

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE**Disclosure**Matter of: Bruce ^{WIT_Personal} [REDACTED] 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 Sergeant Matthew ^{WIT_Personal_Info} [REDACTED]	^{WIT_Personal_Info} [REDACTED]	Personal information [REDACTED]	Police Witness - D/Sgt ^{WIT_Personal_Info} [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.
Federal Agent Kristen ^{WIT_Perso} [REDACTED]	^{WIT_Personal_Info} [REDACTED]	Personal information [REDACTED]	Police Witness – FA/ ^{WIT_Perso} [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 Paul ^{WIT_Personal_Info} [REDACTED]	^{WIT_Personal_Info} [REDACTED]	Personal information [REDACTED]	Police Witness – Sgt ^{WIT_Personal_In} [REDACTED] ^{WIT_Confidential_sensitive_Third_P} [REDACTED] Sgt ^{WIT_Personal_In} [REDACTED] was present during the meeting between DC/ Leanne ^{WIT_Person} [REDACTED] Minister

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

			Linda Reynolds and Fiona Brown in April 2019, for all of whom statements have been provided. Sgt [WIT_Personal_Inf] has no further evidence to offer.
Superintendent Greg [WIT_Persona]	[WIT_Personal_Info]	Personal information	Police Witness – Supt [WIT_Person] was the Security Controller at APH at the time of the alleged incident. Supt [WIT_Person] did not undertake investigation and referred the security response to members listed above.
Detective Inspector Matthew [WIT_Personal_Info]	[WIT_Personal_Info]	Personal information	Police Witness – D/Ins [WIT_Personal_Info] was the officer in charge of the ACT Police SACAT team. D/Ins [WIT_Personal_Info] liaised with APH in relation to the ongoing preservation of CCTV.
Senior Constable Lysa [WIT_Personal_Info]	[WIT_Personal_Info]	Personal information	Police Witness - SC/ [WIT_Personal_Info] collected receipts from The Dock, Kingston and provided them to the investigation team. SC/ [WIT_Personal_Info] had no other involvement.
Constable Ashleigh [WIT_Persona]	[WIT_Personal_Info]	Personal information	Police Witness - C/ [WIT_Persona] collected records from the Canberra Rape Crisis Centre and provided them to the investigation team. C/ [WIT_Persona] had no other involvement.
Leading Senior Constable Mark [WIT_Personal_Inf]	[WIT_Personal_Info]	Personal information	Police Witness - LSC/ [WIT_Persona] 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/ [WIT_Personal_Inf] has no further evidence to offer and the interactions are contained within SC Frizzell's Police statement.
Constable Matthew [WIT_Persona]	[WIT_Personal_Info]	Personal information	Police Witness – C/ [WIT_Persona] was performing front office duties at the time Ms Higgins attended the Belconnen Police Station. D/Sgt [WIT_Persona] was notified and has

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

			provided a statement re: the interaction.
Senior Constable Lauren Gilliland	WIT_Personal_Info	Personal Information	Police Witness – SC/ Gilliland was performing the role of Criminal Investigation Reception Officer (CIRO). D/Sgt [WIT_Personal_Info] contacted the CIRO and provided a briefing based on her meeting with Ms Higgins. SC/ Gilliland referred D/Sgt [WIT_Personal_Info] 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.
WIT_Personal_Info			Civilian Witness – Mr [WIT_Personal_Info] compiled a stream lined video of CCTV collected within the investigation. The product created has been provided.
WIT_Personal_Info	Personal Information		Civilian Witness – Mr [WIT_Personal_Info] was present at The Dock, Kingston. He can provide evidence in relation to [WIT_Personal_Info] [WIT_Personal_Info] arranging after-hours drinks and that he invited Ms Higgins.
WIT_Personal_Info			Civilian Witness – Ms Higgins is said to have disclosed the alleged incident to her mother while in the company of Mr [WIT_Personal_Info] Mr [WIT_Personal_Info] denies knowledge of the conversation.
WIT_Personal_Info			Civilian Witness – An incident at APH was reported to Ms [WIT_Personal_Info] who reported the incident to [WIT_Personal_Info] [WIT_Personal_Info] They attended APH on the morning of 23 March 2019. Ms

