynolds and Fiona Brown in April 2019, for all of whom statements have been provided.
Superintendent Greg [REDACTED]	Police Witness – Supt [REDACTED] was the Security Controller at APH at the time of the alleged incident. Supt [REDACTED] did not undertake investigation and referred the AFP security response to members listed above.
Detective Inspector Matthew [REDACTED]	Police Witness – D/Ins [REDACTED] was the officer in charge of the ACT Policing SACAT team. D/Ins [REDACTED] liaised with APH in relation to [REDACTED]
Senior Constable Lysa [REDACTED]	Police Witness - SC/ [REDACTED] collected receipts from The Dock, Kingston, and provided them to the investigation team. SC/ [REDACTED] had no other involvement.
Constable Ashleigh [REDACTED]	Police Witness - C/ [REDACTED] collected records from the Canberra Rape Crisis Centre and provided them to the investigation team. C/ [REDACTED] had no other involvement.

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Leading Senior Constable Mark [REDACTED]	Police Witness - LSC/ [REDACTED] attended the residential building of Ms Higgins and Mr Sharaz in the company of SC/ Emma Frizzell during which time a number of evidentiary items were seized. LSC/ [REDACTED] has no further evidence to offer and the interactions are contained within SC Frizzell's Police statement.
Constable Matthew [REDACTED]	Police Witness - C/ [REDACTED] was performing front office duties at the time Ms Higgins attended the Belconnen Police Station. D/Sgt [REDACTED] was notified and has provided a statement re: the interaction.
Senior Constable Lauren Gilliland	Police Witness - SC/ Gilliland was performing the role of Criminal Investigation Reception Officer (CIRO). D/Sgt [REDACTED] contacted the CIRO and provided a briefing based on her meeting with Ms Higgins. SC/ Gilliland referred D/Sgt [REDACTED] to the Sexual Assault and Child Abuse Team.
Detective Sergeant Robert Rose	Police Witness - D/Sgt Rose oversaw the investigation team from June 2021.
Detective Sergeant David Fleming	Police Witness - D/Sgt Fleming oversaw the investigation team from October 2021.
Detective Inspector Callum Hughes	Police Witness - D/Ins Hughes oversaw the investigation team from November 2021.
[REDACTED]	Civilian Witness - [REDACTED] compiled a stream lined video of CCTV collected within the investigation. The product created has been provided.
[REDACTED]	Civilian Witness - [REDACTED] was present at The Dock, Kingston. He can provide evidence in relation to [REDACTED] arranging after-hours drinks and that he invited Ms Higgins.
[REDACTED]	Civilian Witness - Ms Higgins is said to have disclosed the alleged incident to her mother while in the company of [REDACTED] denies knowledge of the conversation.
[REDACTED]	[REDACTED]
[REDACTED]	Civilian Witness - [REDACTED] is the producer of The Project. Mr [REDACTED] corresponded with Ms Higgins in regards to the administrative arrangements of her interview conducted by Lisa Wilkinson on The Project. [REDACTED] has not been engaged by Police to determine the extent of his involvement.
Lisa Wilkinson	Civilian Witness - Ms Wilkinson conducted a recorded interview with Ms Higgins whereby disclosures were made. It is likely that conversations were had beforehand in the context of Ms Higgins disclosing her version of events. The recorded interview and transcripts are contained within the brief of evidence. Ms

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Informant [REDACTED]

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	Wilkinson has not been engaged by Police to determine the extent of her involvement.
Samantha Maiden	Civilian Witness – Ms Maiden is a journalist for news.com.au who reported frequently on the allegations within the media. Ms Higgins advised Police that she had engaged with Ms Maiden since 2019. This included making disclosures to her, and maintaining contact throughout the media coverage during which Ms Maiden reportedly was disclosing to Ms Higgins information that she was privy to, prior to reporting on it. Ms Higgins noted herself that she has difficulty recalling if the information she has been told is her own memory or rather information provided to her. Ms Maiden has not been engaged by Police to determine the extent of her involvement.
[REDACTED]	Civilian Witness – [REDACTED] is the ex-partner of Mr Lehrmann, who at the time of the alleged incident was in a relationship and residing with Mr Lehrmann. [REDACTED] has had two conversations with Police which are outlined in the statements of SC Frizzell and D/Sgt McDevitt. [REDACTED] declined to provide a statement.
[REDACTED]	Civilian Witness – [REDACTED] was the girlfriend of Mr Lehrmann at the time he allegedly became aware of Ms Higgins allegations against him. [REDACTED] had a telephone conversation with SC/ Frizzell whereby she reported to have had lengthy conversations with Mr Lehrmann about the allegations however declined to provide statement. [REDACTED] noted the conversation with Mr Lehrmann would be favourable in nature to him.
[REDACTED]	Civilian Witness – Mr Hubbard was the housemate of Ms Higgins after the incident during which time she made a disclosure. SC/ Frizzell provides context within her Police statement. [REDACTED] declined to provide a statement.
[REDACTED]	Civilian Witness – [REDACTED] is the mother of Mr Lehrmann. It has been reported to Police that any disclosures to [REDACTED] have been minimal in an attempt to shield her.
Various staff members	Civilian Witness – Staff have supported Ms Higgins in the course of their duties. Notes were made and have not been provided within the brief however appear under Schedule 3 of the disclosure certificate.
[REDACTED]	Civilian Witness – [REDACTED] provided a counselling service to Ms Higgins. [REDACTED] records have been obtained and have not been provided within the brief however appear under Schedule 3 of the disclosure certificate.
Receptionist	Civilian Witness – Provided SC/ Frizzell the medical records of Ms Higgins.
[REDACTED]	Civilian Witness – Medical staff who have treated Ms Higgins. All relevant information is contained within the medical records provided.

- There are no known Co-Defendant/s or Co-Young Person/s
 The following details are provided of Co-Defendant/s or Co-Young Person/s

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(Tick appropriate box)

Name	Date of Birth	Charge No(s)	Next in Court	Other disposition (Court status/Court outcome)

Guideline issued under section

12(1)(a) Director of Public Prosecutions Act 1990 (ACT)

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Informant



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Guideline

This guideline is effective 1 July 2020, issued under section 12(1)(a) of the *Director of Public Prosecutions Act 1990* and applies to all prosecutions in the Australian Capital Territory.

On 13 April 2015, pursuant to section 12(3) of the *Director of Public Prosecutions Act 1990*, the Office of the Director of Public Prosecutions ('DPP') issued 'The Prosecution Policy of the Australian Capital Territory' ('Prosecution Policy').

Paragraph 4 of the Prosecution Policy outlines the DPP disclosure policy. Paragraph 4 is provided below.

4 DISCLOSURE

4.1 *The prosecution is under a continuing obligation to make full disclosure to the accused in a timely manner of all material known to the prosecution which can be seen on a sensible appraisal by the prosecution:*

- *to be relevant or possibly relevant to an issue in the case;*
- *to raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use; or*
- *to hold out a real as opposed to fanciful prospect of providing a lead to evidence which goes to either of the previous two matters.*

4.2 *The prosecution is also under a duty to disclose to the defence information in its possession which is relevant to the credibility or reliability of a prosecution witness, for example:*

- *a relevant previous conviction or finding of guilt;*
- *a statement made by a witness which is inconsistent with any prior statement of the witness;*
- *a relevant adverse finding in other criminal proceedings or in non-criminal proceedings;*
- *evidence before a court, tribunal or Royal Commission which reflects adversely on the witness;*
- *any physical or mental condition which may affect reliability;*
- *any concession which has been granted to the witness in order to secure the witness's testimony for the prosecution.*

4.3 *The prosecution must fulfil its duty of disclosure as soon as reasonably practicable. The prosecution's duty of disclosure continues throughout the prosecution process and any subsequent appeal.*

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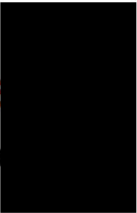
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- 4.4 *In fulfilling its disclosure obligations the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.*
- 4.5 *The prosecution's duty of disclosure does not extend to disclosing material:*
- *relevant only to the credibility of defence (as distinct from prosecution) witnesses;*
 - *relevant only to the credibility of the accused;*
 - *relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or*
 - *for the purpose of preventing an accused from creating a forensic disadvantage for himself or herself, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.*
- 4.6 *The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.*
- 4.7 *Where material has been withheld from disclosure on public interest grounds, the defence should be informed of the claim of immunity and the basis for the claim in general terms unless to do so would reveal that which it would not be in the public interest to reveal. In some cases it will be sufficient to delay rather than withhold disclosure. For example if disclosure might prejudice ongoing investigations, disclosure could be delayed until after the investigations are completed.*
- 4.8 *Legal professional privilege will ordinarily be claimed against the production of any document in the nature of an internal DPP advice or opinion. Legal professional privilege will not be claimed in respect of any record of a statement by a witness that is inconsistent with that witness's previous statement or adds to it significantly, including any statement made in conference and any victim impact statement, provided the disclosure of such records serves a legitimate forensic purpose.*
- 4.9 *The duty on the prosecution to disclose material to the accused imposes a concomitant obligation on the police and other investigative agencies to notify the prosecution of the existence and location of all such material. If required, in addition to providing the brief of evidence, the police or other investigative agency shall certify that the prosecution has been notified of the existence of all such material.*

The DPP requires the following acknowledgment and certification attached to the service of each brief of evidence received by the DPP.

Acknowledgment

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I am aware that as a law enforcement officer investigating an alleged indictable or summary offence, I have a duty to disclose to the DPP all relevant material if the DPP is involved in the prosecution of the offence.

I understand **relevant material** to be all relevant information, documents or other evidence obtained during the investigation that falls within section 4 of the Prosecution Policy.

I am aware that my duty to disclose continues until the DPP decides that the accused person will not be prosecuted for the alleged offence(s), the accused person is found guilty or acquitted, or the prosecution is terminated.

I am aware that my duty to disclose as outlined above is subject to claims of privilege, public interest immunity or statutory immunity. I am aware that such claims are to be directed as follows:

- (a) for police officers—through the Chief Police Officer, the Deputy Chief Police Officer Response or the Deputy Chief Police Officer Capability and Community Safety.
- (b) for other law enforcement officers—through the Commissioner or an Assistant Commissioner of the agency of which I am an officer.

I am aware that the duty to disclose is also subject to any statutory publication restriction.

Certification

I certify that the information I have given in Schedules 1, 2 and 3 below is true, to the best of my knowledge and belief.

Schedule 1

Schedule 1 relates to relevant protected material, being relevant material not contained in the brief of evidence that is the subject of a claim of privilege, public interest immunity or statutory immunity. I am aware that I am required to disclose to the DPP the existence and nature of all such material. I am aware that I must retain the material for as long as my duty to disclose exists and provide the material to the DPP on request. I acknowledge that if I object to the disclosure of relevant protected material to the DPP, I can request a conference with the responsible lawyer in the DPP to discuss reasons for this.

Schedule 2

Schedule 2 relates to relevant material not contained in the brief of evidence that is the subject of a statutory publication restriction. I am aware that I am required to disclose to the DPP the existence of any such material, and the nature of the material, however, only to the extent not prohibited by the

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Informant in 

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statutory publication restriction. I am aware that I must retain the material for as long as my duty to disclose exists.

Schedule 3

Schedule 3 relates to relevant unprotected material, being relevant material not contained in the brief of evidence that is not the subject of a privilege or an immunity claim or a statutory publication restriction. Unless impracticable to do so, I have attached a copy of all such material to this certificate. If a copy of any such material has not been provided, I am aware that I must retain the material for as long as my duty to disclose exists and facilitate access to the material by the DPP.

Undertaking

I undertake to advise the DPP in writing, as soon as practicable, if I become aware of any additional information, documents or other evidence that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Signed [*Officer Responsible for investigation of case*]:

[REDACTED]

Date: /04/2022

Name: Scott Moller

Rank [*if applicable*]: Detective Superintendent

Received and noted by Sergeant*

Signed [*Sergeant*]:

Date: 27/04/2022

Name: Callum Hughes

Rank [*if applicable*]: Detective Inspector

*If the disclosing law enforcement officer is a police officer, this form must be signed by a police officer who holds a rank in the ACT Policing of Sergeant. If the disclosing law enforcement officer is an officer of another agency, this form must be signed by the Commissioner or an Assistant Commissioner of that agency.

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Informant in [REDACTED]

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Schedule 1: relevant protected material that is subject of claim of privilege or immunity

Certification*


Yes

No


There is relevant protected material, not contained in the brief of evidence that is the subject of a claim of privilege, public interest immunity or statutory immunity. That material is described in the Schedule below.

Description of item

Privilege/immunity sought**

Section 3LA and Section 3E Crimes Act 1914 affidavits for warrants to search premises and person	PII
	PII
Information Reports – Intelligence holdings	PII
Investigators diary notes surrounding Police methodology	PII
Investigation files (Not already included in brief) in relation to PROMIS 6381473 surrounding Police methodology	PII
Review of brief materials and subsequent advice/recommendations made by the DPP to ACT Policing	LPP
Investigators diary notes surrounding meeting/s with DPP	LPP

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Informant initial: 

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE**Schedule 2: relevant material that is subject of statutory publication restriction**

Certification*	Yes	No
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There is relevant material, not contained in the brief of evidence that is the subject of a statutory publication restriction and the existence of which I can disclose without contravening the statutory publication restriction. That material is described in the Schedule below. *[Describe the material only to the extent not prohibited by the statutory publication restriction]*

Description of item

Evidence in Chief Interview with Ms Higgins on 24/02/2021	A transcript of the Evidence in Chief Interviews has been provided within the brief of evidence. To have access to an audio visual recording, Section 54 of the Evidence (Miscellaneous Provisions) Act 1991 requires written notice be given to the Superintendent of Judicial Operation, ACT Policing.
Evidence in Chief Interview with Ms Higgins on 26/05/2021	
Canberra Rape Crisis Centre – Client notes.	The client notes created by staff members of the Canberra Rape Crisis Centre in relation to their engagement with Ms Higgins performing the role of a counselling service. This information is not contained within the brief and would be subject of Court orders to produce.
Her Time – Cover letter, counselling records and clinical notes.	The client notes created by [REDACTED] of the Her Time Counselling in relation to her engagement with Ms Higgins performing the role of a counselling service. This information is not contained within the brief and would be subject of Court orders to produce.

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Informant initial

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Schedule 3: relevant unprotected material that is not subject to claim of privilege or immunity or statutory publication restriction

Certification* Yes No

There is relevant unprotected material, not contained in the brief of evidence that is not the subject of a claim of privilege or immunity or a statutory publication restriction. That material is described in the Schedule below.

Description of item**

Description of item	Comment
Internal AFP	
Diary notes of investigating members (Not already included in brief).	Redacted in respect of personal information and unrelated matters. Outside of redactions, the notes, not subject to PII claim relate to administrative functions. Available if requested.
[REDACTED]	
Diary notes of Detective Inspector Matthew [REDACTED]	[REDACTED]
Diary notes of Superintendent Greg [REDACTED]	[REDACTED]

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initials [REDACTED]

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

	matter, outlined in their statements. The notes can be made available if requested.
Email correspondence between Detective Inspector Matthew Reynolds and APH staff member [REDACTED]	[REDACTED]
Administrative documents between investigation Police members and the ACT Policing Video Operations Team.	[REDACTED]
Internal request and response from [REDACTED]	Investigators provided Forensics with a still image from The Dock CCTV of the male Ms Higgins identified as her [REDACTED] in an attempt to identify the person. [REDACTED]
Administrative documents and results in relation to the request and response of external enquiries in relation to both Mr Lehrmann and Ms Higgins.	[REDACTED] information does not provide evidence which proves or disproves the offences. Relevant material has been included within the brief provided. The information can be made available if requested.
AFP Digital Record of Interview System records showing continuity of the audio/visual recorded files and logs.	This information does not provide any evidence which proves or disproves the offences and would only be relevant to show continuity of the storage of interviews and property. Available if requested.
Property logs within Police Real-Time Online Management Information System (PROMIS).	
PROMIS 6381473 investigation files.	This information does not provide any evidence which proves or disproves the offence. Available if requested upon consultation with AFP Legal team on a case by case basis.
Administrative correspondence and documentation in relation to Mr Lehrmann and Ms Higgins.	Internal AFP briefing and investigative material inclusive of situation, evidentiary reviews, enquiries and identified issues and/or discrepancies.
Pro-forma of Evidence in Chief Interview.	This information does not provide any evidence which proves or disproves the offence. Available if requested.
Pro-forma of Record of Interview.	
[REDACTED]	[REDACTED]

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant init [REDACTED]



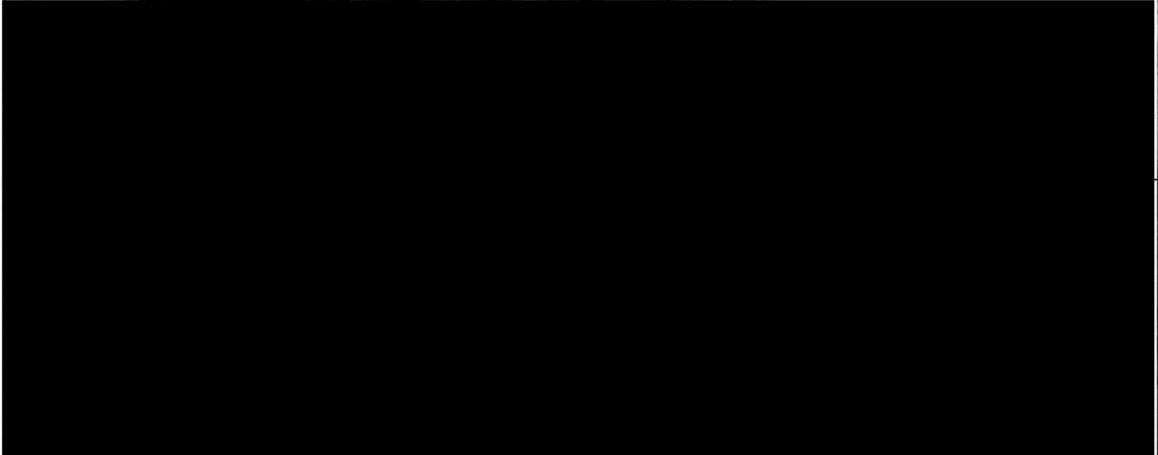
SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Request for subscriber information – Microsoft	The results of this request have been submitted into the brief and relate to an email received by Mr Lehrmann in January 2021 as provided to Police.
Unused material	
Administrative correspondence between Police and Ms Higgins.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Contents of USB provided by Ms Higgins: Resignation letter, CoS pre-estimates VM-Oct 19, [REDACTED] voicemail, Fiona Brown voicemail, Initial CRCC contact – Post April, M Cash voicemail – Pre estimates Oct 19, Sarah Harman initial voicemail, Uber receipt 2, Uber receipt.	Ms Higgins' provided a USB of which relevant holdings were contained within the brief of evidence. Remaining content available upon request.
Administrative correspondence between Police and [REDACTED]	The correspondence relates to initial contact with Police and the provision of screenshot images which are contained within the brief and can be found as 'images' accompanying statement of SC/ Frizzell. Available if requested.
Administrative correspondence between D/Ins Boorman and high office holders.	D/Ins Boorman was the conduit between ACT Policing and high office holders in facilitating a number of appointments, as well as evidentiary items such as documentation and collection of said documentation, all of which have been provided within the brief and noted within his Police statement. The correspondence does not provide any evidence which proves or disproves the offences. Available if requested.
Email correspondence between Police and Uber enquiring and making arrangements as to the service of 3E Crimes Act 1914 search warrant.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Email correspondence between Police and local taxi companies seeking trip records between 22 and 23 March 2019.	Ms Higgins provided evidence to Police that she and Mr Lehrmann travelled to the Australian Parliament House via a taxi as well as not recalling how she travelled from Kingston to the Canberra City. Mr Lehrmann advised Police he and Ms Higgins caught an Uber ride service. Enquiries were conducted with local taxi companies which yielded no results. No taxi services were utilised. Available if requested.
Administrative correspondence between Police and the Canberra Rape Crisis Centre.	The correspondence relates to the request of client notes created by CRCC in relation to their engagement with Ms Higgins. This information does

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant ini [REDACTED]

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

	not provide any evidence which proves or disproves the offences. Available if requested.
Administrative correspondence between Police and Her Time Counselling requesting client notes in relation to Ms Higgins.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
PBS Patient Summary 01/01/2019-09/04/21 – Ms Higgins	 Enquiries were conducted in relation to attempting to identify a medical practice Ms Higgins alleged she attended shortly following the incident. Available if requested.
PBS Patient Summary and Medicare records 01/01/2021-28/03/2021 – Mr Lehrmann	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Centrelink records – Mr Lehrmann	This information does not provide any evidence which proves or disproves the offences. Available if requested.
CCTV – The Dock.	Original CCTV as provided to Police. All CCTV depicting Ms Higgins and Mr Lehrmann has been compiled into one stream-lined video and provided within the brief. The original CCTV is available if requested.
CCTV - Australian Parliament House.	
	

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGEInformant 

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Cellebrite report of Ms Higgins mobile phone devices without redactions.	Redacted information pertains to personal details of identified contacts.
Full Cellebrite report of Ms Higgins mobile phone devices.	The Cellebrite report of Ms Higgins mobile device totals tens of thousands of pages. Police have reviewed all material and provided information of relevance to the matter before the Court. Available if requested.
Full report of Ms Higgins iCloud and Google Drive cloud based data.	Police have reviewed all material and provided information of relevance to the matter before the Court. Available if requested, noting the material will require lengthy redactions of personal information outside of that to be relevant to the matter before Court.
[REDACTED]	
Self prepared statement of [REDACTED]	[REDACTED] contacted Police providing information he thought may have been useful to the investigation in regards to Mr Lehrmann and previous sexual partners. Upon review, it is evident the information in relation to the alleged sexual conduct of Mr Lehrmann does not prove or disprove the current matter before the Court, nor did [REDACTED] hold concerns that Mr Lehrmann's prior relationships were of concern. Deemed to be not relevant.
Self prepared statement of [REDACTED]	[REDACTED] contacted Police providing information that Ms Higgins disclosed the alleged sexual assault to her on 4 April 2019. The information provided by [REDACTED] was not substantiated. Further information and enquiries conducted can be provided if requested.
Material not obtained but aware of existence	
Draft of Ms Higgins memoir – Penguin Random House.	The content of Ms Higgins' memoir cannot be confirmed however is reportedly, in open source forums, a personal account of her story in relation to APH and creating a women's movement.

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant in [REDACTED]

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Copy attached?***

**Tick either yes or no in relation to the statement*

***Describe the nature of the privilege or immunity claim in relation to each item*

****Is a copy attached*

Request for meeting with DPP lawyer*

Yes

No

I object to the disclosure of relevant protected material and request a conference with the responsible solicitor in the Office of the Director of Public Prosecutions.

**Tick either yes or no in relation to the statement*

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant i



Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF3 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Saeedi Law:
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955

07/09/2022, 10:51

Kamy Saeedi Lawyers Mail - Request for Disclosure - Lehmann

**KAMY
SAEEDI
LAW**

Rachel Fisher [REDACTED]

Request for Disclosure - Lehmann

1 message

Rachel Fisher [REDACTED]

9 June 2022 at 11:29

To: "Priestly, Erin" [REDACTED]

Cc: Kamy Saeedi [REDACTED]

Dear Erin,

THE QUEEN v LEHRMANN

As foreshadowed yesterday, please find enclosed an updated list of requests for disclosure.

Kind regards,

Rachel Fisher
Lawyer**KAMY
SAEEDI
LAW**1 University Ave
Canberra ACT 2601www.kslawyers.com.au**WARNING REGARDING FRAUD AND SCAMS**

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 **Requests for Disclosure 220609.docx**
18K

THE QUEEN and BRUCE LEHRMANN

REQUEST FOR DISCLOSURE

ITEM IN DISCLOSURE SCHEDULE	CATEGORY IN DISCLOSURE STATEMENT
Celebrite report of Ms Higgins mobile phone without redactions	Unused material
Full celebrite report of Ms Higgins mobile phone devices	Unused material
Full report of Ms Higgins iCloud and Google drive cloud-based data	Unused material
Correspondence between Police and the Canberra Rape Crisis Centre	Unused material
Correspondence between Police and Her Time Counselling requesting client notes relating to Ms Higgins	Unused material
Cover letter from the Her Time Counselling Service to the Director of Public Prosecutions AND/OR Australian Federal Police enclosing notes	
ALL CCTV from APH [REDACTED] including entrance logs & descriptions from 23 March 2019.	
ALL CCTV from [REDACTED] on 23 March 2019.	
ALL CCTV from the Dock	
ALL communications with AFP and Brittany Higgins including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications. Including full disclosure of any documents or materials provided by Brittany Higgins to AFP.	Unused material
Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representative acting on behalf of the complainant, Brittany Higgins	
Self-prepared statement of [REDACTED]	Unused material
Self-prepared statement of [REDACTED]	Unused material
PBS Patient Summary – 01/01/2019 – 09/04/2021 of Ms Higgins and all other medical material held by the Australian Federal Police related to Ms Higgins during this period	Unused material
Draft of Ms Higgins Memoir – Penguin Random House	Material not obtained but in existence
Any Celebrite Report of a phone of David SHARAZ	N/A

	Persons who did not provide a statement
All contemporaneous notes or documents from Sergeant Paul [REDACTED] relating to meeting with Linda Reynolds and Fiona Brown in April 2019	Persons who did not provide a statement
ALL communications with AFP and [REDACTED] including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications	Persons who did not provide a statement
ALL PROMIS 6831473 Investigation files – INCLUDING the 'Investigative Review Documents' referred to in the Disclosure Statement	
ALL communications with Phillip Gaetjens or his delegates with Brittany Higgins including copies of any emails, letters or other forms of correspondence including briefings, emails, notebook or any other form of contemporaneous note taking or recordings	
ALL communications with Phillip Gaetjens or his delegates with anyone interviewed or spoken to in relation to the inquiry being conducted at the request of the former Prime Minister, including copies of any emails, letters or other forms of correspondence including any notebook entries or contemporaneous notes or recordings	
Proofing notes of all Crown witnesses	

Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF4 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Saeedi Law:
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955

07/09/2022, 14:09

Kamy Saeedi Lawyers Mail - Re: R v Lehmann - Disclosure Request (PROMIS) - 202113941

**KAMY
SAEEDI
LAW**

Rachel Fisher [REDACTED]

Re: R v Lehmann - Disclosure Request (PROMIS) - 202113941

1 message

Rachel Fisher [REDACTED]

15 June 2022 at 18:53

To: "Priestly, Erin" [REDACTED]

Cc: Kamy Saeedi [REDACTED]

"Greig, Mitchell" [REDACTED]

SVC_DPPCases

Dear Erin,

We require the disclosure of all the PROMIS files as initially sought.