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

			WIT_Personal_Info signed the WIT_Personal_Info
WIT_Personal_Info			Civilian Witness – Ms WIT_Personal_Info reported an incident at APH to Ms WIT_Personal_Info and in turn they attended APH at 10.09am on 23 March 2019 on the advice of the WIT_Personal_Info
WIT_Personal_Info			Civilian Witness – Ms WIT_Personal_Info is the producer of The Project. Mr WIT_Personal_Info corresponded with Ms Higgins in regards to the administrative arrangements of her interview conducted by Lisa Wilkinson on The Project.
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.
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, as well as maintaining contact throughout the media coverage during which Ms Maiden reportedly was disclosing to Ms Higgins information that she was prive 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

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

			memory or rather information provided to her.
Personal information	Personal information	Personal information	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.
WIT_Personal_Info			Civilian Witness – Ms [redacted] was the girlfriend of Mr Lehrmann at the time he allegedly became aware of Ms Higgins allegations against him.
Personal information	Personal information		Civilian Witness – [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.
WIT_Personal_Info	Personal information		Civilian Witness – Ms [redacted] is the mother of Mr [redacted]. It has been reported to Police that any disclosures to Ms [redacted] have been minimal in an attempt to shield her.
Various staff members	Canberra Rape Crisis Centre		Civilian Witness – Staff have supported Ms Higgins in the course of their duties. Notes were made and provided within the brief.
WIT_Personal_Info	Counselling		Civilian Witness – Ms [redacted] provided a counselling service to Ms Higgins. Ms [redacted] records have been obtained and provided.
Receptionist	WIT_Personal_Info Medical Centre Kingston		Civilian Witness – Provided SC/ Frizzell the medical records of Ms Higgins.

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Medical staff	WIT_Persona Centre	Medical	Personal information	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)

[[To add additional rows, highlight the whole last row and copy, then click immediately under the table and paste]]

Guideline issued under section**12(1)(a) Director of Public Prosecutions Act 1990 (ACT)****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*

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

- *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.*
- 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*

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

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

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

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

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 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:

Name:

Rank [*if applicable*]:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Received and noted by Sergeant *

Signed [Sergeant]:

Date:

Name:

Rank [*if applicable*]:

*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.