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

[REDACTED]
www.kslawyers.com.au

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On Wed, 15 Jun 2022 at 14:11, Priestly, Erin [REDACTED] wrote:

OFFICIAL

Dear Rachel

The AFP have been in contact regarding the request for, "ALL PROMIS 6831473 investigation files – INCLUDING the 'Investigative Review Documents' referred to in the Disclosure Statement". I understand there are 789 'log entries' in PROMIS for this matter (including administrative entries such as automatically generated case status changes, interim intelligence tasking results and uploads of all correspondence that have been requested as part of disclosure).

Would it be possible to refine the request regarding PROMIS entries? The Investigative Review Documents are already being compiled for review by AFP legal, however, I understand providing all material in a timely manner is problematic due to issues of determining relevance, public interest immunity etc.

Kind regards

07/09/2022, 14:09

Kamy Saeedi Lawyers Mail - Re: R v Lehmann - Disclosure Request (PROMIS) - 202113941



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

[REDACTED]
T: (02) 6207 5399 (Reception)

[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.

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Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF5 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Sacedi Law:

Level 1, Kamy Sacedi Law Building

1 University Avenue

GPO Box 487

Canberra ACT 2601

Telephone: (02) 6230 6600

Facsimile: (02) 6230 0955

AF2006-421

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Court Procedures Act 2004, s 8

page 1

Unauthorised version prepared by AGT Parliamentary Counsel's Office

07/09/2022, 10:57

Kamy Saeedi Lawyers Mail - Re: R v Lehrmann - Request for disclosure of Cellebrite Report, iCloud and Google data, PROMIS investiga...

**KAMY
SAEEDI
LAW**

Rachel Fisher [REDACTED]

Re: R v Lehrmann - Request for disclosure of Cellebrite Report, iCloud and Google data, PROMIS investigation files - 202113941

1 message

Rachel Fisher [REDACTED]

17 June 2022 at 14:45

To: "Priestly, Erin" [REDACTED]

Cc: Kamy Saeedi [REDACTED]

"Greig, Mitchell" [REDACTED]

SVC_DPPCases

Dear Erin,

We require the PROMIS Investigation File as a matter of urgency. Can you please outline what the Director will rely upon which prohibits disclosure of the PROMIS records.

We wish to also urgently arrange a viewing of the Ministerial Wing and relevant Suite next week. Can you enquire as to when this can be arranged? It would be required to take place after 4:00pm due to Counsel (and myself) being in trial.

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

[REDACTED]
www.kslawyers.com.au

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On Fri, 17 Jun 2022 at 11:17, Priestly, Erin [REDACTED] wrote:

OFFICIAL

Dear Rachel

I refer to your request for disclosure on 9 June.

1. Full Cellebrite Report of Higgins' mobile (unredacted) – we cannot provide this completely unredacted. We have legislative obligations in relation to the personal information of complainant's and their families which would prohibit providing, amongst other things, their personal contact details. Can you please narrow the request as to what redacted material is sought?

07/09/2022, 10:57

Kamy Saeedi Lawyers Mail - Re: R v Lehmann - Request for disclosure of Celebrite Report, iCloud and Google data, PROMIS investiga...

2. [iCloud, Google Data and PROMIS investigation files](#) - we are not in a position to provide this. As noted previously, the amount of material sought is impossibly voluminous, and potentially contains material that is prohibited from disclosure such as personal data or other protected information. Further, it may be that not all the material falls within the disclosure regime. If the requests could be refined, we will reconsider our position.

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

[REDACTED]
T: (02) 6207 5399 (Reception)

[REDACTED]
W: www.dpp.act.gov.au

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(sec r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

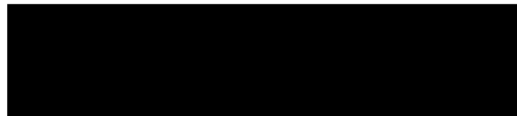
THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF6 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

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Level 1, Kamy Saeedi Law Building
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Canberra ACT 2601

Telephone: (02) 6230 6600
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page 1

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07/09/2022, 10:58

Kamy Saeedi Lawyers Mail - RE: Request for urgent disclosure



Rachel Fisher [REDACTED]

RE: Request for urgent disclosure

1 message

Priestly, Erin [REDACTED]

20 June 2022 at 08:30

To: Rachel Fisher [REDACTED]

"Greig, Mitchell" [REDACTED]

Kamy Saeedi

OFFICIAL

Dear Rachel

I have passed on the urgency of the request to the AFP. I do not believe the [REDACTED] material was in the original disclosure request so I have drawn that to their attention also.

Can you please confirm you still require the material from Superintendent [REDACTED] also?

Kind regards



Erin Priestly

Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399 (Reception)

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.

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From: Rachel Fisher [REDACTED]

Sent: Saturday, 18 June 2022 5:36 PM

To: Greig, Mitchell [REDACTED]

Kamy Saeedi [REDACTED]

Priestly, Erin

Subject: Request for urgent disclosure

07/09/2022, 10:58

Kamy Saeedi Lawyers Mail - RE: Request for urgent disclosure

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Dear Erin,

Can the DPP as a matter of urgency disclose all material from Mathew [REDACTED] and Kristen [REDACTED]

Can you also disclose the AFP documents summarizing the various records of interview of the complainant.

Kind regards,

Rachel Fisher

--

Rachel Fisher
Lawyer

[REDACTED]
1 University Ave
Canberra ACT 2601

www.kslawyers.com.au

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(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

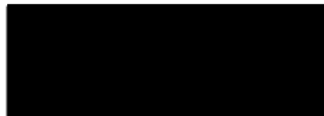
THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF7 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Saeedi Law:
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1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
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Approved form under
Court Procedures Act 2004, s 8

page 1

07/09/2022, 14:12

Kamy Saeedi Lawyers Mail - Re: Subpoena to produce documents - R v LEHRMANN [SEC=OFFICIAL:Sensitive] [AFP-L.FID51461]

**KAMY
SAEEDI
LAW**

Rachel Fisher [REDACTED]

**Re: Subpoena to produce documents - R v LEHRMANN [SEC=OFFICIAL:Sensitive]
[AFP-L.FID51461]**

1 message

Rachel Fisher [REDACTED]

20 June 2022 at 17:42

To: [REDACTED] Stephanie [REDACTED]

Dear Stephanie,

We do not have an issue if all items sought are disclosed as opposed to being produced pursuant to the subpoena.

When do you anticipate disclosure would occur?

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

[REDACTED]
www.kslawyers.com.au

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On Mon, 20 Jun 2022 at 17:41, [REDACTED] Stephanie [REDACTED] wrote:

OFFICIAL:Sensitive

Dear Rachel

We refer to the attached subpoena to produce documents issued to the Chief Police Officer of the Australian Federal Police (AFP) on 15 June 2022 and returnable on 23 June 2022 at 9:30am.

We note the material sought by the subpoena is similar in terms to the material sought in your recent request for disclosure of the below documents:

All communications with AFP and Brittany Higgins including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications. Including full disclosure of any documents or materials provided by Brittany Higgins to AFP.

56

07/09/2022, 14:12

Kamy Saeedi Lawyers Mail - Re: Subpoena to produce documents - R v LEHRMANN [SEC=OFFICIAL:Sensitive] [AFP-L.FID51461]

Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representative acting on behalf of the complainant, Brittany Higgins.

The AFP has compiled the material responsive to your disclosure request outlined above and we anticipate you should shortly receive the material from the DPP.

In light of this, we consider any documents captured by the subpoena will be provided to you by way of disclosure. Accordingly, we do not propose to produce any documents to the Court pursuant to the subpoena.

We would be grateful if you can advise whether you have any concerns with this approach. Noting the subpoena is returnable on Thursday, we would be grateful for your response as soon as possible.

Kind regards

Stephanie

STEPHANIE [REDACTED]
LAWYER - AFP LEGAL
CHIEF LEGAL COUNSEL

[REDACTED]
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA



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Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF8 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Saeedi Law:

Level 1, Kamy Saeedi Law Building

1 University Avenue

GPO Box 487

Canberra ACT 2601

Telephone: (02) 6230 6600

Facsimile: (02) 6230 0955



22 June 2022

The Registrar
ACT Supreme Court
4 Knowles Place
Canberra City ACT 2601

By hand

Dear Registrar

Subpoena to produce documents – The Queen v Bruce LEHRMANN (SCC 264 of 2021)

We refer to the enclosed subpoena to produce documents issued to the Chief Police Officer of the Australian Federal Police (AFP) on 15 June 2022 at the request of Mr Lehrmann’s solicitor, Ms Rachel Fisher (Kamy Saeedi Law). The subpoena is returnable at 9:00am on 23 June 2022.

Prior to the subpoena being issued, we note the defendant’s solicitor sought disclosure of material in similar terms to that sought by the subpoena. In response, the AFP has compiled the material responsive to the defendant’s disclosure request and anticipates this will shortly be provided to the defendant’s solicitor.

Accordingly, any material captured by the subpoena will be provided to the defendant’s solicitor by way of disclosure. In light of this, the AFP does not produce any material pursuant to the subpoena. The defendant’s solicitor has confirmed she is content with this approach.

If you have any queries regarding this correspondence, please do not hesitate to contact our office at [REDACTED]

Yours sincerely

[REDACTED]
Stephanie [REDACTED]
Lawyer – AFP Legal
Chief Legal Counsel
Australian Federal Police

POLICING FOR A SAFER AUSTRALIA

AFP LEGAL
GPO Box 401
Canberra City ACT 2601

Australian Federal Police
Telephone [REDACTED]

ABN 17 864 931 143
Email: [REDACTED]

afp.gov.au

Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

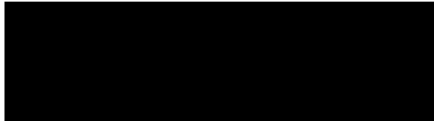
THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF9 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

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AF2006-421

Approved form under
Court Procedures Act 2004, s 8

page 1

Unauthorised version prepared by ACT Parliamentary Counsel's Office

**KAMY
SAEEDI
LAW**

Level 1, Kamy Saeedi Law Building
1 University Avenue Canberra
GPO Box 487 Canberra ACT 2601

Phone 02 6230 6600

Fax 02 6230 0955

KSLAW.COM.AU

ABN 76 130 129 878

15 August 2022

Ms Stephanie [REDACTED]
Lawyer
Chief Legal Counsel
Australian Federal Police

By email [REDACTED]

Contact:
Rachel Fisher

Our reference:
6046

Dear Ms [REDACTED]

THE QUEEN v BRUCE LEHRMANN (SCC 261 of 2021)

I write in relation to your letter dated 22 June 2022 to the ACT Supreme Court which confirmed the Australian Federal Police compiled material responsive to a request for disclosure from myself in relation to the matter of The Queen v Bruce LEHRMANN (SCC 264 of 2021).

The preparation of that material and its provision to the Director of Public Prosecutions (DPP) led to no production occurring in relation to a subpoena issued to the Chief Police Officer on 15 June 2022 as the material compiled and provided by way of disclosure was stated to be similar in terms as to the subpoenaed material. This approach was agreed to by our office and accordingly, the subpoena was not pressed.

To date, we have had limited, sporadic disclosure from the DPP. For completeness, I write to request the identification of material provided to the Director's office in response to the disclosure request which was material covered by the terms of the subpoena issued to the Chief Police Officer. This is necessary to assure us that we have received all documentation that would have been produced under the subpoena.

If you have any queries regarding this correspondence, please do not hesitate to contact me via email or telephone at: (02) 6230 6600.

Kind regards,

[REDACTED]

Rachel Fisher
Solicitor

[REDACTED]

Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF10 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

Filed for the Accused by Kamy Saeedi Law:
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601

Telephone: (02) 6230 6600
Facsimile: (02) 6230 0955



18 August 2022

Ms Rachel Fisher
Solicitor, Kamy Saeedi Law
GPO Box 487
Canberra, ACT 2601

By email [REDACTED]

Dear Ms Fisher

The Queen v Bruce LEHRMANN (SCC 261 of 2021)

We refer to your correspondence dated 15 August 2022 concerning a subpoena issued at the request of your client to the Chief Police Officer of the Australian Federal Police (AFP) on 15 June 2022.

The subpoena sought:

1. Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between police and the complainant, **Brittany Higgins** from the period between 25 March 2019 to 14 June 2022 inclusive.
2. Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representatives acting on behalf of the complainant, **Brittany Higgins** from the period between 25 March 2019 to 14 June 2022 inclusive.

As summarised in your correspondence, prior to the subpoena being issued, your client sought disclosure of material in similar terms to that sought by the subpoena. In light of this, you agreed that any material captured by the subpoena could be provided to your office by way of disclosure, and as a result, the subpoena was not pressed.

Following this, we are instructed the AFP complied all material responsive to the subpoena and provided this material to the Office of the ACT Director of Public Prosecutions (DPP) in June 2022. By way of an overview, this material included:

- case note entries regarding AFP members' contact with Ms Brittany Higgins or her representatives;
- email correspondence between AFP members and Ms Higgins or her representatives; and

AFP LEGAL
GPO Box 401
Canberra City ACT 2601

Australian Federal Police
Telephone [REDACTED]

ABN 17 864 931 143
Email: [REDACTED]

afp.gov.au


1

- SMS correspondence between an AFP member and Ms Higgins.

Noting the concern raised in your correspondence, we contacted the DPP regarding this matter. The DPP has confirmed that it has disclosed to you the material provided by the AFP that relates to communications between the AFP and the complainant or her representatives.

We trust this addresses any concern. However, if you have any queries regarding this correspondence, please do not hesitate to contact our office.

Yours sincerely


Stephanie
Lawyer – Operations Legal
Chief Counsel Portfolio
Australian Federal Police

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Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF11 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

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AF2006-421

Approved form under
Court Procedures Act 2004, s 8

page 1

Unauthorised version prepared by ACT Parliamentary Counsel's Office

07/09/2022, 11:01

Kamy Saeedi Lawyers Mail - REQUEST FOR DISCLOSURE: LEHRMANN

**KAMY
SAEEDI
LAW**

Rachel Fisher [REDACTED]

REQUEST FOR DISCLOSURE: LEHRMANN

1 message

Rachel Fisher [REDACTED]

23 August 2022 at 12:04

To: "Priestly, Erin" [REDACTED]

"Greig, Mitchell" [REDACTED]

"Jerome, Skye"

Dear Erin,

Cellbrite

We request that the Cellbrite report is unredacted and provided. We understand that personal contact details have been redacted for but that is not the only material redacted. The Cellbrite is heavily redacted, over 4,500 pages just completely blacked out. This cannot be attributed to personal information. This seems to include communications prior to 23 April 2019. Additionally, the Cellbrite does not provide images shared or movies on the phone, just thumbnails (some of which are redacted). There appears from the report to be hypertext links to the actual images and movies, none of which have been disclosed.

We press for the production of the complete and unredacted cellbrite report which is not "locked down" so as to not be searchable or able to have excerpts extracted from, and notwithstanding the personal information such as contact detail etc. If that cannot be blacked out to allow us to access the cellbrite in a practical way, we will give undertakings to ensure that the material is not disseminated outside the legal team. We note in the course of examining various other material disclosed or produced in this matter personal information in the form of mobile numbers, email addresses and other personal information has already been disclosed to the defence – and we of course respects the private nature of such information.

PROMIS

We have no disclosure of PROMIS entries or police diaries relating to anything done or conducted at Australian Parliament House before 1 April. We press for that material. This material is particularly important given the repeated assertions by the complainant that she first spoke with police at APH on 26 or 27 March 2019.

Additionally, the AFP have confirmed the material disclosed to the DPP in relation to my subpoena contained:

- Case note entries between Ms Higgins or her representatives and the AFP;
- Email correspondence between AFP Members and Ms Higgins or her representatives; and
- SMS correspondence between AFP Members and Ms Higgins.

We do not have such material. We request this material be disclosed forthwith and placed on a USB with all material provided by the AFP to your office in response to that subpoena in June 2022. It is now almost 8 weeks since that subpoena was returnable but not called on after discussions with the AFP and on the understanding that the material set out in the Schedule had been provided to your office and would be disclosed to the defence.

I note that an additional USB was prepared on Friday which contained additional material that we had not yet been provided and I have requested an updated disclosure record request because it is very difficult to ascertain what has and has not been disclosed in this matter. If the material is on that USB, as it contains over 2000 documents, I am still making my way through it - please advise and outline its location.

Further, the PROMIS file as well as the icloud and google data is stated to be too voluminous to disclose. We do not understand that to be a valid basis to refuse disclosure of any of that material. We request disclosure of all the material already provided to the DPP by the AFP and we can reconsider whether it is necessary to press for further disclosure.

07/09/2022, 11:01

Kamy Saeedi Lawyers Mail - REQUEST FOR DISCLOSURE: LEHRMANN

Please advise whether your office intends to comply with this request and if it will be done a timely manner, failing which we will request a listing in front of the Chief Justice.

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

www.kslawyers.com.au

WARNING REGARDING FRAUD AND SCAMS

A number of law firms have reported fraudulent payment details being provided to clients. Kamy Saeedi Law's trust account details do not change. These details will have been provided to you in your costs agreement at the commencement of your matter. We recommend you confirm our trust account details by contacting our office on 02 6230 6600 prior to processing any transfer. You should scan this message and any attached files for viruses. Kamy Saeedi Law does not accept any liability for any loss caused either directly or indirectly by a virus arising from the use of this message or any attached file.

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Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

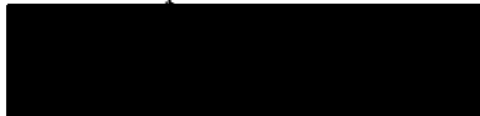
THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF12, shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

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AF2006-421

Approved form under
Court Procedures Act 2004, s 8

page 1

Unauthorised version prepared by ACT Parliamentary Counsel's Office

Thank you for your email of 23 August 2022 in relation to disclosure in the R v Lehrmann matter seeking the following:

- 1) Unredacted Celebrite report.
- 2) Images shared or movies on the phone that are not thumbnails.
- 3) All case notes, email and SMS correspondence between Higgins and AFP.
- 4) PROMIS file.
- 5) iCloud and Google data.

The Prosecutions duty of disclosure is outlined at section 4 of the Prosecution Policy as follows:

4. DISCLOSURE

4.1 *The prosecution is under a continuing obligation to make full disclosure to the accused in a timely manner of all material known to the prosecution which can be seen on a sensible appraisal by the prosecution:*

- *to be relevant or possibly relevant to an issue in the case;*
- *to raise or possibly raise a new issue whose existence is not apparent from the evidence the prosecution proposes to use; or*
- *to hold out a real as opposed to fanciful prospect of providing a lead to evidence which goes to either of the previous two matters.*

4.2 *The prosecution is also under a duty to disclose to the defence information in its possession which is relevant to the credibility or reliability of a prosecution witness, for example:* • *a relevant previous conviction or finding of guilt;*

- *a statement made by a witness which is inconsistent with any prior statement of the witness;*
- *a relevant adverse finding in other criminal proceedings or in non-criminal proceedings;* • *evidence before a court, tribunal or Royal Commission which reflects adversely on the witness;*
- *any physical or mental condition which may affect reliability;*
- *any concession which has been granted to the witness in order to secure their testimony for the prosecution.*

4.3 *The prosecution must fulfil its duty of disclosure as soon as reasonably practicable. The prosecution's duty of disclosure continues throughout the prosecution process and any subsequent appeal.*

4.4 *In fulfilling its disclosure obligations the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone*

number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.

4.5 The prosecution's duty of disclosure does not extend to disclosing material:

- relevant only to the credibility of defence (as distinct from prosecution) witnesses;*
- relevant only to the credibility of the accused;*
- relevant only because it might deter an accused from giving false evidence or raising an issue of fact which might be shown to be false; or*
- for the purpose of preventing an accused from creating a forensic disadvantage for themselves, if at the time the prosecution became aware of the material it was not seen as relevant to an issue in the case or otherwise disclosable.*

4.6 The prosecution may refuse to disclose material on the grounds of public interest immunity or legal professional privilege.

4.7 Where material has been withheld from disclosure on public interest grounds, the defence should be informed of the claim of immunity and the basis for the claim in general terms unless to do so would reveal that which it would not be in the public interest to reveal. In some cases it will be sufficient to delay rather than withhold disclosure. For example, if disclosure might prejudice ongoing investigations, disclosure could be delayed until after the investigations are completed.

4.8 Legal professional privilege will ordinarily be claimed against the production of any document in the nature of an internal DPP advice or opinion. Legal professional privilege will not be claimed in respect of any record of a statement by a witness that is inconsistent with their previous statement or adds to it significantly, including any statement made in conference and any victim impact statement, provided the disclosure of such records serves a legitimate forensic purpose.

4.9 The duty on the prosecution to disclose material to the accused imposes a concomitant obligation on the police and other investigative agencies to notify the prosecution of the existence and location of all such material. If required, in addition to providing the brief of evidence, the police or other investigative agency shall certify that the prosecution has been notified of the existence of all such material.

4.10 Where known, in accordance with Director's disclosure guideline which has been in effect since 3 August 2020 (see Annexure 1), the prosecution is under a duty to disclose the existence of:

- (a) Relevant protected material that is subject of a claim of privilege or immunity;*
- (b) Relevant material that is subject of a statutory publication restriction;*
- (c) Relevant unprotected material that is not subject to a claim of privilege or immunity or a statutory publication restriction*

This disclosure policy is consistent with the authority on disclosure.

Further, as outlined in *Mallard v The Queen* (2005) 224 CLR 157 at [17] it is a duty to disclose all relevant evidence that a failure may result in a quashing of a conviction.

We also acknowledge that the duty applies to all material in possession of the prosecution and material which it should obtain: the prosecutorial "obligation to disclose includes, in an appropriate case, an obligation to make enquiries". (see *AJ v The Queen* [2010] VSCA 331 at [22])

With regards to both the material sought, and evidence in general, we confirm that all material and evidence falling within the duty to disclose both within the possession and to the knowledge of the Crown has been disclosed in full.

We further confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that all material both in the possession and to the knowledge of investigators has been disclosed in full.

With specific regard to the redacted Cellebrite report, we confirm that we have received a declaration, supplemented by a further enquiry that has received investigators confirmation on 24 August 2022, that not disclosable material has been redacted.

Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(section 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF13 shown to me when Rachel Fisher made her affidavit on 7 September 2022.


Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

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page 1

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Form 6.13 Certificate identifying exhibit

Court Procedures Rules 2006

(see r 6712 (Affidavit—annexures and exhibits))

In the Supreme Court of the Australian Capital Territory
Criminal jurisdiction

No SCC 264 of 2021

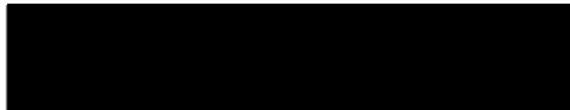
THE QUEEN

And

BRUCE LEHRMANN

Accused

This is the exhibit marked RF14 shown to me when Rachel Fisher made her affidavit on 7 September 2022.



Michael Mascitti of 1/1 University Avenue Canberra ACT 2601

Solicitor

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AF2006-421

Approved form under
Court Procedures Act 2004, s 8

page 1

Unauthorised version prepared by ACT Parliamentary Counsel's Office

From: [redacted] s.whatsapp.net Brittany Higgins (owner)
 To: [redacted] s.whatsapp.net Dabid

Attachments:

Size: 17589258
 File name: f4de47e8-61d3-46b3-bdd7-aaf61a680b5.m4a
 Path: https://img.whatsapp.net/d/AkRi-
 lKdVEHOERml.F8gJfcDFBliNvd6ukvm56jMMV.enc
 f4de47e8-61d3-46b3-bdd7-aaf61a680b5.m4a

Participant	Delivered	Read	Played
[redacted] s.whatsapp.net Dabid	21/05/2021 7:31:57 PM(UTC+10)	21/05/2021 7:31:59 PM(UTC+10)	

Status: Sent
 Platform: Mobile

21/05/2021 7:31:39 PM(UTC+10)

Source info:
 Brittany's
 iPhone/mobile/Containers/Shared/AppGroup/group.net.whatsapp.WhatsApp.shared/ChatStorage.sqlite_0x205807 (Table: ZWAMESSAGE, ZWAMEDIAITEM, ZWAGROUPMEMBER, ZWACHATSESSION, Size: 3530752 bytes)
 Brittany's
 iPhone/mobile/Containers/Shared/AppGroup/group.net.whatsapp.WhatsApp.shared/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist_0x85A (Size: 18285 bytes)
 Brittany's
 iPhone/mobile/Containers/Shared/AppGroup/group.net.whatsapp.WhatsApp.shared/MessageMedia/[redacted] s.whatsapp.net/f444de47e8-61d3-46b3-bdd7-aaf61a680b5.m4a (Size: 17589258 bytes)

[redacted] s.whatsapp.net Dabid

What's this?

Status: Read
 Platform: Mobile

21/05/2021 7:32:28 PM(UTC+10)

Source info:
 Brittany's
 iPhone/mobile/Containers/Shared/AppGroup/group.net.whatsapp.WhatsApp.shared/ChatStorage.sqlite_0x20557D (Table: ZWAMESSAGE, ZWAGROUPMEMBER, ZWACHATSESSION, Size: 3530752 bytes)

From: [redacted] s.whatsapp.net Brittany Higgins (owner)
 To: [redacted] s.whatsapp.net Dabid

Old audio. I'm clearing out my phone ahead of the police

Participant	Delivered	Read	Played
[redacted] s.whatsapp.net Dabid	21/05/2021 7:32:47 PM(UTC+10)	21/05/2021 7:32:47 PM(UTC+10)	

Status: Sent
 Platform: Mobile

21/05/2021 7:32:46 PM(UTC+10)

Source info:
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 iPhone/mobile/Containers/Shared/AppGroup/group.net.whatsapp.WhatsApp.shared/ChatStorage.sqlite_0x2054C6 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, ZWACHATSESSION, Size: 3530752 bytes)
 Brittany's
 iPhone/mobile/Containers/Shared/AppGroup/group.net.whatsapp.WhatsApp.shared/Library/Preferences/group.net.whatsapp.WhatsApp.shared.plist_0x65A (Size: 18285 bytes)

[redacted] s.whatsapp.net Dabid

Ah, fair

Status: Read
 Platform: Mobile

21/05/2021 7:32:53 PM(UTC+10)

Source info:
 Brittany's
 iPhone/mobile/Containers/Shared/AppGroup/group.net.whatsapp.WhatsApp.shared/ChatStorage.sqlite_0x205443 (Table: ZWAMESSAGE, ZWAGROUPMEMBER, ZWACHATSESSION, Size: 3530752 bytes)

Form 6.10A Subpoena to produce documents

Court Procedures Rules 2006

(see r 6602 (Form of subpoena))

In the Supreme Court of the Australian Capital Territory
Criminal Jurisdiction

No SCC 264 of 2022 |



DARREN [REDACTED]
Informant

and

BRUCE LEHRMANN
The Accused

To The Chief Police Officer
Australian Federal Police
C/ - City Police Station
Canberra City ACT 2601



Filed for the **Accused** by Kamy Saeedi Law:
Level 1, 1 University Avenue
GPO Box 487
Canberra ACT 2601



You are ordered:

to produce this subpoena or a copy of it and the documents or things stated in the schedule—see section A

Failure to comply with this subpoena without lawful excuse is a contempt of court and you may be dealt with accordingly.

The last date for service of this subpoena is: 15 June 2022

Please read notes 1 to 16 at the end of this subpoena.

Date: 15 June 2022

Issued at the request of Defendant, whose address for service is:

C/- Kamy Saeedi Law
Level 1, 1 University Avenue
Canberra ACT 2601



A. Details of subpoena to produce

You must comply with this subpoena—

- (a) by attending to produce this subpoena or a copy of it and the documents or things stated in the schedule below at the date, time and place stated for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things stated in the schedule below to the Registrar (*or, for an arbitration under the Commercial Arbitration Act 2017, the arbitral tribunal*) at the address below so that they are received not less than 2 days before the date stated for attendance and production. (*see notes 5-12*)

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things (unless you are given notice under rule 6603A of a later date or time to attend)—

Date: 23 June 2022

Time: 9:00am

Place: ACT Supreme Court

Address where the subpoena (or copy) and documents or things may be delivered or posted—

4 Knowles Place, Canberra City ACT 2601

If you are given notice under rule 6603A stating a date or time for attendance or production or both, you must attend at the date or time stated in the notice.



Schedule

The documents and things you must produce are as follows:

1. Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between police and the complainant, **Brittany Higgins** from the period between 25 March 2019 to 14 June 2022 inclusive.
2. Copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications, between Police and any legal representative acting on behalf of the complainant, **Brittany Higgins** from the period between 25 March 2019 to 14 June 2022 inclusive.



Notes

Last day for service

- 1 You need not comply with this subpoena unless it is served on you on or before the date stated in the subpoena as the last date for service of the subpoena.

Informal service

- 2 Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and its requirements.

Addressee a corporation

- 3 If this subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

- 4 You need not comply with this subpoena unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date when your attendance is required.

Production of subpoena or copy of it and documents or things by delivery or post

- 5 If this subpoena requires you to produce this subpoena or a copy of it and a document or thing, instead of attending to produce the subpoena or a copy of it and the document or thing, you may comply with the subpoena by delivering or sending the subpoena or a copy of it and the document or thing to the Registrar (*or, for an arbitration under the Commercial Arbitration Act 2017, the arbitral tribunal*) at the address stated for the purpose in the subpoena so that they are received not less than 2 days before the date stated in the subpoena for attendance and production or, if you are given notice under rule 6603A, before the later date stated in the notice.



- 6 If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or anyone else, you must tell the Court about your objection and the grounds of your objection either orally on the return date for this subpoena or in writing before or after the return date.
- 7 Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to this subpoena being inspected by any party to the proceeding, the Registrar may allow the parties to the proceeding to inspect the document or thing.
- 8 If the material you produce to the Court is or includes any original document, the Court will return all of the material to you. You must complete the declaration which is attached to this subpoena and specify your address for return of this material. If you have elected to produce copies of any subpoenaed documents and declare this when completing your declaration, those copies will be destroyed, without further notice, 4 months after the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

Production of a number of documents or things

- 9 If you produce more than 1 document or thing, you must, if asked by the Registrar (*or, for an arbitration under the Commercial Arbitration Act 2017, the arbitral tribunal*), produce a list of the documents or things produced.

Production of copy instead of original

- 10 If the subpoena requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
- 11 The copy of the document may be—
- (a) a photocopy; or
 - (b) in PDF format on a CD-ROM; or
 - (c) in any other electronic form that the issuing party has indicated will be acceptable.



Applications in relation to subpoena

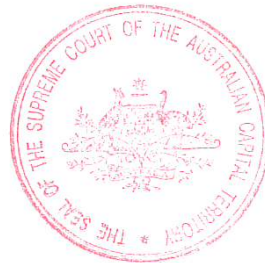
- 12 You have the right to apply to the Court—
- (a) for an order setting aside this subpoena (or a part of it) or for relief in relation to the subpoena; and
 - (b) for an order in relation to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

- 13 If you are not a party to the proceeding or arbitration, you may apply to the Court for an order that the issuing party pay (in addition to any conduct money and any witness expenses) the amount of any reasonable loss or expense, including legal costs, incurred in complying with this subpoena.

Contempt of court

- 14 Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
- 15 Note 14 does not affect any power of the Court to enforce compliance with a subpoena, including the power to issue a warrant for the arrest of an addressee who does not comply with a subpoena.
- 16 Failure to comply with a subpoena may also be a criminal offence (see Criminal Code, s 719 (Failing to attend) and s 720 (Failing to produce document or other thing)).



**Form 6.10C Subpoena—declaration by
addressee**

Court Procedures Rules 2006

(see r 6610 (Disposal of subpoenaed documents and things produced))

In the Supreme Court of the Australian Capital Territory
Criminal Jurisdiction

No SCC 264 of 2021

THE QUEEN

and

BRUCE LEHRMANN
the Accused

Filed for **the Accused** by **Kamy Saeedi Law**
Level 1, Kamy Saeedi Law Building
1 University Avenue
GPO Box 487
Canberra ACT 2601



AF2017-154

Approved form under
Court Procedures Act 2004, s 8

Unauthorised version prepared by ACT Parliamentary Counsel's Office



Notice to addressee

The *addressee* is the person to whom the subpoena is addressed, and who will be the recipient of the subpoena.

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of the document may be—

- (a) a photocopy; or
- (b) in PDF format on a CD-ROM; or
- (c) in any other electronic form that the issuing party (the party that issued the subpoena) has indicated to you will be acceptable.

You must complete the declaration below, attach it to the subpoena or a copy of the subpoena and return them with the documents or things you provide to the Court under the subpoena.

If you declare that the material you produce is copies of documents, the Registrar may, without further notice to you, destroy the copies at the end of 4 months after the end of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in relation to the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address stated by you in the declaration below.

Declaration by addressee (subpoena recipient)

(tick the relevant option below, provide your address as appropriate, sign and date)

- All** of the material I am providing to the Court in response to the attached subpoena is copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.



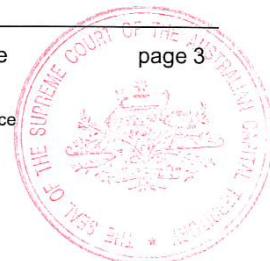
- Some or all** of the material I am providing to the Court in response to the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address:

(state address)

(signature of addressee)

(name of addressee)

Date:





Your ref. SCC 264/2022 Our ref. [REDACTED]

23 September 2022

The Registrar
 Supreme Court of the ACT
 4 Knowles Place
 Canberra City ACT 2601

Dear Registrar

R v Lehrmann – SCC 264/2022 - response to Chief Police Officer subpoena

We refer to the enclosed subpoena for production of documents which was served on the AFP (on behalf of the Chief Police Officer) on 16 September 2022. We act for the Chief Police Officer and the AFP in connection with the subpoena.

The schedule to the subpoena seeks the following:

Copies of the *'Investigative Review Document'* or any document which outlines versions of events as supplied by the complainant, Ms Brittany Higgins during the course of her engagements with the Australian Federal Police since 2019, including any documents that outline subsequent discrepancies.

The subpoenaed party produces the eight enclosed documents in response to the subpoena:

Document	Date	Description
1	7 June 2021	Executive brief from Detective Superintendent Scott Moller to Commander Michael Chew (DCPO-R) titled "Seeking direction in relation to Operation COVINA – alleged sexual intercourse without consent, Australian Parliament House 23 March 2019" Annexure A to the brief, titled "Investigation into alleged sexual assault at Parliament House: Media Options", has been omitted.
2 (attachment to Doc 1)	4 June 2021	Minute from Detective Inspector Marcus Boorman to DCPO-R titled "Op Covina Direction/Decision – Alleged sexual assault Australian Parliament House 23 March 2019"
3	28 July 2021	Investigative review – Operation Covina
4	Undated	Document titled "Identified discrepancies"
5	Undated	Document titled "DISCREPANCIES"

Australian Government Solicitor

7	8 February 2020	Executive briefing to Detective Inspector Marcus Boorman titled "Alleged Sexual Assault – PROMIS 6381473"
8	6 May 2021	Document titled "Briefing for CPO – 6 May 2021"
9	3 April 2019	Email chain: "FW: CNE - Alleged Sexual Assault"

One minor redaction has been made to Document 3 on the basis of legal professional privilege. Redactions have also been made to information contained in Documents 2, 4 and 8 which comprise a "protected confidence" within the meaning of s 79A of the *Evidence (Miscellaneous Provisions) Act 1991* (ACT).

The AFP has withheld from production one document (Document 6) on the basis that it is wholly subject to legal professional privilege.

Order of 21 September 2022: particulars of privilege claims

In compliance with the orders made by the Chief Justice on 21 September 2022, we set out below the particulars of the privilege claims made in respect of the material not produced.

Document	Description	Basis for claim
2, 4 and 8	As above – partial claim	<p><i>Protected confidence</i></p> <p>The redacted material comprises a counselling communication made by or about a person against whom a sexual offence was, or is alleged to have been, committed.</p> <p>References to 'CRCC' are a reference to 'Canberra Rape Crisis Centre'</p>
3	As above – partial claim	<p><i>Legal professional privilege</i></p> <p>The partially redacted sentence is a communication between AFP officers in which a proposal for seeking legal advice is outlined. It reveals the substance of questions proposed to be put to the ACT DPP for legal advice.</p>
Document 6	Document titled "Operation Covina summary" saved in file called "review doc for DPP.docx" (undated)	<p><i>Legal professional privilege</i></p> <p>Confidential document prepared by ACT Policing for the purpose of discussions with the ACT DPP.</p>

Australian Government Solicitor

		Detective Sergeant Jason McDevitt created this document as an aide memoire to enable the investigative team's participation in conversations with the ACT DPP, during which legal advice was sought from the ACT DPP.
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A copy of this letter has been provided to the ACT DPP and to the lawyers acting for the defendant.

Yours sincerely



Harry
Lawyer





AFP
AUSTRALIAN FEDERAL POLICE

PROTECTED

ACT Policing

Date in: 9/06/2021	CMS: 2021/2018
Importance	PRIORITY

Subject	Seeking direction re Operation COVINA		
To	DCPO - R	Functional Area	ACT Policing
For	decision	Action Officer	Detective Superintendent Scott Moller
	By ASAP		
Through		Comments to EA	
CC			

Final Approval	
Name: Michael Chew Position: DCPO - R	Signature:
Date:	
Comments:	

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PROTECTED

Comments:		
Name/Position:	Signature:	Date:

Comments:		
Name/Position:	Signature:	Date:

Comments:		
Name/Position:	Signature:	Date:

Comments:		
Name/Position:	Signature:	Date:

PROTECTED
Sensitive: Legal



AFP
 AUSTRALIAN FEDERAL POLICE

Executive Briefing

Addressee DCPO - R

Title Seeking direction in relation to Operation COVINA - alleged sexual intercourse without consent, Australian Parliament House 23rd March 2019.

Action required:

For information and decision

Deadline:

ASAP

Reasons for proposed actions:

Please find attached at annexure B & C a summary report and time line of disclosures made in relation to Operation COVINA. Operation COVINA is a current investigation being conducted by ACTP Criminal Investigations in response to an allegation of Sexual Intercourse without Consent, contrary to section 54 (1) *Crimes Act 1900* made by Ms Brittany Higgins (Ms Higgins).

54 (1) - Sexual Intercourse without Consent

A person who engages in sexual intercourse with another person without the consent of that other person and who is reckless as to whether that other person consents to the sexual intercourse is guilty of an offence punishable, on conviction, by imprisonment for 12 years.

The investigation to date has identified a number of potential evidentiary and psychological issues that may affect any future prosecution. The complete brief of evidence is stored electronically and can be reviewed by accessing file path:

S:\ACT\rhq\CI-ACTP\CI Teams\SACAT\Investigations\Madders\02 - Active Investigations\PROMIS 6381473 - Operation Covina

Throughout the investigation Ms Higgins has been evasive, uncooperative and manipulative including:

- Since the reactivation of the investigation police have requested on numerous occasions for Ms Higgins to provide the mobile phone she was utilising at the time of the incident for examination. She repeatedly refused to provide this phone however she has since provided her current phone for examination not the phone she utilised at the time of the alleged incident.
- Investigators identified phone messages which indicate Ms Higgins deliberately deleted content from her phone prior to providing it to police. "I'm clearing out my phone ahead of Police". This message precedes the sending of an audio file by Ms Higgins to Mr Sharaz.
- Ms Higgins made a number of disclosures publicly, and to Op COVINA Investigators over an extended period that she had sought medical attention, including visiting

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Doctors and receiving the morning after pill following the alleged incident. In spite of extensive inquiries, no records have been identified for Ms Higgins receiving any medical assistance after the incident.

- On 26th May 2021, an EIC was conducted between investigators and Ms Higgins where investigators sought to clarify the nature of the medical care Ms Higgins received after the alleged incident. During this clarification, Ms Higgins admitted that she had not in fact sought medical attention for the alleged sexual assault and had lied to placate [REDACTED] whom she was seeing at the time.
- Investigators identified a message exchange on Ms Higgins phone approximately one month prior to the alleged incident in March 2019 whereby she discussed inappropriate behaviour by staffers at Parliament House. During this exchange Ms Higgins agreed with her then partner about the need for an impressive political sex scandal. She said, "Exactly! A sex scandal the party can be proud of. Another Barnaby but without the baby ha ha".
- Investigators also identified a message exchange on Ms Higgins phone whereby she states "Fuck it, if they want to play hard ball, I'll cry on the Project again because of this sort of treatment".
- Investigators also identified in the Notes section, what seems to be a diary entry or mantra. "I am not scared, I don't want to be a politician, this never felt like your world, you were just a tourist, this is more than you expected, they did something terrible, they deserve to be held to account, Bruce raped you, he got away, they were complicit, they manipulated you, they made you feel [REDACTED] they didn't care, you are not the liberal party, they wiped your phone, they continue to silence you, they are predators, systematically facilitating this behaviour, you are doing the right thing, move beyond them."
- [REDACTED]

Ms Higgins credibility is the cornerstone of the prosecution case and given the above articulated issues and that there is limited corroborative evidence of sexual intercourse taking place or consent being withdrawn or not provided investigators have serious concerns in relation to the strength and reliability of her evidence but also more importantly her mental health and how any future prosecution may affect her wellbeing.

ACTP/CI are committed to a victim-centred approach which investigators adopt towards sexual assault victims and encourages positive steps be taken to maximise opportunities for victims to recover. A victim's right to recovery is respected and takes priority. With this in mind and appreciating the mental health concerns identified during the investigation I believe Ms Higgins is at risk of self-harm should this matter progress to prosecution, however Ms Higgins has stressed that she is committed to this investigation no matter what the outcome.

Resource Implications:

- The analysis of 32,736 phone messages and 173,531 media files contained on the mobile telephone Ms Higgins handed to police is ongoing.
- Eleven further statements locally and interstate are to be obtained, however are not crucial to the brief of evidence.

Consultation:

Op Covina Investigation team
ACT DPP

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Sensitive: Legal

Expected Reaction:

Positive.

Recommendation:

1. For decision/direction re progression of Op Covina.
2. Attached (Annexure A) media plan/options for your decision/direction.
3. Should you believe the attached brief of evidence meets the threshold as set out in Section 26 of the *Magistrate Courts Act 1930* please forward to ACT DPP for their



Scott Wilson
Detective Superintendent
SIO Operation COVINA

070621



AFP
AUSTRALIAN FEDERAL POLICE

Minute

Addressee DCPO-R [REDACTED]

Through: Supt-C [REDACTED]

Title Op Covina Direction / Decision – Alleged Sexual Assault Australian Parliament House 23 March 2019

Action Decision

Deadline As soon as possible

ACT Policing (ACTP) Criminal Investigations (CI) are investigating the reported alleged sexual assault of Ms Brittany Higgins (Ms Higgins) which allegedly occurred at Australian Parliament House (APH) on Saturday 23 March 2019, contrary to section 54 (1) *Crimes Act 1900*.

Investigators at this juncture have a number of concerns regarding inconsistencies in disclosures and other evidence obtained during the investigation. In light of the issues identified, serious concerns exist as to whether there is sufficient evidence to prove the alleged offence.

The content of this report should be read in conjunction with the contents of the electronic preliminary brief of evidence for the purposes of a review or legal opinion if deemed necessary.

Background

On Friday 22 March 2019, members of staff for the Hon Linda Reynolds, Senator for Western Australia, Minister for Defence industry, participated in after work drinks at The Dock bar in Kingston and the 88mph bar in Civic, in the ACT.

Ms Higgins in the company of Mr Bruce Lehrmann (Mr Lehrmann) and two other colleagues attended 88 MPH bar in the city. At the end of the evening, in the early hours on Saturday 23 March 2019, Ms Higgins and Mr Lehrmann took an Uber to APH arriving about 2.00am.

Mr Lehrmann and Ms Higgins proceed through APH Security and were escorted to the Minister for Defence Industry Suite where they were given access by security. Ms Higgins alleges Mr Lehrmann then engaged in non-consensual sexual intercourse with her in the Minister's Office and left.

Mr Lehrmann has strongly rejected the allegation of engaging in non-consensual sexual intercourse with Ms Higgins in the Minister's Office. Mr Lehrmann alleges upon entry to the Minister Suite he went to his desk, worked on a number of Question Time files as a result of conversations he had earlier that night with Department of Defence personnel, collected his belonging and left about 2.30am. Mr Lehrmann alleges Ms Higgins upon entry proceeded to the Ministers (private) office and he did not see her again.

APH Security conducted a welfare check on Ms Higgins about 4:20am and located Ms Higgins naked and asleep on the couch in the Minister's suite, private office.

On Monday 1 April 2019, Ms Higgins contacted the Australian Federal Police (AFP) Protection Liaison (PL) - APH with the assistance and support of the Minister for Defence Industry, Chief of Staff, Ms Fiona Brown. Ms Higgins did not participate in a formal statement after the investigation process was explained to her by police.

[REDACTED] As a result of the above, both individuals were questioned by Minister Reynolds - Chief of Staff, with Mr Lehrmann's employment subsequently terminated in relation to the security breach.

On Thursday 4 April 2019, the sexual assault allegation was subsequently referred to ACTP – Sexual Assault and Child Abuse Team (SACAT) for further investigation.

On Monday 8 April 2019, a 'Meet and Greet' was conducted with Ms Higgins, SACAT investigators and counsellors from the Canberra Rape Crisis Centre at Winchester Police Centre.

On Saturday 13 April 2019, Ms Higgins confirmed she did not wish to proceed with the investigation and declined the opportunity to provide a formal statement in relation to the matter.

On Wednesday 11 December 2019 the investigation was subsequently finalised following enquiries [REDACTED] respecting Ms Higgins wishes.

On Friday 5 February 2021, Ms Higgins contacted the ACTP and attended Belconnen Police Station where she requested to speak with investigators from SACAT regarding progressing the investigation reported in 2019.

On Saturday 6 February 2021, Ms Higgins and her partner, David Sharaz (Mr Sahraz), attended Belconnen Police Station for the purposes of a 'Meet and Greet' with SACAT investigators. During the meeting, Ms Higgins and Mr Sharaz were provided with information regarding the investigation and court processes.

During this interaction with police, Ms Higgins and Mr Sharaz informed police there were a number of impending media events in relation to this incident, both print and television media, including participation in a recorded interview with television presenter Lisa Wilkinson. Police advised Ms Higgins the intended media events, and subsequent media coverage, may jeopardise any subsequent criminal investigation; however, Ms Higgins made it clear to police she was not willing to provide investigators with a formal statement in relation to the allegations until the media stories had been published. Ms Higgins stated that she wanted to ensure the sexual assault investigation was 'active' in anticipation of the media events.

On Monday 15 February 2021, the pre-recorded interview between Ms Higgins and television presenter Lisa Wilkinson aired on network ten program, The Project. Following this program, extensive media interest was generated regarding the allegations made by Ms Higgins

On Wednesday 24 February 2021, Ms Higgins participated in an Evidence In Chief Interview (EICI) with SACAT investigators and provided a version of events. Investigators discussed with Ms Higgins the value of evidence including the need to examine her mobile phone for potential evidence. Ms Higgins refused to hand over her phone despite being explained the evidential value of the process.

On Monday 19 April 2021, Mr Lehrmann participated in a Record of Interview (ROI) with SACAT investigators, during which he strongly rejected the allegation and provided his recollection of events.

On Tuesday 25 May 2021, Ms Higgins participated in a second EICI during which she acknowledged she had told an untruths regarding her disclosures seeking medical attention after the alleged incident. On this occasion, Ms Higgins provided police with her most current mobile telephone (not the mobile in use at the time of the alleged sexual assault) for examination.

During the course of the investigation, in addition to the EICI's, investigators have obtained numerous witnesses statements, Closed Circuit Television Footage (CCTV), telecommunication data, photographs and other documentary evidence.

Issues

Disclosure - HIGGINS

Disclosure of this incident has 8 significant components:

1. Disclosure to [REDACTED] (26 March 2019)
2. Disclosure to Fiona Brown (2019)
3. Disclosure to AFP-SIDL [REDACTED] (2019)
4. Disclosure to ACTP-CI-SACAT (2019)
5. Disclosure to Michaelia Cash (2021)
6. Disclosure to the Project (2021)
7. EICI (February 2021)
8. EICI (May 2021)

The following is a time line of the disclosures made by Ms Higgins of this incident. This is a **SUMMARY ONLY**, full reference material utilised to provide this summary can be located on the attached E-BRIEF:

23 MARCH 2019	
<ul style="list-style-type: none"> • 10.08am 23 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> • Phone Call. [REDACTED] missed a phone call from Ms Higgins on 22 March 2019 at 10.39pm • Ms Higgins told [REDACTED] she had went back to APH for a 'party' or 'back for drinks' or similar; • Shut down the conversation when probed further; • [REDACTED] thought she had hooked up with someone.
<ul style="list-style-type: none"> • Return Home - Flatmates • Brittany states that she was distressed when she returns home and her flatmate thought this was odd. 	<ul style="list-style-type: none"> • Statement from [REDACTED] (Registered nurse) does not recall Ms Higgins being distressed or emotional during the weekend
26 MARCH 2019	
<ul style="list-style-type: none"> • 12.00pm Mr Lehrmann summonsed to Fiona Brown's office regarding security breach. Meeting ends with Bruce packing his items and leaving the building. • At 1.14pm Mr Lehrmann had left the building. • 1.30pm Ms Higgins has a meeting with Fiona Brown 	
<ul style="list-style-type: none"> • Following the meeting at 1.57pm 26 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> • Text message thread to ex-lover [REDACTED] • 'So, I think I may not continue to be employed with Linda'. • 'I genuinely don't know how it is going to play out/how I want it to play out'.

	<ul style="list-style-type: none"> • 'So on Friday night I ended up in the minister's office, it didn't play out how I made out'. • 'I was barely lucid, I don't feel like it was consensual at all' 'I just think if he felt it was ok, why would he just leave me there like that'.
<ul style="list-style-type: none"> • 1.30pm - 26 March 2019 - Fiona Brown 	<ul style="list-style-type: none"> • 1.30pm Ms Brown had a discussion with Ms Higgins following knowledge of the security breach. • Ms Higgins stated that she didn't remember accessing the office; she recalled going through the security checkpoint. Recalls being semi naked and waking about 8.00am on the couch. • Asked if she was alright - 'Yes'; • Asked if there was anything else, Ms Higgins shook her head and said "no I am responsible for what I drink and my actions". • Ms Higgins advised that what she had done was a security breach and that PMO would be notified. • Ms Higgins offered EAP support and sent home.
27 MARCH 2019	
<ul style="list-style-type: none"> • 9.53am - 27 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> • 'I went to a GP last night and back at work today'
<ul style="list-style-type: none"> • 27 March 2019 - Fiona Brown 	<ul style="list-style-type: none"> • Conversations with Ms Higgins. Nil disclosures throughout the day to Ms Brown
28 MARCH 2019	
<ul style="list-style-type: none"> • 28 March 2019 - Fiona Brown 	<ul style="list-style-type: none"> • Brought into the office, discussions surrounding the security breach; • Requested to sign Ministerial code of conduct. • 'I recall him being on top of me'. • At 7.53pm that same date, Ms Higgins texted Ms Brown and advised that she had made a medical appointment and would be working from home on 29 March 2019.
<ul style="list-style-type: none"> • 28 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> • Went for a coffee following the meeting. • Disclosed had been at 88MPH; drinking with Mr Lehrmann and others. • Disclosed that she had went back to APH for further drinks. • Went back to APH, woke up with him on top her.
1 APRIL 2021	
<ul style="list-style-type: none"> • 1 April 2019 - [REDACTED] (SIDL) (Taken from Diary notes) 	<ul style="list-style-type: none"> • Was having drinks at The Dock bar with Work colleagues including Mr Lehrmann. • Went to the City (NFD) and had further drinks. Things get a little hazy here. • Recalls falling over at some point

	<ul style="list-style-type: none"> • While sitting in the booth, Mr Lehrmann got 'a little handsy, I didn't really mind'. • Got into a taxi (Uber) - gave Bruce my address. Next recall being at APH. • Talking about a storm in QLD. • Couldn't write my name in the security log, gave a version of my signature. • Recall being in the Minister's office. • Recall him being on top of her. • Mr Lehrmann said something about finishing and I said something like 'No don't'. • Mr Lehrmann left I just stayed there. • Felt grossed out because I could smell what had happened on me. • Was sick in the bathroom. • Saw stains all over the top of my dress (dark). • Had dealings with Mr Lehrmann on the Monday and Tuesday. • Has been to Phillip Medical Centre to get tests done - awaiting results.
<ul style="list-style-type: none"> • Notes from Rebecca [REDACTED] 	<ul style="list-style-type: none"> • Mr Lehrmann told her to 'Play along'.
2 April 2019	
<ul style="list-style-type: none"> • 2 April 2019 - CRCC 	[REDACTED]
8 APRIL 2019	
<ul style="list-style-type: none"> • 8 April 2021 - Meet and Greet with ACTP CI SACAT (S/C Harman) (Taken from Diary notes. 	<ul style="list-style-type: none"> • Got an Uber from The Dock bar to the City. • She went to one other venue (a bar) in the City - she did not know the location and stated that she would ask a friend and advise me. • She was intoxicated and Bruce signed her name for her. • Work spoke with her on Wednesday 27/03/2019 and asked her what had happened surrounding the security breach. • She reported the sexual assault and work told her that if she wanted to report it (to Police) she could and they would not stop her, they just wanted to know if she did. • She stated she had photographs of the evening on her phone and she was asked not to delete them. • Ms Higgins stated she was unsure if protection was used in the intercourse and she stated she had not sought any

	<p>medical attention. I discussed seeing a GP or the option of attending the sexual health clinic/FAMSAC. She accepted the offer for me to make enquiries with FAMSAC/the Sexual Health Clinic and providing those details to her.</p> <ul style="list-style-type: none"> • She advised that work would give her time off to attend or she could go on the weekend. • Discussed the value of evidence available now versus later and the potential importance of CCTV/Clothing etc.
<p>29 January 2021 – Ms Higgins submits her resignation to ██████████ COS to Minister Michaelia Cash. Following this, Ms Higgins records a telephone conversation with Minister Cash (Open source, 4Corners interview indicates this date to be 5 February 2021)</p>	
<p>5 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Minister Cash 	<ul style="list-style-type: none"> • Invited defence industry contacts to drinks. • Mr Lehrmann had a record of bullying Ms Higgins within the office, everyone knew about it. • Very inebriated. • 'I last remember passing out on the couch, remember him assaulting me, I had a struggle with him and he wouldn't stop, then he left and I couldn't get off the couch'.
<p>THE PROJECT – 15 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Lisa Wilkinson • (Full transcript can be provided) 	<ul style="list-style-type: none"> • Mr Lehrmann was buying her a lot of drinks. • Ms Higgins fell over in front of a lot of people. • Showed no romantic interest towards Mr Lehrmann. • He said 'just be quiet'. • Not sure if Mr Lehrmann guided her there, or if Ms Higgins made her own way there, but she ended up on the couch. • First thing that awoke Ms Higgins was pain. • My leg was kind of being crushed. • He was clearly almost finished, I woke up mid-rape, he was sweaty, I couldn't get him off me, I started crying. • I told him to stop, at least half a dozen times, I was crying the whole way through it, he didn't speak with me the entire time. • Eventually he stopped and got up, he just looked at me, I couldn't get up and he just left. • Presents the bruise as an injury sustained that night during the incident. • My dress was up around my waist, the straps were kind of down, I was pretty dishevelled. • I was scared I was at work.

	<ul style="list-style-type: none"> I got home and my roommate thought it was kind of weird.
EICI – 24 FEBRUARY 2021	
<ul style="list-style-type: none"> 24 February 2021 – Ms Brittany Higgins (Full EICI transcript can be provided) 	<ul style="list-style-type: none"> Mr Lehrmann was buying Ms Higgins a lot of drinks. Went to 88 MPH Bar, where Ms Higgins recalls falling over. Mr Lehrmann said he had to pick something up from work (APH). I've just sort of pieced together what I thought happened. 'Just be quiet or they won't let you in'. Difficulties signing her name due to Intox. 'something about me being so drunk I couldn't sign my own name'. I was falling all over the place, I fell over at Parliament. Don't recall interactions with security guard. Recalls sitting on a ledge in the Ministers Office. Next thing I recall is being on the couch and he was raping me. I felt like he was almost finished. The first thing that I sort of woke up to was a pain in my leg. My head was on the top end of the couch closest to the door, he had his knee on my thigh. I was stuck in a corner and couldn't get him off me. I was crying throughout the entire process, I said no at least a half dozen times, he did not stop, he kept going, to my knowledge he finished but I'm not exactly sure. I've always assumed that he finished in me, but I'm not sure He looked at me and left, I couldn't get up off the couch and I passed out until the next day. I ate most of a box of chocolates. Was sick in the Minister's bathroom. Went home, saw roommate, I said that I had been at APH after a good night out. I spent the entire weekend sort of bunkered down, sort of essentially in hysterics crying. Disclosed to Ms Brown on Tuesday 26 March 2019. Was drinking Vodka Lime and Soda. Drank the whole gauntlet, Rum and Coke, shots. Adversarial relationship with Bruce – Came to the attention of Fiona Brown. Recalls sitting in a booth with everyone at 88MPH. Recalls dancing.

	<ul style="list-style-type: none"> • No commentary about Mr Lehrmann at 88MPH. • I've always had in my mind and known that it was 88MPH. • It's as drunk as I have ever been in my whole life. • Cant recall if it was an uber or a taxi, but believes it was a Taxi. • Doesn't recall much in the taxi, at that point I was focussed on not being sick, I felt very ill. • Mr Lehrmann wanted to stop in and get something from work. • Doesn't really carry much cash. • My dress was on my body, but it was scrunched up, around my waist. • As soon as I came too I started crying. • I felt like he finished in me but I cant be sure, a strange moment of eye contact. • He definitely didn't have pants on. • I kind of remember him getting dressed, I remember him looking at me, strange eye contact, I didn't say anything, he didn't say anything, then he left. • I was sick in the Minister's toilet. • The next thing I remember is security yelling at me, they didn't come in just yelling. • Probably around 8am. • Doesn't recall waking up at all between assault and 8 am. • Security said, 'Is everything ok in there, I replied 'I'm Fine'. • Defence Liaison Officer's office, found a box of chocolates. • Clothing was still around waist when she woke up. • When I got home my room mate tried to introduce me to her friend [REDACTED] I was quite distressed. • My room mate thought that it was weird. • No communication with him over the weekend, he was in the office on Monday. • I remember he bought me a coffee. • I was trying to over compensate, broadly nice to him. • Thought he was single at the time.
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Disclosures differ in detail: • Timing of disclosure • Communication the next day via personal email (CONTENT UNKNOWN) • Communication via work email 'Hi Bruce, I'm phoning a friend'
<p>ECI - 26 MAY 2021</p>	
<ul style="list-style-type: none"> • 26 May 2021 - Ms Brittany Higgins • (Full ECI transcript can be provided at a later date) 	<ul style="list-style-type: none"> • TRANSCRIPT UNABLE TO BE PROVIDED AT THE TIME OF AUTHORIZING.

<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Ms Higgins advises that she told [REDACTED] that she went to GP to placate him and that she did not actually go and see a GP. • Ms Higgins states that she did not take the morning after pill. • Ms Higgins states that she had a pregnancy test in Perth (First disclosure)
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Record of Interview LEHRMANN

On 19 April 2021, Mr Lehrmann participated in ROI; full reference material utilised to provide this summary can be located on the attached E-BRIEF:

<ul style="list-style-type: none"> • 19 April 2021 • Informant – Marcus Boorman • Corroborator – Emma Frizzell • (Full transcript can be provided) 	<ul style="list-style-type: none"> • Rejects the allegation. • Drinks at The Dock bar, accepts that he may have been invited by Ms Higgins. • Only had one or two drinks at the Dock, I was not intoxicated at all. • Believes it was his idea to attend 88MPH. • Only spent \$40 at 88MPH. • Sitting in a booth. • They would have all been dancing, though he doesn't recall specifics. • Doesn't recall anyone falling over • I had to go to APH to pick up the keys to my apartment where I was living with my Girlfriend. • Ms Higgins said she needed to go to APH too. • Mr Lehrmann booked the Uber. • Had conversations in the Uber about [REDACTED] • About how it was a good night. • Said they could split an Uber. • Both didn't have their passes. • Mr Lehrmann buzzed the intercom at the front to gain access to the security check point. • I've provided my ID and signed for a pass. • Confirmed his handwriting for his name on the security log. Provided • Confirmed entry of Ms Higgins not his handwriting. • He was 7/10 intoxicated, as was Brittany, he described intoxication level to be 'moderate' explaining he could still hold conversations. • Put items through security scanner and waited for Brittany to put her shoes back on. • I was not intoxicated to a point where I couldn't sign in or do those things. • Under the belief that if a person was 10/10 intoxicated the security staff would deny entry.
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	<ul style="list-style-type: none"> • Ms Higgins was taking a while to put her shoes back on • Security came and took us to the office, • They opened the door, I turned to the left to my desk, Ms Higgins turned to the right towards the Minister's office. I didn't see her again. • I went to my desk, got what I needed for the weekend. • He collected his belongings and did work on files he had on his desk for Question Time. The notes were in relation to 'Submarines' based on conversations he had earlier that night while out with the personnel from the Department of Defence. • So while it was on my mind I did that. • Ordered myself an Uber and left. • He is unsure if he utilised his work computer or not. • There was no alcohol in the Minister's Suite. He had no alcohol at his desk. • He ordered an Uber about 2:22am -2:25am and left. • He did not see Ms Higgins once they entered, he did not check on her or speak to her. • He was called into a meeting by Ms Brown on Monday in relation to a security breach. • Ms Brown was informed by security that he and Ms Higgins had entered APH after hours which is a security breach and against the Ministerial Code of Conduct. • He was due to cease his employment on the Friday. Ms Brown told him it was probably best to pack his belongings and leave now. He returned to his desk, gathered his belongings and left, leaving his pass at security. • He denied 'pashing' Ms Higgins, however accepted they were all close. • He denied in engaging in sexual intercourse with Ms Higgins.; • He denied entering the Minister's Office. • He denied telling Ms Brown that he and Ms Higgins returned to the office to drink whiskey as there was no alcohol in the office.
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • He denies having drinks in the office. Notes of Ms Brown taken at the time he concedes that he was drinking whiskey and had two glasses while chatting with Ms Higgins.

	<ul style="list-style-type: none"> • He denies any 'pashing' with Ms Higgins which has been independently corroborated as occurring. • He denies having alcohol at his desk. Police have obtained a ROC with [REDACTED] who states that Mr Lehrmann had alcohol in the office. • Mr Lehrmann did not hear his phone ringing at the time due to it possibly being on silent. Mr Lehrmann later ordered an Uber utilising his phone. • Audio file of interaction with security where he states that he has business at APH, denies this during interaction with Ms Brown.
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Discrepancies

During the course of the investigation the following discrepancies have been identified by investigators.

INTOXICATION	
DISCLOSURE	
<ul style="list-style-type: none"> • Mr Lehrmann buying her drinks all night 	<ul style="list-style-type: none"> • CCTV footage does not depict this. • Statement from [REDACTED] states that at 88MPH the group were in shouts. • Financial records of Mr Lehrmann reflects \$16.00 spent at The Dock bar and \$40.00 spent at 88MPH bar.
<ul style="list-style-type: none"> • In relation to intoxication. Ms Higgins states that her intoxication in the Uber was: • <i>'Um, yeah, and at that point I was kind of focussed on not being sick, I felt very ill'; 'Um, I don't think there was much of a conversation, I think I was really quite out of it'</i> and describes her intoxication level as '10/10' drunk - EICI • <i>'I feel like I got super inebriated'</i> - [REDACTED] AFP diary notes • <i>'I couldn't write my name - [REDACTED] AFP diary notes</i> • <i>'Bruce signed her name - Harman AFP Diary notes</i> • <i>'The most intoxicated since schoolies' - EICI 26/5/2021</i> • <i>'I was a mess, I couldn't walk'</i> 	<ul style="list-style-type: none"> • APH CCTV footage depicts Ms Higgins as interacting with security. • APH CCTV shows Ms Higgins smiling and laughing, no signs of sickness or being unwell. • APH CCTV shows Ms Higgins walking without issue in heels. • APH CCTV shows significant conversation and interaction with security. • APH CCTV shows Ms Higgins jogging with a smile towards Mr Lehrmann. • Statement from [REDACTED] (APH Security) describes Ms Higgins as willingly signing her own name. • Describes as slightly intoxicated. • Neither party was slurring. • Wouldn't allow in if Ms Higgins was intoxicated as described in the media. • F/A [REDACTED] notes indicate that there was conversation about a storm in QLD.; • ROI with Mr Lehrmann states conversation about how the night

<ul style="list-style-type: none"> In relation to being shown the sign in sheet 'That's not my handwriting' 	<ul style="list-style-type: none"> went and how [REDACTED] were hooking up. Mr Lehrmann describes their intoxications levels as 7/10 - Moderately intoxicated.
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88MPH Bar

DISCLOSURE	
<ul style="list-style-type: none"> From April 2019 in any interactions with Police, Ms Higgins' did not know where she had been drinking with Mr. Lehrmann, [REDACTED] 	<ul style="list-style-type: none"> Statement obtained from [REDACTED] Ms Higgins told her on 28 March 2019 that she had been at 88MPH. 8 April 2019, SC Harman specifically asked where she had been in the city prior to APH. Ms Higgins stated that she had no idea and would ask friends. Ms Higgins was aware that SC Harman had already collected footage from The Dock bar at this time. EICI states that she's not known why but always known the place to be 88MPH bar. No objective CCTV footage from 88 MPH bar is able to be obtained.
<ul style="list-style-type: none"> Told the Project she had no romantic actions with Mr Lehrmann 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was sitting next to Mr Lehrmann, hands on each-others legs. Also seen 'pashing'. This is corroborated by a text sent by Ms [REDACTED] to [REDACTED] the next day. Ms Higgins observed to be taking 'selfies' of Mr Lehrmann and herself on her mobile phone. Ms Higgins informed SC Harman (SACAT) that she had photos on her phone of the evening that she would keep for Police. ROI Mr Lehrmann denies 'pashing' Ms Higgins but concedes they were close.
<ul style="list-style-type: none"> Ms Higgins fell over 	<ul style="list-style-type: none"> Statement from [REDACTED] supports this. Potentially her injury as documented in the digital image provided to the media supports this. ROI Mr Lehrmann does not recall anyone falling.

THE SCENE

DISCLOSURE	
<ul style="list-style-type: none"> Ms Higgins states that she had her dress up around her hips and the straps down below her shoulders. 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was completely naked in the foetal position. Her dress was on the floor next to her shoes.
<ul style="list-style-type: none"> Ms Higgins states that she had her head towards the door during the alleged sexual assault. Following the alleged assault she fell straight asleep. 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was not found in the position described. Her head was towards the window and feet

	towards the door (180 degree difference).
<ul style="list-style-type: none"> In some disclosures, Ms Higgins states that she was crying throughout the incident. 	<ul style="list-style-type: none"> Statement from [REDACTED] Took attention of her face. Observed a full face of makeup, no signs of crying or distress.
<ul style="list-style-type: none"> Ms Higgins states in EICI (nowhere else) that she ate a whole box of roses branded chocolates 	<ul style="list-style-type: none"> Cleaner, paid special attention to the state of the office. No sign of roses chocolates or wrappers. Cleaner engaged in text conversations at the time. ROC obtained from DLO [REDACTED] who stated there were no chocolates in his office to the best of his knowledge.
<ul style="list-style-type: none"> Ms Higgins describes vomiting in the bathroom 	<ul style="list-style-type: none"> Cleaner, checked the bathroom and toilet for any signs of disturbance or need to be cleaned. Nothing found. Corroborated by text messages and independent phone calls.
	<ul style="list-style-type: none"> Cleaner deliberately checked all bins of the office, looking for condoms, alcohol containers or any signs of a party. Nothing found. Cleaner checked the couch for staining. No stains.

Ms HIGGINS' PHONE	
<ul style="list-style-type: none"> 19 February 2021 	<ul style="list-style-type: none"> Ms Higgins asked to participate in EICI, appointment made. Police informed Ms Higgins her phones would be required.
<ul style="list-style-type: none"> 24 February 2021 	<ul style="list-style-type: none"> EICI conducted, advised Police <u>required to download her phone.</u>
<ul style="list-style-type: none"> 25 February 2021 	<ul style="list-style-type: none"> Declined to provide phone - citing privacy and information sharing concerns.
<ul style="list-style-type: none"> 26 February 2021 	<ul style="list-style-type: none"> Recontacted Ms Higgins, informed of the need for the phone and potential adverse effect if not undertaken at court, example given.
<ul style="list-style-type: none"> 8 March 2021 	<ul style="list-style-type: none"> Contacted Ms Higgins, request she bring phones to appointment.
<ul style="list-style-type: none"> 10 March 2021 	<ul style="list-style-type: none"> Confirmation of appointment with Police on 12 March 2021, will bring phones happy to relinquish for the day.
<ul style="list-style-type: none"> 12 March 2021 	<ul style="list-style-type: none"> Ms Higgins doesn't show for appointment due to urgent legal matter. Open source shows this is the defamation issue with Senator Reynolds resolution. Ms Higgins makes <u>appointment for 15 March 2021.</u>
<ul style="list-style-type: none"> 15 March 2021 	<ul style="list-style-type: none"> Ms Higgins doesn't show. Open source shows Ms Higgins attended March4Justice rally. Introduced to stage by Lisa Wilkinson who states Ms Higgins contacted her on 14 March <u>advising of her attendance.</u>
<ul style="list-style-type: none"> 26 May 2021 	<ul style="list-style-type: none"> Current phone obtained following second EICI.

	<ul style="list-style-type: none"> • Second phone (used at the time of alleged incident) not provided. • Cannot recall iCloud account and password at this time. • Additional mobile phone obtained in February 2021, which has also not been provided to police.
<ul style="list-style-type: none"> • Identified Issues 	<ul style="list-style-type: none"> • Ms Higgins declined to provide her phone on numerous occasions despite being made aware of its importance to the investigation. • Investigators have become aware Ms Higgins obtained an additional mobile phone in February 2021. This phone was not made known to investigators and has not been provided by Ms Higgins. • Ms Higgins stated that she utilises secure applications to communicate with persons. Records of these communications will not show on any Call Charge Records / Reverse Call Charge Records. • Statement from [REDACTED] and admissions from Ms Higgins 'Meet and greet' 2019 - Notes from SC Harman revealed that imagery, including 'selfies', were taken on the night of the incident. • On 26 May 2021, an initial examination of the phone revealed the following text message conversation between Ms Higgins and Mr Sharaz sent on 21 May 2021, following knowledge that Police intended to examine Ms Higgins' phone on 26 May 2021. • 'Old Audio, I'm clearing out my phone ahead of Police' - This message is preceded by the sending of an audio file to Mr Sharaz. • This text implies that data within the phone was deleted prior to Police examination; motive unknown. • Further of interest messages have been identified including 'Fuck it, if they want to play hardball ill cry on the project again because of this sort of treatment'

Note: There are 32736 messages (multiple platforms and formats) to be examined **(NOT YET COMPLETED)**.

There are 173531 media files to be examined **(NOT YET COMPLETED)**.

INJURY TO LEG

- Digital image of injury to right leg provided to media outlets. Ms Higgins states this injury occurred during the assault.



- First disclosure of any injury was to 'The Project' in 2021, no prior mentions.
- Following examination of Ms Higgins' phone the metadata indicates this image was taken on 3 April 2019.
- This injury appears to be of the upper right outside thigh of Ms Higgins, based on disclosure, this leg would have been closest to the back of the couch.;
- Ms Higgins and [REDACTED] both state that she fell up the steps at 88MPH bar – this could be a cause of the injury.
- A physical examination of the couch did not identify any hard surfaces or objects.

MEDICAL ATTENTION/MORNING AFTER PILL

• 27 March 2019	• Text conversation with Mr [REDACTED] Stated that Ms Higgins had 'been to a GP last night and back at work today'.
• 28 March 2019	• Text conversation with Ms Brown. Stated that she had made a GP appointment and would be working from home tomorrow.
• 1 April 2019	• AFP [REDACTED] stated had been to the Phillip Medical Centre and was awaiting test results.
• 2 April 2019	[REDACTED]
• 8 April 2019	• AFP SC Harman. Had not sought medical attention. SC Harman made enquiries on her behalf.
• 2021	• AFP SC Frizzell. Went to Kingston Medical Centre after the incident.
• Issues	<ul style="list-style-type: none"> • Only attendance for Ms Higgins at Phillip Medical Centre is in February 2019. Prior to the alleged offending. • Ms Higgins was not a patient at Kingston Medical Centre until October 2019. 7 months after the alleged offending. • Medicare records show no engagement with medical facilities at the time of the alleged offending. • Morning after pill can be prescribed by a pharmacist within 48 hours of intercourse.

	<ul style="list-style-type: none"> On 26 May 2021, Ms Higgins participated in a second EICI where she stated that she had told ██████████ that she had went to the GP to 'placate' him and his concerns. In relation to the notes made by FA ██████████ regarding 'Phillip medical centre awaiting results - she was maybe thinking of going there, but didn't. She didn't take the morning after pill. She didn't see a Doctor in relation to the sexual assault. Further she states for the first time that she got a pregnancy test (home kit) in Perth - cannot be corroborated.
OTHER VICTIMS	
As a result of the media interest in this investigation, open source reporting has indicated that there are a further four victims relating to Mr Lehrmann. The details are as follows:	
Victim 1	Anonymous person known only to media outlets - has not come forward.
Victim 2	Anonymous person known only to media outlets - has not come forwards
Victim 3 - ██████████	In 2019, met Mr Lehrmann in a bar in Canberra. Was seated at a table with Mr Lehrmann and other people from APH. During this encounter inappropriate jokes and stories were told. Mr Lehrmann looked at ██████████ in a 'suggestive manner' and placed his hand on her clothed thigh. ██████████ left the table. Mr Lehrmann and ██████████ had no further contact
Victim 4 - ██████████	Previous house mate of Mr Lehrmann in Sydney. Mr Lehrmann asked ██████████ for sex on one occasion. ██████████ declined. Nil further action taken by New South Wales Police in relation to this matter.
EMAIL RECORDS	
Examination of Mr Lehrmann's phone	<ul style="list-style-type: none"> Revealed a personal email sent to Ms Higgins' personal account on 24 March 2019. (ONGOING ENQUIRIES IN RELATION TO THIS EMAIL)
Defence email records	<ul style="list-style-type: none"> Email sent to Mr Lehrmann by Ms Higgins on 26 March 2019. Introduction states 'Hi Bruce, I'm phoning a friend' before asking for assistance with a work matter.
Examination of Ms Higgins' phone	<ul style="list-style-type: none"> Personal email unable to be located.

Outstanding Inquires

Investigators are currently attempting to obtain statements from seven interstate witnesses and a further four witnesses within Minister Reynolds office in 2019 regarding disclosures by Ms Higgins or Mr Lehrmann in relation to the matter.

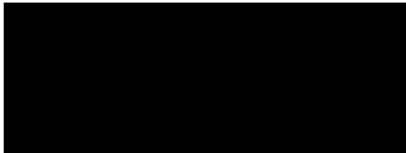
The analysis of Ms Higgins mobile telephone is ongoing and is yet to be completed. Investigators estimate this will take approximately four weeks to complete. Note: Investigators are continuing to identify content on the mobile telephone of concern to the investigation.

Investigators anticipate the outstanding statements will not influence any decision. The exception being the full review currently being undertaken of Ms Higgins mobile telephone.

The author of this report is prepared to meet to clarify or discuss any of the information contained in the report.

Recommendation

The content of this report and associated electronic preliminary brief of evidence be reviewed for decision.



Marcus Boorman
Detective Inspector
Crime Manager Major Crime ACTP
Investigation Manager Op Covina

4 June 2021

[REDACTED]

From: Smith, Andrew
Sent: Tuesday, 3 August 2021 4:11 PM
To: Crozier, Peter
Subject: Operation Covina - Internal Review [SEC=OFFICIAL:Sensitive]
Attachments: Op Covina - Report - ToR - Register.pdf

OFFICIAL:Sensitive

DCPO – AC Crozier

As requested by CPO – Deputy Commissioner Neil Gaughan via Commander Chew attached is the final report, ToR, and document log in relation to an internal review of Op Covina.

Please advise me if you require this to be sent through via another AFP system.

Regards,

Andrew

ANDREW SMITH
COMMANDER INTERNATIONAL ENGAGEMENT
INTERNATIONAL COMMAND

[REDACTED]
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

The Australian Federal Police acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



OFFICIAL:Sensitive

Investigation review

ACT Policing - Chief Police Officer
Deputy Commissioner Neil Gaughan APM

Via: DCPO Assistant Commissioner Peter Crozier

Title of review

Review of Operation Covina (PROMIS 6381473)

Purpose of the review:

The purpose of the review is to undertake a tactical investigative review of Operation Covina in line with the Australian Federal Police (AFP) review standard.

The review has been initiated by ACT Policing Senior Executive, following an investigation into an allegation of a sexual assault occurring at Australian Parliament House (APH) on 23 March 2019. It is noted that the investigation has been oversighted by the Sensitive Investigations Oversight Board (SIOB).

Scope of the review:

The scope of the review will address the following:

- Further avenues of inquiry.
- Consideration of the material already obtained, focussing on the current draft Statement of Facts (SOF), Record of Interview (ROI), Evidence in Chief Interviews (EICIs), statements, Record of Conversations (ROC) and associated entries, documents and/or recordings.
- Any further considerations that may inform the investigation.

The Terms of Reference are attached - Annexure A.

Plan and methodology:

The review examined electronic records pertaining to Operation Covina available within the ACT Policing - Sexual Assault and Child Abuse Team (SACAT) shared drive and associated PROMIS case, 6381473, that were uploaded prior to the 28 July 2021. Not all material contained within the shared drive or PROMIS case was reviewed.

The drive location was identified as:

S:\ACT\rhq\CI-ACTP\CI Teams\SACAT\Investigations\Madders\02 - Active Investigations\PROMIS 6381473 - Operation Covina

OFFICIAL:Sensitive

OFFICIAL:Sensitive

The tactical review will be conducted in two phases:

Phase one: Review the information obtained throughout the investigation, with particular focus on the current draft SOF, ROI, EICIs, statements, ROCs and associated entries, documents and/or recordings.

Phase two: Analyse the avenues of inquiry and consider any further investigative considerations that may assist in obtaining relevant information.

The review was conducted over four days.

Describe the reviewers:

Commander Andrew SMITH [REDACTED] Detective Sergeant Mark [REDACTED] Detective Sergeant Matt [REDACTED] Acting Sergeant Lauren GILLILAND [REDACTED]

Case information

PROMIS number	6381473	Operation name	Covina
Date accepted	4 April 2019	Estimated completion date	Ongoing
CCPM priority	Not applicable	CCPM impact	Not applicable
CCPM client Impact	Not applicable	CCPM value to AFP	Not applicable
Office	ACT – Criminal Investigations	Function	ACT Policing
Crime type	Sexual Assault	Team	SACAT

Briefly summarise the investigation to date:

On 1 April 2019, members of the AFP Protection Liaison Team, based at APH in Canberra, met with Ms Brittany Higgins (Ms Higgins), a Ministerial staff member employed within the office of Senator the Honourable, Linda Reynolds (Minister Reynolds), Minister for Defence Industry. Ms Higgins disclosed to AFP members that she had been the victim of a sexual assault by another Ministerial staff member whom she identified as Mr Bruce Lehrmann (Mr Lehrmann). At the time, Mr Lehrmann was also employed within Minister Reynold's office. It was alleged the incident occurred on the morning of the 23 March 2019, within Minister Reynolds' office, APH, Australian Capital Territory (ACT).

Due to the nature of the allegation, the matter was referred to ACT Policing. SACAT members met with Ms Higgins on 5 April 2019, to commence an investigation into the matter.

On 13 April 2019, Ms Higgins advised via email that she did not wish to proceed with the matter. Notwithstanding Ms Higgins decision, inquiries continued in respect of [REDACTED] evidence, including Closed Circuit Television (CCTV) footage.

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On 5 February 2021, the investigation was re-activated at the request of Ms Higgins.

Material has been obtained that shows Ms Higgins and Mr Lehrmann attended APH and entered their office of employment at approximately 1:41am on 23 March 2019.

In Mr Lehrmann's ROI, he stated that following entry to their office of employment, he and Ms Higgins went to separate areas within the office and had no further interactions with each other on that day. Mr Lehrmann stated whilst he was in his office he conducted some work in line with his duties and collected some of his personal belongings before departing APH.

In Ms Higgins' EICs, she stated that following entry to their office of employment, she moved from sitting by the window to a lounge located within Minister Reynolds' office. There, she laid down and fell asleep. Ms Higgins was later awoken by feeling pressure on her right leg. When she opened her eyes she saw Mr Lehrmann above her engaging in penile/vaginal intercourse. She said "no" to Mr Lehrmann a number of times, but he continued. After an unknown amount of time, Mr Lehrmann got off Ms Higgins, did not say anything to her and left the room. Ms Higgins states she has then fallen back to sleep or passed out.

CCTV footage shows Mr Lehrmann departed APH at 2:33am and Ms Higgins departed APH at 10:01am on 23 March 2019.

Conduct of review

Describe your findings:

Based upon the material considered, the review team has formed an opinion that the investigation was conducted in a thorough, reasonable and proportionate manner, adhering to the lawful requirements for interviewing suspects and witnesses. The exercise of search, seizure and examination of material was lawful, utilising either consent or warrant. The investigation team applied a critical and analytical mindset to the material which identified their avenues of inquiry.

The review team did not identify any significant additional avenues of inquiry. There is nothing to suggest the investigation was inadequate or unprofessional.

The material reviewed reveals:

The accounts of the evening leading up to attending APH are largely consistent. The differences in account are:

- The level of physical contact between Ms Higgins and Mr Lehrmann.

Police notes taken during initial reporting of the incident on 1 April 2019, record that Ms Higgins disclosed that touching and hugging did take place at a club between Mr Lehrmann and herself, prior to their arrival at APH.

During the ROC, conducted with [REDACTED] she stated she observed kissing and touching between Mr Lehrmann and Ms Higgins at 88MPH nightclub in the Canberra City. This is corroborated by a text message sent by [REDACTED] to [REDACTED] on 23 March 2019.

Ms Higgins' EICs and Mr Lehrmann's ROI did not describe the kissing, touching and/or hugging taking place at 88MPH.

OFFICIAL:Sensitive

- The reasons for returning to APH.

There is differing accounts as to why Ms Higgins and Mr Lehrmann returned to APH. Numerous accounts were identified, being consumption of alcohol, conducting work, collection of documents or collecting personal belongings.

Ms Fiona [REDACTED] Chief of Staff to Minister Reynolds, stated in her ROC that Mr Lehrmann's purpose for returning to APH was to consume Whiskey.

- The level of intoxication of Ms Higgins and Mr Lehrmann.

Ms Higgins describes her level of intoxication as being high, including falling over and unable to recall some events of the night. Mr Lehrmann's account of his level of intoxication varied but stated he did not observe anyone so intoxicated that they could not function.

CCTV and accounts of witnesses are inconclusive regarding the level of intoxication, although an APH security officer described Ms Higgins as being intoxicated upon her entry to APH.

There is corroborating material that indicates both Ms Higgins and Mr Lehrmann had consumed alcohol.

The review team is aware that inquiries are continuing in relation to the Uber records of Mr Lehrmann with a focus on arrival at APH.

There are no further avenues of inquiry that the review team can recommend in respect to the activities prior to attending APH.

Within the Ministerial suite there are two different accounts of what occurred between 1:48am and 2:31am on 23 March 2019.

Ms Higgins' account is obtained through two EICs conducted in 2021, during which she stated that she was sexually assaulted by Mr Lehrmann.

Mr Lehrmann's account is obtained through a formal ROI, conducted in 2021, during which he denied any physical contact or having sexual intercourse with Ms Higgins within APH.

ROC with [REDACTED] (APH Security), indicated that about 4:20am, Ms Higgins was observed laying fully naked on the lounge. She observed her dress and shoes to be on the floor.

ROC with [REDACTED] (APH cleaner), did not identify any significant cleaning required of the Ministerial suite on the afternoon of 23 March 2019.

The review team has viewed CCTV footage of Ms Higgins and Mr Lehrmann's entry and exit of APH, it is noted that there is no footage of [REDACTED]

It is recommended that further inquiries be conducted to obtain this footage. Other than the footage, there are no further avenues of inquiry that the review team can recommend in respect to what occurred within the Ministerial office.

Due to the time elapsed between the alleged offence taking place and EICs being conducted there is:

- No forensic evidence of sexual assault;
- No physical evidence of sexual assault; and
- No medical evidence of sexual assault.

OFFICIAL:Sensitive

There are no further avenues of inquiry that the review team can recommend in respect to what occurred within the Ministerial office to obtain forensic, physical or medical evidence.

Since the investigation recommenced on 5 February 2021, SACAT have undertaken extensive inquiries in relation to this matter. This has included numerous ROCs, statements, searches and inquiries in relation to obtaining evidentiary material.

The primary material are the accounts provided by Ms Higgins and Mr Lehrmann. The only direct material of a sexual assault are the disclosures and EICs of Ms Higgins.

Based upon the current draft SOF, ROI, EICs, statements, ROCs and associated entries, documents and/or recordings, it is highly probable the credibility of witnesses will be an issue in any proceedings. The review team acknowledges that the Court is the proper authority for these issues to be determined. Issues may include:

- Time between the allegation, formal EICs and the ROI being obtained - difficulty in determining between a direct memory or a memory informed by later conversations;
- Levels of intoxication; and
- Inconsistencies between material provided by various persons involved.

The review team is aware that following Ms Higgins' second EICI, she provided her mobile telephone for the purpose of a forensic examination. There are entries of communications relating to the matter that should be further investigated. The review team acknowledges it is not best practice to conduct multiple EICs and that this risk should be balanced against potential evidence collection.

Given this risk, the review team recommend [REDACTED] with the ACT Office of the Director of Public Prosecutions (ACT DPP).

The review team is aware that a brief of evidence has been provided to the ACT DPP for their consideration. As this process has already commenced, the review team recommend that SACAT continue to liaise with the ACT DPP.

This investigation is complex, and there continues to be a high level of risk due to the associated political and media environment. The review team recommends that adequate resources continue to be deployed in support of the investigation.

Follow up action

The review team recommends the following:

- Inquiries continue in relation to the Uber records of Mr Lehrmann and any account of the Uber driver with a focus on travel and arrival at APH.
- Inquiries continue in relation to the CCTV footage of [REDACTED]
- Consultation with the ACT DPP on whether a further EICI is offered to Ms Higgins.
- Continue consultation with ACT DPP with regards to decisions relating to a prosecution.
- Adequate resources continue to be deployed in support of the investigation.

[REDACTED]
Andrew SMITH
Commander

3 August 2021.

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AFP
AUSTRALIAN FEDERAL POLICE

Investigation Review - Terms of Reference

Addressee Deputy Commissioner Neil Gaughan APM

Title Terms of Reference (ToR) – Operation Covina Tactical Investigation Review

To: Neil Gaughan
Chief Police Officer, ACT Policing

On 5 February 2021, the AFP re-commenced an investigation into an alleged sexual assault incident that occurred on 22 March 2019. The report alleged a sexual assault had occurred within the precinct of the Australian Parliament House, Canberra. The investigation is named Operation Covina.

The incident is being investigated by ACT Policing Criminal Investigations - Sexual Assault and Child Abuse Team (SACAT), utilising their specialist skills that are developed within this investigation type.

A brief of evidence was provided to ACT Office of the Director of Public Prosecutions (ACT DPP) on 18 June 2021.

SACAT has continued with the investigation and further brief preparation.

In parallel with this, the AFP initiated a tactical investigation review. This review is to be conducted as per the AFP review standard.

The AFP review team is led by an SES officer and experienced detectives. It is further supported by the involvement of Investigation Standards and Practices (ISP) members to provide advice on review methodology and standards.

The review team have not been involved in Operation Covina and have no conflict of interest with any element of the operation.

The review will address the following:

- Further avenues of inquiry.
- Consideration of the material already obtained, focussing on the current draft Statement of Facts (SOF), Record of Interview (ROI), Evidence in Chief Interviews (EICIs), statements, Record of Conversations (ROC) and associated entries, documents and/or recordings.
- Any further considerations that may inform the investigation.

The tactical review will be conducted in two phases, which will assess and advise on the following:

Phase one: Review the information obtained throughout the investigation, with particular focus on the current draft SOF, ROI, EICIs, statements, ROCs and associated entries, documents and/or recordings.

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Phase two: Analyse the avenues of inquiry and consider any further investigative considerations that may assist in obtaining relevant information.

The review team will consider the information held in the investigation shared drive and in PROMIS case 6381473.

The review team will assess the information as it is recorded on 28 July 2021. If any new information becomes available during the review period, the team will be notified by SACAT.

The review will be delivered as a report, based on the AFP review template.

The review will be delivered to the Chief Police Officer, ACT Policing.



Andrew Smith
Commander
AFP International Network

Date: 28 July 2021

Review of matter 6381473 - Documents reviewed log

Document/File title	Date reviewed
Brittany Higgins - Timeline.docx	28/07/2021
EICI of Ms HIGGINS - First	28/07/2021
EICI of Ms HIGGINS - Second	28/07/2021
SOF.docx	28/07/2021
BHiggins24022021T.docx	28/07/2021
Version of events supplied by Ms HIGGINS.docx	28/07/2021
BHiggins26052021T.docx	28/07/2021
BLehrmann19042021T.docx	29/07/2021
ROI - Bruce LEHRMANN - Aud and Vid	29/07/2021
CCTV footage - APH	29/07/2021
Fiona BROWN ROC transcript	29/07/2021
[REDACTED] ROC transcript	29/07/2021
[REDACTED] ROC transcript	29/07/2021
[REDACTED] PSS ROC transcript	29/07/2021
[REDACTED] - statement	29/07/2021
[REDACTED] - ROC statement	29/07/2021
[REDACTED] - ROC statement	29/07/2021
[REDACTED] - ROC statement	29/07/2021
[REDACTED] - screenshots	29/07/2021
[REDACTED] - ROC statement	29/07/2021
Medical records of Ms HIGGINS	29/07/2021
Bruce LEHRMANN CCR/RCCR	29/07/2021
[REDACTED] - statement	30/07/2021
Case Note Entry - regarding [REDACTED] interaction. Entered by Jason McDevitt on 1 April 2021	30/07/2021
[REDACTED] - statement	30/07/2021
[REDACTED] statement and notes	30/07/2021
[REDACTED] x2 and associated documents/notes	30/07/2021
Audio recording of LEHRMANN entering APH	30/07/2021
3x video files - The Project	30/07/2021
Partial review of Ms HIGGINS phone	30/07/2021
Sarah HARMAN - statement	2/08/2021
Emma FRIZZELL - statement	2/08/2021
Trent MADDERS - statement	2/08/2021
Marcus BOORMAN - statement	2/08/2021
Partial review of Dock CCTV footage	2/08/2021
ACT DPP advice dated 28 June 2021	2/08/2021

Identified discrepancies

MR LEHRMANN WAS BUYING MS HIGGINS DRINKS ALL NIGHT

- During various disclosures Ms Higgins stated that she was bought numerous drinks by Mr Lehrmann.
- CCTV footage from the The Dock Pub, Kingston does not support this disclosure. The footage shows Ms Higgins purchasing her own drinks or being bought drinks by other members of their group. Mr Lehrmann is shown to purchase drinks using a bank card.
- Receipts from The Dock Pub, at times that members of the group attend the bar area, do not reveal numerous drink purchases.
- A statement from [REDACTED] who was present at 88mph, states they were in a drinks shout.
- A bank statement from Mr Lehrmann shows he only made one purchase using his bank card for \$40.00 whilst at 88mph.

MS HIGGINS STATED THAT SHE WAS HIGHLY INTOXICATED TO THE POINT THAT SHE COULDN'T WALK UNASSISTED THROUGH THE SECURITY CHECK POINT

- CCTV from Australian Parliament House shows that Ms Higgins is able to walk unaided.
- CCTV from Australian Parliament House shows that Ms Higgins trots and smiles as she heads towards the elevator.
- CCTV from Australian Parliament House shows that she only has an issue when she attempts to put on her high heel shoe. She takes about 30 seconds to try and put her shoe on before then stopping trying to put the shoe on.
- Ms Higgins has interactions and appears to be speaking to the security guards but stated in EICI she doesn't remember interacting with them.
- [REDACTED] states that both Mr Lehrmann and Ms Higgins were not highly intoxicated when they entered Australian Parliament House. He stated that he could not smell any alcohol, they could easily follow directions and spoke without slurring their words. He formed the opinion that she was slightly intoxicated.
- Mr Lehrmann stated during ROI that he and Ms Higgins were moderately intoxicated.
- Mr Lehrmann stated during ROI that they were talking in the Uber on the way to Australian Parliament House. They were talking about [REDACTED] who were with them at 88mph. Ms Higgins said that she was unable to remember any conversation during the Uber ride.

MS HIGGINS TOLD POLICE THAT SHE COULD NOT REMEMBER THE SECOND VENUE THEY WENT TO PRIOR TO GOING TO AUSTRALIAN PARLIAMENT HOUSE

- A statement from [REDACTED] states that she walked with Ms Higgins on 28 March 2019. During that walk she was told by Ms Higgins that they went to 88mph and she had returned to Australian Parliament House with Mr Lehrmann because he wanted to show her some whisky or something about whisky. *
- During a meeting with [REDACTED] and [REDACTED] on 01 April 2019 Ms Higgins does not state the name of the second venue.

- During the meet/greet with SC Harman on 08 April 2019 Ms Higgins states that she couldn't recall and she would ask friends about the location. She had been informed by SC Harman that CCTV footage had been collected from The Dock Pub, Kingston.
- During the EICI on 24 February 2021 Ms Higgins stated they went to 88mph after The Dock Pub.

MS HIGGINS PARTICIPATED IN AN INTERVIEW ON THE PROJECT PRIOR TO PARTICIPATING IN AN EICI AND STATED SHE HAD NO ROMANTIC INTEREST IN MR LEHRMANN

- A witness, [REDACTED] states that Ms Higgins was sitting very close to Mr Lehmann at 88mph and they appeared to be getting 'handsy'. She further stated that she saw Ms Higgins and Mr Lehmann kissing while at 88mph. This observation was corroborated by [REDACTED] sending [REDACTED] a text message on 23 March 2019 that Ms Higgins and Mr Lehmann had 'hooked up'.
- During the meeting on 01 April 2019 with [REDACTED] and [REDACTED] Ms Higgins stated that Mr Lehmann was getting 'handsy' but she didn't mind.
- During the EICI on 24 February 2021 Ms Higgins stated that Mr Lehmann helped her get up after she had fallen over whilst at 88mph.

MS HIGGINS STATED THAT HER DRESS WAS AROUND HER WAIST AND THE STRAPS WERE OFF HER SHOULDERS WHEN SHE WOKE UP DURING THE ALLEGED SEXUAL ASSAULT AND LATER THAT MORNING

- [REDACTED] states that when she did a welfare check on Ms Higgins she was naked, with the dress on the ground beside the couch.

MS HIGGINS STATED THAT HER HEAD WAS FACING THE DOOR TO THE MINISTERS OFFICE DURING THE ALLEGED INCIDENT AND WHEN SHE WOKE UP

- [REDACTED] states that Ms Higgins' feet were facing the door when she conducted the welfare check. [REDACTED]

MS HIGGINS STATES THAT DURING THE ALLEGED INCIDENT SHE WAS CRYING AND SAYING NO

- [REDACTED] states that she looked directly at the face of Ms Higgins during the welfare check and did not see any signs of distress or that she had been crying.

MS HIGGINS STATES THAT SHE ATE CHOCOLATES AND VOMITED IN THE BATHROOM

- The cleaner [REDACTED] stated that he did not find any sign of a party in the office or suite. He stated that he checked the bins for condoms, as requested, and did not have to do more than a light clean. A light clean is emptying bins and dusting down surfaces.
- [REDACTED] checked the couch but did not see any stains and did not observe anything to suggest the bathroom had been used (towels still in place, etc).

MS HIGGINS STATES THAT SHE RETURNED HOME IN A DISTRESSED STATE THAT WAS NOTICED BY HER FLATMATE

- [REDACTED] flatmate, cannot recall her being distressed or the weekend in question. [REDACTED] is a nurse and does remember about a week later Ms Higgins received a phone call from the Police about her work. She remembers this call as she thought it strange Police would call about Australian Parliament House.

MS HIGGINS WAS TAKING PHOTOS WHILE AT 88MPH

- [REDACTED] stated that Ms Higgins was taking 'selfies' while at 88mph.
- Ms Higgins told SC Harman during the meet/greet on 08 April 2019 that she had images from the night and was asked to retain the images.

MS HIGGINS STATED THAT SHE DISCLOSED TO MS FIONA BROWN THE ALLEGED SEXUAL ASSAULT DURING HER FIRST MEETING ABOUT BEING IN THE OFFICE AFTER HOURS

- During a ROC Ms Brown, Chief of Staff for Minister Reynolds, states that during the first meeting with Ms Higgins she never disclosed a sexual assault. Ms Brown has notes from the meeting that indicate that Ms Higgins said that she went back to Australian Parliament House with Mr Lehrmann, that she remembers going through the security point and then being waking at 8am the next morning. She was asked if she remembered anything else but said she didn't and that she was responsible for what she drank and her actions.
- Prior to this meeting Ms Higgins had a conversation with [REDACTED] via text, in which she says she may no longer be working for the Minister because something bad happened. When questioned that she means she states "I genuinely don't know how it's going to play out/how I want it to play out".
- Ms Higgins said during a television interview that in the first meeting she vocalised that she had been raped but during her EICI she states she never used the word rape to Ms Brown.

MS HIGGINS STATED DURING THE FIRST MEETING WITH MS BROWN SHE WAS MADE TO SIGN A CODE OF CONDUCT FORM

- Ms Brown provided the signed form which is dated 28 March 2019, which was the second meeting.

MS HIGGINS STATED THAT SHE SOUGHT MEDICAL ASSISTANCE AFTER THE ALLEGED INCIDENT

- During the meeting with [REDACTED] and [REDACTED] on 01 April 2019 Ms Higgins stated she attended the Phillip Medical Centre and was waiting for the results. Enquiries with the medical centre show she last attended in February 2019.
- Text messages from Ms Higgins to [REDACTED] state that she attended a doctor on the evening of 26 March 2019.
- Ms Brown stated that Ms Higgins informed her that she had a doctor's appointment on 29 March 2019.
- During the meeting with SC Harman on 08 April 2019 Ms Higgins stated she had not sought medical assistance.
- Ms Higgins provided SC Frizzell with consent for her medical records at the Kingston Medical Practice, which she states she attended after the incident. Enquiries with the medical centre show she attended in October 2019.

- [REDACTED]
- [REDACTED]

MS HIGGINS STATED THAT SHE HAD NO FURTHER CONTACT WITH MR LEHRMANN AFTER THE INCIDENT EXCEPT FOR WORK RELATED ISSUES

- A Cellebrite data extraction of Mr Lehrmann's phone shows that he sent her an email to her personal email account on 24 March 2019. The content of the email is not known due to the message being stored on the cloud. (Mr Lehrmann does not recall sending this message)

MS HIGGINS STATED THAT DURING THE MEETING WITH MINISTER REYNOLDS SHE DISCLOSED THE ALLEGED INCIDENT

- Minister Reynolds provided Police with a statement outlining her knowledge of the allegation. During the meeting on 01 April 2019 she states that Ms Higgins was apologetic for accessing the office after hours and that she didn't want to lose her job. When asked what happened she stated that she got drunk, attended Australian Parliament House and she had no recollection of what had happened other than she woke up in the morning, got dressed and left.
- A text message from Ms Higgins to [REDACTED] unsure of exact date but after 26 March 2019, states "So on Friday night how I ended up in the Ministerial office didn't play out how I made out. I don't remember getting there at all, vaguely remember Bruce being there and then I woke up in the morning half-dressed by myself in the Ministers office on Saturday morning". (Once prompted by [REDACTED] if she had sex, she states she doesn't think it was consensual)

MS HIGGINS PROVIDES LEG INJURY IMAGE TO THE PROJECT FOR TELEVISION INTERVIEW

- During the television interview an image is supplied by Ms Higgins of a mark on her leg which she states was caused during the incident. Ms Higgins has not provided her mobile phone for Cellebrite data extraction to verify the metadata of this image.
- The image does not appear to match the description of how she says the injury was caused. She stated that it was caused during the incident when she was on the couch. (Images of couch show that it has no hard surfaces that may cause a linear mark on skin)

COMMENTS ABOUT MR LEHRMANN ON THE PROJECT

- During her television interview she is asked what happened to Mr Lehrmann and replies that he is fine without suffering any consequences. [REDACTED]

COMMENTS ABOUT MINISTER CASH ON THE PROJECT

- Ms Higgins states that she believes the Minister knew about the allegation from another source. In a statement Minister Cash states that she had three phone calls relating to the alleged incident. The first call from Ms Higgins she only talked about the after-hours access. In the second call she stated that she remembered struggling with Mr Lehrmann. The third call relates to a journalist asking about the sexual assault allegation. (The third call was about a week after the second and the first time Minister Cash heard the actual allegation of sexual assault)

DISCREPENCIES

Brittany Version	Evidence
Initial report to SIDL	
Brittany speaks to Police at Parliament House on 01/04/2019 and states she cannot recall the second venue.	<p>Conversation with ██████████ at Parliament House on 28/03/2019.</p> <ul style="list-style-type: none"> - States that she went to 88mph with the other persons and went back to Parliament House with Bruce. - Stated that Bruce wanted to drink whiskey or show her his whiskey. <p>In diary notes of F/A ██████████ on 01/04/2019 there is no mention of the name of the second venue.</p> <p><i>Advises in EICI she is unsure how she knows it was 88mph</i></p>
Version provided to F/A ██████████ on 01/04/2019.	<ul style="list-style-type: none"> - Diary notes state that Brittany said Bruce was getting handsy at the second venue but she didn't mind. - Diary notes state that Brittany remembers a conversation about a storm in Queensland prior to entering Parliament House. - Remembers being on the couch, remembers him being on top of her, remembers him saying something about finishing and her saying 'no, don't'. - Remembers waking up around 8am and thinking 'why am I here' 'are people about to get in'. - Felt grossed out as she could smell what had happened on her and went to the Ministers bathroom to use the deodorant.
Initial report to SACAT	
EICI	
Brittany provides that she extended the invitation to drinks at The Dock to people in her office	<ul style="list-style-type: none"> - Statement of ██████████ provides that the drinks were a normal event and that ██████████ invited Brittany; - Bruce corroborates that Brittany invited him.
There were reports of Bruce bullying her in the office	<ul style="list-style-type: none"> - Discloses to ██████████ that her and Bruce were friend. - No information has suggested there was any complaints or witnesses to bullying
During EICI stated that she was on the couch, head towards the door with her dress scrunched up to her waist. Stated that she had been crying throughout the incident and was unable to move off the couch.	<p>██████████ conducted the welfare check and advised:</p> <ul style="list-style-type: none"> - She observed her to be naked with her feet facing the door. - The dress was on the ground next to the couch and her makeup on her face was not disturbed or smudged. - ██████████ states she did not look distressed.

DISCREPENCIES

Bruce had to collect something from work – reason for going to APH	- Corroborated by Bruce' version of events
She fell over up the stairs	- Both ██████████ and Bruce recall Brittany falling over within 88mph.
Alleged Bruce told her to be quiet otherwise they won't let them in	- Told ██████████ they conversed about QLD weather; - Bruce said they were discussing the evening out
Brittany provided that she 'essentially woke up mid rape', and told Bruce to stop numerous times, while crying. He didn't say anything to her.	In diary notes of F/A ██████████ on 01/04/2021 Brittany states that she remembers Bruce being on top of her, he saying something about finishing and her saying 'no, don't'
Brittany says that 'he was almost done'. She could tell because he was sweaty.	Remembers being on the couch, remembers him being on top of her, remembers him saying something about finishing and her saying 'no, don't'.
States that she was about a 9/10 intoxicated entering Parliament House, cannot recall going through security or interacting with the guards.	- CCTV footage shows her interacting with the guards and appearing to walking without issue. - The guards state they could not smell alcohol on either party and both signed their names to enter the building. - A message to ██████████ states that she can't recall getting to Parliament House, vaguely remembers Bruce being there then waking up half naked. - After ██████████ questions whether she hooked up with Bruce or did he take advantage of her she states was barely lucid and thinks it wasn't consensual because of the way he left.
Bruce was buying her alcohol all night	- CCTV footage from The Dock does not show him buying her alcohol. - Bank statements show he only bought one \$40 round of drinks.
She was distressed when she returned home and her flatmate thought this was odd.	- The flatmate is a registered nurse who does not recall her being distressed or emotional on the weekend in question. - She does remember a strange phone call about a week or two later that Brittany said was the AFP following up about something at work. - She only thought it was odd due to the AFP calling Brittany about her workplace.
She attended Ochre medical centre in Kingston after the incident for the morning after pill.	- The medical centre she nominated has records of her only visit to them was in October 2019. - SC Sarah Harman states during the meet/greet on 08/04/2019 Brittany expressed concern about possibly getting pregnant. - In a text message to ██████████ on 27 March 2019, she reports she went to the GP the previous evening. - Medicare records do not support medical attention during this period of time.
States that she can't recall the Uber/taxi ride to Parliament House.	- Bruce states they talked about the night.

DISCREPENCIES

	<ul style="list-style-type: none"> - During EICI she states she remembers being in the back seat with Bruce but doesn't remember anything else. - In diary notes of [REDACTED] from 01/04/2019 Brittany stated that they spoke about a big storm in North Queensland. (Open source search reveals Tropical Cyclone Veronica)
States that Fiona Brown came to Canberra to specifically deal with the security breach.	<ul style="list-style-type: none"> - Fiona Brown states she was in Canberra setting up the office.
States that her [REDACTED] left after a couple of hours due to being mocked by the other parties at the drinks.	<ul style="list-style-type: none"> - CCTV footage shows Brittany leaving the [REDACTED] after Bruce arrives and does not re-engage with him at all. - The [REDACTED] male leaves after about 40 minutes. - Witnesses state that Brittany was not interested in the Bumble date and 'ditched' him quite quickly. - In diary notes of F/A [REDACTED] on 01/04/2019 Brittany says she was not interested in her [REDACTED]
States that she signed the code of conduct on 26/03/2019 and disclosed that Bruce had been on top of her during that meeting. This was her first meeting with Fiona Brown and also her first disclosure.	<p>Fiona Brown told Police that:</p> <ul style="list-style-type: none"> - During the first meeting Brittany tells Fiona that she is responsible for how much she drank and her actions. - Fiona Brown provided documentation to show she signed the code of conduct on 28/03/2019. - Fiona Brown has notes to show that Brittany recalled Bruce being on top of her on 28/04/2019. This date was the second meeting.
States that her intoxication was as drunk as she has ever been in her life.	<ul style="list-style-type: none"> - CCTV footage from The Dock and Parliament House do not show her having any issue walking or trotting and she appears happy. - The security guards at Parliament House state that she signed her own name, followed instructions regarding identification and didn't smell of alcohol. - The only indication to the guards that she was intoxicated was due to her having issues with putting on her high heels. - Conversation with [REDACTED] provides that Brittany was known to drink a lot of alcohol, and continued to do so after the incident in Perth
States she had no communication with Bruce over the weekend.	<ul style="list-style-type: none"> - Bruce also provides there was no further contact - Cellebrite extraction shows Bruce sent an email to her personal email account on 24/03/2019 (Message unknown).

DISCREPENCIES

Upon waking, her dress was up around her waist, and the straps were down.	- ██████ reportedly located her completely undressed, with her clothing on the floor.
Other	
Brittany reports to 'The Project' that she arranged the drinks	- Not supported by disclosure in EICI, ██████ statements
Brittany reports to FA/ ██████ that she attended the ██████ following the incident	The medical centre she nominated has no records of her attendance from the date of the incident and onwards.
Recorded conversation between Brittany and Minister Cash.	Relates the incident to Minister Cash and states that she struggled with Bruce and he wouldn't stop. <i>She has never mentioned this detail in any other version.</i>
She reports that Bruce said he just had to pick something up [From APH]	- Bruce corroborated this, advising he had to attend APH to collect his keys.
States on The Project that she had no interest or sexual interest in Bruce.	- ██████ states that Brittany and Bruce were sitting very close to each other at 88mph and kissed (pushed). - During the ROI with Bruce he stated he couldn't remember this occurring but didn't discount that it happened. - In diary notes of F/A ██████ from 01/04/2019 Brittany stated that Bruce was getting 'handsy', but she didn't mind.
States to The Project that she invited a number of people to drinks to meet Bruce and it was so she could value add to the office.	She was invited to drinks by ██████ Bruce was leaving the portfolio but believes he was invited to the drinks by Brittany.
██████ - Told ██████ she was given a taxi home [from APH]	- She caught an Uber
Ben Dillaway – - 23 March – Brittany told him she went back to APH with a group of people. - On 26 March – Brittany txt him advising she may not continue to be employed by Linda (Reynolds). Goes on to say that Friday didn't play out like she made out. Vaguely recall Bruce being there, woke up Saturday morning half-dressed by herself. - ██████ asks Brittany if it was just her and Bruce, if there was a group of people, or <u>if she was taken advantage of?</u>	- First partial disclosure; - Still no direct disclosure of sexual assault. No disclosures of assault had been made until after ██████ asks her if she was taken advantage of; - Brittany omitted these conversations when discussing with Police; - Brittany states they were in a relationship; - ██████ advised ██████ was engaged while have sex with Brittany in the office and sending her flowers every couple of days, 'Love ██████'. These were being sent in Perth (after incident). He ended his engagement after his relationship with Brittany; - It appears incident occurred while still 'seeing' ██████

DISCREPENCIES

- Further states it was just her and Bruce and that she was barely lucid and didn't feel like it was consensual, stating if he thought it was okay, why did he leave her there
- That he and Brittany were not in a relationship. They were having sex.

BRIEFING FOR CPO – 6 MAY 2021

Disclosure of this incident has 7 significant components:

1. Disclosure to [REDACTED]
2. Disclosure to Fiona Brown (2019)
3. Disclosure to initial Police [REDACTED] (2019)
4. Disclosure to SACAT (2019)
5. Disclosure to Mikayla Cash (2021)
6. Disclosure to the Project (2021)
7. EICI (2021)

Below is a time line of the disclosures of this incident:

TIME LINE OF DISCLOSURE:

23 MARCH 2019	
<ul style="list-style-type: none"> • 10.08am 23 March 2019 – [REDACTED] 	<ul style="list-style-type: none"> • Phone Call. [REDACTED] missed a phone call from Ms Higgins on 22 March 2019 at 10.39pm • Ms Higgins told [REDACTED] she had went back to APH for a 'party' or 'back for drinks' or similar; • Shut down the conversation when probed further; • [REDACTED] thought she had hooked up with someone.
<ul style="list-style-type: none"> • Return Home – Flatmates • Brittany states that she was distressed when she returns home and her flatmate thought this was odd. 	<ul style="list-style-type: none"> • Statement from [REDACTED] (Registered nurse) does not recall Ms Higgins being distressed or emotional during the weekend
26 MARCH 2019	
<ul style="list-style-type: none"> • 12.00pm Mr Lehrmann summonsed to Fiona Brown's office regarding security breach. Meeting ends with Bruce packing his items and leaving the building. • At 1.14pm Mr Lehrmann had left the building. 	
<ul style="list-style-type: none"> • 12.30pm 26 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> • Text message thread to ex-lover [REDACTED] • 'So, I think I may not continue to be employed with Linda' • 'I genuinely don't know how it is going to play out/how I want it to play out' • 'So on Friday night I ended up in the minister's office, it didn't play out how I made out' • 'I was barely lucid, I don't feel like it was consensual at all' 'I just think if he felt it was ok, why would he just leave me there like that'

<ul style="list-style-type: none"> 1.30pm - 26 March 2019 -- Fiona Brown 	<ul style="list-style-type: none"> 1.30pm Ms Brown had a discussion with Ms Higgins following knowledge of the security breach. Ms Higgins stated that she didn't remember accessing the office, she recalled going through the security checkpoint. Recalls being semi naked and waking about 8.00am on the couch. Asked if she was alright – 'Yes'; Asked if there was anything else, Ms Higgins shook her head and said 'no I am responsible for what I drink and my actions' Ms Higgins advised that what she had done was a security breach and that PMO would be notified. Ms Higgins offered EAP support and sent home
27 MARCH 2019	
<ul style="list-style-type: none"> 9.53am - 27 March 2019 - [REDACTED] 	<ul style="list-style-type: none"> 'I went to a GP last night and back at work today'
<ul style="list-style-type: none"> 27 March 2019 -- Fiona Brown 	<ul style="list-style-type: none"> Conversations with Ms Higgins. Nil disclosures throughout the day to Ms Brown
28 MARCH 2019	
<ul style="list-style-type: none"> 28 March 2019 -- Fiona Brown 	<ul style="list-style-type: none"> Brought into the office, discussions surrounding the security breach; Requested to sign Ministerial code of conduct 'I recall him being on top of me' At 7.53pm that same date, Ms Higgins texted Fiona Brown and advised that she had made a medical appointment and would be working from home on 29 March 2019.
<ul style="list-style-type: none"> 28 March 2019 -- [REDACTED] 	<ul style="list-style-type: none"> Went for a coffee following the meeting; Disclosed had been at 88MPH; drinking with Lehrmann and others; Disclosed that she had went back to APH for further drinks; Went back to APH, woke up with him on top her
1 APRIL 2021	
<ul style="list-style-type: none"> 1 April 2019 -- [REDACTED] (Taken from Diary notes) 	<ul style="list-style-type: none"> Was having drinks at Dock with Work colleagues including Mr Lehrmann;

	<ul style="list-style-type: none"> • Went to the City (NFD) and had further drinks. Things get a little hazy here • Recalls falling over at some point • While sitting in the booth, Mr Lehrmann got 'a little handsy, I didn't really mind' • Got into a taxi (Uber) – gave Bruce my address. Next recall being at APH. • Talking about a storm in QLD; • Couldn't write my name in the security log, gave a version of my signature • Recall being in the Minister's office. • Recall him being on top of her. • Mr Lehrmann said something about finishing and I said something like 'No don't' • Mr Lehrmann left I just stayed there; • Felt grossed out because I could smell what had happened on me. • Was sick in the bathroom • Saw stains all over the top of my dress (dark) • Had dealings with Mr Lehrmann on the Monday and Tuesday. • Has been to Phillip Medical Centre to get tests done – awaiting results.
<ul style="list-style-type: none"> • Notes from Rebecca [REDACTED] 	<ul style="list-style-type: none"> • Mr Lehrmann told her to 'Play along'
<p>2 April 2019</p>	
<ul style="list-style-type: none"> • 2 April 2019 - CRCC 	<ul style="list-style-type: none"> • [REDACTED]
<p>8 APRIL 2019</p>	
<ul style="list-style-type: none"> • 8 April 2021 – Meet and Greet with ACTP CI SACAT (Harman) (Taken from Diary notes. 	<ul style="list-style-type: none"> • Got an Uber from the Dock to the City; • She went to one other venue (a bar) in the City – she did not know the location and stated that she would ask a friend and advise me;

	<ul style="list-style-type: none"> • She was intoxicated and Bruce signed her name for her; • Work spoke with her on Wednesday 27/03/2019 and asked her what had happened surrounding the security breach; • She reported the sexual assault and work told her that if she wanted to report it (to Police) she could and they would not stop her, they just wanted to know if she did; • She stated she had photographs of the evening on her phone and she was asked not to delete them; • Ms Higgins stated she was unsure if protection was used in the intercourse and she stated she had not sought any medical attention. I discussed seeing a GP or the option of attending the sexual health clinic/FAMSAC. She accepted the offer for me to make enquiries with FAMSAC/the Sexual Health Clinic and providing those details to her. • She advised that work would give her time off to attend or she could go on the weekend; • Discussed the value of evidence available now versus later and the potential importance of CCTV/Clothing etc;
<p>29 January 2021 – Ms Higgins submits her resignation to ██████████ COS to Minister Michaelia Cash. Following this Ms Higgins records a telephone conversation with Minister Cash (Open source, 4Corners interview indicates this date to be 5 February 2021)</p>	
<p>5 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Minister Cash 	<ul style="list-style-type: none"> • Invited defence industry contacts to drinks; • Mr Lehrmann had a record of bullying Ms Higgins within the office, everyone knew about it • Very inebriated • 'I last remember passing out on the couch, remember him assaulting me, I had a struggle with him and he wouldn't stop, then he left and I couldn't get off the couch'
<p>THE PROJECT – 15 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • Lisa Wilkinson • (Full transcript can be provided) 	<ul style="list-style-type: none"> • Mr Lehrmann was buying her a lot of drinks

	<ul style="list-style-type: none"> • Ms Higgins fell over in front of a lot of people; • Showed no romantic interest towards Mr Lehrmann • He said 'just be quiet' • Not sure if Mr Lehrmann guided her there, or if Ms Higgins made her own way there, but she ended up on the couch; • First thing that awoke Ms Higgins was pain; • My leg was kind of being crushed; • He was clearly almost finished, I woke up mid-rape, he was sweaty, I couldn't get him off me, I started crying; • I told him to stop, at least half a dozen times, I was crying the whole way through it, he didn't speak with me the entire time; • Eventually he stopped and got up, he just looked at me, I couldn't get up and he just left; • Presents the bruise as an injury sustained that night during the incident • My dress was up around my waist, the straps were kind of down, I was pretty dishevelled; • I was scared I was at work; • I got home and my roommate thought it was kind of weird
<p>EICI – 24 FEBRUARY 2021</p>	
<ul style="list-style-type: none"> • 24 February 2021 – Ms Brittany Higgins • (Full EICI transcript can be provided) 	<ul style="list-style-type: none"> • Mr Lehrmann was buying Ms Higgins a lot of drinks • Went to 88 MPH, where Ms Higgins recalls falling over; • Mr Lehrmann said he had to pick something up from work (APH); • I've just sort of pieced together what I thought happened; • 'just be quiet or they wont let you in' • Difficulties signing her name due to intoxic; • 'something about me being so drunk I couldn't sign my own name' • I was falling all over the place, I fell over at Parliament;

	<ul style="list-style-type: none">• Don't recall interactions with security guard;• Recalls sitting on a ledge in the Ministers Office• Next thing I recall is being on the couch and he was raping me• I felt like he was almost finished• The first thing that I sort of woke up to was a pain in my leg• My head was on the top end of the couch closest to the door, he had his knee on my thigh;• I was stuck in a corner and couldn't get him off me;• I was crying throughout the entire process, I said no at least a half dozen times, he did not stop, he kept going, to my knowledge he finished but I'm not exactly sure;• Ive always assumed that he finished in me, but I'm not sure• He looked at me and left, I couldn't get up off the couch and I passed out until the next day• I ate most of a box of chocolates• Was sick in the Minister's bathroom;• Went home, saw roommate, I said that I had been at APH after a good night out;• I spent the entire weekend sort of bunkered down, sort of essentially in hysterics crying;• Disclosed to Fiona Brown on Tuesday 26 March 2019;• Was drinking Vodka Lime and Soda;• Drank the whole gauntlet, Rum and Coke, shots• Adversarial relationship with Bruce – Came to the attention of Fiona Brown;• Recalls seating in a booth with everyone at 88MPH• Recalls dancing• No commentary about Bruce at 88MPH• I've always had in my mind and known that it was 88MPH• It's as drunk as I have ever been in my whole life;
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	<ul style="list-style-type: none"> • Cant recall if it was an uber or a taxi, but believes it was a Taxi; • Doesn't recall much in the taxi, at that point I was focussed on not being sick, I felt very ill; • Mr Lehrmann wanted to stop in and get something from work; • Doesn't really carry much cash • My dress was on my body, but it was scrunched up, around my waist • As soon as I came too I started crying • I felt like he finished in me but I cant be sure, a strange moment of eye contact • He definitely didn't have pants on; • I kind of remember him getting dressed, I remember him looking at me, strange eye contact, I didn't say anything, he didn't say anything, then he left; • I was sick in the Minister's toilet; • The next thing I remember is security yelling at me, they didn't come in just yelling in • Probably around 8am • Doesn't recall waking up at all between assault and 8 am • Security said, 'Is everything ok in there, I replied 'I'm Fine' • DLO's office, found a box of chocolates • Clothing was still around waist when she woke up • When I got home my room mate tried to introduce her to her friend [REDACTED] I was quite distressed; • My room mate thought that it was weird • No communication with him over the weekend, he was in the office on Monday • I remember he bought me a coffee; • I was trying to over compensate, broadly nice to him • Thought he was single at the time
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Disclosures contain differences in detail;

RECORD OF INTERVIEW WITH MR LEHRMANN:

<ul style="list-style-type: none"> • 19 April 2021 – ROI – Bruce Lehrmann • Informant – Marcus Boorman • Corroborator – Emma Frizzell • (Full transcript can be provided) 	<ul style="list-style-type: none"> • Rejects the allegation; • Drinks at the dock, accepts that he may have been invited by Ms Higgins • Only had one or two drinks at the Dock, I was not intoxicated at all • Believes it was his idea to attend 88MPH • Only spent \$40 at 88MPH • Sitting in a booth • They would have all been dancing, though he doesn't recall specifics • Doesn't recall anyone falling over • I had to go to APH to pick up the keys to my apartment where I was living with my GF • Ms Higgins said she needed to go to APH too; • Mr Lehrmann booked the Uber • Had conversations in the Uber about [REDACTED] • About how it was a good night • Said they could split an Uber • Both didn't have their passes • Mr Lehrmann buzzed the intercom at the front to be allowed to the security check point • I've provided my ID and signed for a pass • Confirmed his handwriting for his name on the security log, provided Higgins handwriting to not be his; • He was 7/10 intoxicated, as was Brittany, he described intoxication level to be 'moderate' explaining he could still hold conversations; • Put items through security scanner and waited for Brittany to put her shoes back on • I was not intoxicated to a point where I couldn't sign in or do those things • Under the belief that if a person was 10/10 intoxicated the security staff would deny entry; • Ms Higgins was taking a while to put her shoes back on
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	<ul style="list-style-type: none">• Security came and took us to the office• They opened the door, I turned to the left to my desk, Ms Higgins turned to the right towards the Minister's office. I didn't see her again;• I went to my desk, got what I needed for the weekend;• He collected his belongings and did work on files he had on his desk for Question Time. The notes were in relation to 'Submarines' based on conversations he had earlier that night while out with the personnel from the Department of Defence;• So while it was on my mind I did that• Ordered myself an Uber and left• He is unsure if he utilised his work computer or not;• There was no alcohol in the Minister's Suite. He had no alcohol at his desk;• He ordered an Uber about 2:22-2:25am and left;• He did not see Higgins once they entered, he did not check on her or speak to her;• He was called into a meeting by Fiona Brown on Monday in relation to a security breach;• Brown was informed by security that he and Higgins had entered APH after hours which is a security breach and against the Ministerial Code of Conduct;• He was due to cease his employment on the Friday. Brown told him it was probably best to pack his belongings and leave now. He returned to his desk, gathered his belongings and left, leaving his pass at security;• He denied 'pashing' Higgins, however accepted they were all close;• He denied in engaging in sexual intercourse with Higgins;
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	<ul style="list-style-type: none"> • He denied entering the Minister's Office; • He denied telling Fiona Brown that he and Higgins returned to the office to drink whiskey as there was no alcohol in the office.
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • The version of events do not seem plausible. The suggestion that two people enter an office at that time of the evening and have no further interaction seems unlikely; • He denies having drinks in the office. Notes of Ms Fiona Brown taken at the time he concedes that he was drinking Whiskey and had two glasses while chatting with Ms Higgins; • He denies any 'pashing' with Ms Higgins which has been independently corroborated as occurring; • He denies having alcohol at his desk. Police have spoken with [REDACTED] who states that Mr Lehrmann had alcohol in the office; • Mr Lehrmann did not hear his phone ringing at the time due to it possibly being on silent. Mr Lehrmann later ordered an Uber utilising his phone. • However, given the intense media interest in this matter, it is possible that Mr Lehrmann felt he had to lie to investigators or he would be arrested.

The following are points of interest in the investigation as a whole:

INTOXICATION	
DISCLOSURE	OBJECTIVE EVIDENCE
<ul style="list-style-type: none"> Lehrmann buying her drinks all night 	<ul style="list-style-type: none"> CCTV footage does not depict this; Statement from ██████ states that at 88MPH the group were in shouts; Financial records of Lehrmann reflects \$XXX spent at the Dock and \$40.00 spent at 88MPH
<ul style="list-style-type: none"> In relation to intoxication. Ms Higgins states that her intoxication in the Uber was: 'Um, yeah, and at that point I was kind of focussed on not being sick, I felt very ill'; 'Um, I don't think there was much of a conversation, I think I was really quite out of it' and describes her intoxication level as '10/10' drunk - EIC! 'I feel like I got super inebriated' -- ██████ AFP diary notes 'I couldn't write my name -- ██████ AFP diary notes 'Bruce signed her name -- Harman AFP Diary notes 	<ul style="list-style-type: none"> APH CCTV footage depicts Ms Higgins as interacting with security; APH CCTV shows Ms Higgins smiling and laughing, no signs of sickness or being unwell; APH CCTV shows Ms Higgins walking without issue in heels; APH CCTV shows significant conversation and interaction with security; APH CCTV shows Ms Higgins jogging with a smile towards Mr Lehrmann; Statement from ██████ describes Ms Higgins as willingly signing her own name; Describes as slightly intoxicated; Neither party was slurring Wouldn't allow in if Ms Higgins was intoxicated as described in the media F/A ██████ notes indicate that there was conversation about a storm in QLD; ROI with Lehrmann states conversation about how the night went and how ██████ were hooking up; Lehrmann describes their intoxications levels as 7/10 -- Moderately intoxicated.

88MPH	
DISCLOSURE	OBJECTIVE EVIDENCE
<ul style="list-style-type: none"> From April 2019 in any interactions with Police, Ms Higgins' did not know where she had been drinking with Bruce [REDACTED] 	<ul style="list-style-type: none"> Statement obtained from [REDACTED] Ms Higgins told her on 28 March 2019 that she had been at 88MPH; 8 April 2019, Harman specifically asked where she had been in the city prior to APH. Ms Higgins stated that she had no idea and would ask friends. Ms Higgins was aware that Harman had already collected footage from the Dock at this time. EICI states that she's not known why but always known the place to be 88MPH As a result of this 'non-disclosure' to Police no objective CCTV footage from the club is able to be obtained.
<ul style="list-style-type: none"> Told the Project she had no romantic actions with Mr Lehrmann 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was sitting next to Mr Lehrmann, hands on each-others legs. Also seen 'pashing'. This is corroborated by a text sent by [REDACTED] to [REDACTED] the next day; Ms Higgins observed to be taking 'selfies' of Mr Lehrmann and herself on her mobile phone; Ms Higgins informed FC Harman (SACAT) that she had photos on her phone of the evening that she would keep for Police; ROI Lehrmann denies 'pashing' Ms Higgins but concedes they were close.
<ul style="list-style-type: none"> Ms Higgins fell over 	<ul style="list-style-type: none"> Statement from [REDACTED] supports this; Potentially her injury as documented in the digital image provided to the media supports this ROI Lehrmann does not recall anyone falling

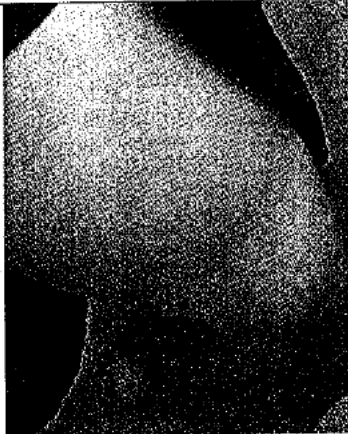
THE SCENE	
DISCLOSURE	OBJECTIVE EVIDENCE
<ul style="list-style-type: none"> Ms Higgins states that she had her dress up around her hips and the straps down below her shoulders. 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was completely naked in the foetal position. Her dress was on the floor next to her shoes.
<ul style="list-style-type: none"> Ms Higgins states that she had her head towards the door during the alleged sexual assault. Following the alleged assault she fell straight asleep. 	<ul style="list-style-type: none"> Statement from [REDACTED] Ms Higgins was not found in the position described. Her head was towards the window and feet towards the door (180 degree difference).
<ul style="list-style-type: none"> In some disclosures Ms Higgins states that she was crying throughout the incident. 	<ul style="list-style-type: none"> Statement from [REDACTED] Took attention to her face. Observed a full face of makeup, no signs of crying or distress.
<ul style="list-style-type: none"> Ms Higgins states in EICI (nowhere else) that she ate a whole box of roses branded chocolates 	<ul style="list-style-type: none"> Cleaner, [REDACTED] paid special attention to the state of the office. No sign of Roses chocolates or wrappers. Backed by text messages and independent phone calls Statement obtained from DLO [REDACTED] who stated there were no chocolates in his office to the best of his knowledge
<ul style="list-style-type: none"> Ms Higgins describes vomiting in the bathroom 	<ul style="list-style-type: none"> Cleaner, [REDACTED] checked the bathroom and toilet for any signs of disturbance or need to be cleaned. Nothing found. Backed by text messages and independent phone calls.
	<ul style="list-style-type: none"> Cleaner deliberately checked all bins of the office, looking for condoms, alcohol containers or any signs of a party. Nothing found. Cleaner checked the couch for staining. No stains.

PHONE	
<ul style="list-style-type: none"> • 19 February 2021 	<ul style="list-style-type: none"> • Ms Higgins asked to participate in EICI, appointment made. Police informed Ms Higgins we required her phones
<ul style="list-style-type: none"> • 24 February 2021 	<ul style="list-style-type: none"> • EICI conducted advised Police wished to download phone
<ul style="list-style-type: none"> • 25 February 2021 	<ul style="list-style-type: none"> • Declined to provide phone -- citing privacy and information sharing concerns
<ul style="list-style-type: none"> • 26 February 2021 	<ul style="list-style-type: none"> • Recontacted Ms Higgins, told of the need for the phone and damage at court, example given;
<ul style="list-style-type: none"> • 8 March 2021 	<ul style="list-style-type: none"> • Contacted Ms Higgins, request she bring phones to appointment
<ul style="list-style-type: none"> • 10 March 2021 	<ul style="list-style-type: none"> • Confirmation of appointment with Police on 12 March 2021, will bring phones happy to relinquish for the day
<ul style="list-style-type: none"> • 12 March 2021 	<ul style="list-style-type: none"> • Doesn't show for appointment due to urgent legal matter. Open source shows this is the defamation issue with Senator Reynolds resolution. Ms Higgins makes appointment for 15 March 2021
<ul style="list-style-type: none"> • 15 March 2021 	<ul style="list-style-type: none"> • Two investigators on OT, DFT on standby to examine phone. Doesn't show. Open source shows Ms Higgins attended March4Justice rally. Introduced to stage by Lisa Wilkinson who states Ms Higgins contacted her on 14 March advising of her attendance.
<ul style="list-style-type: none"> • Identified Issues 	<ul style="list-style-type: none"> • Investigators are aware 'selfies' were taken on the evening, this is through the independent witness [REDACTED] and also through the conversations had between Ms Higgins and DSC Harman on 8 April 2019; • Private email has been discovered (content unknown) between the personal email account of Ms Higgins and Mr Lehrmann two days after the incident; • Ms Higgins stated that she utilises secure applications to communicate with persons. Records of these communications will not show on any CCR/RCCR;

	<ul style="list-style-type: none">• Ms Higgins has provided screenshots of conversations relating to this matter. These are not objective and do not provide the full circumstance of the communication;• Edited versions of her screenshots have been published by the media to support a version of events but do not provide an objective overview of the conversation. I.e the blurring of the text relating to Ms Fiona Brown being very helpful throughout her ordeal.• No metadata obtained in relation to the image of injury provided to the media.
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INJURY TO LEG

- Digital image of injury to right leg provided to media outlets. Ms Higgins states this injury occurred during the assault.
- First disclosure of any injury was to the 'Project' in 2021, no prior mentions;
- The photo itself has not been provided to Police (see phone issues) as such no metadata including date/time/location of where the photo was taken can be ascertained;
- Ms Higgins is wearing a different dress and shoes at the time of the digital image;
- This injury appears to be of the upper right outside thigh of Ms Higgins, based on disclosure, this leg would have been closest to the back of the couch;
- Ms Higgins and Ms [REDACTED] both state that she fell up some steps at 88MPH – this could be the likely cause of the injury
- A physical examination of the couch did not identify any hard surfaces or objects.



MEDICAL EVIDENCE	
<ul style="list-style-type: none"> • 27 March 2019 	<ul style="list-style-type: none"> • Text conversation with ██████████ ██████████ Stated that Ms Higgins had 'been to a GP last night and back at work today'
<ul style="list-style-type: none"> • 28 March 2019 	<ul style="list-style-type: none"> • Text conversation with Fiona Brown. Stated that she had made a GP appointment and would be working from home tomorrow
<ul style="list-style-type: none"> • 1 April 2019 	<ul style="list-style-type: none"> • AFP ██████████ Had been to the Philip Medical Centre and was awaiting test results
<ul style="list-style-type: none"> • 2 April 2019 	<ul style="list-style-type: none"> • ██████████
<ul style="list-style-type: none"> • 8 April 2019 	<ul style="list-style-type: none"> • AFP Harman. Had not sought medical attention. Harman made enquiries on her behalf.
<ul style="list-style-type: none"> • 2021 	<ul style="list-style-type: none"> • AFP Frizzell. Went to Kingston Medical Centre after the incident
<ul style="list-style-type: none"> • Issues 	<ul style="list-style-type: none"> • Only attendance for Ms Higgins at Philip Medical Centre is in February 2019. Prior to the alleged offending; • Ms Higgins was not a patient at Kingston Medical Centre until October 2019, 7 months after the alleged offending. • Medicare records show no engagement with medical facilities at the time of the alleged offending. • Morning after pill can be prescribed by a pharmacist within 48 hours of intercourse. Suggest examination of financial records at the time to ascertain location of Morning After Pill. • ██████████ states that the pharmacist would be required to keep a record of the issue of the morning after pill.



MOTIVE

- Ms Higgins' is likely to come under intense scrutiny in relation to her motives in relation to this matter.

MEDIA ISSUES

- As a result of media attention, Mr Lehrmann has been further accused of other offences from a further four females:
 - **Victim 1** – Anonymous person known only to media outlets – Has not come forward to Police;
 - **Victim 2** – Anonymous person known only to media outlets – Has not come forward to Police;
 - **Victim 3** – ██████████ In 2019 met Mr Lehrmann in a bar in Canberra. Was seated at a table with Mr Lehrmann and other people from APH. During this encounter inappropriate jokes and stories were told. Mr Lehrmann looked at Ms ██████████ in a 'suggestive manner' and placed his hand on her clothed thigh. Ms ██████████ left the table. Mr Lehrmann and ██████████ had no further contact; and
 - **Victim 4** – ██████████ – Previous house mate of Mr Lehrmann in Sydney. Mr Lehrmann asked ██████████ for sex on one occasion. ██████████ declined. Nil further action taken by NSWSP in relation to this matter.
- Mr Lehrmann has been described in the media as hurriedly leaving APH. CCTV does not show this. Mr Lehrmann appears to be walking at a normal pace.

OTHER FACTORS

- ██████████ indicates that Ms Higgins and ██████████ have had sex on multiple occasions in the same office to which she is stating she was sexually assaulted. 
- That Ms Higgins and ██████████ were having an affair as ██████████ was engaged at the time
- That Mr Lehrmann did have whiskey in his desk
- *****STATEMENT NOT OBTAINED*****
- Ms Higgins has been counselled for lying before. 
*****STATEMENT NOT OBTAINED*****

DEFAMATION RISK

- Ms Higgins took defamation action against a sitting Australian Senator whereby Ms Higgins was referred to as a 'lying cow';
- This matter was resolved with the Senator paying an undisclosed sum to a charity nominated by Ms Higgins. The public perception of this is that Ms Higgins could not be lying; and
- An Adelaide radio presenter made comments relating to Ms Higgins' version of events. He was subsequently sacked by the radio station.

RISK MITIGATION

- Consideration should be given to obtaining independent objective legal counsel regarding this matter given political and media pressures upon DPP and AFP;
- Female high ranking investigator should also review
- SIOB to endorse decision to prosecute or not
- SIOB to approve second EICI with Higgins given potential media implications.
- Investigator to conduct second ROI with Lehrmann

Please see attached for a list of witnesses spoken with and witnesses yet to be spoke to.

CCTV

CCTV has been obtained, viewed and documented from the following premises:

- Australian Parliament House; and
- The Dock.

There is no further CCTV enquiries to be made.

TELECOMMUNICATIONS:

- Stored Communications warrant has been obtained, nil of interest to the investigation has been identified.

WARRANTS:

- A section 3E Warrant and 3LA order were executed and Mr Lehrmanns phone seized. As a result of the examination the following key points were identified:
 - 3 x emails from Mr Lehrmann's personal email account on 24th, 25th and 26th of March 2019 to a combination of Ms Higgins' personal, defence and APH emails.
****The content of these emails is unknown at this stage****;

From: [REDACTED] Kenneth
To: ACT-SACAT-TL
Cc: [REDACTED] Paul; [REDACTED] Matthew
Subject: FW: CNE - Alleged Sexual Assault [DLM=For-Official-Use-Only]
Date: Wednesday, 3 April 2019 11:46:00 AM
Importance: High

For-Official-Use-Only

Hi SACAT team,
 I would be grateful if someone from SACAT could give me a call re: the below matter.
 Now that the alleged offence has been briefed to the AFP I want to ensure we are doing
 all we can, and we appropriately identify and mitigate the risks that are now presented.

Thanks
 Ken

SUPERINTENDENT KEN [REDACTED]
 NATIONAL COORDINATOR - PROTECTION ASSESSMENT AND LIAISON
 PROTECTION OPERATIONS

www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

For-Official-Use-Only

From: [REDACTED] Paul
Sent: Tuesday, 2 April 2019 3:18 PM
To: [REDACTED] Kenneth; [REDACTED] Greg
Subject: FW: CNE - Alleged Sexual Assault [SEC=PROTECTED, DLM=Sensitive]
Importance: High

PROTECTED, Sensitive

Good afternoon Gentlemen,
 Please see below for your information and briefing purposes. As discussed Greg, we will
 seek to view the security footage and have that quarantined at this stage, together with
 obtaining the time stamps of access to APH. Thank you both.

Cheers

SERGEANT PAUL [REDACTED]
 PROTECTION LIAISON PARLIAMENT HOUSE
 PROTECTION

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POLICING FOR
A SAFER AUSTRALIA

PROTECTED, Sensitive

From: [REDACTED] Rebecca
Sent: Tuesday, 2 April 2019 3:06 PM
To: [REDACTED] Paul
Cc: [REDACTED] Katie
Subject: CNE - Alleged Sexual Assault [SEC=PROTECTED, DLM=Sensitive]
Importance: High

PROTECTED, Sensitive

Title: PL-APH – Allegation of sexual assault between two Ministerial Staff members

Background:

On Friday 22 March 2019, members of staff for the Hon Linda Reynolds, Senator for Western Australia, Minister for Defence industry, decided to participate in after work drinks at the Dock bar located in Kingston ACT.

During the course of the evening, the party attended an additional bar in Civic before disbanding to return to their various homes. Around this time a young female staff member has been assisted into the rear of an Uber vehicle, by a male colleague, with the intention of returning home. At this time she has provided her address to him under the belief she would be dropped off at the location provided.

The male colleague has allegedly instructed the Uber driver to drop them both at APH, before escorting the highly intoxicated female to the Ministers Suite where he has engaged in non-consensual penile vaginal intercourse before leaving the female in a non-conscious state, naked on the Ministers couch where she was discovered by cleaning staff the following morning.

Issue/Event:

On Monday 1 April 2019, the young female staff member (the complainant) has established contact with PL-APH with the assistance and support of the Chief of Staff.

The Complainant was able to particularise the following events:

- Approximately six members of staff attended the Dock bar between the hours of 6:30 – 10:30pm;
- The complainant consumed approximately four (4) Gin and Tonic alcoholic beverages, purchased by herself and others known to her;
- At approximately 10:30pm, the group, now consisting of four colleague, attended a bar in Civic;
- The complainant could not recall the name nor the location of the bar;
- Around this time the complainant began feeling excessively intoxicated, which in her mind was disproportionate to the amount of alcohol she believed she had consumed;
- One of her male colleagues, known to her for approximately one month, commenced hugging and physically touching her in an overly friendly but not overtly sexual manner;
- Having fallen over twice, due to her level of intoxication, the complainant decided to return home;
- She recalled being escorted to the rear of an Uber vehicle where she provided her male colleague with her home address;
- A short time later she recalls being dropped at Parliament House by the Uber driver, she was very confused as to why she was there, she recalls her male colleague telling her to “play along” at which time she remembers entering Parliament House with him and signing her name to gain access;
- She remembers being within the Ministers Suite but does not recall getting there;
- At some point she recalled her male colleague being on top of her participating in non-consensual sex, she recalled telling him “no”;
- She did not recall anything further until waking up the next morning on the Ministers couch alone feeling very confused as to what had occurred;
- Upon being sick in the Ministers bath room she has sourced a jacket from the good will box and returned home via Uber.

The complainant was visibly distraught and concerned as to what options may be available to her, however, was not willing to participate in a formal interview after the investigations and Court process was explained to her, stating she did not wish for the narrative of the events to define her reputation within APH.

As a result of the above, both individuals were questioned by the Chief of Staff with the outcome being the male person’s employment was terminated in relation to this and other unrelated

incidents.

Confirmation has been received that the Complainant has recently sought medical advice and potential treatment to address any medical issues resulting out of the sexual contact.

The Complainant has only recently moved from QLD to Canberra for work and as such does not have an active support network; however, it appears the Chief of Staff is participating in protective behaviours to support the complainant.

The Complainant has provided her consent for her details to be provided to support services for contact.

Initial advice has been received from SACAT in respect to submitting a wraparound referral to ensure the appropriate support services are engaged.

Intended Action/Outcome:

PL-APH intends to maintain communication with the Chief of Staff to obtain a copy of the security enquiry for completeness and comparison with the known information. If such a report is compiled as information to hand indicates the discreet enquiry has been low key and restrictive at this stage.

A copy of the sign in sheet will be requested from DPS along with any available CCTV footage. Notification will be made via SACAT to orchestrate contact with support agencies, as requested by the Complainant.

As the Complainant does not wish to progress with a formal complaint, at this time, all relevant information/evidence will be compiled to support an investigation should one be requested in the future.

Enquiries continuing in respect to available CCTV and access logs to corroborated the Complainants version of events.

NOTIFICATIONS:

NCPAL – for information and awareness;

MPH – for information and awareness.

Media

No media attention anticipated at this time.

Case Officer – Name:

Rebecca [REDACTED]

Case Officer – Title:

F/A

REBECCA [REDACTED]
PROTECTION LIAISON
CANBERRA OFFICE

www.afp.gov.au



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PROTECTED, Sensitive

15 August 2022

Ms Stephanie [REDACTED]
Lawyer
Chief Legal Counsel
Australian Federal Police
By email: [REDACTED]

Contact:
Rachel Fisher

Our reference:
[REDACTED]

Dear Ms [REDACTED]

THE QUEEN v BRUCE LEHRMANN (SCC 261 of 2021)

I write in relation to your letter dated 22 June 2022 to the ACT Supreme Court which confirmed the Australian Federal Police compiled material responsive to a request for disclosure from myself in relation to the matter of The Queen v Bruce LEHRMANN (SCC 264 of 2021).

The preparation of that material and its provision to the Director of Public Prosecutions (DPP) led to no production occurring in relation to a subpoena issued to the Chief Police Officer on 15 June 2022 as the material compiled and provided by way of disclosure was stated to be similar in terms as to the subpoenaed material. This approach was agreed to by our office and accordingly, the subpoena was not pressed.

To date, we have had limited, sporadic disclosure from the DPP. For completeness, I write to request the identification of material provided to the Director's office in response to the disclosure request which was material covered by the terms of the subpoena issued to the Chief Police Officer. This is necessary to assure us that we have received all documentation that would have been produced under the subpoena.

If you have any queries regarding this correspondence, please do not hesitate to contact me via email or telephone at: [REDACTED]

Kind regards,

[REDACTED]

Rachel Fisher
Solicitor

[REDACTED]

RE: Disclosure - HIGGINS matter [SEC=UNOFFICIAL]

1 message

[REDACTED] **Andrew** [REDACTED]
To: Rachel Fisher [REDACTED]

3 October 2022 at 09:19

UNOFFICIAL

Good morning Rachel,

My understanding is that this USB was provided to you by Keegan on Thursday and then he provided you with another USB on Friday which contained the images requested.

Please call me on [REDACTED] if you wish to discuss.

Kind regards,

Andrew

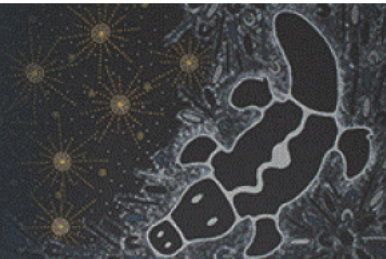
SENIOR CONSTABLE ANDREW [REDACTED]
CRIMINAL INVESTIGATIONS - BELCONNEN
ACT POLICING

[REDACTED]
www.afp.gov.au



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From: Rachel Fisher [REDACTED]
Sent: Sunday, 2 October 2022 2:17 PM
To: [REDACTED] Andrew [REDACTED]
Subject: Re: Disclosure - HIGGINS matter [SEC=UNOFFICIAL]

Dear Andrew,

This USB was never delivered.

Can you please urgently arrange for a copy to be provided to me?

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

[REDACTED]

[REDACTED]

www.ksawyers.com.au

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On Wed, 28 Sept 2022 at 23:31, [REDACTED] Andrew [REDACTED] wrote:

UNOFFICIAL

Good evening Rachel,

I've got the last item requested by Keegan ready for disclosure - from item 4103 on p 22715 through to item 12378 on p 23577

It's too big to email so I've created a USB and have left instructions for the people working in my office tomorrow to contact you on your mobile and arrange delivery to your office.

Kind regards,

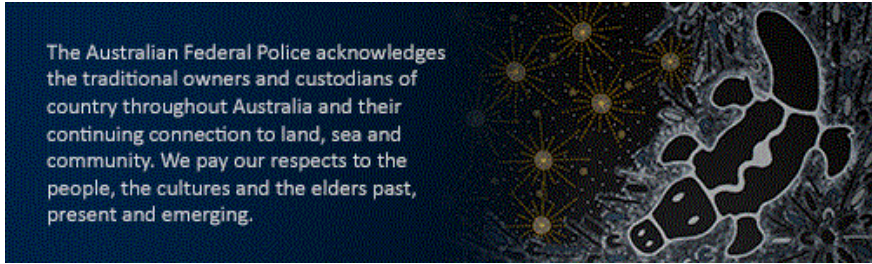
Andrew

SENIOR CONSTABLE ANDREW [REDACTED]
CRIMINAL INVESTIGATIONS - BELCONNEN
ACT POLICING

[REDACTED]
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Rachel Fisher [REDACTED]

Disclosure - HIGGINS matter [SEC=UNOFFICIAL]

1 message

Andrew [REDACTED]
To: Rachel Fisher [REDACTED]

28 September 2022 at 23:31

UNOFFICIAL

Good evening Rachel,

I've got the last item requested by Keegan ready for disclosure - from item 4103 on p 22715 through to item 12378 on p 23577

It's too big to email so I've created a USB and have left instructions for the people working in my office tomorrow to contact you on your mobile and arrange delivery to your office.

Kind regards,

Andrew

SENIOR CONSTABLE ANDREW [REDACTED]
CRIMINAL INVESTIGATIONS - BELCONNEN
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[REDACTED]
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Final item - HIGGINS [SEC=UNOFFICIAL]

1 message

Andrew [REDACTED]
To: Rachel Fisher [REDACTED]

26 September 2022 at 15:17

UNOFFICIAL

Good afternoon Rachel,

Please find attached the final item from Keegan's list of material to be disclosed.

This includes pages 22284-24284, items on the 'timeline' 12378 through to 18930 inclusive.

Please contact me if you have any issue accessing the file provided.

Kind regards,

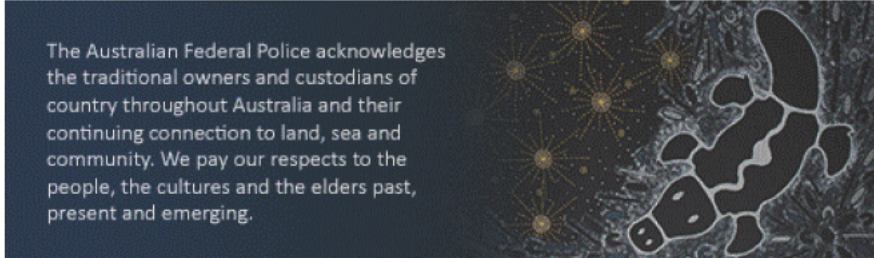
Andrew

SENIOR CONSTABLE ANDREW [REDACTED]
CRIMINAL INVESTIGATIONS - BELCONNEN
ACT POLICING

[REDACTED]
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Items 12378 - 18930 - sanitised (timeline).pdf
7940K



Rachel Fisher [REDACTED]

Further material for disclosure re HIGGINS (2) [SEC=OFFICIAL]

1 message

Andrew [REDACTED]
To: Rachel Fisher [REDACTED]

24 September 2022 at 10:03

OFFICIAL

Good morning Rachel,

Please find attached further items for disclosure, these are the pages concerning the 'Searched Items'.

Kind regards,

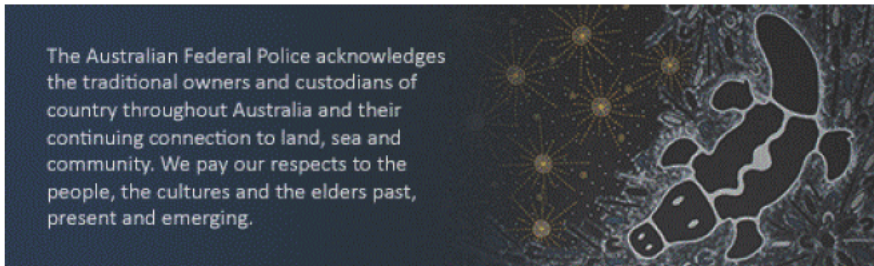
Andrew [REDACTED]

SENIOR CONSTABLE ANDREW [REDACTED]
CRIMINAL INVESTIGATIONS - BELCONNEN
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[REDACTED]
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Searched items - sanitised.pdf

211K



Rachel Fisher [redacted]

Further material for disclosure re HIGGINS [SEC=OFFICIAL]

1 message

Andrew [redacted]
To: Rachel Fisher [redacted]

24 September 2022 at 09:45

OFFICIAL

Good morning Rachel,

Please find attached further items for disclosure, these are the pages concerning the 'Instant Messages'.

Kind regards,

Andrew [redacted]

SENIOR CONSTABLE ANDREW [redacted]
CRIMINAL INVESTIGATIONS - BELCONNEN
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[redacted]
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4 attachments

 **October 2019 - sanitised.pdf**
273K

 **November 2020 - sanitised.pdf**
301K

 **March 2021 - sanitised.pdf**
143K

 **March - June 2019 - sanitised.pdf**
4192K

RE: R v Lehrmann - Cellebrite of Ms Higgins - List of items to be disclosed
[SEC=OFFICIAL]

1 message

Murray, Andrew [REDACTED]
To: Rachel Fisher [REDACTED]
Cc: Keegan Lee [REDACTED]

22 September 2022 at 16:14

OFFICIAL

Good afternoon Rachel,

I've started collating the material and working through the necessary redactions, unfortunately there's no shortcut or intuitive way to do this so it is taking me a significant amount of time to manually redact details such as phone numbers, email addresses, etc. I can not guarantee I will have all the material outlined in Keegan's emails for you tomorrow, however I will get you as much as I can.

What material is the most important so as I can prioritise accordingly?

Kind regards,
Andrew

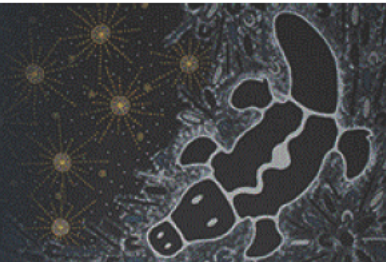
SENIOR CONSTABLE ANDREW [REDACTED]
CRIMINAL INVESTIGATIONS - BELCONNEN
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From: Rachel Fisher [REDACTED]
Sent: Wednesday, 21 September 2022 4:27 PM

To: Murray, Andrew [REDACTED]
Subject: Re: R v Lehmann - Celebrite of Ms Higgins - List of items to be disclosed

Dear Andrew,

Just for your information, we will all be working tomorrow so if you're in a position to disclose some or any of the material please do not hesitate to contact me and we can go and collect it directly from you.

My mobile number is: [REDACTED]

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

[REDACTED]

[REDACTED]

www.kslawyers.com.au

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On Wed, 21 Sept 2022 at 16:11, Keegan Lee <[REDACTED]> wrote:

Dear SC [REDACTED]

I refer to the below emails.

Please see attached document which lists the additional items to be disclosed to defence.

Please liaise directly with Rachel Fisher (copied into this email) to organise the disclosure.

As noted in the below emails, you must not advise the DPP or any officer involved in this matter of the additional material that is to be disclosed to defence.

If you have any questions about the above or the attached document, please feel free to call me on [REDACTED]

Thank you for your assistance with this matter.

Yours faithfully,

Keegan Lee

Barrister

BURLEY GRIFFIN
CHAMBERS

Leve 5 AMP Bui ding 1 Hobart Place ACT 2600

[REDACTED]
DX 5629 Canberra / PO Box 3056 Canberra ACT 2601

From: Keegan Lee

Sent: Wednesday, 21 September 2022 1:41 PM

To: Hughes, Callum <[REDACTED]> Frizzell, Emma <[REDACTED]>

Cc: Madders, Trent <[REDACTED]>

Subject: RE: Celebrite of Ms Higgins [SEC=UNOFFICIAL]

Dear Callum,

Thank you for that clarification and for dealing with this issue promptly.

I will send the list of additional material to be disclosed to SC [REDACTED] later this afternoon.

Yours faithfully,

Keegan Lee

Barrister

BURLEY GRIFFIN
CHAMBERS

Leve 5 AMP Bui ding 1 Hobart Place ACT 2600

DX 5629 Canberra / PO Box 3056 Canberra ACT 2601

From: [REDACTED] Callum [REDACTED]
Sent: Wednesday, 21 September 2022 1:17 PM
To: Keegan Lee [REDACTED] Frizzell, Emma [REDACTED]
Cc: Madders, Trent [REDACTED]
Subject: RE: Cellebrite of Ms Higgins [SEC=UNOFFICIAL]

UNOFFICIAL

Hi Keegan,

Thanks for your email. Please be advised that the Informant is D/LSC Trent Madders. SC Frizzell is the Corroborator for the matter.

I have identified Senior Constable Andrew [REDACTED] as being the appropriate AFP member to assist with this request. Andrew is not involved in this matter, is not a part of SACAT, and does not fall under the Sexual Offences & Child Abuse portfolio. Andrew works in CI – Major Crime.

Andrew's email address is [REDACTED] His chain of command is in the process of informing him of your impending request (and the urgency), and I will ask Trent/Emma to make the Cellebrite report available to him.

Please let me know if I can assist further.

Kind regards,

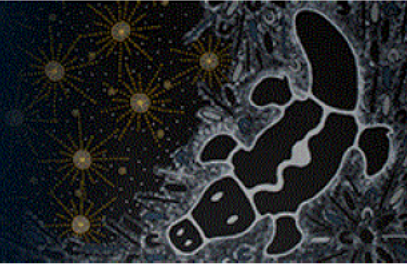
DETECTIVE INSPECTOR CALLUM [REDACTED]
Writing to you from Ngunnawal Country
CRIMINAL INVESTIGATIONS - SEXUAL OFFENCES & CHILD ABUSE
ACT POLICING

[REDACTED]
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From: Keegan Lee <[REDACTED]>
Sent: Wednesday, 21 September 2022 11:55 AM
To: Frizzell, Emma <[REDACTED]>
Cc: Madders, Trent <[REDACTED]> Callum <[REDACTED]> Rachel Fisher <[REDACTED]>
<[REDACTED]> Steven Whybrow <[REDACTED]> Katrina Musgrove <[REDACTED]>
Subject: RE: Celebrite of Ms Higgins [SEC=UNOFFICIAL]
Importance: High

Dear SC Frizzell,

Following my review (thus far) of the Celebrite examination, I have determined that there is additional material to be disclosed.

This matter was raised in Court this morning and it was noted that you (as the informant), other police involved in the case, and the DPP should not be advised as to what additional material is to be disclosed.

To deal with this, I propose that the AFP nominates an appropriate officer, who is not involved in the case, for me to advise what additional material is to be disclosed. That officer would have access to the Celebrite data and arrange for the additional material to be disclosed directly to the defence representatives. The officer would not disclose to you, or other officers involved in the case, or the DPP, what additional material is to be disclosed.

Could you please advise whether this is suitable and, if so, provide details of the officer tasked with this job?

I'd ask that this be considered as a matter of urgency so that the disclosure process can begin as soon as possible.

I note I have copied the defence representatives into this email for transparency.

Yours faithfully,

Keegan Lee

Barrister

BURLEY GRIFFIN
CHAMBERS

Leve 5 AMP Bui ding 1 Hobart Place ACT 2600



DX 5629 Canberra / PO Box 3056 Canberra ACT 2601



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**RE: R v Lehrmann - Celebrite of Ms Higgins - List of items to be disclosed
[SEC=OFFICIAL]**

1 message

Andrew [REDACTED]
To: Rachel Fisher [REDACTED]

22 September 2022 at 08:17

OFFICIAL

Good morning Rachel,

I am in a training course today but will attempt to action the material sought from the mobile phone report ASAP. I will give you an update as to how I am going this afternoon, but I would not expect I'll be able to get you any of the material sought today. I will get the process started and will hopefully have the material sought available tomorrow.

Kind regards,

Andrew

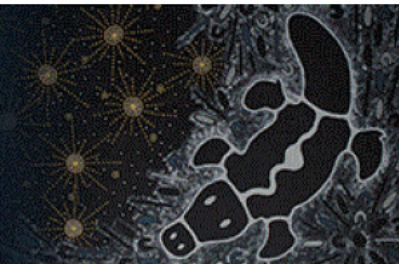
SENIOR CONSTABLE ANDREW [REDACTED]
CRIMINAL INVESTIGATIONS - BELCONNEN
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From: Rachel Fisher [REDACTED]
Sent: Wednesday, 21 September 2022 4:27 PM
To: [REDACTED] Andrew [REDACTED]
Subject: Re: R v Lehrmann - Celebrite of Ms Higgins - List of items to be disclosed

Dear Andrew,

Just for your information, we will all be working tomorrow so if you're in a position to disclose some or any of the material please do not hesitate to contact me and we can go and collect it directly from you.

My mobile number is: [REDACTED]

Kind regards,

Rachel Fisher
Lawyer

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1 University Ave
Canberra ACT 2601

[REDACTED]

[REDACTED]

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On Wed, 21 Sept 2022 at 16:11, Keegan Lee <[REDACTED]> wrote:

Dear SC [REDACTED]

I refer to the below emails.

Please see attached document which lists the additional items to be disclosed to defence.

Please liaise directly with Rachel Fisher (copied into this email) to organise the disclosure.

As noted in the below emails, you must not advise the DPP or any officer involved in this matter of the additional material that is to be disclosed to defence.

If you have any questions about the above or the attached document, please feel free to call me on [REDACTED]

Thank you for your assistance with this matter.

Yours faithfully,

Keegan Lee

Barrister

BURLEY GRIFFIN
CHAMBERS

Leve 5 AMP Bui ding 1 Hobart Place ACT 2600

[REDACTED]
DX 5629 Canberra / PO Box 3056 Canberra ACT 2601

From: Keegan Lee
Sent: Wednesday, 21 September 2022 1:41 PM
To: Hughes, Callum [REDACTED] Frizzell, Emma [REDACTED]
Cc: Madders, Trent [REDACTED]
Subject: RE: Celebrite of Ms Higgins [SEC=UNOFFICIAL]

Dear Callum,

Thank you for that clarification and for dealing with this issue promptly.

I will send the list of additional material to be disclosed to SC [REDACTED] later this afternoon.

Yours faithfully,

Keegan Lee

Barrister

BURLEY GRIFFIN

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Leve 5 AMP Bui ding 1 Hobart Place ACT 2600

DX 5629 Canberra / PO Box 3056 Canberra ACT 2601

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Sent: Wednesday, 21 September 2022 1:17 PM
To: Keegan Lee [REDACTED] Frizzell, Emma [REDACTED]
Cc: Madders, Trent [REDACTED]
Subject: RE: Celebrite of Ms Higgins [SEC=UNOFFICIAL]

UNOFFICIAL

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Thanks for your email. Please be advised that the Informant is D/LSC Trent Madders. SC Frizzell is the Corroborator for the matter.

I have identified Senior Constable Andrew [REDACTED] as being the appropriate AFP member to assist with this request. Andrew is not involved in this matter, is not a part of SACAT, and does not fall under the Sexual Offences & Child Abuse portfolio. Andrew works in CI – Major Crime.

Andrew's email address is [REDACTED]. His chain of command is in the process of informing him of your impending request (and the urgency), and I will ask Trent/Emma to make the Celebrite report available to him.

Please let me know if I can assist further.

Kind regards,

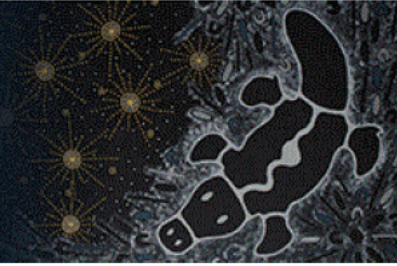
DETECTIVE INSPECTOR CALLUM [REDACTED]
Writing to you from Ngunnawal Country
CRIMINAL INVESTIGATIONS - SEXUAL OFFENCES & CHILD ABUSE
ACT POLICING

[REDACTED]
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

The Australian Federal Police acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.



From: Keegan Lee [REDACTED]
Sent: Wednesday, 21 September 2022 11:55 AM
To: Frizzell, Emma [REDACTED]
Cc: Madders, Trent [REDACTED]; Hughes, Callum [REDACTED]; Rachel Fisher [REDACTED]; [REDACTED]; Steven Whybrow [REDACTED]; Katrina Musgrove [REDACTED]
<[REDACTED]>
Subject: RE: Celebrite of Ms Higgins [SEC=UNOFFICIAL]
Importance: High

Dear SC Frizzell,

Following my review (thus far) of the Celebrite examination, I have determined that there is additional material to be disclosed.

This matter was raised in Court this morning and it was noted that you (as the informant), other police involved in the case, and the DPP should not be advised as to what additional material is to be disclosed.

To deal with this, I propose that the AFP nominates an appropriate officer, who is not involved in the case, for me to advise what additional material is to be disclosed. That officer would have access to the Celebrite data and arrange for the additional material to be disclosed directly to the defence representatives. The officer would not disclose to you, or other officers involved in the case, or the DPP, what additional material is to be disclosed.

Could you please advise whether this is suitable and, if so, provide details of the officer tasked with this job?

I'd ask that this be considered as a matter of urgency so that the disclosure process can begin as soon as possible.

I note I have copied the defence representatives into this email for transparency.

Yours faithfully,

Keegan Lee

Barrister

BURLEY GRIFFIN
CHAMBERS

Leve 5 AMP Bui ding 1 Hobart Place ACT 2600

[REDACTED]

DX 5629 Canberra / PO Box 3056 Canberra ACT 2601

[REDACTED]

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**Material requested in correspondence from Keegan Lee - Re Higgins Cellebrite Report
[SEC=OFFICIAL]**

1 message

Andrew [REDACTED]
to: Rachel Fisher [REDACTED]

23 September 2022 at 15:53

OFFICIAL

Good afternoon Rachel,

I handed a USB containing the audio files and images from the Cellebrite report to Vince of your office at 1:00pm this afternoon. As discussed on the phone, the 386 voicemails and 572 audio files are in fact 572 files in total. They are duplicated in the way they appear in the Cellebrite report. I have manually checked the files against the Cellebrite report and have confirmed there is duplication that accounts for the 572 figure.

Could you please confirm receipt of that USB when you have it?

Attached to this email are further items requested by Keegan [REDACTED]. I have sent these to you via email given the time constraints we are working under.

I will endeavour to send the rest of the items by email over the weekend.

Kind regards,

Andrew [REDACTED]

SENIOR CONSTABLE ANDREW [REDACTED]

CRIMINAL INVESTIGATIONS - BELCONNEN
ACT POLICING

[REDACTED]
www.afp.gov.au



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8 attachments

-  **Item 26.pdf**
367K
-  **Location Data - March - May 2019 - sanitised.pdf**
143K
-  **Location Data - March 2021 - sanitised.pdf**
100K
-  **Log entries.pdf**
278K
-  **Page 19450.pdf**
136K
-  **Page 19633.pdf**
94K
-  **Pages 21868-21869 (recordings) - sanitised.pdf**
81K
-  **Pages 21917-21981 (voicemail) - sanitised.pdf**
9996K

RE: EICI Viewing - (DPP Ref: 202113941)

1 message

Greig, Mitchell <[REDACTED]> 23 September 2022 at 13:56
To: Rachel Fisher <[REDACTED]>
Cc: "Pitney, Sarah" <[REDACTED]> SVC_DPPCases <[REDACTED]>

OFFICIAL

Dear Rachel,

The Police have confirmed they will be able to assist you with viewing the EICI's at the Winchester Police Centre at 11am on the 29th September.

They have requested for you to meet Trent Madders or Emma Frizzell in the foyer at this time.

It has also been requested that you provide the details of who will be in attendance. If you could please inform Senior Constable Emma Frizzell [REDACTED] and/or Detective Leading Senior Constable Trent Madders [REDACTED]).

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: Rachel Fisher [REDACTED]
Sent: Friday, 23 September 2022 11:35 AM
To: Greig, Mitchell [REDACTED]
Cc: Pitney, Sarah [REDACTED] SVC_DPPCases [REDACTED]
Subject: Re: EICI Viewing - (DPP Ref: 202113941)

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Dear Mitchell,

Can we please book in 11am on 29 September 2022?

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

[REDACTED]

[REDACTED]

www.ksawyers.com.au

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On Wed, 21 Sept 2022 at 16:56, Greig, Mitchell <[REDACTED]> wrote:

OFFICIAL

Dear Rachel,

With the trial fast approaching, I have been provided the availability of the members with carriage of the EICI.

Due to their shift work, these are the following dates that they are available to enable yourself the viewing of the EICI's:

Thursday 22/09

Tuesday 27/09

Wednesday 28/09

Thursday 29/09

Friday 30/09

Monday 3/10

Kind regards,



Mitchell Greig

Prosecutor Associate
Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)



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.

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Rachel Fisher [REDACTED]

Fwd: Letter

1 message

Steven Whybrow [REDACTED]

4 December 2022 at 10:11

To: Rachel Fisher [REDACTED]

Sent from my iPhone

Begin forwarded message:

From: Fiona <[REDACTED]>

Date: 4 December 2022 at 10:00:17 AEDT

To: Steven Whybrow [REDACTED]

Subject: Letter



Letter to DPP 23 6 22.pdf
144K



Rachel Fisher [REDACTED]

Matter of R v LEHRMANN [SEC=OFFICIAL:Sensitive]

1 message

[REDACTED] Peter [REDACTED] 12 October 2022 at 17:19
To: "rache [REDACTED]" | [REDACTED]
Cc: "Madders, Trent" [REDACTED] "Frzzell, Emma" [REDACTED] "Greig, Mitchell" [REDACTED]
[REDACTED] SVC_DPPCases [REDACTED] "Pitney, Sarah" [REDACTED]

OFFICIAL: Sensitive

Rachel,

As discussed with you and Steven this afternoon, my review of the extraction of Ms HIGGINN's phone resulted in the following findings.

No conversations were identified between the owner of the phone and parties identified as either [REDACTED]

No contact with those attributes. Steven provided me with the phone number [REDACTED] which shows a contact in the phone as [REDACTED] only.

A review using that phone number, shows one instant message that appears to not have been sent.

No conversations were identified between the owner of the phone and parties identified as either [REDACTED]

No contact with those attributes. Steven provided me with the phone number [REDACTED] which shows a contact in the phone as [REDACTED] only.

A review using that phone number, shows four conversations that Steven indicated during our phone call that he was aware of.

No conversations were identified between the owner of the phone and a [REDACTED]

Please contact me if you require more information.

Regards,

Peter

PETER [REDACTED]
Writing to you from the land of the Gadigal peoples of the Eora Nation
SENIOR DIGITAL FORENSICS EXAMINER
LEARNING, DEVELOPMENT AND GOVERNANCE
OPERATIONAL SCIENCE AND TECHNOLOGY

[REDACTED]
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Matter of R v LEHRMANN [SEC=OFFICIAL]

1 message

Peter [REDACTED]
To: "rache" [REDACTED]

15 October 2022 at 09:47

OFFICIAL

Steve, Rachel,

As discussed, you already have the iMessage conversation with Fiona Brown, The WhatsApp conversation is only the setup message from initial contact.

Attached are the four (4) references to the word 'Bruise'. I have contained them in a zip to save space. One of the WhatsApp conversations was a large file.

Two WhatsApp conversations and 2 Notes.

Contact me if you have any further requests.

Regards

Peter

PETER [REDACTED]

Writing to you from the land of the Gadigal peoples of the Eora Nation

SENIOR DIGITAL FORENSICS EXAMINER
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AFP Web site: <http://www.afp.gov.au>

 **Request #2.zip**
4766K

Criminal Complaint against Brittany Higgins

1 message

Steven Whybrow [REDACTED]

27 October 2022 at 12:13

To: "marcus.boormar [REDACTED]"

Cc: "Frizzell, Emma" [REDACTED]

"Moller, Scott" [REDACTED]

Katrina Musgrove

Ben Jullienne [REDACTED]

Kamy Saeedi

Rachel Fisher [REDACTED]

Dear Detectives,

It has come to my attention that Miss Higgins made the following comments on live television outside of court this morning flanked by Ms Yates, her lawyer Leon Zweir, Mr David Shiraz and Ms Emma Webster:

I chose to speak up. Speak up against Bruce. Speak up against injustice. Speak up and share my experience with others. I told the truth no matter how uncomfortable or unflattering to the court. Today's outcome does not change that. When I did speak up, I never fully understood our asymmetrical criminal justice system, but I do now. I was required to tell the truth, under oath, for over a week in the witness stand and was cross examined at length. He was afforded the choice of staying silent in court, head down in a notebook, completely detached. He never faced one question in court about his story and the criminal charges. I was required to surrender my telephones, my passwords, messages, photos, my data to him. He was not required to produce his telephone, his passwords, messages, photos, or his data. My life has been publicly scrutinised open for the world to see, his has not. Many of you in the media have been called out for naming this trial in the last few weeks 'the Higgins trial', but I don't blame you because it is very clear who has been on trial. He has not been held publically accountable for his actions or any part of his story. This is the reality of how complainants in sexual assault cases are treated. Their lives are torn apart. Their friends and family are called to the witness stand, and the accused has the legal right to say absolutely nothing. Like all women who have experienced sexual violence, I knew the odds were stacked against me. The criminal justice system has long failed to deliver outcomes to victims of sexual assault. In the ACT during 2020, only 16% of sexual offences reported to police resulted in a charge. And of that, only half agains resulted in a conviction. That is to our national shame. I want to thank the other women who came forward and shared their own experiences. I believe you. You were with me every dya I walked into that courtroom and faced them. I want to thank the people of Australia who have rallied behind me and went to the march for justice. And I want to thank the workers in the healthcare system, without which I wouldn't be here today. I want to say thank you to my team, my friends, my family and my mum, Heidi Yates, the ACT Victims of Crime commissioner. Leon's Wire, who I have stolen from his family for a really long time. Emma Webster, my partner David. Thank you to the court and its officers who treated me with respect.

I am advised that all these people were in Court this morning when McCallum CJ made comments about not publishing anything that might prejudice a fair trial, noting that a new trial date of 20 February 2023 was fixed by the Court. Despite the clear and strong statements by Her Honour, Ms Higgins nonetheless decided to make what were clearly pre prepared comments in total disregard of the Court and the law.

On behalf of Mr Bruce Lehrmann I wish to make an official and urgent complaint about the conduct of Miss Brittany Higgins (and potentially involving David Sharaz, Leon Zweir, Emma Webster and Heidi Yates) for contempt of court and for offences against 713 and 714 of the Criminal Code.:

713 Perverting the course of justice

- (1) A person commits an offence if the person, by his or her conduct, intentionally perverts the course of justice.

Maximum penalty: 700 penalty units, imprisonment for 7 years or both.

- (2) In this section:

perverts includes obstructs, prevents and defeats.

714 Publication that could cause miscarriage of justice

- (1) A person commits an offence if—

- (a) the person publishes something that could cause a miscarriage of justice in a legal proceeding; and
- (b) the person does so with the intention of causing a miscarriage of justice in the proceeding.

Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both.

- (2) A person commits an offence if—

- (a) the person publishes something that could cause a miscarriage of justice in a legal proceeding; and
- (b) the person is reckless about whether publishing the thing could cause a miscarriage of justice in the proceeding.

Maximum penalty: 700 penalty units, imprisonment for 7 years or both.

We are concerned that given the blatant disregard of the law shown by Miss Higgins in making these statements in clear contempt of the court and also sections 713 and 714 of the Criminal Code, there is in our view a real likelihood she will continue to commit further offences of this nature unless stopped, perhaps by appropriate bail conditions.

Can you please confirm receipt of this email and whether the AFP intends to pursue this complaint.

Regards

Steve Whybrow

Steven Whybrow

Barrister

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Level 5, **54 Marcus Clarke Street**

GPO Box 2011

CANBERRA ACT 2601

DX 5653 Canberra

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Rachel Fisher [redacted]

RE: [EXTERNAL] Court Orders

1 message

Tyrone Clarke [redacted] 17 October 2022 at 18:56
To: "Drumgold, Shane" [redacted]
Cc: Steven Whybrow [redacted], Katrina Musgrove [redacted], "Jerome, Skye" [redacted], Rachel Fisher [redacted], "Pitney, Sarah" [redacted], "Greig, Mitchell" [redacted], Tim [redacted]

Dear Mr Drumgold,

We are not aware of any court order or other reason why the article to which your email refers should not be published. Contrary to your suggestion, there is no evidence published in the article.

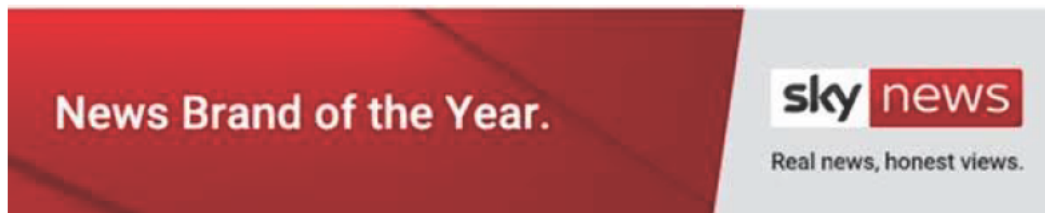
Nevertheless, Sky News does not wish to be the cause of any delay in the trial and has removed the article in accordance with your request.

Regards,

Tyrone Clarke
Digital Reporter – Sky News

[redacted]
[redacted]
[redacted]

web | www.skynews.com.au



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From: Drumgold, Shane [redacted]
Sent: Monday, 17 October 2022 6:20 PM

To: Tyrone Clarke [REDACTED]
Cc: Steven Whybrow <[REDACTED]> Katrina Musgrove <[REDACTED]> Jerome,
Skye <[REDACTED]> Rachel Fisher <[REDACTED]> Pitney, Sarah <[REDACTED]>
Greig, Mitchell <[REDACTED]>
Subject: [EXTERNAL] Court Orders
Importance: High

OFFICIAL: Sensitive

Dear Mr Clarke

Defence have brought the attached article to my attention, that we understand publishes evidence not before the court. Such an article could potentially contravene an order of the court, and we request that you immediately remove the article from publication, pending ventilation before the Court in the morning.

5:43 ↗

◀ Messages



sky news .COM.AU



Australia News > Politics

Brittany Higgins posts and deletes screenshots relating to Bruce Lehrmann rape case on Instagram amid ongoing trial

Brittany Higgins has posted a series of screenshots relating to the trial of Bruce Lehrmann to her verified Instagram page.

**Tyrone Clarke**

Digital Reporter

3 min read October 17, 2022 - 5:15PM

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Shane Drumgold SC

Director
Office of the Director of Public Prosecutions (ACT)

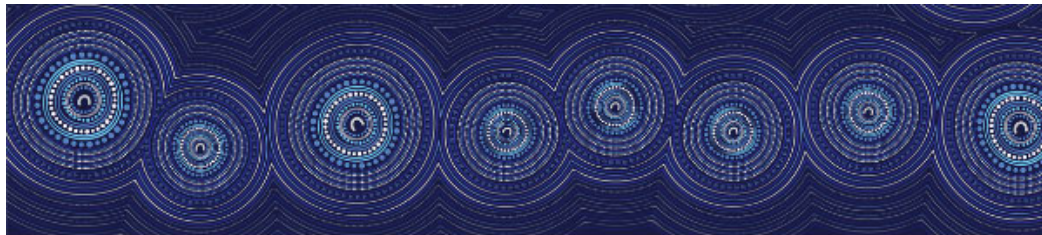
GPO Box 595, Canberra ACT 2601 (DX 5725)

[REDACTED]

W:www.dpp.act.gov.au

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**We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people
We acknowledge and respect their continuing culture and the contribution they make
to the life of this city and this region**

Artwork by Ngarrindjeri artist Jordan Lovegrove

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Media Statement; Request

1 message

Rachel Fisher [REDACTED]

1 December 2022 at 22:03

To: "Drumgold, Shane" [REDACTED]

Cc: Steven Whybrow [REDACTED]

Dear Director,

I refer you to an article published by [news.com.au](https://www.news.com.au/national/nsw-act/courts-law/sexual-assault-charge-against-bruce-lehrmann-expected-to-be-dropped/news-story/b1f0db58baaf00feace7be64a6b8245d) this afternoon;
<https://www.news.com.au/national/nsw-act/courts-law/sexual-assault-charge-against-bruce-lehrmann-expected-to-be-dropped/news-story/b1f0db58baaf00feace7be64a6b8245d>

We have assumed that consistent with what you said to the Chief Justice this morning in her Chambers that your office did not disclose the details or content of that meeting with any member of the media.

However, we are concerned that it would appear that somebody who has access to this level of information has disclosed to the media what we understood was an entirely confidential and embargoed intention to withdraw the prosecution including the reasons you discussed with the Chief Justice for doing so.

In these circumstances, can you please inform us who, other than those that attended the meeting this morning, were informed by you or your office (on your instructions) of your decision and your stated reasons for the decision?

In light of this development, can you please provide us as a matter of urgency, a copy of what you intend to say to the media tomorrow morning. This may inform our response to her Honours Associate in relation to the proposed variations of the current suppression orders. We intend to write to her Honour's Associate indicating we reserve our client's position in relation to any proposed variations including any continuance of suppression orders until we have had an opportunity to consider the position and advise our client.

Kind regards,

—

Rachel Fisher

Lawyer



Kamy Saeedi Law will be closed from 12.30pm on 23 December 2022 and will reopen at 8.30am on 11 January 2023. We wish you and your loved ones a safe holiday period. If you need emergency advice in this period call [REDACTED]

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RE: Subpoena - Brittany Higgins - C/O service request

1 message

Yates, Heidi [REDACTED]

10 June 2022 at 10:45

To: Rachel Fisher [REDACTED]

Cc: Kamy Saeedi [REDACTED]

OFFICIAL: Sensitive

Dear Ms Fisher,

Thank you for your email below.

I confirm that I have instructions from Ms Higgins to accept service on her behalf in relation to a subpoena for production of documents addressed to her. My contact details at the Human Rights Commission are noted below, and my direct line if required: [REDACTED]

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

56 Allara St

Canberra ACT 2601

[REDACTED]



**VICTIMS OF CRIME
COMMISSIONER**

ACT Human Rights Commission

From: Rachel Fisher [REDACTED]

Sent: Thursday, 9 June 2022 4:58 PM

To: Yates, Heidi <[REDACTED]>

Cc: Kamy Saeedi [REDACTED]

Subject: Subpoena - Brittany Higgins - C/O service request

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Dear Ms Yates,

I write in relation to the matter of The Queen v Bruce Lehrmann.

We act for Mr Lehrmann.

We intend to issue a subpoena for production of documents addressed to Ms Higgins.

Can you confirm whether you're in a position to accept service on behalf of Ms Higgins or whether there is someone else you can identify who may be able to assist?

Kind regards,

Rachel Fisher
Lawyer

**KAMY
SAEEDI
LAW**

1 University Ave
Canberra ACT 2601

██████████

████████████████████

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Rachel Fisher [REDACTED]

Re: SUBPOENA - The Queen v Bruce Lehrmann - Returnable 16 June 2022

1 message

Yates, Heidi [REDACTED]
To: Rachel Fisher [REDACTED]
Cc: Kamy Saeedi [REDACTED]

12 June 2022 at 16:44

OFFICIAL: Sensitive

OFFICIAL: Sensitive

Dear Ms Fisher
I confirm receipt of the below and attached subpoena.

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission

[REDACTED]

From: Rachel Fisher [REDACTED]
Sent: Friday, June 10, 2022 5:24 pm
To: Yates, Heidi [REDACTED]
Cc: Kamy Saeedi [REDACTED]
Subject: SUBPOENA - The Queen v Bruce Lehrmann - Returnable 16 June 2022

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Dear Ms Yates,

Please find enclosed correspondence enclosing a subpoena addressed to Ms Brittany Higgins for the production of documents.

Kind regards,

Rachel Fisher
Lawyer

KAMY SAEEDI LAW
1 University Ave
Canberra ACT 2601

[REDACTED]

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