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

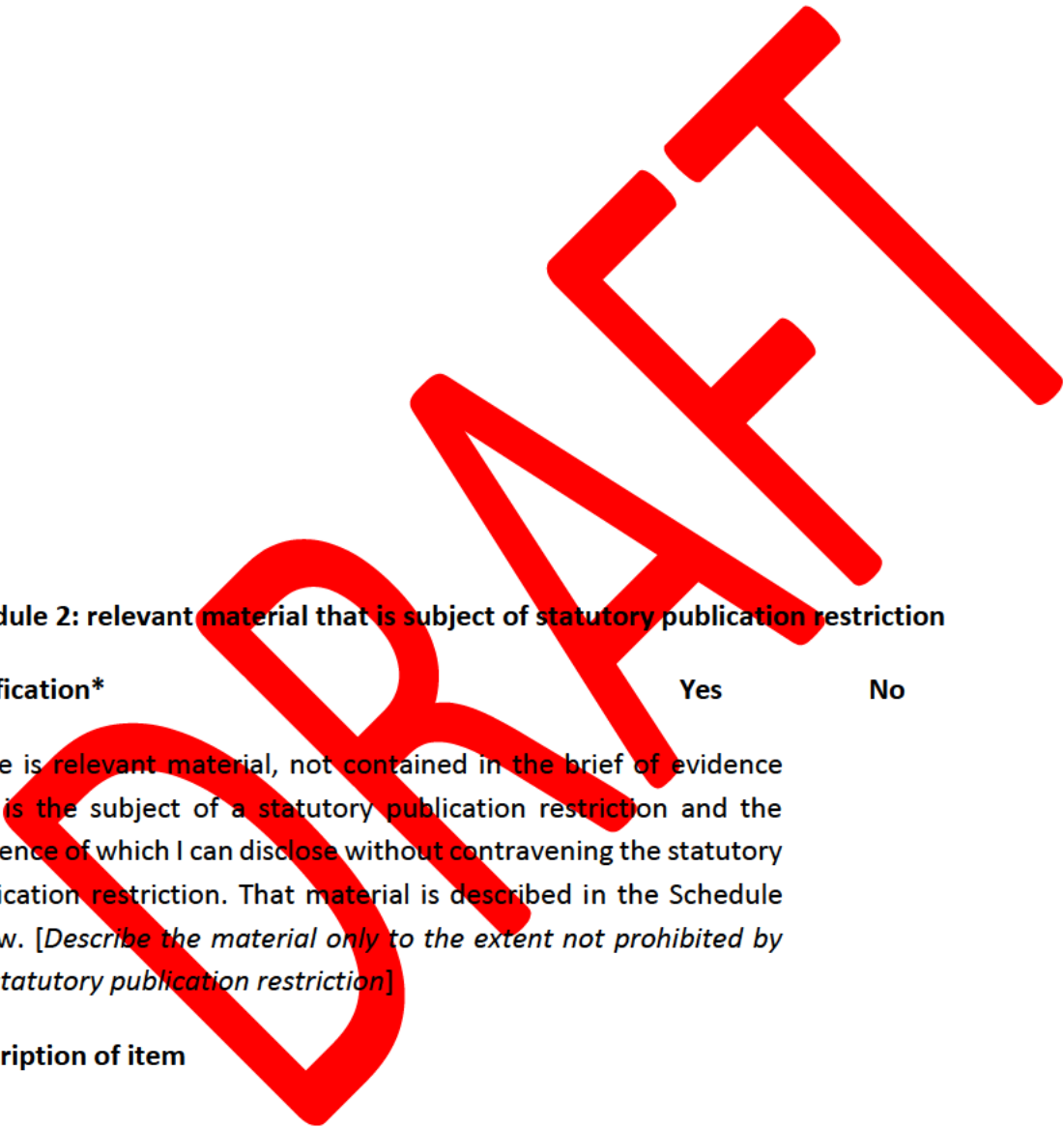
Privilege/immunity sought**

Section 3LA and Section 3E Crimes Act 1914 affidavits for warrants to search premises and person	
Information Reports – intelligence holdings	
Investigators diary notes surrounding Police methodology	PII
Investigation files in relation to PROMIS 6381473 (Not already included in brief)	PII

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

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

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

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
Diary notes of investigating members (Not already included in brief)	Available if requested. Redacted in respect of personal investigation, unrelated matters, and/or privileges and immunities.
<div style="background-color: black; width: 100%; height: 50px; display: flex; align-items: center; justify-content: center;"> WIT_Confidential_sensitive_Thirid_P </div>	<div style="background-color: black; width: 100%; height: 50px; display: flex; align-items: center; justify-content: center;"> WIT_Confidential_sensitive_Thirid_P </div> <div style="background-color: black; width: 100%; height: 50px; display: flex; align-items: center; justify-content: center; margin-top: 5px;"> WIT_Personal_Info </div>

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

	WIT_Confidential_sensitive_Third_P
Email correspondence between Detective Inspector Matthew ^{WIT_Personal_Info} and APH staff member ^{WIT_Pers} ^{WIT_Personal_Info}	WIT_Confidential_sensitive_Third_P
Investigative documents in relation to Australian Parliament House security breach and subsequent cleaning of the Ministerial suite in 2019.	
Administrative correspondence between Police and ACT Policing Video Operations Team.	Correspondence in regards to compiling numerous CCTV videos into a steam-lined video.
Administrative correspondence between Police and Ms Higgins.	This information does not provide any evidence which proves or disproves the offences. Available if requested.
Correspondence between Police and Mr ^{WIT_Personal_Inf}	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.
Correspondence between D/Ins Boorman and high office holders to arrange statements and evidentiary items.	D/Ins Boorman was the conduit between ACT Policing and high office holders and facilitated a number of appointments, as well as evidentiary items such as documentation and usbs, 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 the ^{WIT_Personal_Info} requesting client notes in relation to Ms Higgins.	Available if requested.
Email correspondence between Police and ^{WIT_Personal_Info} Counselling requesting client notes in relation to Ms Higgins.	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

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

	an Uber ride service. No taxi services were utilised. Available if requested.
Closed Circuit Television from The Dock between the hours of 05:59hrs and 00:30hrs on Friday 22 March 2019.	CCTV depicting Ms Higgins and/or Mr Lehrmann has been provided within a continuous streamlined video. The original CCTV can be made available if requested.
WIT_Confidential_sensitive_Third_P [Redacted]	
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.
Emails provided by Mr Lehrmann, received in January 2021.	Attempts are still being made to determine the source of the emails.
Diary notes of investigating members (not already included in the brief)	Available if requested. Redacted in respect of personal information, unrelated matters, and/or privileges and immunities.
Legislative restriction [Redacted]	
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).	

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Pro-forma of Evidence in Chief Interview.	Available if requested.
Pro-forma of Record of Interview.	
Administrative correspondence in relation to the request and response of external enquiries in relation to both Mr Lehrmann and Ms Higgins.	Legislative restriction

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 initial: