

From: Jerome, Skye
Sent: Wed, 26 May 2021 11:14:14 +1000
To: Drumgold, Shane
Subject: RE:
Attachments: BH Timeline Meeting.docx

OFFICIAL

Yes! I am sorry. I had completely forgotten about that particular issue.

Now included.



Skye Jerome
Crown Advocate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
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T: (02) 6207 5399 (Reception)
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W: www.dpp.act.gov.au

For a full range of victim's rights, please go to www.dpp.act.gov.au and go to the 'Witness and Victim' link.

From: Drumgold, Shane <**REDACTED**@act.gov.au>
Sent: Wednesday, 26 May 2021 10:54 AM
To: Jerome, Skye <**REDACTED**@act.gov.au>
Subject: RE:

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Thanks Skye

I have added mine and attached, but I think two events are missing;

- 1) Where we first raised with them the issue regarding Trent Madders
- 2) You and I had a meeting with Moller et al about the Trent Madders issue following a meeting about other issues (in our conference room).

Do you remember the details (time/dates) of either of those?



Shane Drumgold SC

Director

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

T: REDACTED (Direct line)

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Please consider the environment before printing this e-mail

From: Jerome, Skye <REDACTED@act.gov.au>
Sent: Wednesday, 26 May 2021 10:46 AM
To: Drumgold, Shane <REDACTED@act.gov.au>
Subject:

OFFICIAL



Skye Jerome

Crown Advocate

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GPO Box 595, Canberra ACT 2601 (DX 5725)

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Timeline of Meetings with AFP where HIGGINS investigation was discussed

17 March 2021 – SACAT/DPP Monthly Meeting

The following people were present:

1. Skye Jerome
2. Andrew Chatterton
3. Det Sgt McDevit
4. Det Sgt Saunders

During a SACAT/DPP monthly meeting where various issues are routinely discussed, Det Sgt McDevit and Det Sgt Saunders spoke about the investigation into the allegation made by Miss HIGGINS. AFP expressed some frustration with the limited communication with Miss HIGGINS and gave examples of HIGGINS not showing up for appointments and refusing to hand over certain pieces of evidence. AFP also expressed a concern with her credibility.

We were also advised that Det MADDERS had conducted the EICI. I expressed some concern with MADDERS being involved in this investigation given my experience with him as the informant for the matter of Madders v Tiffen & Tiffen.

DPP had not been put on notice that the HIGGINS matter would be discussed at this meeting. It was later confirmed that the information provided by AFP at this meeting was not formal.

31 March 2021 – Briefing at Winchester

The following people attended the briefing on 31 March 2021:

- | | |
|-----------------------------|----------------------------|
| 1. Shane Drumgold SC | 5. Det Sgt Jason McDevit |
| 2. Skye Jerome | 6. Det Sgt Gareth Saunders |
| 3. Andrew Chatterton | 7. Det Trent Madders |
| 4. Inspector Marcus Boorman | 8. C Emma Frizzel |

The briefing was mainly an oral account from the police officers explaining the timeline of the offence, reports made and the investigation to date as at 31 March 2021. We were shown the CCTV footage of Miss HIGGINS and the suspect [REDACTED]

[REDACTED] AFP expressed some concern with Miss HIGGINS' credibility. However, Shane Drumgold SC stated that putting aside the strong media interest and Miss HIGGINS' participation with the media, overall, this case, (*based on how it had been described in the briefing*), was unremarkable in regards to the strength of the evidence overall. The DPP did not hold the view that Miss HIGGINS had been so discredited that she could not be believed beyond a reasonable doubt. At the completion of the police briefing, I recall that the DPP members were in agreement and stated that there was sufficient evidence to charge the suspect with one count of sexual intercourse without consent pursuant to s54 *Crimes Act 1900* (ACT). AFP indicated that there were still outstanding lines of inquiries and were yet to interview the suspect.

06 April 2021

Magistrate Theakston published a decision in the matter of *Madders v Tiffen and Tiffen* (No 1) [2021] ACTMC 4. One of the issues in the *voire dire* was the admissibility of electronic devices which had been examined out of time pursuant to s3K *Crimes Act 1914* (Cth). Magistrate Theakston found at paragraph 78, that Det Madders had deliberately attempted to cover up the breach (late examination of moved electronic items).

07 April 2021

Shane Drumgold SC and Skye Jerome telephoned Det Sgt McDevit about the Tiffen Decision. Shane Drumgold SC stated that it was entirely a matter for the AFP whether Det Madders remained involved in the Higgins investigation.

12 April 2021

Superintendent Scott Muller attended DPP office and spoke with Shane Drumgold SC and Skye Jerome. Again, Shane Drumgold SC stated that it was entirely a matter for the AFP whether Det Madders remained involved in the Higgins investigation, after the published Tiffen's decision. Shane Drumgold SC, reiterated that his understanding of the brief so far was that there was sufficient evidence to charge the suspect.

28 April 2021

Attended the launch of the ACT Sexual Assault Prevention and Response program, and spoke to Inspector Marcus Boorman who advised that they have interviewed the suspect and made the following points:

- Suspect had denied sex had occurred
- Said he and Higgins went into office to work
- He went to his desk and she to the lounge in the Ministers office
- He completed his work and left.

20 May 2021,

During a monthly SACAT/DPP Meeting, Det Sgt McDevit, informally advised Andrew and myself that AFP intended to interview the suspect again. Det Sgt McDevit stated that they wanted to speak with the suspect about in/consistencies but could not or did not explain to us the reason/s for the second interview. Det Sgt McDevit also stated that Heidi Yates, Victims of Crime Commissioner, was now the formal spokesperson for Miss HIGGINS. Miss HIGGINS has still not provided to AFP her mobile phone or the photographs of the bruise.

From: Drumgold, Shane
Sent: Wed, 26 May 2021 11:18:42 +1000
To: Jerome, Skye; Chatterton, Andrew
Subject: Higgins
Attachments: BH Timeline Meetings.docx

OFFICIAL

Thanks All

I have attached a record of discussions between the DPP and AFP on the Higgins matter. Where you have subsequent engagement, could I ask you to update it and distribute the latest version.



Shane Drumgold SC

Director

Office of the Director of Public Prosecutions (ACT)

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The briefing was mainly an oral account from the police officers explaining the timeline of the offence, reports made and the investigation to date as at 31 March 2021. We were shown the CCTV [REDACTED] incident. AFP expressed some concern with Miss HIGGINS' credibility. However, Shane Drumgold SC stated that putting aside the strong media interest and Miss HIGGINS' participation with the media, overall, this case, (*based on how it had been described in the briefing*), was unremarkable in regards to the strength of the evidence overall. The DPP did not hold the view that Miss HIGGINS had been so discredited that she could not be believed beyond a reasonable doubt. At the completion of the police briefing, I recall that the DPP members were in agreement and stated that there was sufficient evidence to charge the suspect with one count of sexual intercourse without consent pursuant to s54 *Crimes Act 1900* (ACT). AFP indicated that there were still outstanding lines of inquiries and were yet to interview the suspect.

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Andrew Chatterton contacted Inspector Boorman and asked him to contact the Director about the progress of the investigation.



18 June 2021

Mr Shane Drumgold
Director ACT Public Prosecutions

Dear Mr Drumgold

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*, Australian Parliament House 23 March 2019 made by Ms Brittany Higgins (Ms Higgins).

The investigation has identified a number of concerns regarding this matter to date including inconsistencies in disclosure, credibility concerns and other evidentiary issues that may affect any potential prosecution.

Investigators are attempting to obtain additional statements from seven interstate witnesses and a further three witnesses within Minister Reynolds office in 2019 regarding disclosures by Ms Higgins or the suspect Mr Bruce Lehrmann (Mr Lehrmann) in relation to the matter. In addition the analysis of Ms Higgins mobile telephone and access to both Ms Higgin's and Mr Lehrmann's Cloud accounts is ongoing. Investigators believe the outstanding statements will not influence any decision however examination of both Ms Higgins and Mr Lehrmann's Cloud accounts may identify additional evidential material of an inculpatory / exculpatory nature.

ACTP Executive respectfully request ACT Department Public Prosecutions conduct an assessment / review of the attached preliminary brief of evidence relating to the allegation and provide advice for consideration of prosecution.

Please find attached at annexure B & C a summary report and time line of disclosures made in relation to Operation COVINA and a hard drive containing the preliminary electronic Brief of Evidence.

Yours sincerely

Detective Superintendent Scott Moller
Criminal Investigations
ACT Policing

POLICING FOR A SAFER AUSTRALIA



PROTECTED
Sensitive: Legal

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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Sensitive: Legal

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."
- Investigators have identified that Ms Higgins has a history of anxiety and depression and [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



Detective Superintendent
SIO Operation COVINA





AFP

AUSTRALIAN FEDERAL POLICE

Minute

Addressee DCPO-R [REDACTED]

Through: Supt-0 [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]
[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"> • 0.52pm - 27 March 2019 - Mr [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 - F/A [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 |

| | |
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| | <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' |
| <h3>2 April 2019</h3> | |
| <ul style="list-style-type: none"> • 2 April 2019 - CRCC | <ul style="list-style-type: none"> • REDACTED • [REDACTED] • [REDACTED] |
| <h3>8 APRIL 2019</h3> | |
| <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 |

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| | <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 align="center">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 align="center">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. |

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| | <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 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. 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. |

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| | <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] 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>ECICI – 26 MAY 2021</p> | |
| <ul style="list-style-type: none"> • 26 May 2021 – Ms Brittany Higgins • (Full ECICI transcript can be provided at a later date) | <ul style="list-style-type: none"> • TRANSCRIPT UNABLE TO BE PROVIDED AT THE TIME OF AUTHORIZING. • |

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| <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:

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| <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] • [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. |

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| | <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 | |
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| 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 |

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| <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 | |
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| <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] 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 | |
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| <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 |

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| | 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

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| <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 required to download her 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, 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 appointment for 15 March 2021. |
| <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 advising of her attendance. |
| <ul style="list-style-type: none"> 26 May 2021 | <ul style="list-style-type: none"> Current phone obtained following second EICI. |

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| | <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

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| <ul style="list-style-type: none"> 27 March 2019 | <ul style="list-style-type: none"> Text conversation with Mr [REDACTED] 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 Ms 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 [REDACTED] stated 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"> REDACTED |
| <ul style="list-style-type: none"> 8 April 2019 | <ul style="list-style-type: none"> AFP SC Harman. Had not sought medical attention. SC Harman made enquiries on her behalf. |
| <ul style="list-style-type: none"> 2021 | <ul style="list-style-type: none"> AFP SC 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. |

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| | <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.

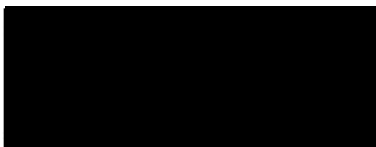
The analysis of Ms Higgins mobile telephone is ongoing and is yet to be completed. Investigators estimate this will take approximately four weeks to complete. Note: Investigators are continuing to identify content on the mobile telephone of concern to the investigation.

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

From: Drumgold, Shane
Sent: Mon, 21 Jun 2021 18:59:36 +1000
To: [REDACTED]@afp.gov.au; Moller, Scott
Cc: Jerome, Skye
Subject: Operation Covina

OFFICIAL

Dear Scott and Marcus

I acknowledge receipt of the partial brief of evidence for the above matter and raise the following preliminary issues.

CCTV

I note there is a large amount of CCTV evidence from both the Dock and Parliament house, much of which is unidentified. I note the CCTV is currently spread throughout a large number of individual files. Whilst the precis is useful, can I request a compilation of relevant CCTV from each location into a single MP4 file, the goal being to enable a single file to be played tracking the movement of the relevant parties at the Dock and Parliament House.

Missing statements

I note the letter dated 4 June 2021 at the back of the minute notes the following items missing:

- 7 interstate witnesses
- 4 witnesses within Minister Reynolds office in 2019
- Analysis of mobile telephones

The advice of 18 June 2021 notes the following items are still outstanding

- 3 witnesses within Minister Reynolds office in 2019
- Analysis of Ms Higgins mobile
- Access to both Ms Higgins and Mr Lehrmann's Cloud

I note your observations of what may be relevant are limited to the cloud material, however I view the outstanding statements relating to disclosures by Ms Higgins from 2019 as also potentially highly relevant.

Further, noting the size of the phone reports, we would benefit from a summary of all relevant material in its original format (rather than typed summaries, lifted directly from the phone report).

Can I please have a complete and current list of outstanding items and an ETA for all outstanding material.

**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: REDACTED (Direct line)

T: REDACTED (Executive Officer Katie Cantwell)

M: REDACTED

E: REDACTED@act.gov.au

E: REDACTED@act.gov.au (EO)

W: www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

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ACT Office of the Director of Public Prosecutions

Subject: Advice regarding allegations made by Ms Brittany HIGGINS

TO: Detective Superintendent Scott Moller

FROM: Shane Drumgold SC - Director of Public Prosecutions

DATE: 28 June 2021

Introduction

Section 2.2 of the AFP/DPP Collaborative Agreement of 26/9/19 provides:

The AFP may seek DPP advice at an investigative stage, particularly in large complex or sensitive investigation. Advice in these circumstances is limited to:

- *The admissibility of evidence that has already been obtained or likely to be obtained by police; and*
- *The legal implications of alternative or proposed police actions.*

The DPP will not direct police as to which choice should be made, rather provide advice as to the legal limitations or consequences of a particular choice.

In addition, the AFP may seek DPP advice about general matters of law, evidence and procedure. Advice will be provided only on receipt of sufficient material in admissible form".

On 18 June 2021, the AFP provided a brief of evidence in relation to allegations by Ms Brittany Higgins, with a request to "conduct an assessment / review of the attached preliminary brief of evidence relating to the allegation and provide advice for consideration of prosecution".

Conclusion:

Should a charge follow, as per section 2.4 of our Prosecution Policy *“The decision to prosecute can be understood as a two-stage process. First, does the evidence offer reasonable prospects of conviction? If so, is it in the public interest to proceed with a prosecution?”*

I have reviewed the brief of evidence, with the exception of two items:

- 1) The 56,287 page report of Brittany Higgins’ phone
- 2) The 39,823 page report on Bruce Lehrmann’s phone

I will continue to make my way through these reports.

In answering the two questions arising out of section 2.4 Prosecution Policy, and subject to the further enquiries raised at the end of this minute, on a preliminary basis I advise the following:

- a) I am of the view that there are reasonable prospects of conviction on a charge pursuant to section 54 Crimes Act 1900, being *“On 23 March 2019, Bruce Lehrmann engaged in sexual intercourse with Brittany Higgins without her consent, and being reckless as to whether Brittany Higgins was consenting to sexual intercourse.”*.
- b) I am of the view that there is a public interest in proceeding with one charge pursuant to section 54 Crimes Act 1900, being *“On 23 March 2019, Bruce Lehrmann engaged in sexual intercourse with Brittany Higgins without her consent, and being reckless as to whether Brittany Higgins was consenting to sexual intercourse.”*.

Analysis of the case

Whilst I have read the entirety of the brief, I will limit my comments to the factors that will likely constitute the facts in issue to be resolved by a properly instructed jury.

Background:

In late February 2019 the complainant worked as a media advisor for the former Federal Minister for Defence Industry Hon Steven Ciobo MP and the suspect worked as a political adviser for the Hon Linda Reynolds CSC.

During the lead up to 11 April 2019, when the Prime Minister called an election for 18 May 2019, on around 1 March 2019 Minister Ciobo announced he would not contest the next election. On 2 March 2019 the Defence Industry portfolio was shifted from Minister Ciobo to the Hon Linda Reynolds. This created something of a merged office, with the complainant moving from Minister Ciobo’s office to Minister Reynolds office, where the suspect was

already established as an advisor to Minister Reynolds. The general sense within the government of the day, and their staff, was that the incumbent government would lose the election.

On the evening of 22 March 2019, a group of staffers attended The Dock on the Kingston Foreshore to signify what they thought was the pending end of the government. The complainant arrived around 7.20pm with a date, and during the evening socialised generally with members of the group which initially consisted of two tables that merged as the night rolled on. At some point her date left, and she remained.

At around 10.40pm the complainant and the suspect left with two others from the group, [REDACTED] and attended another club in Canberra City called 88 mph.

Complainant's Intoxication

[REDACTED] recalls "I remember Brittany being really drunk....I remember her falling over. Um, and sort of pulling herself back up onto the couch and I think Bruce (suspect) helped her back onto the couch."¹

The complainant recalls "I was drinking consistently throughout the night, so people were buying me drinks"² On leaving the Dock, I would say [my intoxication was] seventy per cent, I was already very drunk at that point"³ "The next think I sort of remember was being at 88mph, so like I – yea, I was already leaving the Dock I was really very drunk".⁴ "I was pretty embarrassed by falling over. Um, I remember after I fell over. Bruce helped me up".⁵ "I kind of managed to catch myself in terms of hands, like I didn't face plant but I definitely got my knees and I was off-road, I had to be helped up...I remember Bruce helped me up."⁶ "It's as drunk as I've ever been in my life"⁷

The suspects spending on the night is noted and it is worth noting that in other areas of her interview, the complainant reports he was buying me a lot of drinks.⁸ It is noted that there are no further statements about how she knew this, how they were paid for etc and accordingly is possibly a non-material general mistake.

Leaving 88mph for Parliament House

¹ ROI Madders [REDACTED] 24/3/21 - Q32.

² EICI Madder/Higgins 24/2/21 Q103.

³ EICI Madders/Higgins 24/2/21 Q153.

⁴ EICI Madders/Higgins 24/2/21 Q151.

⁵ EICI Madders/Higgins 24/2/21. Q28.

⁶ EICI Madders/Higgins 24/2/21 Q176-177.

⁷ EICI Madders/Higgins 24/2/21 Q172.

⁸ EICI Madders/Higgins 24/2/21 Q25.

The complainant says that at that time she lived in Woden and she recalls the suspect suggesting they go together in a cab.⁹ They did this then the complainant stated *"I don't specifically remember sort of the words that were said, but it was sort of something along the lines of, "I have to stop in and pick something up from work." Um, and I – I wasn't really cognizant, I wasn't fully in a state where I was sort of argumentative. I was really open to suggestion. Um, and so, at that point I was broadly – it didn't seem inconceivable to go to Parliament, it felt like a safe space for me and I didn't say, No, to going to Parliament".*¹⁰

Intoxication on arrival at Parliament House 1.42am

█ notes the complainant had grass stains down one side of her dress¹¹ and there is no evidence about how these came to be there. It is noteworthy that it would be unsurprising if the complainant attempted to compose herself so as not to draw attention to her level of intoxication, and █ notes that she initially triggered the scanner and had to remove her shoes and go through a second time.

█ says that *"it wasn't until that point in time, when she was trying to get her shoes back on, that I realised how intoxicated she actually was. Um, because she could not get her shoes back on for the life of her"*¹²

In an interview on 18 March 2021, the █ describes the complainant as *"Slightly intoxicated, she was not – she was not staggeringly drunk, I know a staggeringly drunk person"*¹³ however he says in his original incident report prepared on 24 March 2019 that *"I observed that the female may have been affected by alcohol as she stumbled whilst trying to self-clear through the Walk-through Metal Detector"*¹⁴

The complainant describes herself as *"Falling all over the place, I fell over at Parliament, I couldn't sign my own name"*¹⁵ This does not appear to express an order of events, and in my view, is consistent with stumbling whilst attempting to put her shoes on, particularly noting █ observation of grass stains on the complainant's dress, which are unlikely to have been the result of the fall at 88mph as it was inside.

█ escorted the pair to Minister Reynolds office, arriving at 1.48am, and called █.

At this point that the versions of events polarise into two different cases.

⁹ EICI Madders/Higgins 24/2/21 Q29.

¹⁰ EICI Madders/Higgins 24/2/21 Q31.

¹¹ Madders █ 24/4/21 Q53.

¹² Madders █ 24/4/21 Q62.

¹³ Madders █ 18/3/21 Q44.

¹⁴ Report of █ 24/03/2019.

¹⁵ EICI Madders/Higgins 24/2/21 Q34.

Version of Brittany Higgins

On entry to the Minister's Office the complainant says *"I remember sitting on one of the ledges there. Um, and – and then I don't remember whether I went to the couch myself willingly or if I was guided there or – or sort of what happened.* [REDACTED]

[REDACTED] *Um, at that point, I felt like a bit of time had passed. I felt like – [REDACTED] .."The first thing that I sort of woke up to, was a pain in my leg, that was the first thing that I sort of made me sort of cotton on to the fact or sort of knocked me awake essentially" ..* [REDACTED]

Regarding her clothing, she states that during the alleged sexual assault, the complainant says *"My dress was still on my body, um, but it'd had just been really scrunched up, so it was around my waist"*¹⁷ [REDACTED]

[REDACTED] *I couldn't get up off the couch, um, and I passed out for – until the next day"*¹⁹

[REDACTED] notes he *"appeared in a hurry and dropped off his pass. I asked him if he was coming back. He didn't stop and hastily replied no."*²⁰

At 4.15am (around 1 hour 45 minutes after the suspect left) [REDACTED] attended the Minister's Office to check on the welfare of the complainant, noting she was *"lying naked on the lounge that was directly in front of the door. She was on her back....She's looked at me, she's rolled over into the foetal position and has gone back to sleep"*²¹

[REDACTED] notes that she was completely naked. Her dress was on the floor. Her shoes were on the floor. She wasn't wearing a bra.²² It is noted that this is a greater state of undress than reported by the complainant during the sexual assault, which we can place somewhere between 1 hour 45 minutes and 2 hours 30 minutes earlier, and appears consistent with the dress being further removed either by the complainant when semi-conscious or by the

¹⁶ EICI Madders/Higgins 24/2/21 Q36.

¹⁷ EICI Madders/Higgins 24/2/21 Q259.

¹⁸ EICI Madders/Higgins 24/2/21 Q254.

¹⁹ EICI Madders/Higgins 24/2/21 Q36.

²⁰ Report of [REDACTED] 24/03/2019.

²¹ EICI Madders/Higgins 24/2/21 Q79-80.

²² EICI Madders/Higgins 24/2/21 Q208-213.

suspect after the complainant had lost consciousness. In either case, they are both consistent with her claim that sexual intercourse occurred.

The complainant does not remember [REDACTED] attending, as her next recollection is *"Probably about eight o'clock the next day. And I remember hearing a female security guard yelling into the office, asking if I was okay. I didn't see anyone, but, but I heard her yell out"*.²³ This is consistent with the evidence that at 9.15am, guard [REDACTED], accompanied by guard [REDACTED] attended the office, when [REDACTED] knocked on the door and called out "Security" asking if anyone was there, and the complainant responded "yes". [REDACTED] asked if everything was Ok, and the complainant responded Yes, everything's okay.²⁴

After the [REDACTED] exchange, the complainant says she sat and ate most of a box of Roses chocolates and was sick in the Minister's bathroom. She combed her hair and pulled herself together, then retrieved a Carla Zampatti jacket from a box of goodwill clothing and left,²⁵ and [REDACTED].

Version of Bruce Lehrmann

[REDACTED] notes that on entry he commented *"It's very early in the morning, guys to be working. Are you going to work?"* and they both said *"Yes, they're going to work"*.²⁶

[REDACTED] recalls the exchange slightly differently, recalling [REDACTED] saying *"Oh, you guys are in here late. Couldn't this have waited – waited until Monday and the guy seemed to take offence to it and he's like, No, it couldn't wait."* [REDACTED] specifically recalled that Higgins did not say anything.²⁷

This is important, because when spoken to by Fiona Brown on Tuesday 26 March 2019, Ms Brown recalls that the suspect told her *"He just came in to have – to drink his whisky"* and that he said he had *"about two glasses"*.²⁸ Although it does not appear in her EICI, colleague Nikita Irvine recalls whilst disclosing the events to her, the complainant told her on either 27 or 28 March 2019 that *"he wanted to come back here to like show me some whisky or there was something. I remember whisky being mentioned."*²⁹

In a letter from Minister Reynolds on 4 April 2019 advising the suspect that he had been dismissed she states *"I am advised that when you sought entry to parliament house after hours, you did so by reporting to security that you were required to attend my office for*

²³ EICI Madders/Higgins 24/2/21 Q36.

²⁴ ROC Madders, [REDACTED] 24/3/21 Q54.

²⁵ EICI Madders/Higgins 24/2/21 Q37.

²⁶ ROC Madders, [REDACTED] 18/3/21 Q39.

²⁷ ROC Madders, [REDACTED] 24/4/21 Q130-133.

²⁸ ROC Madders/Brown 22/3/21 Q128-130.

²⁹ ROC Madders, [REDACTED] 2/4/21 Q137.

*important official business.*³⁰ In response to this letter, the suspect wrote to Senator Reynolds saying *"I offer no excuses and accept that entering the office after hours is a breach no matter what the reason. I do however refute the claim that I informed security it was for official purposes."*³¹

In his record of interview with police conducted 19 April 2021, the suspect states that he was aware that entering parliament house after hours was a security breach, and that he was concerned the AFP would become involved for this reason.³² Notwithstanding his knowledge that attending parliament house after hours constituted a security breach significant enough to draw the attention of the AFP, he then offers two reasons for entering parliament house.

Reason one appears to suggest that it was planned, because, notwithstanding the fact that he was going out, for some reason he left the keys to his apartment at parliament house.³³

Reason two suggests that he had a conversation with people from defence department at The Dock (prior to continuing onto 88mph) that reminded him that he had to attend the office to do some work, specifically stick some tabs on a certain topic on the question time brief for the Minister.³⁴

The second of these in my view constitutes an Edwards lie, as it would be highly unlikely that he would tell his boss that he returned to the office to drink whisky, yet told both security on entry and police during a formal interview that he attended parliament house to do some work. Further, it appears highly unlikely that he would not take his apartment keys with him when he left work on 22 March to go out.

He states in his record of interview that on entering the office, the complainant turned and went into the minister's suite and he went to his desk and got what he needed for the weekend, attended to some of the question time folders, ordered himself an uber and left.³⁵

[REDACTED]

³⁰ Letter from Senator Linda Reynolds to Bruce Lehrmann 4/4/19.

³¹ Email from Bruce Lehrmann to Fiona Brown / Sen Reynolds Friday 5/4/19 9.28am.

³² Boorman/Lehrmann 19/4/21 Q725.

³³ Boorman/Lehrmann 19/4/21 Q85.

³⁴ Boorman/Lehrmann 19/4/21 Q573-583.

³⁵ Boorman/Lehrmann 19/4/21 Q100-104.

██████████. ██████████ notes he *“appeared in a hurry and dropped off his pass. I asked him if he was coming back. He didn’t stop and hastily replied no.”*³⁶

In my view, a properly instructed jury is likely to reject the version of events provided by the suspect during his record of interview on 19 April 2021, so the case will hinge on the jury being satisfied of the complainant’s version beyond reasonable doubt.

Complaint

As I have outlined, the complainant’s statements of being highly intoxicated are corroborated by ██████████ and to a lesser extent ██████████. They are also corroborated by the fact that on entering parliament house at 1.42am, she fell asleep and did not become cognizant for over seven hours when she was roused by ██████████ at 9.15am.

Her version of being sexually assaulted is independently corroborated by the evidence of ██████████ who saw her laying naked on the lounge at 4.15am.

Notwithstanding the delay in wishing to proceed to prosecution, disclosure was made proximate to the events. In an SMS exchange with ██████████ on Tuesday 26 March 2019 the complainant said *“I was barely lucid. I really don’t feel like it was consensual at all”*. In a conversation the same day, she told ██████████ that she vaguely remembered Bruce being there when she woke up half dressed in the Minister’s office.³⁷

On *“probably the Wednesday or the Thursday”*³⁸ which would be either 27 or 28 March 2019, the complainant made a disclosure to work colleague ██████████ consistent with her evidence in chief interview saying she fell asleep on the minister’s couch and woke up and the suspect was on top of her.³⁹ ██████████ states that over the next four or five months she spoke to her about four times, finally advising her that she had decided not to go further with it anymore.⁴⁰

The complainant disclosed to Fiona Brown on Thursday 28 March 2019 saying, *“I recall him being on top of me”*.⁴¹

Conclusion

In light of the early disclosure and the independent corroboration about significant events, I am of the view that there is a reasonable prospect a properly instructed jury will accept the evidence of the complainant beyond reasonable doubt.

³⁶ Report of ██████████ 24/03/2019.

³⁷ ROC Madders ██████████ 23/2/21 Q7.

³⁸ ROC Madders ██████████ 2/4/21 Q117.

³⁹ ROC Madders ██████████ 2/4/21 Q138.

⁴⁰ ROC Madders ██████████ 2/4/21 Q141.

⁴¹ ROC Madders/Brown 22/3/21 Q293.

Your comments on credibility issues

In your executive briefing, you say *"Throughout the investigation Ms Higgins has been evasive, uncooperative and manipulative."* You then raise a number of points I would like to ventilate further.

Firstly, you say since 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, and she has repeatedly refused (however has since provided her current phone).

I have the following evidence on this issue and seek certain further evidence:

(Madders) 25/2/21 – Higgins informed us that she no longer wished to provide mobile phone – however there is no evidence of an initial agreement.

- Do you have any evidence of a previous request that was agreed to, such that she no longer wished to provide her phone?
- Noting that [REDACTED] also declined, stating there were conversations with Ministers of Parliament, was a reason sought or obtained from Ms Higgins as to why?

(Madders) 26/2/21 – Detective Madders told the complainant that police would need to conduct a data extraction, and they would revisit it when next in the ACT.

- Was there any conversation about immediate release – if so what?
- Why was it decided to pause and revisit when Ms Higgins was next in the ACT?
- Was it revisited, if so when and what are the details?

(Madders) 26/5/21 – Police met with Higgins and Yates and received signed consent to examine and acquire data from her phone.

- Did she also hand over a phone?
- What was the surrounding conversation?

(Madders) 3/6/21 - collected PDF documents relating to Cellebrite data extraction from Higgins' phone.

Can I please have the following evidence:

- Missing evidence relating to the phone
 - When was the first request (prior to 25 February 2021)?
 - Any subsequent requests?
 - Was any reason sought or obtained from Higgins?
- Can I have evidence of the conversation regarding statement on 26 February 2021 that would need to extract data?

- Can you please provide the evidence of any other requests for the phone (who they were made to and how they were made)?
- Can you please provide evidence of Ms Higgins' responses (who responded and how they responded)?
- Can you please provide evidence of the basis for saying the phone provided is a different phone to the phone used at the time?

On basis of SMS *"I'm clearing out my phone a head of Police"* you say Ms Higgins *"deliberately deleted content"* from her phone prior to providing it to police.

- Can I please have a copy of this SMS and the surrounding exchanges to give it context?
- Is there any evidence that she actually deleted items?
- Is there any missing material that may be relevant to the prosecution that you believe may have been deleted?

You say Ms Higgins made *"a number of disclosures publicly"* (plural) and to *"Op COVINA Investigators"* (plural). Police put two things to her at question 98 of EIC 2 in relation to this:

- a) 1 SMS to ██████████ *"Went to a GP last night and back at work today"* (27 March 2019 at 9.53am)
- b) Federal Agent ██████████ notes say *"Philip Medical Centre awaiting results"*
- c) Although not put to her in EIC 2, I also note at Q298-299 of the Brown ROC she notes that she got a message from Higgins on 28 March 2019 at 7.53pm that she'd arranged a doctor's appointment and that she didn't want to come to work the next day – she wanted Brown to tell people she was working from home.

Can you please advise whether these are the only basis for saying *"a number of disclosures publicly"* (plural) and to *"Op COVINA Investigators"* (plural), if not can you please provide a list of other disclosures.

Further I have neither the notes from Federal Agent ██████████ nor a statement outlining the circumstances and context of the note *"Philip Medical Centre awaiting results"*, can you please provide both?

You say one month before the alleged incident in March 2019 police located a text saying *"Exactly! A sex scandal the party can be proud of. Another Barnaby but without the baby ha ha"*.

- I have not been able to locate this SMS. Can I please have this text complete with the conversation that it sits within to give context? (the entire conversation including the discussion about inappropriate behaviour by staffers at Parliament House).

Further evidence required

As per my email dated 21 June 2021

CCTV

I note there is a large amount of CCTV evidence from both the Dock and Parliament house, much of which is unidentified. I note the CCTV is currently spread throughout a large number of individual files. Whilst the precis is useful, can I request a compilation of relevant CCTV from each location into a single MP4 file, the goal being to enable a single file to be played tracking the movement of the relevant parties at the Dock and Parliament House.

Missing statements

I note the letter dated 4 June 2021 at the back of the minute notes the following items missing:

- 7 interstate witnesses;
- 4 witnesses within Minister Reynolds office in 2019; and
- Analysis of mobile telephones.

The advice of 18 June 2021 notes the following items are still outstanding:

- 3 witnesses within Minister Reynolds office in 2019;
- Analysis of Ms Higgins mobile; and
- Access to both Ms Higgins and Mr Lehrmann's Cloud.

Can I please have a complete list of outstanding material and an ETA.

New Items required

Can I please have the following additional evidence

- 1) Floor plan for the Ministerial Office;
- 2) Lehrmann drawing of the Office referred to in his ROC; and
- 3) I have evidence up until 2 April 2019 when FA ██████ spoke to SC ██████ from SACAT, and 4 April 2019 when FA ██████ spoke to SACAT to arrange meeting – I require evidence relating to:
 - a. Higgins initially not wishing to proceed further; and
 - b. Higgins then wishing to recommence complaint

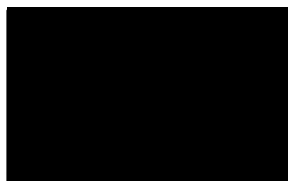
Can I please have statements surrounding the complainant expressing that she did not wish to proceed with the matter, and when she again expressed that she wished to proceed.

Weaknesses in investigation

In the record of interview with Bruce Lehrmann on 19 April 2021, at questions 800 and 860, he is called on to provide an explanation as to why the complainant would make the complaint. This breaches the rule in *Palmer v The Queen* (1998) 193 CLR 1 as it reverses the onus of proof. These questions will have to be redacted from the record of interview.

The second interview with Brittany Higgins on 26 May 2021 involves other evidence being put to Ms Higgins, that is inconsistent with the evidence in her first interview, and her being called on to comment. This includes messages between herself and [REDACTED] regarding a visit to the doctor as well as CCTV evidence of her attending Parliament House depicting her level of sobriety. As a general rule, witnesses should not be exposed to other evidence, whether it be consistent or inconsistent with their evidence as this contaminates their evidence.

Given the publicity attached to this matter, I would be grateful for a response to this minute, and will await your further advice.



Shane Drumgold SC
Director - ACT Director of Public Prosecutions

From: Chew, Michael
Sent: Fri, 2 Jul 2021 14:44:45 +1000
To: Drumgold, Shane
Cc: Moller, Scott
Subject: Higgins matter [SEC=OFFICIAL]

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OFFICIAL

Shane

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

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

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

Regards

Michael

COMMANDER MICHAEL CHEW
DEPUTY CHIEF POLICE OFFICER - RESPONSE
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: Drumgold, Shane <[REDACTED]@act.gov.au>
Sent: Thursday, 1 July 2021 10:19 AM
To: Moller, Scott <[REDACTED]@afp.gov.au>
Cc: Boorman, Marcus <[REDACTED]@afp.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>
Subject: RE: Advice on Brittany Higgins complaint [SEC=OFFICIAL]

OFFICIAL: Sensitive - Legal Privilege

Hi Scott

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

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

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

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

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

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

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

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

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

I hope this is of assistance.



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: **REDACTED** (Direct line)
 T: **REDACTED** (Executive Officer Katie Cantwell)
 M: **REDACTED**
 E: **REDACTED**@act.gov.au
 E: **REDACTED**@act.gov.au (EO)
 W: www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

Please consider the environment before printing this e-mail

From: Moller, Scott <**REDACTED**@afp.gov.au>
Sent: Thursday, 1 July 2021 9:43 AM
To: Drumgold, Shane <**REDACTED**@act.gov.au>
Cc: Boorman, Marcus <**REDACTED**@afp.gov.au>; Jerome, Skye <**REDACTED**@act.gov.au>
Subject: RE: Advice on Brittany Higgins complaint [SEC=OFFICIAL]

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Thanks Shane,

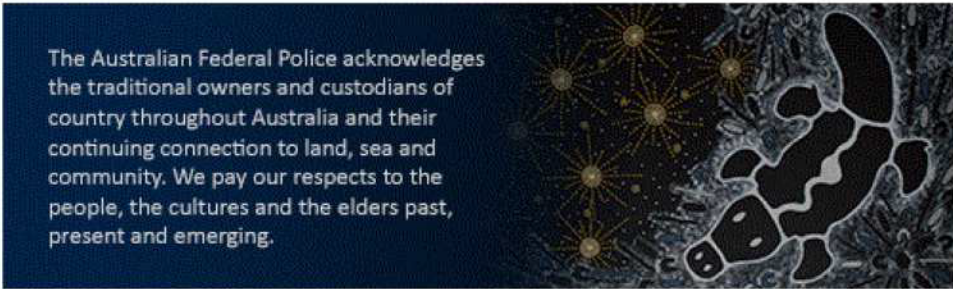
I have a team dedicated to this investigation and have allocated a time line of 4 weeks, noting the current COVID restrictions to complete all outstanding enquiries. I will keep you apprised of our progress as we work through the final aspects of the brief preparation. I have sort an internal agreement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

Kind regards
 Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER
 CRIMINAL INVESTIGATIONS
 ACT POLICING
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www.afp.gov.au



POLICING FOR
 A SAFER AUSTRALIA



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

OFFICIAL: Sensitive - Legal Privilege

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



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: [REDACTED] (Direct line)
 T: [REDACTED] (Executive Officer Katie Cantwell)
 M: [REDACTED]
 E: [REDACTED]
 E: [REDACTED] (EO)
 W: www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

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AFP Web site: <http://www.afp.gov.au>



Australian Federal Police
**STATEMENT OF
FACTS**

DEFENDANT BRUCE LEHRMANN
DATE OF BIRTH **REDACTED**
ADDRESS **REDACTED**
NATIONALITY AUSTRALIA
OCCUPATION

| | ARRESTED | | CHARGED | | OFFENCE | | |
|---|----------|------|---------|------|------------|----------|-------------------------|
| | DATE | TIME | DATE | TIME | DATE | CODE | TYPE |
| 1 | | | | | 23/03/2019 | CAY54(1) | SEXUAL/INDECENT ASSAULT |

VALUE OF PROPERTY(\$) 0
COMPENSATION SOUGHT NO

AMOUNT(\$) 0

ARRESTING OFFICER

NAME : MOLLER, Scott Joseph
LOCATION : ACT-CRIMINAL INVESTIGATIONS

INFORMANT

NAME : MOLLER, Scott Joseph
LOCATION : ACT-CRIMINAL INVESTIGATIONS

COURT

COURT NAME : A.C.T. MAGISTRATES COURT
COURT DATE : 16/09/2021

VICTIM IMPACT STATEMENT

Not Required

BAIL

BAIL TYPE : NONE
CONDITIONS :

STATEMENT OF FACTS

CHARGE 1
OFFENCE : A.C.T. - SEXUAL INTERCOURSE WITHOUT CONSENT - RECKLESS
ACT : A.C.T. - CRIMES ACT 1900
SECTION : Section 54(1)
COURT CODE : CC2021/8143

GENERAL INFORMATION

About 7.19pm on Friday 22 March 2019 Ms Brittany HIGGINS attended The Dock Pub, Kingston Foreshore in the Australian Capital Territory (ACT). She attended the location for an after work function with fellow employees. Ms HIGGINS was employed by the Australian Government as a staff member for Defence Minister Linda REYNOLDS and she worked at Australian Parliament House, Parliament Drive, Canberra in the ACT.

When Ms HIGGINS attended the location she joined a main group of employees and drank vodka/lime alcoholic drinks. She had arranged to meet a male at the location [REDACTED]. About 8.02pm on the same date the male arrived and Ms HIGGINS introduced him to the main group. About 8.39pm on the same date Mr Bruce Emery LEHRMANN, born [REDACTED], now referred to as the defendant before the Court arrived at the location. He was in the company of [REDACTED] and both were also employed by the Australian Government. The defendant was also a staff member for Defence Minister REYNOLDS.

The defendant and [REDACTED] sat away from the main group while drinking beers. A short time later Ms HIGGINS left the main group and sat with the defendant and [REDACTED]. About forty (40) minutes later the male Ms HIGGINS met through 'Bumble' left the location when she did not return to the main group.

Throughout the night Ms HIGGINS and the defendant talked to each other and the rest of the group. They both continue to drink alcohol throughout the night and by the time Ms Higgins left, she felt quite intoxicated. About 11.51pm on the same date Ms HIGGINS, the defendant, [REDACTED] left the location and headed to the 88mph bar, Hobart Circuit, City in the ACT.

At that location Ms HIGGINS consumes more alcoholic drinks including doing 'shots'. A shot is approximately 30 millilitres of straight spirits drunk quickly. During her time at this location she started to feel highly intoxicated and when the group were leaving she fell over on the stairs. The defendant assisted her to her feet and out of the bar.

About 1.23am on Saturday 23 March 2019 [REDACTED] got into an Uber vehicle and left. Ms HIGGINS and the defendant then got into an Uber and left the City. She got into the vehicle as the defendant lived in the same general direction. Ms HIGGINS was highly intoxicated and could not remember speaking to the driver or any conversations.

After some time Ms HIGGINS realised that the vehicle had stopped at Australian Parliament House. She got out of the vehicle and the defendant said to her "Play along" or "Don't say anything". He then went into the building through the Ministers entrance and she decided to follow instead of staying outside.

About 1.41am on the same date [REDACTED] She cannot recall interacting with the security guards, due to her intoxication, and was stumbling. [REDACTED]

Charge CC2021/8143 - Sexual intercourse without consent

Ms HIGGINS sat on a small ledge in the Ministers' office looking out onto a court yard. At some point she moved to a lounge in the office and lay down. She then fell asleep but was woken by a pressure feeling on her right leg.

At that time she opened her eyes to see the defendant above her with his hands on either side of her head. Her head was facing the door that allows entry into the office and she could feel the defendant engaging in penile/vaginal intercourse. She said "No" to the defendant a number of times, while she was crying, but he continued to engage in intercourse.

After an unknown amount of time the defendant has stopped and got off Ms HIGGINS. He did not say anything to her and left the room. Ms HIGGINS has then fallen back to sleep or passed out.

About 2.35am on the same date [REDACTED] saw the defendant leave the building and noticed that he was alone. They determined that Ms HIGGINS had not left the suite and decided to check her welfare. The purpose was to ensure whether she had left the building via a different entrance or if she was still in the suite.

About 4.15am on the same date [REDACTED] entered the suite and found the door to the minister's office unlocked. She knocked and entered the office. Upon entry she saw Ms HIGGINS lying on the lounge nakes, with her legs up. Ms Higgins' dress and shoes were next to the couch and her feet were facing the door. She stated that Ms HIGGINS looked at her and rolled over to go back to sleep.

[REDACTED] noticed that Ms HIGGINS did not appear distressed and her make-up was not smudged. She left Ms HIGGINS in the room asleep as she had no concerns for her welfare. She contacted [REDACTED] and it was decided that if Ms HIGGINS had not left at the change of shifts the day shift would be notified. When Ms [REDACTED] finished her shift around 7.00am on the same day Ms HIGGINS had not left and the day shift were notified.

About 7.45am on the same date Ms HIGGINS received a Short-Message-Service (SMS) from [REDACTED] a former intimate relationship partner. The message stated:

"Morning! Let me know when you up and I'll call you back. I was asleep when you called haha"

About 8.00am on the same date Ms HIGGINS woke up and noticed that her dress was bunched up around her waist. She had not been wearing underwear on the night, she was naked from the waist down and her head was facing the door. She sat up and fixed her dress before leaving the office into the suite area. She then ate some food before returning to the office to vomit in the toilet.

About 8.17am on the same date Ms HIGGINS replied to the SMS from [REDACTED] Her reply was:

"Hahah all good. I truly have zero recall on what I was calling about (smiling face emoji)"

About 9.20am on the same date [REDACTED] attended the suite as they had been made aware that Ms HIGGINS was still in suite. They entered the suite and [REDACTED] knocked on the door of the Ministers office, which was unlocked. She called out and Ms HIGGINS replied that she was fine. They then left the room.

About 10.08am on the same date Ms HIGGINS left the building through the same entrance she had entered through. She spoke to the PSS guard on duty and then caught an Uber home. When she arrived home she spoke briefly to her flatmate [REDACTED] but she was distressed and went to her room.

During the day Ms HIGGINS had a phone conversation with [REDACTED] He called her after missing a call from her the night before. She told him that she had been out for drinks then people had gone back to Australian Parliament House. When he asked more questions about this she didn't answer.

At Australian Parliament House the PSS notified their management about two (2) staff members being in the office after hours and that Ms HIGGINS had slept in the office. As result of this information it was determined that the office may require to be cleaned.

About 4.00pm on the same date [REDACTED] attended the suite to ensure it was cleaned. He noticed that the suite and office were clean. As a result of this he did a light cleaning which included emptying bins, wiping down the desks and giving the lounge a wipe down. He did not notice any liquids, marks or excessive rubbish.

About 6.59pm on the same date Ms HIGGINS had another SMS conversation with [REDACTED] The conversation was as follows:

[REDACTED] "How's the hangover?"

HIGGINS: "Pretty rough"

[REDACTED] "Haha. You must have been in fine form"

HIGGINS: "Yeah. I need to slow down a bit. It's probably gotten a little out of hand recently haha"

[REDACTED] "Haha oh dear. I want to party with you. And see you in full flight"

HIGGINS: "I just get myself into trouble. Need to keep that shit locked down"

[REDACTED] "Haha do tell"

HIGGINS: "Just the standard shenanigans"

About 8:39pm on Sunday 24 March 2019 Ms HIGGINS and [REDACTED] had a number of SMS conversations.

The conversations were:

[REDACTED]: "haha. I lashed out and got an ice cream. How was your day? The drive down here was actually a lot of fun. I love a big drive and road trip"

HIGGINS: "Fair call - ice cream helps most situations. Ehh, just uni stuff all day."

[REDACTED]: "That does not sound like a Sunday funday"

HIGGINS: "Hahah oh well. My inner nerd is digging it."

[REDACTED]: "Your weekend touched both ends of the spectrum, passing out in parliament and then studying haha. What assignments/subjects you crush today?"

HIGGINS: "Hahah I really had to balance it out. Mostly hooked into economic policy analysis and media law"

Over the course of the weekend Ms HIGGINS did not interact with any person and mainly stayed in her room. She was upset and crying.

On Monday 25 March 2019 Ms HIGGINS went to work and saw the defendant. She did not interact with him but he did buy her a cup of coffee and she was cordial. Ms HIGGINS believed that she would be spoken about being in the Ministers office, after hours, but she was not spoken to about the incident.

On Tuesday 26 March 2019 Ms HIGGINS went to work and during the morning she was made aware that Ms Fiona BROWN, Chief of Staff for Defence Minister REYNOLDS, wanted to speak to her and the defendant. She believed that she was going to be disciplined for being in the Ministers office after hours. Ms HIGGINS saw the defendant go into the office to speak to Ms BROWN prior to her being called in.

About forty (40) minutes later she saw the defendant leave the office and start to pack up his belongings. She believed that his employment had been terminated.

About 1.30pm on the same date she was called into the meeting with Ms BROWN. During the meeting she was advised that Ms BROWN was aware she had accessed the Ministers' office after hours. She was asked what time she arrived but stated she couldn't remember due to intoxication. She further stated that she remembered going through the security check point, being woken up and then woke up semi-naked the next morning.

Ms BROWN asked her if she was all right and she replied yes. She further stated that she could not recall anything else and she was responsible for how much she drank and her actions. After the meeting Ms HIGGINS went home.

About 1.57pm on the same date Ms HIGGINS has a Short-Messaging-Service (SMS) conversation with Mr [REDACTED]

Ms HIGGINS - "So, I think I may not continue to be employed with Linda."

[REDACTED]: "What? Did something happen?"

Ms HIGGINS - "Yeah, it's pretty bad. I genuinely don't know how it's going to play out/how I want it to play out."

[REDACTED]: "If you made a mistake/stuffed up. Just be honest to her and COS so it can be fixed. I've made some huge fuck ups but owned them, said sorry etc. Can I call you? I realise you might be office so can't take call"

Ms HIGGINS - "So on Friday night how I ended up in the Ministerial office it 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. I've spoken with dad and he is flying down on Friday. Was pretty upset over the weekend so he's headed her to just hang out."

[REDACTED]: "That's good he's coming down. Was it just you and Bruce who went back there or a group of people? Did you hook up in there or did someone take advantage of you?"

Ms HIGGINS - "Yeah, it was just Bruce and I from what I recall. I was barely lucid. I really don't feel like it was consensual at all. I just think if he thought it was okay, why would he just leave me there like that."

On 28 March 2019 Ms HIGGINS went to work and during the day was asked to complete some paperwork regarding her employment. The paperwork had not been signed when she commenced in the Ministers office. After signing the paperwork Ms HIGGINS was with Ms BROWN, in her office, and she was again offered support. As she was leaving the office she said to Ms BROWN "I recall him being on top of me".

[REDACTED]
[REDACTED]
[REDACTED] Ms BROWN was shocked by this comment and told her if something had happened that she didn't want to happen she should report it. Ms HIGGINS was asked if she wanted to go home but declined the offer. Later that evening she sent Ms BROWN a SMS stating she would not be in for work the next day as she had a doctor's appointment.

[REDACTED]
[REDACTED] On 01 April 2019 Ms HIGGINS met with Ms BROWN and Minister REYNOLDS. During that meeting the Minister suggested that Ms HIGGINS meet with Australian Federal Police (AFP) Liaison Officers stationed at Australian Parliament House. Ms BROWN then walked with Ms HIGGINS to the AFP office and returned to her office. During the meeting with AFP-LO she provided them with a version of events and they later provided statements regarding the conversation.

[REDACTED]
[REDACTED] On 08 April 2019 Ms HIGGINS met with members of the Sexual Assault and Child Abuse Team (SACAT), ACTP and provided them with a version of events. At that stage Ms HIGGINS was unsure if she wanted the investigation to progress but was happy for the SACAT members to collect Closed Circuit Television (CCTV) footage from The Dock Pub, Kingston. The footage was seized and exhibited (E449129).

[REDACTED]
[REDACTED] On 14 April 2019 Ms HIGGINS contacted Police stating she did not wish the investigation to progress at that time.
[REDACTED]

[REDACTED]
On 05 February 2021 Ms HIGGINS attended Belconnen Police Station, Belconnen, and stated she wished the investigation to be recommenced. On 06 February 2021 members from SACAT conducted a meet/greet information session with Ms HIGGINS.

During this meeting they were informed that she had been in contact with members of the media and she had participated in an interview for the television show The Project. She further stated that she did not wish to participate in an Evidence-In-Chief-Interview (EICI) until the media interview had aired on commercial television.

At the conclusion of the meeting she provided Police with a white dress and a Universal-Serial-Bus (USB). Ms HIGGINS stated that the dress was what she wore on the night of the incident, but that it had been washed, and the USB contained conversations she had recorded.

About 1.31pm on Wednesday 24 February 2021 members of SACAT conducted an EICI with Ms HIGGINS at the Gold Coast Airport, Bilinga, Queensland. During the EICI she disclosed the above version of events.

About 11.20am on Thursday 25 February 2021 Mr David SHARAZ, partner of Ms HIGGINS, participated in a Record of Conversation (ROC) about her disclosures to him.

About 1.56pm on the same date [REDACTED] participated in a ROC and later supplied Police with a SMS conversation thread between himself and Ms HIGGINS.

On 26 February 2021 Ms HIGGINS provided Police with consent to obtain her medical records. Police were unable to locate any medical records, relating to the allegation of sexual assault, for Ms HIGGINS at any of the medical practices she nominated. Police were also provided with the CCTV footage from Australian Parliament House, which was seized and exhibited (E484784).

The white dress that was supplied by Ms HIGGINS was subjected to forensic examination but did not reveal any forensic material or any marks/stains.

On 02 March 2021 the USB containing the CCTV from The Dock Pub was accessed and a review of the footage was conducted. The footage shows:

- Ms HIGGINS is greeted by a number of people at a table in the court yard area before she heads to the bar area;
- She buys a drink and returns to the group;
- She interacts with the group at the table and is bought another drink by one of the group;
- About 8.02pm she leaves the group and returns with an unknown male person;
- She had arranged to meet this male through the phone application 'Bumble';
- Ms HIGGINS and the male enter the bar area and buy drinks;

- They return to the main group and at one point the male heads to the bar and returns with a drink for Ms HIGGINS;
- About 8.39pm the defendant and [REDACTED] arrive;
- They interact with the main group before heading to the bar area and then return a short time later to sit away from the group;
- Ms HIGGINS enters the bar area and upon returning with a drink she sits with the defendant and [REDACTED];
- About 9.32pm Ms HIGGINS and the defendant enter the bar area;
- Once they exit the court yard the male who Ms HIGGINS had met through [REDACTED] leaves the location;
- A short time later Ms HIGGINS and the defendant return to the court yard with drinks and sit at the table away from the main group and sit down;
- About 10.07pm Ms HIGGINS heads back to the bar area and returns shortly with a drink;
- About half an hour later Ms HIGGINS and the other people, from the other table, re-join the main group; and
- About 11.36pm Ms HIGGINS and the defendant leave the bar and the other members of the group follow behind them.

A review of the CCTV footage from Australian Parliament House was conducted which showed:

- About 1.50am on 23 March 2019 Ms HIGGINS and the defendant enter the security checkpoint at the [REDACTED]

- Her shoes are black coloured high heels;
- After walking through bare foot she attempts to put on one of the shoes but stops after about thirty (30) seconds;
- She picks up her shoes and jogs [REDACTED] is standing;
- Ms HIGGINS and the defendant are standing [REDACTED] with the security guard;
- After a short time [REDACTED]

- About 2.35am on the same date the defendant is seen to [REDACTED]

About 10.00am Ms HIGGINS is seen to walk through the [REDACTED] where she hands in her pass to the security guards before leaving.

Police obtained multiple ROCs and statements from identified witnesses.

On 12 March 2021 Police had arranged to meet with Ms HIGGINS to obtain her mobile phone for Cellebrite data extraction (Cellebrite) and to speak to Canberra Rape Crisis Service (CRCS) in person. She contacted Police stating she would not be able to attend due to a legal issue that was being resolved and disclosed in the media.

On 15 March 2021 Police had arranged to meet with Ms HIGGINS to obtain her mobile phone for Cellebrite and to have her speak to CRCS. When she did not attend at the appointed time Police contacted her with no answer to either a phone call or SMS. When Police attempted again she did answer but the phone disconnected and she did not answer when she was called back. Ms HIGGINS did not contact Police or attend the appointment.

During the afternoon on the same date Police observed Ms HIGGINS on the commercial television at the March4Justice.march at Australian Parliament House. She attended the location and gave a speech to the persons present.

About 1.03pm on the same date [REDACTED] participated in a ROC. [REDACTED] was the security guard who signed in Ms HIGGINS and the defendant. He stated that he believed that she was slightly intoxicated and the defendant was also only slightly intoxicated. He stated that neither of them were slurring their words, they didn't smell of alcohol and they weren't unsteady on their feet. He did note that Ms HIGGINS stumbled to her left once when she was walking in shoes and her eyes were a bit glassy.

About 6.11pm on the same date [REDACTED] participated in a ROC and stated that whilst at 88mph Ms HIGGINS and the defendant were sitting close together. She stated that they were rubbing each others' legs and then kissed on the mouth in what she described as a 'push'. She further stated that did see Ms HIGGINS slip over once but it was on the way to where they were sitting and she believe everyone in the group were quite intoxicated.

On 28 March 2021 [REDACTED] participated in a ROC but stated that he had little recollection of his interactions with either Ms HIGGINS or the defendant.

On 02 April 2021 [REDACTED] former Aide-De-Camp to Minister REYNOLDS, participated in a ROC. She stated that on 28 March 2019 she had a conversation with Ms HIGGINS while they were walking to the passport office at Australian Parliament House. During that conversation Ms HIGGINS told her she had been at 88mph and that they had come back to Australian Parliament House so the defendant could show her some whiskey or to drink some whiskey. She further stated that she remembered the defendant being on top of her and when asked if it was rape said absolutely but she had not spoken to Police.

On 16 April 2021 Police attended an address in Toowoomba, Queensland to execute a Section 3E Crimes Act 1914 search warrant on the defendant. Upon arrival Police were advised, by a family friend, that the defendant had recently returned to Sydney, New South Wales (NSW). Police then made arrangements through a legal representative to meet the defendant in Sydney.

On Monday 19 April 2021 the defendant attended the AFP Headquarters, Sydney, NSW and participated in a ROI. During the ROI the defendant stated the following:

- He rejected the allegation of sexual intercourse without consent;
- He worked for Minister REYNOLDS for about six (6) months prior to the alleged incident;
- He was the most senior member due to time not due to his position;
- He was leaving the portfolio which was common knowledge;
- He attended the drinks at The Dock Pub, Kingston;
- He can't recall who organised the drinks but was invited by either Ms HIGGINS or [REDACTED];
- He had dinner with [REDACTED] prior to attending The Dock Pub;
- There were a number of Aide-De-Camp to Ministers present and he was introduced by [REDACTED] to them;
- He brought one (1) or two (2) rounds of drinks;
- He was not intoxicated;
- They decided to keep going and he suggested they go to 88mph in the City;
- He, Ms HIGGINS, [REDACTED] went to 88mph;
- He doesn't recall how they got there and he spent about forty (40) dollars at the venue;
- He danced but doesn't recall Ms HIGGINS dancing;
- They sat in a booth;
- [REDACTED] were close and 'handsy';
- He told the group that he had to return to Australian Parliament House to obtain his keys to his apartment;
- Ms HIGGINS told him she also had to go to Australian Parliament House;
- He offered she travel with him as he ordered an Uber;
- He does not recall anyone falling over;
- They caught an Uber to the Ministerial entrance;
- They discussed the night's events including [REDACTED] being close;
- They didn't have their passes (his was left in the office);
- He never planned on a big night and planned on returning to the office;
- He would often leave stuff at work and return by 10pm;
- They signed in at the security check point and they signed themselves in;
- He was 7/10 intoxicated, as was Ms HIGGINS;
- He thought his intoxication level to be moderate explaining he could still hold conversations;
- Ms HIGGINS had trouble putting her shoes back on at the security check point;
- He wasn't too intoxicated that he couldn't sign in and neither was Ms HIGGINS by his observations;
- Under the belief that if a person was 10/10 intoxicated the security staff would deny entry;
- They were escorted to the Ministerial Suite and he and Ms HIGGINS entered;

- He went left and went to his desk, Higgins went right towards the Minister's office;
- 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;
- He is unsure if he utilised his work computer or not;
- There was no alcohol in the Minister's Suite and he had no alcohol at his desk;
- He ordered an Uber about 2:22-2:25am and left the building;
- He did not see Ms HIGGINS once they entered and he did not check on her or speak to her;
- He was called into a meeting by Ms BROWN on the Monday in relation to a security breach;
- Ms BROWN was informed by security that he and Ms HIGGINS had entered Australian Parliament House after hours which is a security breach and against the Ministerial Code of Conduct;
- He was due to cease his employment on the Friday and she 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;
- In January 2021, Mr SHARAZ friended him on Twitter and sent him a message introducing himself and he may remember him from working in Minister Reynolds office;
- He went to reply the following day and Sharaz had deleted and blocked him; and
- Shortly after he started receiving emails from 'brucetherapist' and 'yourearapist', which he reported and blocked.

The defendant denied the following points:

- He denied 'pashing' Ms HIGGINS, however accepted they were all close and that he could not recall whether they kissed or not;
- He denied engaging in sexual intercourse with Higgins;
- He denied entering the Minister's Office; and
- He denied telling Ms BROWN that he and Higgins returned to the office to drink whiskey as there was no alcohol in the office.

About 7.15pm on the same date a Section 3E Crimes Act 1914 search warrant was executed on the defendant and his mobile phone was seized (E484541). The phone was later provided to AFP Digital Forensics Team (DFT), Canberra for examination.

An examination of the defendant's mobile phone reveals messages to friends about the allegation. The messages commence on 15 February 2021 until his phone was seized. In one message, via Whatsapp, the defendant stated:

"Well as I said I went in got my stuff and she stayed and I left to go back to [REDACTED] my apartment which we both rented together"

During the examination Police located an email sent to Ms HIGGINS personal email address on 23 March 2021. Due to the email being stored on the cloud the contents were not readable. A request was made to the defendant, through his legal representative, for consent to access the cloud so the email could be reviewed.

Police also located emails sent to the Defence and Australian Parliament House email addresses of Ms HIGGINS. Enquiries were made with both the Department of Defence and the Department of Parliamentary Services to obtain any emails between the defendant and Ms HIGGINS. As a result of these enquiries Police were provided with emails that were of a work related nature.

On 28 April 2021 [REDACTED] participated in a ROC. He provided information regarding the cleaning of the suite.

On Date 2021 Minister REYNOLDS supplied a statement to Police. She stated that during the 01 April 2019 meeting with Ms HIGGINS at no time Ms HIGGINS did not mention the words 'sexual assault' or 'rape'. She stated that Ms HIGGINS said she had no recollection of what happened other than that she woke up in the morning, got dressed and left.

On 21 May 2021 Attorney-General (AG) Michelle CASH participated in a ROC. She employed Ms HIGGINS after she worked for Minister REYNOLDS. During the conversation she spoke about a conversation Ms HIGGINS had with her on 05 February 2021, which was recorded by Ms HIGGINS.

On 26 May 2021 Ms HIGGINS participated in a second EICI. During the EICI she clarified the following points:

- She did not drink water while she was drinking alcohol on this night;
- You would know by looking at her, given her level of intoxication, that she was heavily intoxicated;
- She doesn't recall kissing the defendant;
- She did send the messages to [REDACTED];
- She was told by [REDACTED] that they had gone to 88mph about two (2) or three (3) days later.

Ms HIGGINS provided her mobile phone to Police and it was subjected to a Cellebrite examination. The examination confirmed the messages mentioned above. Police also recovered a SMS message thread between Ms HIGGINS and [REDACTED] dated 07 February 2019 which stated:

[REDACTED] Scotty B hugging. The Defence Department declined to outline exactly what behaviour triggered the complaint. However, The New Daily has been told it believed to have involved "hugging". Scotty is a big hugger, a colleague said

HIGGINS: "Hahahahahahahahaha. The bar for what counts as a political sex scandal nowadays is REALLY low. Between the hug and the non-sex of Broad, I'd be stoked just to hear about one of them getting laid again"

[REDACTED] "It really is a sad state of affairs"

HIGGINS: "It honestly is"

[REDACTED] "I want a sex scandal I can be like woaah impressive. Didn't think he had it in him. That's actually amazing. What a way to go haha"

HIGGINS: "Exactly! A sex scandal the party can be proud of. Another Barnaby but without the baby haha"

[REDACTED] "His was typical. I want to see on with Russian hookers or something of similar"

HIGGINS: "Like a Jane Prentice or something having a hot secret affair haha"

[REDACTED] "Haha WTF. How could your mind go to a grandmother figure getting smashed"

HIGGINS: "Everyone deserves a little bit of love. Don't be so ageist Ben haha"

[REDACTED] "A better female scandal would be JBish banging young male staffers or journos - perhaps at the same time"

Police also recovered a Whatsapp message thread between Ms HIGGINS and Mr SHARAZ, dated 21 May 2021 which stated:

SHARAZ: "What's this?" (Referring to an audio attachment)

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

SHARAZ: "Ah, fair. Send it all to me. I'll download and email myself? But I also don't think you need to worry about it from a legal point of view. You recorded for your own protection which under ACT law is allowed. I think in Brisbane you're actually in the clear anyway. But If you're worried from the point of view of not trusting the police. I get that x"

HIGGINS: "Agreed!"

Ms HIGGINS supplied Police with two (2) further mobile phones that she stated were used during 2019. Police were unable to access the phones after multiple attempts but were able to access her iCloud account and Google Drive. Police reviewed the images and located two (2) images of that Ms HIGGINS stated were of her leg with an injury. Police were unable to locate any metadata on either image.

The defendant was polite and co-operative towards Police.

EVIDENCE

POLICE WITNESSES

NAME : SAUNDERS, Gareth
 LOCATION : ACT-WINCHESTER CENTRE BELCONNEN
 UNAVAIL. DATES :

SUMMARY

Team Leader

- Participated in meet/greet with Ms HIGGINS in February 2021;
- Performed role of team leader for investigation.

NAME : ROSE, Robert David
 LOCATION : ACT-CRIMINAL INVESTIGATIONS
 UNAVAIL. DATES :

SUMMARY

Team Leader

- Performed role of team leader for investigation.

NAME : HARMAN, Sarah Elizabeth
 LOCATION : ACT-CRIMINAL INVESTIGATIONS
 UNAVAIL. DATES :
 SUMMARY

Assisting Police Officer

- Conducted meet/greet with Ms HIGGINS in April 2019;
- Obtained CCTV footage from The Dock Pub;
- Arranged for CCTV from Australian Parliament House [REDACTED];
- Spoke to Ms HIGGINS about ceasing the investigation in 2019.

NAME : MCDEVITT, Jason Luke
 LOCATION : ACT-CRIMINAL INVESTIGATIONS
 UNAVAIL. DATES :
 SUMMARY

Team Leader

- Performed duty of team leader for investigation.

NAME : MOLLER, Scott Joseph
 LOCATION : ACT-CRIMINAL INVESTIGATIONS
 UNAVAIL. DATES :
 SUMMARY

Informant

- Oversaw investigation.

NAME : FRIZZELL, Emma Louise
 LOCATION : ACT-CRIMINAL INVESTIGATIONS
 UNAVAIL. DATES :
 SUMMARY

Corroborator

- Conducted meet/greet with Ms HIGGINS in February 2021;
- Participated in EICI with Ms HIGGINS on 24 February 2021;
- Conducted ROCs with multiple witnesses;

- Participated in ROI with the defendant;
- Participated in second EICI with Ms HIGGINS on 26 May 2021;
- Reviewed data from phones belonging to Ms HIGGINS and the defendant.

NAME : BOORMAN, Marcus Colin
 LOCATION : ACT-CRIMINAL INVESTIGATIONS
 UNAVAIL. DATES :
 SUMMARY :

Police witness



- Conducted ROI with the defendant;
- Liasied with Australian Parliament House, High Office Holders and the Australian Defence Force;
- Conducted ROCs with High Office Holders.

NAME : MADDERS, Trent Robert
 LOCATION : ACT-CRIMINAL INVESTIGATIONS
 UNAVAIL. DATES :
 SUMMARY :

Corroborator

- Conducted EICI with Ms HIGGINS on 24 February 2021;
- Conducted ROCs with multiple witnesses;
- Conducted second EICI with Ms HIGGINS on 26 May 2021;
- Reviewed data from mobile phones of Ms HIGGINS and the defendant.

CIVILIAN WITNESSES

NAME : 
 UNAVAIL. DATES : 
 SUMMARY :

- On duty on 23 March 2019;
- Present when Ms HIGGINS and the defendant entered Australian Parliament House;
- Escorted Ms HIGGINS and the defendant to suite M23;
- At 4.15am conducted a welfare check on Ms HIGGINS;
- Observed Ms HIGGINS lying on the lounge, with her legs up and naked;
- Observed her dress and shoes were next to the couch and her feet were facing the door;
- Ms HIGGINS looked at her and rolled over to go back to sleep;
- Observed that Ms HIGGINS did not appear distressed and her make-up was not smudged;
- Left the office as she had no concerns for Ms HIGGINS welfare.

NAME : 
 UNAVAIL. DATES : 
 SUMMARY :

Friend of the defendant

The defendant spoke to him about the allegation;
 The defendant stated that he never had sexual intercourse with Ms HIGGINS;
 The defendant stated that he never went into the Ministers' office.

NAME :
 UNAVAIL. DATES :
 SUMMARY :

Friend of Ms HIGGINS

- Ms HIGGINS disclosed to him in November 2019;
 - She asked him if he knew the defendant;
 - She stated that the defendant had assaulted but did not elaborate any further;
 - Ms HIGGINS appeared to be concerned about a possible media story being published.

NAME :
 UNAVAIL. DATES :
 SUMMARY :

- On duty during day of 23 March 2019;
 - Requested to conduct a check of Ministerial suite M23;
 - A female person was believed to have slept in the suite during the night;
 - Entered the suite with another guard and called out;
 - A female voice called out that she was fine and the security left the suite.

NAME :
 UNAVAIL. DATES :
 SUMMARY :

BROWN, Fiona

Chief of Staff for Minister REYNOLDS

- On 26 March 2019 made aware that two staff members had accessed the Ministers' suite whilst intoxicated;
 - Spoke to the defendant and obtained his version of events;
 - Informed the defendant that his employment would not be continued;
 - Spoke to Ms HIGGINS and obtained her version of events;
 - On 28 March 2019 spoke to Ms HIGGINS and she stated 'I recall him being on top of me';
 - Arranged for Ms HIGGINS to speak to Minister REYNOLDS on 01 April 2019;
 - Was present when Minister REYNOLDS spoke to Ms HIGGINS;
 - Walked with Ms HIGGINS to speak to AFP members at Australian Parliament House.

NAME :
 UNAVAIL. DATES :
 SUMMARY :

Worked with Ms HIGGINS and the defendant

- Provided information regarding the office environment and his interactions.

NAME :
 UNAVAIL. DATES :
 SUMMARY :

- Assisted with arranging the cleaning of the Ministerial suite on 23 March 2019.

NAME :

UNAVAIL. DATES :
SUMMARY :

Parliamentary Security Services [REDACTED]

- [REDACTED] on 23 March 2019;
- Was briefed by security guards about two staff members accessing the Ministerial suite.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY :

Former work mate of Ms HIGGINS

- Ms HIGGINS disclosed to her in November 2019;
- Ms HIGGINS told her she had been assaulted by an adviser to the Minister
- That she had been drinking and she went back to Parliament House with him;
- She went into the Ministers' office and she woke up alone
- Ms HIGGINS stated that her clothes were in disarray and she realised something had happened to her;
- They did not discuss the incident again.

NAME : CASH, Michaelia
UNAVAIL. DATES : [REDACTED]
SUMMARY :

Attorney General of Australia [REDACTED]

- Was the employer of Ms HIGGINS in 2019 and 2020;
- Became aware of an incident in November 2019 but was not aware of the details;
- She believed there was a potential media story about the incident that would be embarrassing to Ms HIGGINS;
- Had a conversation with Ms HIGGINS in February 2021, when Ms HIGGINS had resigned,
- This conversation was the first time Ms HIGGINS stated that she had been sexually assaulted;
- Ms HIGGINS told her she struggled with the offender.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY :

Friend of Ms HIGGINS

- Was in a intimate relationship with Ms HIGGINS,
- Spoke to Ms HIGGINS on 23 March 2019;
- Sent SMS messages by Ms HIGGINS on 26 March 2019;
- Ms HIGGINS disclosed the incident to [REDACTED] on 26 March 2019.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY :

- On duty on the morning of 23 March 2019;
- Signed Ms HIGGINS and the defendant into Australian Parliament House;
- Observed that Ms HIGGINS was slightly affected by intoxicating liquor;
- Observed the defendant to leave Australian Parliament House without Ms HIGGINS;
- Reported the incident to his team leader.

NAME :
UNAVAIL. DATES :
SUMMARY :

Friend of Ms HIGGINS

- Ms HIGGINS disclosed to him and his wife in August 2020;
- She told them that she had been raped about two (2) years prior;
- She told them she had been drinking with work mates and she got a lift to Australian Parliament House;
- She told them that she could not sign herself in and woke up on the couch in the Ministers' office being raped;
- She told them that a security guard came in later;
- Over the following months they discussed the implications of her going to the media and Police;
- In January 2021 Ms HIGGINS told him that she was going to the Police and the media.

NAME :
UNAVAIL. DATES :
SUMMARY :

Friend of Ms HIGGINS and Mr SHARAZ

- She was at Fyshwick in July or August 2020 with her husband, Ms HIGGINS and Mr SHARAZ;
- Mr SHARAZ told them that Ms HIGGINS had been sexually assaulted whilst at Australian Parliament House;
- He told them that she had been out drinking with work mates and a male had taken her back to Australian Parliament House;
- The male had assaulted her whilst at Australian Parliament House;
- [REDACTED] knew prior to Ms HIGGINS going to the media that Ms HIGGINS was unable to sign her name, that she was in the Ministers' office and she woke up in the morning in a bad position.

NAME :
UNAVAIL. DATES :
SUMMARY :

- [REDACTED] arranged the cleaning of the suite on 23 March 2019;
- He had been made aware that two (2) staff members had entered the suite after hours;
- He believed that a party had occurred and they needed to clean the suite prior to Monday.

NAME :
UNAVAIL. DATES :
SUMMARY :

Work mate of Ms HIGGINS

- Was at The Dock Pub on 22 March 2019;
- Went to 88mph with Ms HIGGINS, the defendant and [REDACTED]
- She saw that Ms HIGGINS and the defendant were sitting close together;
- She saw them rubbing each others' legs and then kiss on the mouth (pash);

- She did see Ms HIGGINS slip over once but it was near where they were sitting;
- She believes that everyone in the group were quite intoxicated;
- She sent a SMS to [REDACTED] the next day saying that Ms HIGGINS and the defendnat 'hooked up'.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY

Friend of Ms HIGGINS

- Cannot recall exactly what Ms HIGGINS told her from what she has heard in the media.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY

Work mate of Ms HIGGINS and the defendant

- Provided information regarding the interactions between Ms HIGGINS and the defendant in the work place;
- Spoke about an incident in which she emailed Minister REYNOLDS that she was going to resign due to the defendants behaviour.

NAME : HIGGINS, Brittany
UNAVAIL. DATES : [REDACTED]
SUMMARY

Complainant

- Was at work drinks at The Dock Pub on 22 March 2019;
- was at 88mph with the defendant;
- Went to Australian Parliament House with the defendant;
- Entered the Ministers' suite with the defendant;
- Entered the Ministers' office;
- Fell asleep on the couch in the Ministers' office;
- Woke up to the defendant having sexual intercourse with her;
- Fell back to sleep after a short time;
- Woke up the next morning and heard a security guard;
- Left Australian Parliament House and returned home;
- Had SMS and conversations with [REDACTED] on 23/24 March 2019;
- Was called into a meeting on 26 March 2019 with Ms BROWN;
- Told Ms BROWN that she was intoxicated and remembered waking up semi-naked;
- She said she was responsible for what she drank and for her actions;
- After the meeting sent SMS to [REDACTED];
- During a meeting on 28 June 2019 she told Ms BROWN that she recalled the defendant being on top of her;
- Had a meeting with Minister REYNOLDS and Ms BROWN on 01 April 2019;
- Met with AFP members at Australian Parliament House on 01 April 2019;
- Met with SACAT members on 08 April 2019;
- On 14 April 2019 informed SACAT that she did not wish to continue with the allegation;
- On 05 February 2021 re-engaged with SACAT and informed them that she had been in contact with media outlets including conducting a television interview;
- Participated in a EICI on 24 February 2021;
- Participated in a second EICI on 26 May 2021.

NAME : [REDACTED]
 UNAVAIL. DATES : [REDACTED]
 SUMMARY

Mother of Ms HIGGINS

- Noticed that Ms HIGGINS was becoming less communicative when she went to Western Australia;
- In November 2019 Ms HIGGINS disclosed to her mother while at dinner in Brisbane;
- Her partner, [REDACTED] was present;
- Ms HIGGINS told her that she was sexually assaulted by a work colleague whilst at Australian Parliament House;
- She remembered waking up to the male raping her;
- They have discussed the allegation numerous times since.

NAME : [REDACTED]
 UNAVAIL. DATES : [REDACTED]
 SUMMARY

Father of Ms HIGGINS

- He is aware of an incident that occurred in March 2019;
- Ms HIGGINS did not disclose what occurred and he did not ask her.

NAME : [REDACTED]
 UNAVAIL. DATES : [REDACTED]
 SUMMARY

Former flatmate of Ms HIGGINS

- Was at home on 23 March 2019 when Ms HIGGINS returned home from Australian Parliament House;
- Does not recall Ms HIGGINS being upset or appearing distraught;
- Ms HIGGINS disclosed to her in January 2021.

NAME : [REDACTED]
 UNAVAIL. DATES : [REDACTED]
 SUMMARY

Aide de Camp to Minister REYNOLDS

- Was at The Dock Pub on 22 March 2019;
- Did not attend 88mph;
- Received a SMS from [REDACTED] saying that Ms HIGGINS and the defendant had 'hooked up';
- Around 28 March 2019 she was walking with Ms HIGGINS at Australian Parliament House;
- Ms HIGGINS told her that she had been at 88mph and returned to Australian Parliament House with the defendant;
- Ms HIGGINS told her that the defendant wanted to drink whiskey or show her whiskey;
- Ms HIGGINS recalled that the the defendant was on top of her;
- [REDACTED] asked if it was rape and Ms HIGGINS replied yes but that she had not reported to Police;
- In further conversations Ms HIGGINS stated that she did not want to speak about the incident.

NAME : [REDACTED]
 UNAVAIL. DATES : [REDACTED]

SUMMARY

Department of Finance

- Assisted in arranging the cleaning of the suite on 23 March 2019.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY

Former work mate of Ms HIGGINS and the defendant

- Was made aware of an incident on 02 March 2019 in which [REDACTED] tendered her resignation;
- Provided the resignation letter to Police.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY

Friend of the defendant

- Became aware of the allegation in February 2021 through national media stories;
- The defendant disclosed to him that he never had intercourse with Ms HIGGINS and that he did not enter the Ministers' office. [REDACTED]

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY

Former Department Liaison Officer to Minister REYNOLDS [REDACTED]

- Worked with Ms HIGGINS and the defendant in March 2019;
- Sometime in the week after 23 March 2019 he was made aware of an incident;
- He was told that Ms HIGGINS had been found by a security guard in the Ministers' office in a state of undress;
- Ms HIGGINS came into his office after he was made aware of the incident;
- She was distraught and said she had been drinking with the defendant;
- She stated that she returned to Australian Parliament House with the defendant but couldn't remember much after that;
- She stated that she recalled the defendant had been on top of her and Mr PAYNE asked her directly if she had been raped and she replied yes;
- He did not take notes of this conversation
- He has heard about the incident through media reporting.

NAME : [REDACTED]
UNAVAIL. DATES : [REDACTED]
SUMMARY

- Cleaned the Ministers' suite/office on 23 March 2019;
- Checked with his supervisor that he had the correct suite/office as it did not appear to be messy or in need of a clean;
- Gave the suite/office a light clean;
- Supplied SMS conversations with his supervisor about the suite/office (In Spanish and translated using a open source translator).

NAME : REYNOLDS, Linda
UNAVAIL. DATES :

SUMMARY

Minister of Defence Industries

- Employer of Ms HIGGINS and the defendant;
- Was made aware of an incident involving the defendant, Ms HIGGINS, Mr [REDACTED] on 02 March 2019;
- On 26 March 2019 she was made aware by Ms BROWN that two (2) staff members had accessed the suite/office after hours whilst intoxicated;
- The defendant had not been re-employed due to a deferral period and was informed his employment would not be continued;
- On 28 March 2019 she was contacted by Ms BROWN regarding concerns relating to Ms HIGGINS emotional state;
- On 01 April 2019 conducted a meeting with Ms HIGGINS and Ms BROWN;
- She does not recall Ms HIGGINS stating that she had been sexually assaulted except to say that she woke up, could not recall what had happened other than she woke up in the morning and got dressed before leaving;
- Minister REYNOLDS believed that Ms HIGGINS may have been concerned that a sexual act had occurred while she and the defendant were in the suite;
- Minister REYNOLDS suggested that Ms HIGGINS speak to Police about the incident and Ms HIGGINS agreed to;
- Ms HIGGINS did not speak to Minister REYNOLDS again about the incident.

NAME : SHARAZ, David [REDACTED]

UNAVAIL. DATES :

SUMMARY

Partner of Ms HIGGINS

- Started a relationship with Ms HIGGINS in May 2020;
- Ms HIGGINS disclosed to him her version of events multiple times during 2020.

NAME : [REDACTED]

UNAVAIL. DATES :

SUMMARY

Friend of Ms HIGGINS

- Had a conversation with Ms HIGGINS in 2019;
- She remembers there had been a media enquiry that made Ms HIGGINS upset;
- She remembers that Ms HIGGINS told her that she had returned to Australian Parliament House with the defendant;
- Ms HIGGINS said that the defendant did something, which [REDACTED] took to mean that he was looking at something he shouldn't have or something that would get him in trouble later;
- She asked Ms HIGGINS if he knew what he was doing and she replied he did;
- She later saw the media reporting about the incident.

NAME : [REDACTED]

UNAVAIL. DATES :

SUMMARY

Chief of Staff to Minister CASH

- Was made aware of a media enquiry regarding Ms HIGGINS in October 2019;
- He was informed it had been a security incident;
- He believed that she had been found in a dishevelled state by the security;
- The minister was briefed after he had been informed;
- He believed that Ms HIGGINS was upset due to the embarrassment of situation;
- He received a letter from Ms HIGGINS in 2021 stating she wanted to resign;

He was involved in a phone call with Ms HIGGINS and Minister CASH in February 2021 talking about her resignation; Ms HIGGINS disclosed the incident to him and the minister during that conversation.

NAME :
UNAVAIL. DATES :
SUMMARY :

- Was the dayshift team leader on 23 March 2019;
- Was briefed about two (2) staff members attending the Ministers' suite during the night and that a female may still be present;
- Arranged for his security team to conduct a check at Minister suite M23;
- Received briefing from security team that the female was not needing assistance.

NAME :
UNAVAIL. DATES :
SUMMARY :

Works at Australian Parliament House

- Was present at The Duck Pub on 22 March 2019;
- Was present at 88mph on 22 March 2019 with Ms HIGGINS and the defendant;
- Left 88mph with the defendant;
- Cannot recall much from the night;
- Cannot remember any conversations with the defendant regarding the night.

RECORD OF INTERVIEW

YES :
SUMMARY :

19 April 2021
AFP Headquarters, Sydney, NSW
D/Inspector Marcus BOORMAN
SC Emma FRIZZELL
Mr Bruce LEHRMANN

- He denied having sexual intercourse with Ms HIGGINS;
- He denied that he had sexual intercourse without consent;
- He did not believe that Ms HIGGINS was highly intoxicated;
- When they entered the Ministers' suite he went to the left and Ms HIGGINS went to the right;
- He did not see her again while they were in the suite and he never entered the Ministers' office.

MOLLER, Scott Joseph
ACT-CRIMINAL INVESTIGATIONS

-- END OF STATEMENT OF FACTS --

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE**Disclosure**

Matter of:

Charge No(s):

For indictable or summary offence(s) of:

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 |
|-------------|----------------|----------------------|---|
| | | | |
| | | | |

 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').

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

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.*
- 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*

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

- *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

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:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

- (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 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.

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

Informant initial:

SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE

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*]:

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** |
|----------------------------|------------------------------------|
|----------------------------|------------------------------------|

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

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**

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:

From: [REDACTED] Ellena
Sent: Thu, 5 Aug 2021 12:33:59 +1000
To: Drumgold, Shane
Cc: Moller, Scott
Subject: Background briefing - Alleged sexual assault at Parliament House
[SEC=OFFICIAL:Sensitive]

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL:Sensitive

Sir,

I have been provided your email from Det Sup Moller to share you with the proposed media approach for the investigation into the alleged sexual assault at Parliament House in March 2019.

We are conscious that a number of interested journalist are interstate and may not be familiar with ACT laws. We are also aware that many journalists do not regularly report on court or police matters so may not be aware of the sensitives or reasons certain actions are being taken. Our priority is to ensure all information released by ACT Policing supports court action in an unprejudiced way and assists journalists to accurately report the matter.

We are proposing a two stage media approach:

1. Send the media release (for attribution) and the background briefing material (not for attribution), under 1-2 hour embargo, to a list of about 30 journalists who have contacted ACT Policing during the investigation. These are the journalists we expect will lead reporting on the update to the investigation.
2. At the lifting of the embargo, publish the media release to our website and social media channels in line with usual process. If journalists call us to discuss the media release afterwards, we can provide the background briefing material (not for attribution) to them via email, if this is required.

The media release is still being finalised and I will forward this to you when next steps are taken in the investigation.

Prior to this, I would welcome feedback in relation to providing the below background material to journalists – any changes to incorrect information or if there is a potential impact to proceedings for your office as a result of providing it.

I thank you for your time in advance.

Background briefing material to be provided to journalists via email:

Court proceedings

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The ACT has laws relating to sexual assault proceedings and journalists should refer to [Part 4.4 of the Evidence \(Miscellaneous Provisions\) Act 1991](#). Section 74 states that a person must not publish the victim's name or protected information relating to the victim during a sexual offence proceeding.

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the victim. Our priority for victims of alleged sexual assault is their well-being - so at any time they can choose to withdraw from the process.

ACT Policing is committed to comprehensively investigating reports of sexual assault. All available evidence is obtained, reviewed and corroborated where possible. As with all investigations, it is not unusual for an investigation into an alleged sexual assault to be a lengthy process if it is progressing towards criminal proceedings in court.

If the victim wishes to proceed, ACT Policing will assess the evidence and make an appropriate decision about whether to proceed to prosecution. This is done in accordance with the ACT Director of Public Prosecutions guidelines and often in consultation with the Office of the ACT Director of Public Prosecutions.

Thank you,

ELLENA [REDACTED]
COORDINATOR MEDIA AND PUBLIC ENGAGEMENT
ACT POLICING

REDACTED
www.afp.gov.au



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AFP Web site: <http://www.afp.gov.au>

From: Drumgold, Shane
Sent: Thu, 5 Aug 2021 13:53:32 +1000
To: Ellena [REDACTED]
Cc: Moller, Scott; Jerome, Skye
Subject: RE: Background briefing - Alleged sexual assault at Parliament House [SEC=OFFICIAL:Sensitive]
Attachments: RE_ Advice on Brittany Higgins complaint [SEC=OFFICIAL].msg, Advice on Brittany Higgins complaint.msg, Operation Covina.msg

OFFICIAL: Sensitive

Dear Ellena

Contrary to the advice of 1 July, I have received no progress appraisal of this matter at all, nor have I received a response to my email enquiry of 21 June, repeated in my advice of 28 June (all attached). Indeed, other than receiving calls from the media to respond to public statements by the Federal Commissioner about a request for advice, or claims made by a Federal Minister and the Federal Commissioner about my office being responsible for the length of time this matter has taken, I have received no ongoing communication.

I however infer from this email, that the AFP are considering or have laid an information under section 26 Magistrates Court Act 1930 as a person *"is suspected of having committed, in the ACT, an indictable offence"*.

As I have outlined in my advice, I agree a person is suspected of having committed an indictable offence, and that the current brief provides a reasonable prospect of conviction.

The other options are:

1. Apply for a warrant of arrest from the court (s42 Magistrates Court Act) however pursuant to s42(3) the Magistrate may issue a summons instead of a warrant *"if the magistrate considers it appropriate"*.
2. Arrest without a warrant (s212 Crimes Act) which would require police to be satisfied that proceeding via summons would not achieve a purpose in s212(1)(b) of ensuring the appearance in respect of the offence, preventing the continuation of the offence, prevent concealment or loss of evidence, prevent harassment or interference with a person who may be required to give evidence, prevent fabrication, or preserving the safety or welfare of the person.

How the matter proceeds is purely a matter for the AFP. I am not a party to any AFP application for warrant, nor the decision-making process on an arrest without a warrant.

Once an information is sworn however (and I would appreciate advice of this occurrence), this matter is officially before the court and should be considered *sub judice*, and neither my office nor the AFP should add any commentary at all, particularly on reasons why the matter proceeded via information vs arrest or comments that may link this matter to sexual assaults generally, as this may invite public speculation about the strength of the brief or the subjective circumstances of the defendant such that it risks influencing a future jury.

My suggestion is that any comment be limited to – *A charge has now been laid, and given the matter is now before the court, we cannot comment further.*

On my enquiries, given specific issues were raised in the minute seeking advice, I am on notice of the issue and must address them. I sought further information and would appreciate a written response to my email enquiry of 21 June, repeated in my advice of 28 June. For abundance of caution, I do not consider it necessary that this be done before an information is sworn or the defendant arrested as the case may be, but as soon as possible thereafter.



Shane Drumgold SC

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED**

T: **REDACTED** (Executive Officer Katie Cantwell)

M: **REDACTED**

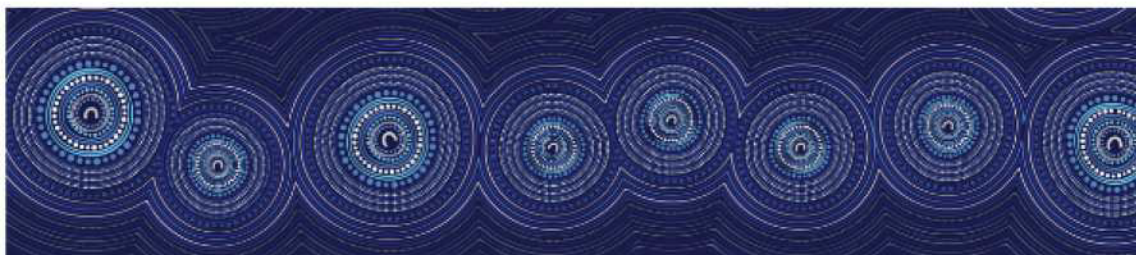
E: **REDACTED**@act.gov.au

E: **REDACTED**@act.gov.au (EO)

W: www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

Please consider the environment before printing this e-mail



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

From: **REDACTED** Ellena **REDACTED**@afp.gov.au>

Sent: Thursday, 5 August 2021 12:34 PM

To: Drumgold, Shane <**REDACTED**@act.gov.au>

Cc: Moller, Scott <**REDACTED**@afp.gov.au>

Subject: Background briefing - Alleged sexual assault at Parliament House [SEC=OFFICIAL:Sensitive]

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL:Sensitive

Sir,

I have been provided your email from Det Sup Moller to share you with the proposed media approach for the investigation into the alleged sexual assault at Parliament House in March 2019.

We are conscious that a number of interested journalist are interstate and may not be familiar with ACT laws. We are also aware that many journalists do not regularly report on court or police matters so may not be aware of the sensitives or reasons certain actions are being taken. Our priority is to ensure all information released by ACT Policing supports court action in an unprejudiced way and assists journalists to accurately report the matter.

We are proposing a two stage media approach:

1. Send the media release (for attribution) and the background briefing material (not for attribution), under 1-2 hour embargo, to a list of about 30 journalists who have contacted ACT Policing during the investigation. These are the journalists we expect will lead reporting on the update to the investigation.
2. At the lifting of the embargo, publish the media release to our website and social media channels in line with usual process. If journalists call us to discuss the media release afterwards, we can provide the background briefing material (not for attribution) to them via email, if this is required.

The media release is still being finalised and I will forward this to you when next steps are taken in the investigation.

Prior to this, I would welcome feedback in relation to providing the below background material to journalists – any changes to incorrect information or if there is a potential impact to proceedings for your office as a result of providing it.

I thank you for your time in advance.

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- *non-attendance at court*
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background information of a case or descriptions of the alleged offender, may prejudice the court proceedings, including a fair trial.

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ACT Policing is committed to comprehensively investigating reports of sexual assault. All available evidence is obtained, reviewed and corroborated where possible. As with all investigations, it is not unusual for an investigation into an alleged sexual assault to be a lengthy process if it is progressing towards criminal proceedings in court.

If the victim wishes to proceed, ACT Policing will assess the evidence and make an appropriate decision about whether to proceed to prosecution. This is done in accordance with the ACT Director of Public Prosecutions guidelines and often in consultation with the Office of the ACT Director of Public Prosecutions.

Thank you,

ELLENA [REDACTED]
COORDINATOR MEDIA AND PUBLIC ENGAGEMENT
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AFP Web site: <http://www.afp.gov.au>

From: Williamson, Anthony
Sent: Fri, 6 Aug 2021 13:11:52 +1000
To: Tang, Cam
Cc: Drumgold, Shane; Jerome, Skye; SVC_DPPCases
Subject: POLICE v BRUCE LEHRMAN (CC2021/8143) - 202113941
Importance: High

OFFICIAL: Sensitive

Hi Cam,

We have just received the AFP file for the above matter. It is the matter concerning Brittany Higgins. Can you please lock the job down on CASES so that only the Director and Skye have access to it.

Kind regards



Anthony Williamson

Deputy Director – Head of Crown Chambers
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: REDACTED

E: REDACTED@act.gov.au

W: www.dpp.act.gov.au

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From: Yates, Heidi
Sent: Mon, 23 Aug 2021 13:43:51 +1000
To: Drumgold, Shane
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Shane,
Please see below email from Supt. Scott Moller.

I will check with Ms Higgins to confirm that she received his advice of 16 August.

In the email below, Supt Moller notes that he will advise Ms Higgins on 'processes beyond the first mention date ...as we proceed'.

He also indicates that he has 'wanted to contact [Ms Higgins]' and 'would appreciate being able to contact [Ms Higgins] directly'.

Going forward, are you happy to advise, or for me to advise, Supt. Moller that contrary to his email, your office will provide Ms Higgins with any further information she requires regarding her matter and that accordingly, there won't be a need (as suggested by Supt Moller) for Ms Higgins to have any ongoing contact with police?

Regards,

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222



From: Moller, Scott <[REDACTED]@afp.gov.au>
Sent: Monday, 23 August 2021 12:57 PM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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OFFICIAL: Sensitive

Hi Heidi,
See below email which I sent to Brittany recently (16 August 2021). I'm still yet to receive a response, not sure if this is the right email address or not but appreciate if you could confirm that it has been received.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

ACT POLICING

REDACTED

www.afp.gov.au



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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: Moller, Scott

Sent: Monday, 16 August 2021 10:21 AM

To: 'Brittany Mae' **REDACTED**

Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Dear Brittany,

As promised during our recent phone conversation, I have detailed the upcoming court proceedings below which I hope will give you some clarity for the next few months.

On Friday 6 August 2021, a summons and brief of evidence was served on the alleged offender's barrister, requiring him to attend the ACT Magistrates Court on Thursday 16 September 2021 for a "first mention".

On that occasion, he may appear in person; or be represented by a lawyer. If he appears in person he will be formally charged. After being charged, he would be expected to enter a plea of either "guilty" or "not guilty".

If he does not appear, but is represented by a lawyer which is what I expect, a plea of "not guilty" may be entered, and thereafter the matter will be set down for a committal hearing. The date for a committal hearing will be set by the court.

Processes beyond the first mention date are speculative and I will advise as we proceed. I have wanted to contact you a number of times since our phone conference however as discussed the current contact system is difficult. I would appreciate being able to contact you directly, if this is acceptable please forward via email a contact number.

Kind Regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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From: Brittany Mae REDACTED
Sent: Wednesday, 30 June 2021 6:03 PM
To: Yates, Heidi <REDACTED@act.gov.au>; Moller, Scott <REDACTED@afp.gov.au>
Cc: David Sharaz REDACTED; Leon Zwiernicki <LEON@abl.com.au>
Subject: Re: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Good Afternoon,

Thank-you for the status update.

I'd prefer any information be relayed through my lawyer (cc above). Our last conversation was quite distressing and any way we can mitigate any unnecessary protracted conversations would be preferable.

If your advice pertains to whether or not the DPP are planning to proceed. Please feel free to be as blunt and straight to the point as possible. No need for any long form explanations either way.

In turn, I'll continue to respect your overt preference for my ongoing media silence.

Kind regards,
Brittany

Sent from my iPhone

On 30 Jun 2021, at 5:46 pm, Yates, Heidi <REDACTED@act.gov.au> wrote:

OFFICIAL: Sensitive

Hi Brittany,

Please see below exchange of emails from police, following the email that I cc'd you into to Marcus on Tuesday morning. As discussed, Detective Superintendent Scott Moller has indicated he's now the contact person for your matter.

Please let myself or Police know how you'd like to proceed, or let me know how I might assist to progress.

Regards,

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222

<image002.jpg>

From: Moller, Scott <REDACTED@afp.gov.au>

Sent: Tuesday, 29 June 2021 4:08 PM

To: Yates, Heidi <REDACTED@act.gov.au>

Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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OFFICIAL: Sensitive

Thanks Heidi,

I need to discuss the preliminary findings of the DPP with her. Appreciate if you could facilitate it.

Kind regards

Scott

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

ACT POLICING

REDACTED

www.afp.gov.au

<image006.gif>

<image007.gif>

From: Yates, Heidi [REDACTED]@act.gov.au>
Sent: Tuesday, 29 June 2021 3:00 PM
To: Moller, Scott [REDACTED]@afp.gov.au>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL

Hi Scott,
Thanks for confirming you're the updated contact for this matter.

I'll advise Ms Higgin regarding the 4 week timeline for finalisation of the brief, and welcome your confirmation that you'll advise us when it is complete.

Regarding a face to face meeting, I'm happy to facilitate a request but I'm not confident that Ms Higgins will be open to a personal meeting next week (although thank you for offering to travel to her). To aid her consideration, are you able to provide some further info re the nature of the meeting? I can discuss by phone. You have my mobile or direct line: [REDACTED]

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222

<image008.jpg>

From: Moller, Scott [REDACTED]@afp.gov.au>
Sent: Tuesday, 29 June 2021 2:44 PM
To: Yates, Heidi [REDACTED]@act.gov.au>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]
Importance: High

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OFFICIAL:Sensitive

Hi Heidi,
I'm the point of contact for this matter, please touch base with me for any further queries re this investigation. In response to your below question, I have allowed the investigation team a time line of 4 weeks, noting the current COVID restrictions for the remainder of the brief of evidence to be prepared and presented to the DPP and I'm happy to advise when that is complete.

Additionally I will need to see Ms Higgins personally next week and I'm happy to travel to her if that is easier – are you able to facilitate this meeting?

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER
CRIMINAL INVESTIGATIONS
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REDACTED
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[<image006.gif>](#)

[<image007.gif>](#)

From: Yates, Heidi REDACTED@act.gov.au
Sent: Tuesday, 29 June 2021 10:23 AM
To: Boorman, Marcus REDACTED@afp.gov.au
Cc: Brit Mae REDACTED
Subject: Heads up & Timeline for finalisation of brief
Importance: High

OFFICIAL: Sensitive

Hi Marcus,

Just touching base, noting that I understand your team will now be working to finalise the outstanding matters in the DPP brief.
Are you able to confirm that police will provide my office with a heads up when the remainder of the brief is provided to the DPP? Which we presume may be in the next 1-2 weeks?

As discussed in our earlier conversation it's likely that, if asked, Shane Drumgold will inform the media when he has received the full brief. Noting this is likely to generate further media interest (including direct requests to Ms Higgins for comment) it would be helpful for Ms Higgins to be on notice when the full brief is provided to the DPP. In particular, this will aid her to adhere to the media approach agreed with police, which is that she will not provide any independent comment on the matter, but will be kept in the loop regarding police or dpp media engagement on her matter.

Please let me know if you'd like to discuss further.

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222

[<image009.jpg>](#)

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information contained therein. If you have received this message in error, please notify the sender immediately and delete it from your inbox.

AFP Web site: <http://www.afp.gov.au>

From: Drumgold, Shane
Sent: Mon, 23 Aug 2021 13:47:00 +1000
To: Yates, Heidi
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

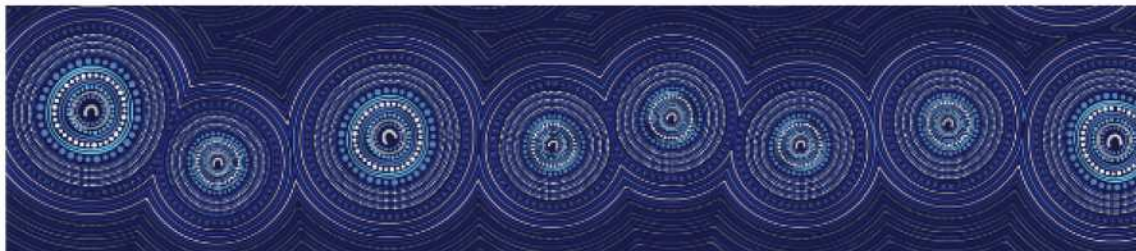
Yes I am happy with that Heidi.



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: [REDACTED] (Direct line)
 T: [REDACTED] (Executive Officer Katie Cantwell)
 M: [REDACTED]
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 E: [REDACTED]@act.gov.au (EO)
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 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

From: Yates, Heidi <[REDACTED]@act.gov.au>
Sent: Monday, 23 August 2021 1:44 PM
To: Drumgold, Shane <[REDACTED]@act.gov.au>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Shane,
 Please see below email from Supt. Scott Moller.

I will check with Ms Higgins to confirm that she received his advice of 16 August.

In the email below, Supt Moller notes that he will advise Ms Higgins on 'processes beyond the first mention date ...as we proceed'.

He also indicates that he has 'wanted to contact [Ms Higgins]' and 'would appreciate being able to contact [Ms Higgins] directly'.

Going forward, are you happy to advise, or for me to advise, Supt. Moller that contrary to his email, your office will provide Ms Higgins with any further information she requires regarding her matter and that accordingly, there won't be a need (as suggested by Supt Moller) for Ms Higgins to have any ongoing contact with police?

Regards,

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222



From: Moller, Scott <[REDACTED]@afp.gov.au>
Sent: Monday, 23 August 2021 12:57 PM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER
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From: Moller, Scott

Sent: Monday, 16 August 2021 10:21 AM

To: 'Brittany Mae' [REDACTED]

Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Dear Brittany,

As promised during our recent phone conversation, I have detailed the upcoming court proceedings below which I hope will give you some clarity for the next few months.

On Friday 6 August 2021, a summons and brief of evidence was served on the alleged offender's barrister, requiring him to attend the ACT Magistrates Court on Thursday 16 September 2021 for a "first mention".

On that occasion, he may appear in person; or be represented by a lawyer. If he appears in person he will be formally charged. After being charged, he would be expected to enter a plea of either "guilty" or "not guilty".

If he does not appear, but is represented by a lawyer which is what I expect, a plea of "not guilty" may be entered, and thereafter the matter will be set down for a committal hearing. The date for a committal hearing will be set by the court.

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Kind Regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

CRIMINAL INVESTIGATIONS

ACT POLICING

[REDACTED]

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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: Brittany Mae [REDACTED]
Sent: Wednesday, 30 June 2021 6:03 PM
To: Yates, Heidi [REDACTED]@act.gov.au>; Moller, Scott [REDACTED]@afp.gov.au>
Cc: David Sharaz [REDACTED]; Leon Zwier [REDACTED]@abl.com.au>
Subject: Re: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Good Afternoon,

Thank-you for the status update.

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If your advice pertains to whether or not the DPP are planning to proceed. Please feel free to be as blunt and straight to the point as possible. No need for any long form explanations either way.

In turn, I'll continue to respect your overt preference for my ongoing media silence.

Kind regards,
Brittany

Sent from my iPhone

On 30 Jun 2021, at 5:46 pm, Yates, Heidi <[REDACTED]@act.gov.au> wrote:

OFFICIAL: Sensitive

Hi Brittany,
Please see below exchange of emails from police, following the email that I cc'd you into to Marcus on Tuesday morning. As discussed, Detective Superintendent Scott Moller has indicated he's now the contact person for your matter.

Please let myself or Police know how you'd like to proceed, or let me know how I might assist to progress.

Regards,

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222

<image002.jpg>

From: Moller, Scott [REDACTED]@afp.gov.au>
Sent: Tuesday, 29 June 2021 4:08 PM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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OFFICIAL:Sensitive

Thanks Heidi,
I need to discuss the preliminary findings of the DPP with her. Appreciate if you could facilitate it.

Kind regards
Scott

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<image006.gif>

<image007.gif>

From: Yates, Heidi <[REDACTED]@act.gov.au>
Sent: Tuesday, 29 June 2021 3:00 PM
To: Moller, Scott [REDACTED]@afp.gov.au>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL

Hi Scott,
Thanks for confirming you're the updated contact for this matter.

I'll advise Ms Higgin regarding the 4 week timeline for finalisation of the brief, and welcome your confirmation that you'll advise us when it is complete.

Regarding a face to face meeting, I'm happy to facilitate a request but I'm not confident that Ms Higgins will be open to a personal meeting next week (although thank you for offering to travel to her). To aid her consideration, are you able to provide some further info re the nature of the meeting? I can discuss by phone. You have my mobile or direct line: **REDACTED**

Regards,

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222

<image008.jpg>

From: Moller, Scott [REDACTED] <[REDACTED]@afp.gov.au>
Sent: Tuesday, 29 June 2021 2:44 PM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]
Importance: High

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Hi Heidi,

I'm the point of contact for this matter, please touch base with me for any further queries re this investigation. In response to your below question, I have allowed the investigation team a time line of 4 weeks, noting the current COVID restrictions for the remainder of the brief of evidence to be prepared and presented to the DPP and I'm happy to advise when that is complete.

Additionally I will need to see Ms Higgins personally next week and I'm happy to travel to her if that is easier – are you able to facilitate this meeting?

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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REDACTED

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<image006.gif>

<image007.gif>

From: Yates, Heidi <[REDACTED]@act.gov.au>
Sent: Tuesday, 29 June 2021 10:23 AM
To: Boorman, Marcus [REDACTED]@afp.gov.au>
Cc: Brit Mae [REDACTED]
Subject: Heads up & Timeline for finalisation of brief
Importance: High

OFFICIAL: Sensitive

Hi Marcus,

Just touching base, noting that I understand your team will now be working to finalise the outstanding matters in the DPP brief.
Are you able to confirm that police will provide my office with a heads up when the remainder of the brief is provided to the DPP? Which we presume may be in the next 1-2 weeks?

As discussed in our earlier conversation it's likely that, if asked, Shane Drumgold will inform the media when he has received the full brief. Noting this is likely to generate further media interest (including direct requests to Ms Higgins for comment) it would be helpful for Ms Higgins to be on notice when the full brief is provided to the DPP. In particular, this will aid her to adhere to the media approach agreed with police, which is that she will not provide any independent comment on the matter, but will be kept in the loop regarding police or dpp media engagement on her matter.

Please let me know if you'd like to discuss further.

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
5 Constitution Avenue
Canberra City ACT 2601
Tel (02) 6205 2222

<image009.jpg>

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From: Moller, Scott
Sent: Thu, 26 Aug 2021 15:42:42 +1000
To: Yates, Heidi
Cc: Brit Mae; Drumgold, Shane
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL]

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OFFICIAL

Thanks Heidi.

ACTDPP being the POC is noted and may well be an example for future business practices with ACTDPP managing victims after the prosecution process has commenced.

Kind regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Thursday, 26 August 2021 10:26 AM
To: Moller, Scott <REDACTED@afp.gov.au>
Cc: Brit Mae <REDACTED>; Drumgold, Shane <REDACTED@act.gov.au>
Subject: RE: Heads up & Timeline for finalisation of brief
Importance: High

OFFICIAL

Hi Scott,

Thank you for your email below.

I have spoken with Ms Higgins yesterday and she confirmed that she received your email of 16 August. Thank you for the procedural information you provided to her regarding the first mention, listed for 16 September.

In relation to ongoing contact between Ms Higgins and ACTP, I have checked with the DPP and they've confirmed that their office will take on responsibility for providing Ms Higgins with all information, updates and advice required—including under the Victims Charter of Rights—in relation to the progress of her matter. This will usefully provide Ms Higgins with a single point of contact, which I'm sure she will welcome. I have cc'd Ms Higgins and Mr Drumgold to ensure we're all on the same page regarding DPP now being the sole point of contact for Ms Higgins.

Ms Higgins asked me to again express her thanks to you and your team for the work you've undertaken to bring the matter before the court, noting we understand ACTP members will also be witnesses in the matter.

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

5 Constitution Avenue
Canberra City ACT 2601

Tel (02) 6205 2222



From: Moller, Scott <[REDACTED]@afp.gov.au>
Sent: Thursday, 26 August 2021 10:15 AM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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OFFICIAL:Sensitive

Hi Heidi,
I still haven't heard, do you have any feedback?

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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From: Moller, Scott

Sent: Monday, 23 August 2021 12:56 PM

To: 'Yates, Heidi' <**REDACTED**@act.gov.au>

Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Hi Heidi,

See below email which I sent to Brittany recently (16 August 2021). I'm still yet to receive a response, not sure if this is the right email address or not but appreciate if you could confirm that it has been received.

Regards Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER

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From: Moller, Scott
Sent: Monday, 16 August 2021 10:21 AM
To: 'Brittany Mae' [REDACTED]
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

Dear Brittany,

As promised during our recent phone conversation, I have detailed the upcoming court proceedings below which I hope will give you some clarity for the next few months.

On Friday 6 August 2021, a summons and brief of evidence was served on the alleged offender's barrister, requiring him to attend the ACT Magistrates Court on Thursday 16 September 2021 for a "first mention".

On that occasion, he may appear in person; or be represented by a lawyer. If he appears in person he will be formally charged. After being charged, he would be expected to enter a plea of either "guilty" or "not guilty".

If he does not appear, but is represented by a lawyer which is what I expect, a plea of "not guilty" may be entered, and thereafter the matter will be set down for a committal hearing. The date for a committal hearing will be set by the court.

Processes beyond the first mention date are speculative and I will advise as we proceed. I have wanted to contact you a number of times since our phone conference however as discussed the current contact system is difficult. I would appreciate being able to contact you directly, if this is acceptable please forward via email a contact number.

Kind Regards
Scott.

DETECTIVE SUPERINTENDENT SCOTT MOLLER
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Sent from my iPhone

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<image002.jpg>

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Sent: Tuesday, 29 June 2021 4:08 PM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: RE: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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www.afp.gov.au

<image006.gif>

<image007.gif>

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Importance: High

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<image008.jpg>

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Sent: Tuesday, 29 June 2021 2:44 PM

To: Yates, Heidi <[\[REDACTED\]@act.gov.au](mailto:[REDACTED]@act.gov.au)>

Subject: FW: Heads up & Timeline for finalisation of brief [SEC=OFFICIAL:Sensitive]

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REDACTED
www.afp.gov.au

[<image006.gif>](#)

[<image007.gif>](#)

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<image009.jpg>

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IN THE SUPREME COURT OF THE)
)
 AUSTRALIAN CAPITAL TERRITORY) No. SCC XXXX of 2021
)
 CRIMINAL JURISDICTION)

THE QUEEN

against

BRUCE LEHRMANN

CASE STATEMENT

Summary

The accused is charged that on 23 March 2019, he engaged in sexual intercourse with Brittany Higgins, without her consent, and was reckless as to whether she had consented.

Outline of the Crown case

Background:

In late February 2019 the complainant worked as a media advisor for the former Federal Minister for Defence Industry the Hon Steven Ciobo, and the accused worked as a political adviser for the Hon Linda Reynolds.

On 11 April 2019, the Prime Minister called an election for 18 May 2019. In the lead up to this, on around 1 March 2019 Minister Ciobo announced he would not contest the next election. On 2 March 2019, the Defence Industry portfolio shifted from Minister Ciobo to the Hon Linda Reynolds. This created something of a merged office with the accused amongst a group of staffers who were already working for Minister Reynolds, and the complainant amongst a group transferring from Minister Ciobo's office to Minister Reynolds office with the Defence Industries portfolio.

There was a general sense within the government and their staff that the incumbent government would lose the election, and the team would essentially usher the office through to the end of the government at the election on 18 May 2019.

Filed by the Crown:

Director of Public Prosecutions
 1st Floor, Reserve Bank Building
 20-22 London Circuit
 CANBERRA ACT 2601

Reference: 202113941
 Telephone: (02) 6207 5399
 Facsimile: (02) 6207 5428

Against this backdrop, on the evening of Friday 22 March 2019, a group of staffers attended The Dock Restaurant and Bar on the Kingston Foreshore to signify what they thought was the run up to end of the government.

The complainant arrived around 7.19pm and had arranged a date on a [REDACTED] [REDACTED] for the evening. The complainant purchased her first drink at 7.24pm attending the bar on her own then returning to table one, before later meeting her date and spending the evening socialising. The accused went out for dinner with a friend [REDACTED], and arrived at The Dock at 8.39am.

During the evening the complainant's date left and she remained with a group that included the accused. At 11.50pm the group disbursed. The accused, the complainant and two others from the group, [REDACTED] then attended another club in Canberra City called 88 mph.

It is unknown whether the complainant drank more at 88 mph, however as at 11.50pm when she left The Dock, over a period of 4 and a half hours, it is anticipated that she had consumed a large number of alcoholic drinks.

Complainant's Intoxication

[REDACTED] recalls that at 88mph *"I remember Brittany being really drunk....I remember her falling over. Um, and sort of pulling herself back up onto the couch and I think Bruce [accused] helped her back onto the couch."*¹

The complainant recalls *"I was drinking consistently throughout the night, so people were buying me drinks"*² *On leaving the Dock, I would say [my intoxication was] seventy per cent, I was already very drunk at that point"*³ *"The next thing I sort of remember was being at 88mph, so like I – yea, I was already leaving the Dock I was really very drunk"*⁴ *"I was pretty embarrassed by falling over. Um, I remember after I fell over. Bruce [accused] helped me up"*⁵ *"I kind of managed to catch myself in terms of hands, like I didn't face plant but I definitely got my knees and I was off-road, I had to be helped up...I remember Bruce helped me up."*⁶ *"It's as drunk as I've ever been in my life"*⁷

The complainant reports at one point in her interview that "he" was buying me a lot of drinks.⁸ The complainant does not outline how she knew it was the accused, or how they were paid for etc, however in his record of interview, the accused produced receipts from bank accounts suggesting he spent \$24.20 at the Kingston

¹ ROI Madders/[REDACTED] 24/3/21 - Q32.

² EICI Madder/Higgins 24/2/21 Q103.

³ EICI Madders/Higgins 24/2/21 Q153.

⁴ EICI Madders/Higgins 24/2/21 Q151.

⁵ EICI Madders/Higgins 24/2/21. Q28.

⁶ EICI Madders/Higgins 24/2/21 Q176-177.

⁷ EICI Madders/Higgins 24/2/21 Q172.

⁸ EICI Madders/Higgins 24/2/21 Q25.

complainant's dress, are unlikely to have been the result of the fall at 88mph as it was inside a club, and it is unknown where these came from.

██████████ escorted the pair to Minister Reynolds office, arriving at 1.48am, and called the control room for the door to be unlocked and allowed them to enter before leaving.

At this point that the versions of events differ between the accused and the complainant.

Version of Brittany Higgins

On entry to the Minister's Office the complainant says *"I remember sitting on one of the ledges there. Um, and – and then I don't remember whether I went to the couch myself willingly or if I was guided there or – or sort of what happened. But I remember the next thing I sort of remember ██████████*

██████████ Um, at that point, I felt like a bit of time had passed. I felt like – ██████████ ██████████. "The first thing that I sort of woke up to, was a pain in my leg, that was the first thing that I sort of made me sort of cotton on to the fact or sort of knocked me awake ██████████ ██████████ I said no at least half a dozen times"¹⁶

Regarding her clothing, she states that during the sexual assault, the complainant says *"My dress was still on my body, um, but it'd had just been really scrunched up, so it was around my waist"¹⁷ ██████████*

██████████ and says that afterwards "he looked at me and he left. ██████████

██████████
 ██████████
 ██████████
 ██████████
 ██████████

██████████ notes he "appeared in a hurry and dropped off his pass. I asked him if he was coming back. He didn't stop and hastily replied no."²⁰

At 4.15am (around 1 hour 45 minutes after the accused left) ██████████ attended the Minister's Office to check on the welfare of the complainant, noting she was *"lying naked on the lounge that was directly in front of the door. She was on her*

¹⁶ EICI Madders/Higgins 24/2/21 Q36.

¹⁷ EICI Madders/Higgins 24/2/21 Q259.

¹⁸ EICI Madders/Higgins 24/2/21 Q254.

¹⁹ EICI Madders/Higgins 24/2/21 Q36.

²⁰ Report of ██████████ 24/03/2019.

*back....She's looked at me, she's rolled over into the foetal position and has gone back to sleep"*²¹

█ notes that she was completely naked, and her dress and shoes were on the floor, and she wasn't wearing a bra.²² This is a greater state of undress than reported by the complainant during the sexual assault, which we can place somewhere between 1 hour 45 minutes and 2 hours 30 minutes earlier.

The complainant does not remember █ attending, as her next recollection is *"Probably about eight o'clock the next day. And I remember hearing a female security guard yelling into the office, asking if I was okay. I didn't see anyone, but, but I heard her yell out"*.²³ This is consistent with evidence that at 9.15am, around 7 and a half hours after the complainant first arrived at Parliament House, guard █ accompanied by guard █ attended the office, when █ knocked on the door and called out "Security" asking if anyone was there, and the complainant responded "yes". █ asked if everything was Ok, and the complainant responded Yes, everything's okay.²⁴

After the █ exchange, the complainant says she sat and ate most of a box of Roses chocolates and was sick in the Minister's bathroom. She combed her hair and pulled herself together, then retrieved a Carla Zampatti jacket from a box of goodwill clothing and left,²⁵ and █.

Version of the Accused

█ notes that on entry he commented *"It's very early in the morning, guys to be working. Are you going to work?"* and they both said *"Yes, they're going to work"*.²⁶

█ recalls the exchange slightly differently, recalling █ saying *"Oh, you guys are in here late. Couldn't this have waited – waited until Monday and the guy seemed to take offence to it and he's like, No, it couldn't wait."* █ specifically recalled that the complainant did not say anything.²⁷

When spoken to by Fiona Brown on Tuesday 26 March 2019, Ms Brown recalls that the accused told her *"He just came in to have – to drink his whisky"* and that he said he had *"about two glasses"*.²⁸ Although it does not appear in her EICI, colleague Nikita Irvine recalls whilst disclosing the events to her, the complainant told her on

²¹ EICI Madders/Higgins 24/2/21 Q79-80.

²² EICI Madders/Higgins 24/2/21 Q208-213.

²³ EICI Madders/Higgins 24/2/21 Q36.

²⁴ ROC Madders █ 24/3/21 Q54.

²⁵ EICI Madders/Higgins 24/2/21 Q37.

²⁶ ROC Madders █ 18/3/21 Q39.

²⁷ ROC Madders █ 24/4/21 Q130-133.

²⁸ ROC Madders/Brown 22/3/21 Q128-130.

either 27 or 28 March 2019 that *“he wanted to come back here to like show me some whisky or there was something. I remember whisky being mentioned.”*²⁹

In his record of interview with police conducted 19 April 2021, the accused states that he was aware that entering parliament house after hours was a security breach, and that he was concerned the AFP would become involved for this reason.³⁰ Notwithstanding his knowledge that attending parliament house after hours constituted a security breach significant enough to draw the attention of the AFP, he then offers police investigators two reasons for entering Parliament House.

Reason one appears to suggest that it was planned, because, notwithstanding the fact that he was going out, he left the keys to his apartment at Parliament House with a plan to swing by and grab them on his way home.³¹

Reason two suggests that he had a conversation with people from defence department at The Dock (prior to continuing onto 88mph) that reminded him that he had to attend the office to do some work, specifically stick some tabs on a certain topic on the question time brief for the Minister, and that it could not wait until the following Monday.³²

The second of these we say is a lie, as it would be highly unlikely that he would tell his boss that he returned to the office to drink whisky yet told both security on entry and police during a formal interview that he attended parliament house to do some work. Further, it appears highly unlikely that he would not take his apartment keys with him when he left work on 22 March to go out.

He states in his record of interview that on entering the office, the complainant turned and went into the minister’s suite and he went to his desk and got what he needed for the weekend, attended to some of the question time folders, ordered himself an uber and left.³³

As outlined, at 2.33am (45 minutes after entering the office) the accused is seen walking through security. Further as stated, we do not have footage of him leaving the Minister’s Office but as stated, based on the time it took them to get from security to the office on arrival, leaving security at 1.47am, arriving at the office around 1.48am, it appears the travel time is around a minute, so it is likely he left the office around 2.32pm. ██████████ notes he *“appeared in a hurry and dropped off his pass. I asked him if he was coming back. He didn’t stop and hastily replied no.”*³⁴

²⁹ ROC Madders, ██████████ 2/4/21 Q137.

³⁰ Boorman/Lehrmann 19/4/21 Q725.

³¹ Boorman/Lehrmann 19/4/21 Q85.

³² Boorman/Lehrmann 19/4/21 Q573-583.

³³ Boorman/Lehrmann 19/4/21 Q100-104.

³⁴ Report of ██████████ 24/03/2019.

Intoxication

The complainant's statements of being highly intoxicated is corroborated by the observations of [REDACTED] [REDACTED] and to a lesser extent [REDACTED]. It is further corroborated by the fact that on entering parliament house at 1.42am, she fell asleep and did not become cognizant for over seven hours, when she was roused by [REDACTED] at 9.15am.

Complaint

The complainant made a number of disclosures in the days that followed.

On Saturday 23 March 2019, the day of the incident, the complainant had a phone conversation with her friend [REDACTED] and he noticed she was very cagy, but disclosed that they went back to the Minister's office for drinks, however the complainant said she did not want to talk about it.³⁵ The following day there was a combination of phone conversations and SMS exchanges in which the complainant told [REDACTED] that she had woken up in the Minister's office half naked.³⁶ In an SMS exchange with [REDACTED] on the following Tuesday 26 March 2019 the complainant said *"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"*. [REDACTED] asked *"Did you hook up in there or did someone take advantage of you?"* and the complainant responded *"I was barely lucid. I really don't feel like it was consensual at all. I just think if he thought it was okay, why would he just leave me there like that"*. The complainant was concerned the matter would become public, sending a further SMS the same day *"The only thing I really want is for this to not get out and become public knowledge. Besides my parents you're the only person who knows (outside of Fiona and whenever she takes it to the Minister and apparently it has to be reported to PMO."* The complainant told [REDACTED] that she did not want to go to the police because she doesn't want to make an issue of it.³⁷ In text on Friday 29 March 2019, the Complainant sent an SMS to [REDACTED] saying *"I'm not sure why but I feel super angry at the moment. It's probably misdirected and should be aimed at Bruce but I feel so pissed at the people in the party"*. She further messaged *"if I want to maintain a job I can't talk about it but I'm still getting follow up calls from the AFP to this dah and I'm just at the end of my rope with it"*.

On either the Tuesday or Wednesday³⁸, which would be either 27 or 28 March 2019, the complainant appeared quite upset³⁹ when talking to colleague Christopher Payne when she told him she had been out drinking with the accused and was taken back

³⁵ ROC Madders [REDACTED] 23/2/21 Q23.

³⁶ ROC Madders [REDACTED] 23/2/21 Q26.

³⁷ ROC Madders [REDACTED] 23/2/21 Q74.

³⁸ ROC Boorman/Payne 26/5/21 Q139.

³⁹ ROC Boorman/Payne 26/5/21 Q79.

to Parliament House⁴⁰. She described the incident in some detail including that she

On “*probably the Wednesday or the Thursday*”⁴² which would be either 27 or 28 March 2019, the complainant made a disclosure to work colleague [REDACTED] consistent with her evidence in chief interview saying she fell asleep on the Minister’s couch and woke up and the suspect was on top of her.⁴³ [REDACTED] states that over the next four or five months she spoke to her about four times, finally advising her that she had decided not to go further with it anymore.⁴⁴

On her return to work on Monday 25 March 2019 the accused and complainant had very limited contact. On Tuesday 26 March 2019, office manager Fiona Brown, who was aware of the complainant and accused entering the previous Saturday morning from Parliament House security had organised to talk to both of them.

The accused met with Ms Brown first and was instructed to leave the office and was subsequently provided a show cause request, then was formally dismissed on 5 April 2019 for a combination of two factors, the first being a previous security incident involving clumsy handling of secure documents, and the second being that on entry to Parliament House in the early hours of Saturday 23 March 2019, he dishonestly told security guards that he was attending to do some work.

The complainant was also spoken to by Fiona Brown on Tuesday 26 March, and she stated that she did not remember accessing the office but said had been out and was inebriated⁴⁵ and recalled waking up semi-naked⁴⁶, stating “I’m responsible for my actions”⁴⁷. Fiona Brown explained it was a breach of Ministerial Code of Conduct, and that was the end of any disciplinary action with regards to the complainant. Fiona Brown was however concerned for her welfare and invited her to work from home for the rest of the day.

Fiona Brown organised for a second phone meeting and phoned her and was informed that she had been crying⁴⁸. Fiona Brown offered to visit her, and the complainant refused.⁴⁹

A third meeting was held on Thursday 28 March 2019⁵⁰, and Fiona Brown told the complainant that if she was unhappy with anything she would have their support,

⁴⁰ ROC Boorman/Payne 26/5/21 Q80-83.

⁴¹ ROC Boorman/Payne 26/5/21 Q130-133.

⁴² ROC Madders [REDACTED] 2/4/21 Q117.

⁴³ ROC Madders [REDACTED] 2/4/21 Q138.

⁴⁴ ROC Madders [REDACTED] 2/4/21 Q141.

⁴⁵ ROC Madders/Brown 22/3/21 Q164.

⁴⁶ ROC Madders/Brown 22/3/21 Q166.

⁴⁷ ROC Madders/Brown 22/3/21 Q171.

⁴⁸ ROC Madders/Brown 22/3/21 Q218.

⁴⁹ ROC Madders/Brown 22/3/21 Q218.

⁵⁰ ROC Madders/Brown 22/3/21 Q238.

and offered her contact details for the Employment Assistance Program. At this point, the complainant disclosed that “I recall him being on top of me”.⁵¹ Fiona Brown then said if it was something she had not wanted to happen she should report it, and she said her father was coming down to spend some time with her and she would consult him.

First report to the police

On Friday 29 March 2019 Fiona Brown reported the incident to the internal Australian Federal Police, and an appointment was made for the complainant to talk to them on Monday 1 April 2019.

A meeting was held at midday on Monday 1 April 2019 between Federal Agents Rebecca [REDACTED] and Katie [REDACTED] in which the complainant disclosed the details of the events.

Federal Agents [REDACTED] and [REDACTED] then referred the matter to ACT Policing Sexual and Child Assault Team (SACAT). A week later on Monday 8 April 2019 the complainant met Detective Senior Constable Sarah Harman at which point she reported the events of the evening in some detail. Police practice is to allow the complainant to retain a degree of control over the progress.

At 1.56pm on 10 April 2019 DSC Harman made a call to the complainant then left an SMS that was not responded to. At 1.28pm on Saturday 13 April 2019 the complainant sent DSC Harman an email stating:

After careful consideration I have decided not to proceed any further in this regard.

I really appreciate your time, professionalism and assistance with this complaint. You helped me more than you know.

It's just not the right decision for me personally, especially in light of my current workplace demands.

Thank-you again for your candour and I apologise if I've taken up much of your time.

After first report

The day after this, on 11 April 2019 the Prime Minister called an election for 18 May 2019, and all government offices including Minister Reynolds entered election mode. This resulted in the complainant relocating to Perth to join the campaign of Minister Reynolds between 14 April – 3 May 2019, then again from 6 May 2019 to the day after the successful election being 19 May 2019.

⁵¹ ROC Madders/Brown 22/3/21 Q293.

The complainant remained in the employment of Minister Reynolds for another 2 and a half weeks until 7 June 2019 at which point she accepted a role in the office of Minister Michaelia Cash.

For the year and a half from June 2019 – January 2021 the complainant remained in the employment of the office of Minister Cash. The complainant took no further action for the second half of 2019, however commenced counselling with the Canberra Rape Crisis Centre on 17 January 2020, engaging in seven counselling sessions between 17 January 2020 and 3 February 2021.

Second report to the police

After a year of counselling the complainant decided to reinstate the report to police, and in preparation took a number of steps.

The first was to resign her position with Minister Cash, which took a number of attempts, as each time either Minister Cash's chief of staff [REDACTED] or Minister Cash talked her into delaying, offering sweeteners like the ability to work from her home on the Gold Coast.

On Friday 29 January 2021 the complainant formally resigned from Minister Cash's office and ceased any engagement with the Federal Government or Parliament House.

There had been some media surrounding the events, and on the following Tuesday 2 February 2021 the complainant gave an interview to a television program, which subsequently aired on 15 February 2021.

Two days after providing the interview on Thursday 4 February 2021, the complainant wrote an email to Federal Agent Rebecca [REDACTED] who had managed the first report on 1 April 2019, stating:

I'm just reaching out in relation to a sexual assault case that we originally discussed in April 2019.

My work situation has changed and I'm looking at pressing forward with a formal statement. Before I make that final decision is there any way for me to review or have a copy of the original case file that exists at the present?

Federal Agent [REDACTED] referred the matter to SACAT at ACT Policing where police reactivated the investigation.

Investigation:

Detective Sergeant Kaylie [REDACTED] and Senior Constable Emma Frizzell met with the complainant and the investigation recommenced.

The complainant participated in a recorded interview with police 20 days after the email to Rebecca [REDACTED] on 24 February 2021.

The complainant was very concerned about government interference in the investigation and was hesitant to produce private material that she feared may be used to generate negative publicity. This included a reluctance to produce her phone that contained a large amount of private material including SMS messages between the complainant and her family and boyfriend and private photos including those of family members. On 25 February 2021 Senior Constable Frizzell requested the complainant give police her phone and she raised concerns about Minister Dutton's media comments indicating a knowledge of matters subject to investigation.⁵² Officer Frizzell undertook discuss the matter and put her at ease. A number of meetings occurred over the following weeks, and on 26 May 2021 the complainant produced her phone and consent for all of her data to be examined.

The accused participated in a record of interview on 19 April 2021.

Due to travel restrictions resulting from various COVID measures the accused was not summonsed to attend court until 5 August 2021.

Elements of the offences and the evidence to be relied upon by the Crown

The elements of engaging in sexual intercourse without consent and being reckless as to whether she had consented are:

The elements of theft are:

1. Sexual intercourse
2. Without consent
3. Being reckless as to absence of consent

⁵² Statement of Senior Constable Emma Frizzell 27/7/21 - paragraph 43-44

- [Q57] Did not pursue because I was already coming up against so many blockades and I realised my job was on the line.
- In July 2019 worked for Minister Cash.

EICI 2.31pm 24/2/21

Introduction/employment

- [Q14] I had recently joined the new Ministerial office of Linda Reynolds – I'd been there all of 3 weeks.
- [Q389] You can be fired for no reason. It's really strange, the power dynamic, you have no one to go to but the minister.

Lehrmann

- [Q22] He had been a long-standing member of Minister Reynolds team and I was really new.
 - He was sort of trying to carve out space in the new office and was quite territorial about new people coming int.
- [Q23] I was the lowest person in the office.
 - Fiona Brown was chief of staff.
- [Q119] He was nice to me sometimes and sometimes buy me coffee, but at the same time he would sort of get me to manage all these bits outside my job and I did them on the basis that being a ministerial staffer, the roles are sort of blurred and you just do what's asked of you.

Alcohol purchases

- [Q25] He was buy me a lot of drinks. I thought that we were sort of all drinking the same level or we were having drink for drink. Later I'm not as sure about that account...because I heard he wasn't as inebriated as I was.
- [Q102] I looked back on my debit card and I didn't really buy any drinks for myself beyond the first 2.
- [Q103] I was drinking consistently throughout the night, so people were buying me drinks.
- [Q58] I remember we ultimately kind of did the full gauntlet of drinks by the end of the night.
 - I think I was just having Vodka Lime and Sodas
 - Chips to share on the table
 - We didn't order main meals or anything, it was just more like social drinks.
- [Q105] Everything from Rum and Coke all the way through to Soda. I think there was a lot of rounds of a lot of different things.
- [Q200] I potentially could have paid for alcohol in cash, but I don't really carry cash.

The Dock

- [Q15] I found ways to connect to these people. We went to a venue called The Dock.

- [Q68] I had a pretty existing group of people who would always go out for drinks – they'd let me sort of join their group on the basis that I didn't really know people.
- [Q48] Event was organised via WhatsApp, Signal, Telegram, Messenger, just all the various sort of devices that random people use.
- [Q54] The first group of 6 people were there.
 - [REDACTED]
 - Defence industry contacts were all first, then later Bruce and [REDACTED] arrived.

Bruce and [REDACTED] arrive.

- [Q62] Maybe 2 hours before Bruce got there.
- [Q94] [REDACTED] and Bruce turned up and I sort of introduced them to one of the long tables of 10-12 people.
- [Q98] I interacted with Bruce.
- [Q99] Je was grateful to be there – he was quite friendly – it was the nicest he'd ever sort of been to me.
- [Q24] Bruce was quite responsive to the fact that I'd invited him along to this opportunity to meet and network with these people.
- [Q16] I [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [Q18] We'd all sort of worked broadly with the Coalition Government at some point in some duration that we were about to lose the election.
- [Q19] We were all about to be unemployed in six weeks and so we were pretty sad.

88 mph

- [Q26] We all went to a second venue, which is called 88 mph.
- [Q168] I just remember the name and I know it wasn't Mooseheads or anything. I knew it was that bar for some reason. I've always had it in my mind and known it was 88 mph.
- [Q159] I don't remember dancing with [REDACTED] or Bruce. I remember sort of dancing by myself, just in a crowd.

Falling over

- [Q27] The 4 of us went to 88 mph. At that point I fell over, um, I grazed my knee. And that's kind of when it really hit me how drunk I was.
- [Q176] I kind of managed to catch myself in terms of hands, like I didn't face plant but I definitely got my knees and I was off-road, I had to be helped up.
- [Q28] I was pretty embarrassed by falling over. Bruce helped me up.
- [Q177] Bruce helped me up.

- He was the one that disclosed to me that I'd been found by the security guard, that they'd actually come into the suite. That was information to me because I didn't know that.
- [Q305] The next thing I remember was the next day when the woman the security guard was calling into the suite asking if I was ok.
- [Q312-314] She did not enter the suite, she said is everything OK in there? And I said I'm fine.
- [Q316] I ended up sitting in the DLO's sort of back corner room – the only room in the office that hasn't got any windows.
 - And I sat in there and I found a box of chocolates and I ate the Roses box of chocolates while I was crying to myself.
- [Q37] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [Q324] And I booked an Uber.

Afterwards

- [Q38] I lived out at [REDACTED]
 - I saw my roommate and her friend, it was the first time I'd met that friend.
 - I said that I'd been at Parliament, and I'd ended up back at Parliament after a good night out.
 - I spent the entire weekend sort of bunkered down sort of essentially in hysterics crying.
- [Q330] My flatmates name was [REDACTED].
- [Q333] She tried to introduce me like to her childhood friend [REDACTED]. I was quite distressed.
- [Q338] I was by myself and I cried literally the entire weekend. I didn't really come out of my bedroom. I came out for food intermittently, but I didn't do anything else.
- [Q338] That whole day I was just on auto pilot. I was just trying to keep my cool and maintain calm and just sort of figure out what to do next because I didn't know how to navigate it, given who he was and who I was. I just buried that his word carries much more weight than mine.
- [Q349] I just didn't seem myself.
 - I remember [REDACTED] was super excited for me to finally meet her childhood friend she'd talked about so much.
 - I wasn't myself.
 - I was trying to make my way through that social interaction, trying to maintain a sense of pose about it, but I just couldn't
 - She kind of read that something weird, there was something different or something had happened.
 - She knew I was off.

Disclosure

- [Q391] Besides [REDACTED] I don't remember telling anyone else, but I got a message from [REDACTED], who was at the drinks.
- [Q392] She knew about the assault as well and she apologised for not doing more at the time. I don't remember telling her, I don't know how she found out.
- [Q393-395] I also told my ex partner [REDACTED]

- [Q354-355] Tuesday I was called into a meeting with former Chief of Staff.
- [Q39] The first person I probably told was Fiona Brown on Tuesday at work.
- [Q41] I was kind of waiting for the other shoe to drop, and it never did on Monday.
 - On Tuesday, Fiona Brown came in.
 - She took Bruce in first, it was probably about 45 min of them speaking.
 - At that point I went into speak to Fiona, and it was the first time that I'd sort of relayed the events.
- [Q43] I re-signed the Ministerial Code of Conduct and she sent me home for the rest of the day.
 - So she was the first person I actually verbalised the rape to.
- [Q361] As soon as I identified it as a rape and that I didn't consent to any of that, I started to cry, and that's when sort of the gears shifted and it became less about me and more political than the actual incident itself.
- [Q375] I am not sure if it was the first or second meeting.
 - Honestly like the first week after the assault, it's kind of like I get confused about what day was what and what day certain things happened.
 - But at a certain point I remember she handed me the EAP brochure and I should call the number.
- [Q386] I said that he was on top of me.
 - I didn't consent
 - I used word assault – had not used word rape yet as too abrasive and not comfortable with it.
- [Q377] In the first week, I spoke to AFP at Parliament House.
- [Q378] The only other person I spoke to was a Department Liaison officer from Department of Defence.
- [Q379] Its his job to monitor a security breach.
- [Q382] [REDACTED]
- [Q380] He was one of the few people that I'd known in the building since I started.
 - He was the one that disclosed to me that I'd been found by the security guard, that they'd actually come into the suite. That was information to me because I didn't know that.
- [Q386] I said that he was on top of me, that I didn't consent, I said consent.
 - I hadn't used the word rape yet – I wasn't comfortable with it – it felt really abrasive.
- [Q390] You can be fired for no reason – the only person you have to got to is the Minister.
 - Every time I tried to raise it with her, it became this really difficult issues.
 - The chief of staff was Fiona, and I had only known her for about 3 weeks.

- I have so many holes in my memory, I was really a ten.

EICI 9.55am 26/5/21

Start at office

- [Q138] I was like the baby new person.
- [Q276] In my first week, Bruce tried to kiss me.
- [Q278] It was at the Kingo.
- [Q280] Tried to kiss me.
- [Q296] He was leaving, he was about to get into a taxi and he tried to kiss me, I kind of was a bit shocked.
 - I'd just broken up with [REDACTED]
- [Q286] I was aware he was having issues. Sort of internal conflicts. I knew there was some sort of security breach.
- [Q287] I knew there were issues starting to be raised. Fiona talked to me about the bullying, him bossing me around unduly in the office and a lot of people noticing.

Drinks

- [Q42] My assumption was on the basis that he'd bought the first round. That he'd continued to buy rounds after that.
- [Q43] Whether it was the other gentleman who was there, [REDACTED], or whether it was Bruce – I don't feel like it was [REDACTED] who was buying me drinks.
- [Q45] I think there were vodka lime and sodas. I think there were other different more sort of elaborate drinks that I wouldn't pick for myself.
- [Q49] As the night wore on he sort of found or made his way sort of more into my space. I remember being cognizant of that. I don't specifically really remember at that second venue.
- [Q58] I had a bad habit when I'm working of not eating all the time, so I'm sure that made it worse.

Security - CCTV

- [Q158] I remember seeing the two security guards.
 - I don't remember having trouble with my shoes, but I've since heard that I was having trouble with my shoes.
 - I just remember going from signing my name to being in sort of the suite.
 - I don't remember being escorted.
- [Q159] I always thought he had his pass.
- [Q169] At that point I can't stand – walk, it wasn't standing, I was walking.
- [Q170] Kind of you know, falling over. Can't put on my shoes, barely sign my own name.
- [Q180] Signature not my writing.
- [Q219] Obviously very clarifying.

Next day

- [Q118] I didn't really actively try and approach him for any related stuff. I remember he brought me a coffee of something, and I thanked him. It was this weird day. I hadn't really fully processed what had happened.

Dr comment

- [Q70] I don't specifically remember where or when. I remember buying a pregnancy test in Pert. I don't really remember when the doctor thing sort of happened.
- [Q71] A convenience store not far from my hotel.
- [Q72] Do not remember going for the morning after pill – that is why I took the pregnancy test.
- [Q73] I didn't seek a rape examination.
- [Q74] [REDACTED].
- [Q76-77] SMS from [REDACTED] – [Q78] I was placating him. He was stressed about me and I don't think I went to a GP at that stage.
- [Q94] Just feeling reassured.
- [Q98] Federal Agent [REDACTED] "Phillip Medical Centre awaiting results" – maybe going to go there, but I never ended up going there.

Conversations

- [Q116] Fiona Brown hadn't gotten there, I was in a state of shock. I was scared, (Accused) I perceived at that time was sort of in this position of power over me.
- [Q240-242] SMS messages put to her.
- [Q252] I didn't disclose the assault, you know, any intercourse, just the fact that we had gone and ended up back at the Minister's office.
- [Q254] SMS vaguely remember being there with Bruce.
- [Q265] SMS I think I may not continue to be employed
- [Q266] I was scared I was going to lose my job.

The Dock / 88 mph

2) [REDACTED] (ROC 6.11pm 24/3/21)

- [Q89] I was working remotely from the Gold Coast where she was a Canberra-based staffer.
- [Q90] Brittany was a hard worker, very diligent. She was always positive. She just wanted to learn.

The Dock / 88 mph

- [Q18] I went to the Dock with my colleagues.
 - I had previously worked with Brittany at the Minister for Defence Industry's office.
- [Q23] We generally knew each other.
 - Our tables merged and we all sort of caught up.

- I remember Brittany arriving with a man, I can't remember his name, he was a [REDACTED]
- [Q70] I remember him [REDACTED] wearing a really cheap suit.
 - Brittany got there and tried to do her best to move away from him.
- [Q26] I remember talking to Bruce and thinking he was a typical kind of staffer, a lot of bravado, quite arrogant.
- [Q27] I don't think I'd actually ever met him before.
- [Q28] He was telling me he was waiting for clearance so he would work for ASIS [Q29] and I remember saying to him "Well that's the dumbest thing I've ever heard, because if you go to work for ASIS you don't actually tell anyone."
- [Q31] I don't remember leaving the Dock to go to 88 mph, but I remember not drinking very much at 88 mph. I remember sitting down in one of the booths, me and a guy called Austin, with Bruce and Brittany.
- [Q133] I remember her wearing a white dress, and the same heels.

Intoxication.

- [Q99] I remember thinking to myself, I really need to slow down with the drinks.
 - I remember Brittany was coming back from the bathroom, she was coming back to the couches.
- [Q100] I remember thinking, oh god, we all really need to slow down.
 - I remember her taking a selfie.
- [Q102] I remember them kissing.
- [Q32] I remember Bruce and Brittany being quite close.
 - I remember Brittany being really drunk as well
 - I remember her falling over.
 - Sort of pulling herself back up onto the house.
 - I think Bruce helped her back onto the couch as well.
 - I remember her taking selfies of them.
- [Q130] It was not a trip, she's not clumsy.
- [Q33] I remember them kissing on the couch.
 - I don't think that we stayed for very long.
 - We did have a lot of alcohol to drink on that night.
 - I don't remember getting in an uber or cab.
- [Q34] I do remember stand out bits.
 - I remember chatting to a friend.
 - I remember saying I can't believe she went for him, because he's so gross.
- [Q110] I don't remember any other interactions.

Disclosure

- [Q141-142] I can't remember any messages the following day.
- [Q153] I got a message from [REDACTED], I said how was 88mph and I said Brittany hooked up with Bruce, and she goes, oh nice.
- [Q13] I think it was 10th February. [Q17] I heard it on the media the following Monday.

- [Q158] She messaged me on 10 February [Q159] [REDACTED] don't feel like you have to respond to this, this is monthly just cathartic for me to get it off my chest. I was so ashamed for so long and I've finally moved on.
 - Bruce ended up taking me back to Parliament house.
 - I ended up passed out in the office, and when I woke up he was sexually assaulting me.
 - I'm OK now but it really messed with me for the longest time.
 - I wrote back please saying I just want to be supported and feel confident that you're doing the right thing.
- [Q14] Brittany messaged me to let me know that on the night we went to The Dock and 88 mph – Bruce had taken me back to Parliament House and sexually assaulted her.
- [Q15] I responded that I had received message and happy to support her.

3) [REDACTED] (ROC 10.26am 28/3/21)

- [Q47] Remember when Brittany Higgins started working for Minister Ciobo.
- [Q22] I was invited to a Friday night drinks with several people I knew.
- [Q24] Bruce Lehrmann invited me.
- [Q27] I had dinner with Lehrmann.
- [Q31] Went to dinner 6.30 – 7.00
- [Q35] Went to The Dock about 8.30.
- [Q36] Don't have a great recollection, other than having drinks and talking to people.
- [Q45] Said hello and chatted to Brittany Higgins.
- [Q52] Stayed at the dock for 2 – 2.5 hours.
- [Q535] Went to 88 mph with [REDACTED], Bruce and Brittany.
- [Q58] I remember the bar being pretty busy.
- [Q63] I don't have any recollection other than people talking – nothing out of the ordinary.
- [Q63] I don't remember but I would imagine there was a bit of a shout – I don't have any recollection of particular drinks or rounds.
- [Q64] I remember leaving and heading home to [REDACTED], and shared transport with [REDACTED] [Q65] I think it was an Uber.
- [Q76] Next day I sent a message to Bruce thanking him for inviting me, How did you pull up - it was a big night.
- [Q77] He replied yeah, a great night, thanks for coming.

[REDACTED]

[REDACTED]

4 Corners 22 March 2021

- [Pg 4]
 - My colleague made a comment "Jeez guys, couldn't this have waited till Monday" and the man replied "Oh not really"
 - I realised it was her shoes setting the machine off, and she took them off and went back through

- She's gone to put her shoes back on after she cleared herself and couldn't get them on.
- That's how I realised how intoxicated this girl was, because she just could not get her shoes on for the life of her.
- I told her to make sure you put your shoes on when you get to the suite.
- We stood there for about 5 minutes waiting to try and get her shoes on.
- [Pg 5]
 - I've opened the door.
 - I've noticed the female lying on her back, completely naked on the lounge adjacent to the door.
 - The female opened her eyes, looked at me, then she's rolled over onto her side.
- [Q6]
 - I told my team leader, and asked – would you like me to wake her up.
 - His call was – let her sleep it off.
- [Q7] What was the security breach?
- [Q8] He's been given false information, nobody asked me anything.

ROC 1.04pm 24/4/21

- [Q20] Do 8 hour shifts
- [Q49-50] Not unusual for staff to come in early in the morning in a sitting week
- [Q139] I don't think it was a sitting week on the Monday.
- [Q158] In order to get into ministerial and point eight, the control room would have to let them into the gate.

Knowledge of Bruce Lehremann and Brittany Higgins

- [Q104] I had been on point at a particular time and he was talking loudly about how great he was, and how he didn't have to apply for jobs – people just seek him out.
 - He was swearing in amongst it.
 - I had to sit there for an hour and a half listening to this conceited fool talk about how great he was.
 - I even rang my team leader and asked them – can you tell him to shut up.
 - I'm sick of sitting here listening to him.
- [Q108] Had seen her before.

Intoxication

- [Q114] If they were not working for that minister, there is no way I would have allowed access to that suite.
- [Q52-54] She was wearing a white cocktail dress, with grass stains down one side
- [Q125] I hadn't picked up that she was intoxicated or as intoxicated as she was, because she didn't actually sign her name.
- [Q126] I didn't smell alcohol, [Q127] but there's probably a distance from me.
- [Q62] I had to screen her

- I made her walk back through the metal detector and asked her to take her shoes of
- When she was trying to get her shoes back on, I realised how intoxicated she actually was
- She could not get her shoes back on for the life of her
- [Q63] I said “Look, don’t worry about your shoes” [Q64] put them on in the suite
- [Q66] I escorted them up, unlocked the suite and I was on my merry way.
 - Went back to see [REDACTED] at 3.00

Conversation

- [Q130] We thought it was strange that they were here, and he ([REDACTED]) goes “Oh, you guys are in here late. Couldn’t this have waited until Monday – just trying to make light-hearted conversation.
- [Q131] and the guy seemed to take offence and he’s like “no, it couldn’t wait”
- [Q133] Brittany didn’t say anything that I can remember.
- [Q135] I mean he probably did more talking that she did. But there was no indication that there was any kind of drama between them.

Checking

- [Q74] I went back to the point while [REDACTED] was on his break – [REDACTED] rang and said if the female hadn’t left by the time [REDACTED] had got back, could I go do a welfare check on her to make sure she was ok.
- [Q75] [REDACTED] got back roughly 4.20am.
- [Q77] I phoned [REDACTED] and told him she still hadn’t left.
- [Q78] I went to the door.
- [Q195-196] It was definitely light enough to see the whole room, and Britany was basically in front of me.
- [Q79] I said hello – then I’ve opened the door. I found Brittany lying naked on the lounge that was directly in front of the door. She was on her back.
- [Q80] She looked at me, I supposed she’s heard the noise of the door – she looked at me, rolled over into the foetal position and gone back to sleep.
- [Q81] She was breathing, she was conscious, she didn’t seem like she was in distress. The fact she was naked and staffers could potentially come in the next day, I wasn’t sure if she was going to leave or what I was meant to do at that point in time.
 - I shut the door, just to keep her dignity and whatnot intact, because again, I wouldn’t want to be seen in that position.
- [Q85] I was worried it could come back on us if I was to touch her or waker her up, and make it known that I’ve seen her in that state, she could potentially be angry at me.

Naked

- [Q208] she was completely naked, her dress was on the floor.
- [Q209] her shoes were on the floor. She wasn’t wearing a bra.
- [Q210] So completely naked, shoes and dress on the floor.
- [Q213] I don’t know if she had underwear on at all.

- [Q211] The only reason I know this for a fact, is because [REDACTED]
- [Q215] I didn't really look at anything else because I was taken aback by what I'd seen because I've never walked in on anything like that before.
- [Q216] I was "Oh God" and then she opened her eyes and looked at me, she's rolled over into the foetal position, and I've shut the door.

After event

- [Q88-89] She still hadn't left by the end of my shift at 6.15am.
- [Q94] I passed the information onto my relief and to my knowledge, I cannot remember who it is.
- [Q100] I wrote it in my diary
- [Q101] in case I did have to do an incident report I could come back to my notes
- [Q144-145] She wore the exact same shoes that she wore on the Project – white pointy stiletto looking things.
- [Q285] This is the diary note that was shown on the TV program to 4 corners.
- [Q290] I've seen the interview that Brittany Higgins did on the Project with Lisa Wilkinson.
- [Q292-293] I didn't like the way they were depicting the security at Parliament House. I feel that Brittany was fed information that was inaccurate and lacked substance – asked how it makes you feel to know somebody walked in there and did nothing.
- [Q252] I don't recall writing an incident report.
- [Q257] I don't remember having any conversations about having to provide information.
- [Q258] That is the strangest thing about this whole thing.

5) [REDACTED] (ROC 1.03pm 18/3/21)

- [Q12] Commenced 11.00pm [Q13] finished 7.00am.
- [Q21] 23/3/19 [Q22] 2.10am.
- [Q25] They requested to enter the building [REDACTED].
- [Q41] People do come in all hours of the morning.

Intoxication

- [Q130] If someone is highly intoxicated, I wouldn't let them in the office. [Q133] If heavily intoxicated, slurring and their mannerisms.
- [Q137] I don't care if they are pass holders.
- [Q162] I said Ma'am have you got some ID and she produced her driver's licence from what I can recall.
- [Q163] I filled her name on the pass
 - I said are you OK
 - I recall I have thoughts Are you OK
 - I can't recall, I have a blurred memory.
- [Q165] If they were heavily intoxicated, I wouldn't have let them in.
- [Q204] In my opinion they'd both been drinking.
- [Q36] Female went through metal detector and did stumble and her shoe fell off.

- [Q39] She had obviously been to a party.
 - I said “It’s early in the morning guys to be working. Are you going to work, and they both said yes, they’re going to work.
- [Q191] From my memory – she stumbled like that and whoa – because I looked around like they as they walked through.
- [Q44] From my observation – my experience – the lady seemed slightly intoxicated – she was not staggeringly drunk – I know a staggeringly drunk person.
- [Q45] She was a bit under the weather let’s say – the gentleman seemed a bit better.
- [Q27] Both produced ID, Driver’s Licence I believe – checked ID on computer, and found pass numbers.
 - Double checked they were entitled to go to Reynold’s office.
- [Q30] Proceeded to fill out green passes with their numbers and written pass numbers.
- [Q153] Spoke to both of them.
- [Q172-173] They said “Yeah, we’re to work, we got some work to do, something to that effect.
 - I can’t remember which one – I think the gentleman.
- [Q48] [REDACTED] was doing some paperwork [Q49] asked her to take her shoes off [Q51] she walked through barefoot.
- [Q166] They both willingly walked to the lift.

To office

- [Q57] The office is electronically unlocked
- [Q58] They switch the alarm off

Lehremann leaving

- [Q65] About 2.30am [Q66] Male pass holder left alone
- [Q67] Went through rather briskly
- [Q68] He was in a hurry and dropped off his pass on my desk
- [Q69] Didn’t stop
 - I asked are you coming back [Q70] hastily replied no
- [Q294] He was in a hurry, didn’t want to stop.
- [Q299] Asked are you coming back – No – and kept going.
- [Q70] Exited through the electronic doors [Q72] Proceeded to the car park.
- [Q75] I expressed concerns to [REDACTED]
 - The guy had gone out hastily
 - We had a private conversation
 - Concerns for the welfare of the female
- [Q76] Contacted [REDACTED] [Q77] Could you please go up and check the office
- [Q82] Being a patrol – she went up – I’m not going to say what she found.
- [Q83] She come back later and said the female was in the office.

After

- [Q306] Saw Carl Stefanovic on today and said – let a rapist into the building.
- [Q309] We get treated like dirt by bad politicians, bad cleaners, bad media, some AFP.

6) [REDACTED] (ROC8.58am 17/3/21)

- [Q11-12] Look after Parliament House security and have a team of PSS officers beneath me.
- [Q41] I got a report that on 23/3/19 at 2.40am [REDACTED] was at point 8
 - Male and female entered
 - Male left
 - Female had not
 - Contacted [REDACTED] and asked her to do a welfare check
 - She informed me that the lady was alright
 - I handed over to [REDACTED]
- [Q46-50] [REDACTED] informed that she
 - Opened door
 - Hello is anyone in there
 - Opened minister's door
 - Saw naked girl
 - Murmured and moved
 - Opened her eyes
 - Rolled over and went to sleep
- [Q119] [REDACTED].

7) [REDACTED] (ROC1.09pm 28/4/21)

Handover

- [Q11] [REDACTED].
- [Q22] [REDACTED] was on day shift on [Q17] Saturday 23 March 2019.
- [Q24] He had done a handover from nightshift.
- [Q25-30] I was advised that a male and female entered through point eight, and the male left unaccompanied.
- [Q105] When somebody runs out of the building quite quickly and leaves an intoxicated female in the room by herself, it automatically raises red flags.
- [Q32-34] [REDACTED] found a female completely naked on the minister's lounge however was responsive.
- [Q37] I asked the team leader to send a female officer to do an immediate welfare check and report back to me.
- [Q38] I later received a phone call from [REDACTED] that they'd undertaken a welfare check.

Cleaning

- [Q39] I escalated the matter to my [REDACTED].
- [Q47] I then had a number of phone calls requesting to have the minister's suite cleaned.

- [Q102] [REDACTED]
- [Q48-49] [REDACTED]
- [REDACTED]
- [Q54] Subsequently Commander [REDACTED] informed me that the AFP were looking at this – I think he used the word “date rape”

Cooperation with investigation

- [Q55-56] [REDACTED]
- [REDACTED]
- [Q100] [REDACTED]
- [Q57] [REDACTED]
- [Q77] [REDACTED]
- [Q59] [REDACTED]
- [Q63] [REDACTED]

8) [REDACTED] (ROC 11.09am 24/3/21)

- [Q17] I was rotating 24/7 roster, day / afternoon shift.
- [Q26] Man security points.
- [Q48] 23 March 19 [Q49] working at main front 9.00am – 5.00pm.
- [Q50] Team leader [REDACTED].
- [Q51-52] He approached me and asked me to come with him for a welfare check.
- [Q54-61] During the night someone intoxicated came in and they wanted me to do a welfare check on the female.
 - I knocked on the door and called out security.
 - Is anyone in here.
 - A female voice said yes.
 - I said is everything OK.
 - Female said yes.
 - I hadn't entered very far into the ministerial suite.
 - I hadn't gone further than the front desk.
 - Hadn't entered very far in the ministerial suite.
 - I did not get a visual.
 - The voice indicated they were ok.
 - I didn't enter any further.
 - I left with [REDACTED] and he said that's fine [REDACTED] thankyou.

- [Q109] It didn't sound urgent, it didn't sound distressed.
 - I've also thought about that, and whether I probably should have asked more.

9) [REDACTED] (8.45am 18/3/21)

- [Q11] Worked at Parliament House security between [REDACTED] years.
- [Q22] [REDACTED] was security 3 night.
- [Q33] It was noted that a male and female entered were intoxicated.
- [Q34] They dispatched a female patrol to do a welfare check.
- [Q35] The woman found on the couch asleep [Q36] Naked.
- [Q39] My crew comes on at 7.00am, I start at 6.30am.
- [Q42] Around 9.00am.
- [Q44] I asked [REDACTED] to come up to the Ministerial with us.
- [Q47] She yelled out "are you ok"
- [Q182] [REDACTED] walked in and said "Security"
 - She finally got an answer back.
 - "Oh yes"
- [Q50] Never actually set eyes on her ourselves.
- [Q108] Sent an email to [REDACTED] at approximately 9.15am.
- [Q175] Don't believe I actually did an incident report.
- [Q109] No sleeping at Parliament House.
- [Q143] Cleaning of the suits is usually done from Sunday night to Thursday night.

10) [REDACTED] (ROC2.21pm 23/4/21)

- [Q7] I was Assistant Director Ministerial Wing Support.
- [Q15] Provide support for maintenance.
- [Q22] Previous weekend I was in Wollongong for a wedding.
- [Q24] Following morning about 9.00am I received a call from [REDACTED] in security DPS.
- [Q28] I got a call at 9.00am.
- [Q25] He informed me that two staff from the Minister's suite came into the building at approx. 1.00am.
- [Q26] They were allowed into the suite, and sometime later the male left.
 - There was a welfare check done by DPS security who found the lady naked.
- [Q30] I didn't want the minister to have some dignitaries in there, after 2 people were in the suite, one of them naked.
 - [REDACTED].
- [Q31] [REDACTED].
- [Q43] [REDACTED].
- [Q48] [REDACTED].
- [Q58] May 2019 I had a meeting with AFP [Q62] Sergeant Matt [REDACTED].

11) [REDACTED] 10.45am 4/3/21)

- [Q9-12] [REDACTED].

- [Q19] [REDACTED]
- [Q24-33] [REDACTED]
- [Q34-44] [REDACTED]
- [Q57] [REDACTED]
- [Q64-68] [REDACTED]
- [Q78] [REDACTED]

12) [REDACTED] (10.03am 11/3/21)

- [Q14] [REDACTED]
- [Q249] [REDACTED]
- [Q17] [REDACTED]
- [Q28] [REDACTED]
- [Q116-117] [REDACTED]
- [Q23] [REDACTED]
- [Q25] [REDACTED]
- [Q27] [REDACTED]
- [Q34] [REDACTED]
- [Q98] [REDACTED]

Disclosure

13) [REDACTED] (1.56pm 25/2/21)

- [Q18] I met Brittany when she started in our office, I think was November or October 2019 (Q20 -should be 2018).
 - She was kind of a receptionist/admin, but also assisting on media and social media role.
 - I was the senior media advisor.
 - I wouldn't say we were boyfriend and girlfriend, we were kind of seeing each other.
- [Q22] We worked together until Minister Ciobo's office disbanded –
 - I guess at that time in March, you wouldn't say we were like going out.
 - I didn't even know she had gone out on a date with another guy until the TV interview.
- [Q11] Beginning of March Ciobo announced he was not going to contest the next Federal election – and Brittany ended up on Minister Reynold's Office.
- [Q12] She would not have known anyone in the office.
- [Q12] Brittany was probably one of the hardest or best workers.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [Q48] They've got the jobs because they're young Liberals.

Friday 22 March 2019

- [Q5] Friday night 22 March I spoke to Brittany and she mentioned she was going out for drinks.
 - I was driving the next day from Gold Coast to Orange and had to get up at 4.00am to drive.
- [Q6] I went to bed at 8.00pm or 9.00pm to get up at 3.00am-4.00am.

Saturday 23 March 2019

- [Q6] I called Brittany on the drove – it took a while for her to answer the phone.
 - Saturday 23 or Sunday 24 March 2019.
 - About mid-morning
 - I could tell something was off, she was very cagey.
 - She said she went out and had drinks and kind of went back to the Minister's office.
 - I tried to ask more and she said "I don't want to talk about it"
- [Q23] I remember thinking it didn't make any sense, they were out, then went back to a minister's office to have drinks.
 - I probed and she shut it down – look I don't want to talk about it.
 - Not sure if she hung up or the conversation just ended abruptly.
 - Her demeanour was a bit different, she's usually like a very bright and bubbly positive person.

- [Q24] They'd been out drinking and gone back to the minister's office to kind of party there.
 - I was like, who? I can't remember at the time of her telling me who.
- [Q25] I read the message back "Sorry I didn't mean to upset you."
 - I called her to check how she was doing, and she became pretty emotional
 - I recall saying to myself something like, were you raped?
 - I'd sent a message saying sorry, I didn't mean to upset you.
- [Q33] We went back to the minister's office – was cagey, and said "look, I don't feel well, I might lay down. I don't want to talk about it. Bye.

Tuesday 26 March 2019

- [Q6] She sent me a text message and she was concerned about her job, and said something had happened that night.
- [Q6-8] Goes through messages.
- [Q12] I think she was going to get an STD check at the Doctors.

Phone conversations during SMS messages

- [Q25] There was some phone conversations during the messages.
- [Q26] What made you ask that question
 - She'd said she woken up there in a state of undress or something like that.
 - She said something like it wasn't consensual.
 - I already had that vibe that something was off.
 - She basically said she had woken up in the minister's office half naked.
- [Q27] She said what happened wasn't consensual.
- [Q12] She had spoken to the AFP and was like – Oh, you know, I don't really want to pursue it.
- [Q57] Brittany thought that would jeopardise her job, because she didn't want to be known as the girl that was raped in parliament.
 - There was Federal election that was due to be called in 3-4 weeks.
 - I didn't really care about the government. I'm like, we're losing the election anyway.
- [Q58] Brittany raised concerns about her job, and disclosed the assault at the same time.
- [Q60] I remember telling her multiple times, you're not going to get in trouble for this. You are the victim here.
- [Q63] She was very focused on not getting into trouble.
- [Q74] I think the person had already been fired.
 - I'm not sure your office will be aware of this.
 - The person doesn't work anymore.
 - Brittany said she doesn't want to go to the police, she doesn't want to make an issue of this.
 - She can't get counselling and she needs counselling.
- [Q76] We were talking and I directly raised this in very blunt terms, and she broke down and it upset her.
 - How are you doing?

- She would vent to me a few times.

Wednesday 3 April 2019

- [Q16] I reached out to [REDACTED] said "Hey mate, can I grab five with you today. Wanted to raise a pretty serious issue that I think needs PMO's attention, intervention to stop it becoming something worse.
 - So I went down that morning 3 April, met with [REDACTED] in one of the offices, basically told him that Brittany had been raped in the minister's office.
 - I said to him she has spoken to the police, but she's not looking to pursue it.
 - [REDACTED] was kind of, I think shocked would be the right word.
 - She's also keen to get back to the Gold Coast.
 - Her new boss was WA minister.
 - She's facing the prospect of going over to WA for 6-8 weeks in an election.
 - The Federal election campaign was being run out of Brisbane.
 - She was manning polling booths etc and some subsequent messages during the time of the election.

14) [REDACTED] (26/7/21)

- [3] Linda Reynolds Office Manager for electoral office [4] 7 years.
- [7] Feb/March 2019 Office Manager for Perth and team included
 - Bruce Lehrmann (Bruce)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [8] Reynolds was in transition to Minister for Defence industries and Defence Industry staff working in the portfolio (Ciobo)
- [9] COS Fiona Brown
 - [REDACTED]
 - Brittany Higgins
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- [11] 2/3/19 Reynolds sworn in as Minister for Defence Industry at Parliament House
- [12] As office manager, on 2 March 2019 I arranged a post event lunch at Agostino's Italian Restaurant, East Hotel Canberra [13] 1.15pm [15] immediately opposite Kingsston Hotel.
- [13] Family and friends of Senator Reynolds, and staff including [REDACTED] Bruce and myself.

- [15] With ██████████ Bruce we went to Kingston Hotel for drinks and played pool.
- [16] I remained at bar until 5.00pm, then returned to Kurrajong Hotel 0 ██████████ and Bruce stayed.
- [17] 7.30pm I received a call from ██████████ – of 3-4 mins.
- [18] He wanted to report an incident – and agreed to him meeting me at the Restaurant at Kurrajong Hotel to discuss – saying they had a few drinks but wanted to “place on the record that an incident had happened”
- [20] ██████████ told me
 - They agreed to invite Brittany for a drink and that she attended and was talking to ██████████ re job prospects at Reynolds portfolio
 - [21] Brittany indicated that she had to go and meet a friend, and they had tried to convince her to stay for more drinks, but she left the hotel
 - [22] He believed that ██████████ was offended and had accused him and Bruce of pressuring Brittany to stay, and ██████████ was upset.
- [23] I was of the opinion that there may have been gender issues between ██████████ and Bruce.
- [27] Later that night I received a call from Senator Reynolds advising that ██████████ had offered her resignation.
- [29] I told Senator Reynolds that 3 staff had words with each other at the hotel, and she asked me to discuss with them individually.
- [34] Senator Reynolds had stern advice for ██████████ and Bruce about behaviour.

15) ██████████ (ROC 3.00pm 15/3/21)

- [Q100-102] Its meant to be about what I remember, not what she remembers.
 - I haven't really ever talked to her about it, because I thought that might skew my memory.
 - I remember her telling me that apparently, she had a conversation with me.
- [Q106] I was standing in the hallway and she got a call, I asked her what it was about and she said it was the police, they're following something up with me.
- [Q111] It may have been a week after, it would have been a week or a couple of days before we went to Perth.
- [Q113] I finally got her to say – like what's going on and she said I'm going to Perth, and I said election stress.
 - She's just like, Yeah, they've got me doing all this stuff and they're ferrying me over there.
- [Q32] She's normally quite responsive and happy, and she didn't want to do much.
 - I think I offered her to go out for dinner, and she hadn't really responded to any of it.
 - I was meant to go to a party with three of us.
- [Q35] 16 January she told me she got raped in Parliament.
- [Q116] By the time the Four Corners report came out (Nov 2020), I had gotten the gist that something had happened.
- [Q26] I knew in a vague sense that she'd been assaulted in some way, based on small things that she'd said, but to the extent to which she had, I wasn't sure.

- Then went the Four Corners story came out, which wasn't related to her.
- [Q27] I remember having a chat to her about it at the time, because obviously she'd worked in that sphere.
- [Q45] Said she'd gone to call an Uber and Bruce told her, don't worry you can get my Uber, we'll drop you home.
- [Q47] She'd spent most of the day crying in her room at home. – Apparently, I asked her something mundane. I don't remember.
- [Q50] She wasn't social like, our friendship group. They all love her.
- [Q56] When she moved out, I knew something wasn't right.
 - She'd lost lots of weight.
 - Her room was messy with rubbish on the floor.
 - I was like, ooh that's not like Brit.
- [Q131] She had moved out at the end of 2019 or 2020 – you would have to ask [REDACTED].

16) [REDACTED] (ROC 3.52pm 25/2/21)

- [Q5] I think around the weekend of 31st, it might have been a Wednesday, Thursday or Friday - she wanted to see her dad.
- [Q15] She sounded distressed.
- [Q17] She us usually really bubbly and happy and talking about Parliament House.
- [Q6] I flew down – she was very sad and withdrawn.
 - She kind of said to me, something had happened with a work colleague, but did not want to go into details.
- [Q24] We were talking and she said she could not talk about stuff with the Defence Department.
- [Q56] I definitely noticed over a period that she'd really withdrawn
- [Q57] I would ring her and ask how are you? and she'd say – very busy at work.
- [Q59-60] Brittany had said a little bit, and I said – probably best to talk to the right people. I'm her dad, I lover her and I'm here supporting her.
 - The more information I know, the harder it is – like I wish I was strong and could say – I cant talk her through it.
- [Q63] She didn't tell me much – it had happened, something had happened. Just exactly what, like I said, I cant really go into the details.
- [Q68] She's my little girl, and its very very hard to listen to all of that – then keep going.

17) [REDACTED] (ROC9.15am 6/5/21)

- [Q8] Departmental Liaison Officer (DLO) at Department of Defence [Q9] out-posted to Minister Reynolds.
- [Q170] DLOs are paid executive allowance in lieu of overtime.
- [Q10] approximately 8 months [Q11] prior to 23 March.
- [Q145-146] Working in officer were
 - Minister Reynolds
 - Fiona Brown
 - [REDACTED]

○ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]

- [Q150] There were tensions between those that came from Minister Ciobo and those in Minister Reynolds' office [Q152] although it did lessen over time.
- [Q153] Not overt – at least in presence of DLO [Q155] but there were terse conversations that were evident.
- [Q104-105] Usually work 9-5 Mon-Fri, on a sitting week hours were slightly longer.
- [Q108] My desk was right next to the ministerial suite.
- [Q19-20] I don't recall specifically what I was working on.
- [Q26-27] I had worked with Ms Higgins for about 6 months in Minister Ciobo then Minister Reynolds at that stage.
- [Q29] She was an assistant media adviser.
- [Q31-34] Knew Bruce Lehrmann for a matter of weeks, after defence moved from Ciobo to Reynolds.
- [Q41-42] Both Higgins and Lehrmann sat in the large open area.
- [Q53-54] Cannot comment on drinking in office, but sometimes would be social drinks in afternoon or evenings.
- [Q59] Had not seen hard spirits in office after it moved to Minister Reynolds.
- [Q67-70] Heard about the incident from Fiona Brown.
- [Q91] Fiona was using me as a sounding board.
- [Q96] Did not observe anything unusual.
- [Q98] During the week, Lehrmann ceased employment.

Question time brief

- [Q119-122] Question Time briefs are prepared by the Department, for use by the Minister - I pass them onto the relevant adviser.
- [Q160] Role is to give Minister talking points.
- [Q161] Question Time briefs are very factual.
- [Q163-165] Each adviser had their own patch, Bruce was primarily in the Home Affairs portfolio, not the Defence portfolio.
- [Q124-125] If an adviser wanted it amended, normally the task would come back to me.
- [Q127] It wasn't common practice to stick notes or handwritten notes on the brief.

Disclosure

- [Q75] Had a conversation with Brittany during that week.
- [Q76-77] Brittany came into the room I worked in, when I was the only person present.
- [Q85] It was either Tuesday or Wednesday.
- [Q139] It was during that week immediately after the weekend.
- [Q79] She was quite upset about it.

- [Q80-83] She named Mr Lehrmann, and said she had been drinking with him, that she had been taken back to Parliament House in an Uber and didn't remember much after that.
- [Q130-133] She did describe the incident to me in some details
 - Consistent with reports in media
 - She woke up on couch in minister's office
 - Lehrmann was on top of her
 - Having sexual intercourse with her.
- [Q135-137] She was very upset at the time.
 - I asked very directly – did he rape you.
 - She said yes.
- [Q178] After the conversation, I said Look, if you want my advice, you need to go to see a doctor, you need to speak to the police.

18 [REDACTED] (ROC 4.13pm 2/4/21)

- [Q12] Was Aide-de-camp for Minister Marise Payne
- [Q23] Assist with her personal care.
- [Q15] August 2018 -June 2019 with Minister Ciobo
- [Q26] Ciobo was very low maintenance.
- [Q29] Different ministers use ADC very differently.
- [Q16] Ciobo resigned from cabinet and Reynolds was promoted [Q18] 28/2/19.
- [Q175] Brittany was dating media adviser [REDACTED] – he was an arsehole.

The Dock

- [Q51] I can't remember who invited me, but my friend [REDACTED] and I went to the Dock.
- [Q52] Either my friend [REDACTED] [REDACTED] were talking.
- [Q78] She had a Tinder date. [Q80] but it was really sad because she just left him, and we had to maintain a conversation – he sort of looked over and left.
- [Q84] She left him with us, and went to the other table.
- [Q86] I think I left probably close to closing-ish time, like 11ish. [Q87] 11.30 maybe.
- [Q89] I walked home.
- [Q90] I wasn't written off, but I'd had a few drinks by that stage.
- [Q91] [REDACTED] said "we're going to 88 do you want to go, and I said no I don't want to go.
- [Q92] She was with Brittany, Bruce and [REDACTED]

Disclosure

- [Q189-191] [REDACTED] told me they'd kissed on the dance floor.
- [Q154] Bruce had already done something he was getting in trouble for – [REDACTED] told me he was quitting anyway.
- [Q170] [REDACTED] and I talk regularly, we're quite good friends. I can't remember if she told me that.
 - Fiona said "look there's already been a security breach, so it wasn't hard to get rid of him.

- [Q106] The first time I heard of anything serious happening was when we were at cabinet. I got a call from Fiona Brown and said asked are you and the Minister out yet, and I said no, she's still in.
- [Q107] I said Fiona needs to speak to you.
- [Q117] Would have been probably Wednesday or Thursday.
- [Q120] I went to the passport office that afternoon and I invited Brittany to come for a walk.
- [Q137] She said on the weekend Bruce and I went to 88, got a taxi and he wanted to come back here and like show me some whisky or there was something. I remember whisky being mentioned.
- [Q169] I was so drunk I barely could stand up. He pretty much had to carry me through security.
- [Q138] I fell asleep on the minster's couch and I woke up and he was on top of me.
 - Like I was meaning like was it rape. But I didn't say that.
 - I said who else have you told – have you told the Minister yet.
 - I don't think she spoke to the police yet.
 - She spoke about CCTV vision of her like falling over or stumbling.
 - Not being conscious enough to walk and stand up and stuff.
- [Q139] I said do you want to press this to police.
 - I was a bit more empathetic.
 - She was "oh year and the election"
 - I was like, fuck the election, they're going to lose anyway.
- [Q141] I probably spoke to her about four times – to check in on her.
 - She told me she'd decided not to go further with it anymore.

Going to Perth

- [Q148] Spoke to Fiona Brown when at the doctors office [Q150] because Minister hurt her back really bad.
- [Q156] We spoke and like – should Brittany come to Perth? And she was like "Yea, she can go to Perth".
- [Q158] I spoke to Linda Reynolds on the plan, we sat next to each other and I just said, "Oh Brittany told me what happened, like I've offered her support" and she said "I'm physically sick because there's nothing like this has ever happened to me before".
- [Q165] I went to pert and asked Brittany, do you want to come to dinner with us tonight or get a coffee – and she was like "Look, I'm not really up to it. Like I don't want to be around people.
 - Technically Brittany outranked me.
 - Brittany got a new job with Mikaela Cash.

19) [REDACTED] (ROC9.49am 4/6/21)

- [Q19-20] Employed by Minister Ciobo Feb 2018 – Feb 2019.
- [Q17-18] Worked for Linda Reynolds Feb 2019 – June 2019.
- [Q12] Currently employed by Melissa Price, Minister for Defence.

- [Q42-45] To my recollection transition of Ciobo defence portfolio, Higgins joined as assistant media adviser,
- [Q51] She was a hard worker, keen to do a good job, really good attitude in the office, good job on performing administrative assistant duties.
- [Q56-57] Brittany told us about her relationship with [REDACTED] near the end of my employment with Steve Ciobo
- [Q59-61] That wasn't until we worked together with Minister Reynolds, Brittany mentioned she had been going out with [REDACTED]
- [Q76] Sometimes I'd seen them talking quite closely in the kitchen area for example, and admitted they had been going out.

20) Fiona BROWN (ROC 11.59am 21/3/21)

- [Q11-12] In PM's Office for about 10 years
- [Q13] Director of Operations
- [Q14] Minister Reynolds promoted [Q15] trying to stand up an office.
- [Q37] Outgoing staff of previous incumbent staff have a choice to stay or apply for a job with the new minister.
- [Q38] If they leave, they get a discretionary payment.

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

Tuesday 26 March 2019.

- [Q80] Tuesday 26 March
- [Q81] I'd been speaking to Bruce around 11.00am – as Minister decided he probably didn't need to continue
- [Q83] We made sure there was time to hand everything over – there was really no need for him to stay anymore – OK well come back and we'll have an afternoon tea.
- [Q84] At 11.45 I spoke to Bruce for 10 minutes max.

Aware of incident

- [Q85-6] Then about 11.45 I got a call from [REDACTED] from Dept Finance
- [Q87] To tell me there had been an incident.
- [Q89] She characterised it by saying two staffers entered through security checkpoint [Q90] Bruce Lehrmann and Brittany Higgins
- [Q91] Bruce had left office around 2.30.
- [Q94] Brittany was naked and passed out.
- [Q95] [REDACTED] said Brittany was offered an ambulance and medical assistance and declined and left building 10.00am.
- [Q96] [REDACTED] took me through the protocols and procedures.
- [Q98] It was a breach of ministerial staff code of conduct.

- [Q99] I had to offer them EAP.
- [Q101] Give them time to respond and offer to work from home – but Bruce was leaving anyway.

Lehrmann

- [Q60] Bruce Lehrman had been working for Minister Reynolds
- [Q66] His role was estimates etc but he wanted more.
- [Q70] [Estimates] is getting the paperwork sorted, make sure the processes were followed. Getting the minister briefed in time for estimates. Any media appearances.
- [Q103] Since I got there, 2 weeks earlier, I have a recollection that Bruce wasn't happy with the role that was on offer.
- [Q104] He wanted to stay with Home Affairs [Q105] but minister was no longer there.
- [Q111] Got everything ready
- [Q112] Got [REDACTED]
- [Q114] Bruce came in
- [Q119] I told him that I'd been advised that he and another person had arrived in the early hours of Saturday
- [Q120] He was inebriated and could he please explain.

Lehrmann response

- [Q120] He didn't agree they were intoxicated.
- [Q123] I asked why he attended the office
- [Q124] He told me was to drink his whisky
- [Q125] I challenged why he would do that
- [Q126] I said, well you know you've breached the min-wing security protocol and the Ministerial Standards which I had to report – he denied this. I referred to the Staff Code of Conduct and the secured area in which he worked.
- [Q128] He said he just came in to drink his whisky.
 - He denied going and accessing anything else during this time.
- [Q130] I asked how much he had, and he said about two glasses.
- [Q133] In the suite you have a credenza.
- [Q141] I asked if he'd accessed any documents in the secured area, he said no. I asked what time he left the office, he thought it was about 2.15 but couldn't be sure.
- [Q142] I asked which exit he used, he said min-wing basement – ordered an Uber to go home.

Lehrmann departure.

- [Q148] He asked if he could collect his personal belongings, - I said yes but he had to see me immediately as soon as he finished.
- [Q150] he disappeared and I rang his several times [Q151] at 1.14pm I texted him [Q152] he advised me he left his pass at the ministerial wing entrance – I told him I was disappointed he failed a direction.

Higgins

- [Q46-47] Miss Higgins expressed an interest to stay on in the office.
- [Q49] She had been on reception for Minister Ciobo [Q50] which is band one.

Higgins response Tuesday 26 March 2019

- [Q160] I had a meeting with Brittany Higgins about 1.30pm.
- [Q164] I asked what time she arrived at the office – she said she didn't remember accessing the office – she had been out and was inebriated (my word)
- [Q165] She remembered coming through the security checkpoint in the min-wing basement
- [Q166] She remembered being woken up, but didn't know what time and she was semi-naked
- [Q167] She remembered waking up again about 8.00am, Saturday on the couch.
- [Q189] She wasn't very forthcoming with information.
- [Q171] I asked was there anything else she recalled – she shook her head and said "I'm responsible for my actions.
- [Q191] I said that's fine – and offered her did she want to go home to the Gold Coast.
- [Q194] I asked if there was anything I could do and she said no, she'd spoken to her father.
- [Q197] I offered I was available anytime to talk to her.
- [Q201] It wasn't a long meeting. I said you've breached the Ministerial Staff Code of Conduct, and I explained what that was.
- [Q205] The issue was they told DPS staff they were there for urgent business.
- I asked her to take the afternoon off- she said that fine – I said leave me the USB because of her workload was time pressure.

Higgins response Wednesday 27 March 2019

- [Q215] I went out to see her the next day and she wasn't there.
- [Q216] She had not left the USB and I was concerned so I rang her.
- [Q218] She told me she had been crying – I offered to come down and see her and she didn't want me to.
- [Q222] I did follow-up with her at the end of the day – I called her.
- [Q223] went to voice mail - 5.05pm I texted her.
- [Q213-233] I briefed up to [REDACTED]

Higgins response Thursday 28 March 2019 (Possibly Wed 27th)

- [Q238] The next conversation I have with Brittany is Thursday 28 March.
- [Q239] I asked her to come and see me about her statement of private interests.
- [Q240] [REDACTED] wrongly states Thursday 27th [Q262] She then says 27th
- [Q267] I said to her that whilst I was unaware of exactly what occurred at the office [Q268] if something happened, she wasn't happy with or felt wasn't right, that had upset her [Q269] she had every right to lodge a complaint.
- [Q270] I said there would be no trouble, no trouble would be caused, she should know she was supported and within her rights to lodge any report.
- [Q271] She said she was fine.

Higgins response definitely Thursday 28 March 2019

- [Q279] Move to Thursday 28th.
- [Q281] I followed up on her Statement of Private Interests.
- [Q287] She signed and dated 28th March.
- [Q288] She gave that to me and I said thanks – If you're unhappy with anything you always have our continued report.
- [REDACTED]
- [REDACTED]
- [Q293] When I said I was really happy with that – she sort of turned around and out of nowhere said "I recall him being on top of me"
 - [Q305] She had stood up.
- [Q296] At first I didn't know what to say, so I said "if it is something you had not wanted to have happened, then you should think about reporting it.
- [Q297] She said her dad was coming down on the weekend. I asked if she wanted to go home, and she said no, and I said if you change your mind, let me know.
- [REDACTED]
- [REDACTED]
- [Q300] She asked to tell colleagues she was working from home.

Reporting to AFP from Friday 29 March 2019.

- [Q411] I was concerned that if I was to speak with Bruce, I would interfere with anything
- [Q413] So I called [REDACTED] about 1.25pm Friday (29 March 2016) [Q414] and asked if there would be a problem with me speaking to Bruce. [Q417] I was trying to set a time to talk to him about his termination.
- [Q321] I would have told Minister Reynolds whether it was on Thursday 28th or Friday 29th – I didn't keep notes of what I told the Minister.
- [Q329-330] I did not go to the police, because at that point I didn't have any allegations.
- [Q332] I phoned [REDACTED] in Dept of Finance [Q333] and sought guidance – I was concerned for Brittany's welfare.
- [Q340] Minister said to see if Brittany wants to make a report.
- [Q343] I believed her when she said him being on top of her and when didn't want to make any further allegations.
- [Q344] I've never dealt with a matter like this.
- [Q346-351] Did not go to police, she said she didn't want that – she wanted to see her dad.
- [Q360] I called Minister and said Brittany didn't want to report the incident.
- [Q377] It was important she made decisions and took control.
- [Q379] I came out of that meeting and I got the details of the AFP liaison.
- [Q385] I called AFP liaison Paul [REDACTED] and Rebecca [REDACTED]
- [Q386] I called and set up a meeting.
- [Q389] I offered to stay and she said she was fine.
- [Q390-391] She came back and said she wasn't going to pursue anything.
- [Q394] I was comforted that she'd gone to the police.

Monday 1 April 2019

- [Q410] Brittany had been to the AFP on 1 April.

Wednesday 3 April 2019

- [Q422] Minister advised me prior to the AFP meeting with [REDACTED] had advised her that Brittany had made an allegation of Sexual Assault against Bruce.

Thursday 4 April 2019

- [Q402] On Thursday 4 April 2019 I recall the minister meeting with Assistant Commissioner [REDACTED]. [Q405] I was only brought in at the **very end to just exchange details**.
- [Q431] Sought a non-standard workbase for Brittany Higgins.
- [Q434] Wanted to go up to the family on the Gold Coast and work. If she wanted to go on campaign to WA she could.

Monday 8 April 2019

- [Q426] Brittany made an appointment with SACAT on Monday 8 April 2019 at 5.00pm.
- [Q463-464] I have a vague recollection a couple weeks into the campaign that Britany wasn't going to pursue it.

Brittany Left Office 7 June

- [Q459-459] 7 June she sent me a message asking if there was anything she needed to do to transition her office – and I was surprised.

Return to Lehrmann

- [Q395] I was looking at issues around Bruce Lehrmann's appointment.
- [Q396] And what it meant because he had two security breaches, one was document handling, which was quite serious.
- [Q399] Minister wanted to terminate Lehrmann for these two matters.

Role model

- [Q301] Brittany had an interest in media, and I thought I would get another young woman in the office as a role model.

21) Senator Linda Reynolds (17/6/21)

- [3] 2/3/19-29/5/19 – Minister for Defence Industry et al
 - 29/5/19-30/3/21 – Minister for Defence
- [5] 1/3/19 became aware that Minister Steven Ciobo would not seek re-election
 - Higgins was receptionist for Ciobo as Minister for Defence Industry
- [6] PM asked me to accept Defence Industry portfolio sworn in 2/3/19
- [7] Members of Parliament (Staff) Act 1984 (MOPS Act)
 - Higgins would normally have received deferral period then terminated
 - I decided to employ Higgins with several other members of Ciobo staff

- [9] 2/3/19 I was told by [REDACTED] and Lehrmann went to Kingston Hotel
 - I received an email from [REDACTED] about an altercation and she resigned
 - I spoke to [REDACTED] next morning and she withdrew her resignation
- [10] 5/3/19 former Ciobo staff (including Higgins) accepted employment offer with me
- [13] Lehrmann was on list of included staff, but proposed commencement date was not included against his name.
 - I had become aware of one or more alleged security breaches by him.
- [15] Lehrmann remained on the deferral period, and was not appointed.
- [16] Still considering my view of Lehrmann due to earlier security breach.
- [17] Practice
 - Last staff member locked door
 - My office was generally unlocked with door closed
 - Security would do a sweep of suites
 - Suite could be accessed with swipe card

25/3/19

- [19] I was aware of a security breach

25/3/19

- [20] In communication with Brown and advised
 - She had been contacted by Dept Security Services re security breach Saturday 23/3/19
 - Had met with Higgins and Lehrmann
 - She told Lehrmann to leave office permanently as still in deferral period
 - Engaged Dept Finance in relation to discipline

28/3/19

- [30] Brown in regular contact
 - Brown became concerned about event involving Higgins
 - Worried about her lack of recall
 - [32] Higgins had become distressed during conversation

29/3/19

- [36] I became concerned for Higgins wellbeing because of Brown's reports of increasing level of distress
 - I became eager to catch up with her

1/4/19

- [39] Met with Higgins and Brown
 - I was not aware of any other incident other than unauthorised access
 - Told her I wanted to hear her perspective
 - She was extremely apologetic

- [44] **She became increasingly distressed and visibly upset attempting to recall events**
- [46] She said she had no recollection, other than woke up in the morning **got dressed and left**
- [47] Never used word rape
- [49] I recall feeling uncomfortable having such a sensitive and personal conversation with Higgins
- [50] **Asked if she was open to talking to AFP**
 - Recall Brown agreed to facilitate a meeting
- [51] Recall Higgins initially reluctant to talk to AFP, but did agree to do so
- [54] Spoke to her after the meeting and she said it was very helpful
- [57] Did not discuss in detail

4/4/19

- [59] Had conversation with [REDACTED]
- [61] Told Higgins intended to progress a complaint
- [62] Asked how I could best support, and told take cues from Higgins
- [63] 10-15 minute discussion

Termination of Lehrmann

- [64] 4-5/4/19 Brown engaged Govt Standing Committee
- [66] I had conversation with [REDACTED] re breach
- [67] Issued a show cause letter
- [68] 5/4/19 received reply
- [70] Recommended he be terminated
- [72] Recall Brown telling me she had conversation with AFP re impact of termination on investigation or whether Higgins should be told – do not recall outcome.
- [74] 5/4/19 Approved and signed termination letter

Election

- [79] 11/4/19 PM called election for Sat 185/19
- [81] I believe Brown provided Higgins option of staying in Canberra or returning to Gold Coast and assisting me with campaign
- [82] Higgins joined my team in Perth 14/4/19-3/5/19 then 6/5/19-19/5/19
- [85] After election had conversation with staff about what they wanted to do
- [86] Sworn in as Minister for Defence 29/5/19
- [88] Recall asking Higgins what she wanted to do and she told me she had been offered role with Michaelia Cash and was going to accept it
- [90] 4/6/19 Gave Higgins letter of thanks
- [91] Friday 7/6/19 Higgins last day in my office
- [93] Became aware of media interest and passed it onto Cash office.

- [Q7] 19 March 2019 I was Deputy Commissioner
- [Q83] Became aware on Tuesday that this thing had happened on Saturday night on the couch.
- [Q86] Had been cleaned.
- [Q10] My Assistant was [REDACTED].
- [Q11] 3/4/19 12.30pm [Q12] Got a call from [REDACTED] [Q14] About an incident in Linda Reynolds office.
- [Q16] Was an allegation of rape by another staffer.
- [Q19] Drunk male staff.
- [Q24] We get anything politically sensitive and Q25] It was likely to hit the media or was so serious.
- [Q30] I spoke to the Commissioner and briefed him about the allegation.
- [Q42] I tried to contact Minister Reynolds
- [Q47] on 3 April [Q48] got a text telling me Senator Reynolds was here [Q49] saying I needed to speak to her.
- [Q51] I said can we meet tomorrow.
- [Q54] Met her on 4th April
- [Q59] 7.45am.
- [Q90] She pointed to the couch and said hit happened right there.
 - Told us they couldn't report the matter on Brittany's behalf due to UN Convention on Human Rights.
 - Minister wanted Fiona to go straight to the nearest police station.
- [Q60] Briefed her
 - Who is going to be investigating the assault.
- [Q92]-[Q93] Bruce had been stood down over other issues, and I didn't want to muddy the waters

Timing

- [Q148] Should have [REDACTED] the CCTV straight away.
- [Q150] I went to the Chief Police Officer and said "I'm concerned about the length of time. You need to make sure this is progressing".

Different priorities

- [Q109] They seemed to be a bit more concerned about the alleged offender and his accessing information, security material. And thought they've latched onto that to be able to get rid of him.
- [Q112] I was concerned about the cleaning of the couch the alleged rape had happened on.
- [Q120] I said an alleged crime has occurred and we need to speak to Brittany, and we need to make sure she's got the right support.
- [Q124] we also need to speak to the [REDACTED].
- [Q168]-[173] Fiona Brown said she didn't want to become a witness, and I said, you are already a witness – you may be the first person that Brittany spoke to about being sexually assaulted.

- [Q180] I am really disappointed that it took so long for the AFP to be advised.

Report 1

23) [REDACTED]

[10/5/21]

- [4] 9.45am Monday 1/4/19 commenced APH.
- [6] Had a conversation with Higgins on mobile phone.
 - Agreed to meet her in our office.
- [7] Approx 12.00pm escorted Higgins to PL office and introduced her to FA Kate [REDACTED]
- [8] Had conversation with Higgins
 - Friday 22/3/19 met at The Dock.
 - 10.30pm she and a group of 4 went to bar in Civic.
 - Began feeling excessively intoxicated – disproportionate to amount of alcohol she believed she consumed.
 - Fell over twice and decided to return home.
 - Escorted to rear of Uber.
 - Short time later dropped at Parliament House – very confused as to why.
 - Male told her to play along.
 - Remembered being in Minister's Suite, did not recall how she got there.
 - At some point recalled male being on top of her participating in non-consensual vaginal penetration.
 - Remembers saying no.
 - Did not recall anything further until waking next morning.
 - Sick in Minister's bathroom, returned home via Uber.
- [10] Wed 3/4/19 [REDACTED].
- [13] Thur 4/4/19 had conversation with SACAT – assisted facilitation of meeting between them.
- [15] Mon 8/4/19 provided with [REDACTED].
- [16] Tues 16/4/19 viewed CCTV with Sergeant Paul [REDACTED].

[21/7/21]

- [4]-[6] 8.30am 4/2/21 checked email and saw email from Brittany Higgins advising
 - Reaching out in relation to discussion April 2019
 - Work situation has changed and looking at pressing forward
 - Before making final decision, can I have a copy of original case file
- [8] Forwarded to [REDACTED] and responded to Higgins.

24) Federal Agen [REDACTED] (29/4/21)

- [3] [REDACTED] had a conversation with [REDACTED] advising they would be speaking to a member of staff who wanted to report a sexual assault that had occurred in Parliament House.

- [4] 12.00pm with FA [REDACTED] met with Higgins and had conversation recorded in diary.
 - 6.30 arrived at Dock and drank about 4 Gin and Tonics.
 - Left about 10.30
 - A few of us left.
 - Date bought maybe 2 drinks.
 - Group of 4 went to the city.
 - Knew other 2
 - Considered Bruce a friend
 - Things got a little hazy
 - Did have a few drinks but can't remember
 - Former [REDACTED] – Bruce
 - Sitting with [REDACTED] discussing post-election job plans
 - Dancing then fell over
 - Felt embarrassed then sat down
 - Bruce was sitting with me and got quite handsy
 - I felt like I got super inebriated
 - I lost it on the stairs again
 - [REDACTED]
 - Bruce and I got in a taxi
 - I have my address to Bruce
 - Next thing I remember was being at the bottom of Parliament House
 - Talking about storm in Nth Queensland
 - Couldn't write my name
 - I don't remember getting up to the suite
 - Remember being on Minister's couch
 - Remember him being on top of me
 - Bruce saying something about finished
 - I said something like, no don't
 - He left
 - I just stayed
 - Vaginal/penile sex
 - When I woke up it was morning – I remember thinking its almost 8 O'clock
 - I was thinking, why and I here
 - I felt grossed out, as I could smell what had happened to me
 - I went to the Minster's bathroom and used her deodorant
 - Got sick
 - I borrowed a jacket from the good will box
 - Saw stains all over my shirt / dark stains
 - I then called an Uber
 - My dress has not been washed
 - Have known Bruce for about a month
 - I put what happened away so it wouldn't be a narrative to my life story – I am quite good at doing this
 - I had cordial dealings with Bruce on Monday and Tuesday
 - Chief of Staff received a report from PM's office for accessing Ministerial Suite

- Incident was a factor in Bruce's termination
- Had an interview with Minster and explained what happened
- I do not want to report this officially – just off the record
- Minister and Chief of Staff Know
- Went to the Phillip Medical Centre to get tests done – no results yet

25) Detective Sergeant Robert Heath LANGLANDS (22/7/21)

- [3]-[4] 11.25am Friday 3/5/19 asked by [REDACTED] to make contact with Brittany Higgins to ensure she was not under duress not to proceed with complaint.
- [5]-[6] 11.57am contacted Brittany Higgins and she said she the decision was her own choice of her own free will.
 - She would consider her options after the election when things had slowed down.

26) DSC Sarah Elizabeth HARMAN (23/7/21)

- [3] Thursday 4/4/19 working at SACAT and advised that Higgins had made complaint.
- [5] Friday 5/4/19 arranged to meet Higgins on 8/4/19.
- [36] 4/5/19 Conducted research re Uber and told there was no offence so could not produce
- [37] 9/5/19 advised by [REDACTED] that [REDACTED] would not be released until after election
- [50] 4/12/19 [REDACTED].

8/4/19

- [8] 12.02pm Monday 8/4/19 spoke with FA [REDACTED]
- [9] 3.17pm called Higgins and introduced herself and confirmed would collect her at 5.00pm.
- [11] 5.00pm collected Higgins from Parliament House and took her to Winchester.
- [12] 5.25pm [REDACTED], Higgins and myself were met by [REDACTED] from Canberra Rape Crisis Centre for a meet and greet.
- [13] Higgins raised concerns regarding upcoming election and the replaceable nature of her position.
- [13]-[14] Made complaint
- [15] Higgins expressed concerns that the defendant would be able to access information as she heard he was getting a new job at another Government Department.
- [17] She did not know if protection was uses
 - She stated she had not been to a doctor
 - She was open to a referral to a sexual health clinic
 - She had taken photos on her phone
- [20] 7.19pm took her back to Parliament House
- [23] 12.43pm Tuesday 9/4/19 made enquiries to FAMSAC re services and opening hours and [24] 1.32pm phoned Higgins and told her.

Not proceed

- [27] 1.56pm 10/4/19 made a call to Higgins and left a message – 2.00pm sent text
- [31] 1.28pm Sat 13/4/19 received an email from Higgins stating she did not wish to proceed.
- [33] Responded Mon 15/4/21
- [34] Tuesday 23/4/19 sent email to VLO advising she did not wish to proceed.

Post contact

- [45] 5.50pm Sunday 20/10/19 requested by Mick Chew to contact Higgins and inform her of a media enquiry that may be raised at Senate estimates.
- [46]-[47] 5.53pm left message and returned 6.00pm – notified and she became increasingly distressed and very upset, such that she was unable to speak – said she would call in a couple of days and hung up.

27 [REDACTED] 16/7/21)

- [3] For 6 weeks in around July 2019 worked for Minister [REDACTED] as an assistant adviser in Parliament House.
- [4] End of 2019 met Brittany Higgins, when she worked for Michaelia Cash.
- [5] April 2020 Easter Sunday, had Brittany over for Easter Celebrations, and spent the day together in [REDACTED].
- [6] During the afternoon, talking about workplaces and sharing mutual negative experiences.
 - Drinking champagne but neither were tipsy or drunk.
 - Brittany spoke about an incident that occurred to her.
 - Can't recall exact words but understood it was a sexual assault in Parliament.
 - Have since seen media and struggle to differentiate between conversation and media.
- [7] I recall Brittany being quite scared in discussing the incident
 - Asking me quite strongly not to share the information.
 - I understood that the information would be quite damaging to her.
- [8] In June or July 2020 at a party at [REDACTED]
 - People told me Brittany had an argument with someone from Cash's office
 - I went looking for her and saw her walking down the street.
- [9] I caught her up and we walked in silence for a little while
 - She was visibly upset and had been crying.
 - Started to talk to her.
 - She told me again.
 - I drove Brittany home
- [10] Early February 2021 I was at a party at the same PMO as June/July 2020 however now [REDACTED]
 - A journalist asked me what was up with Brittany having left Minister Cash's Office.
 - I expressed shock she had left her job.
 - I texted Brittany and told her a journalist was fishing for a story.
 - Later a colleague was asking me and pressing me to the point I was crying.

28) [REDACTED] (20/7/21)

- [3] Aug 2014 commenced as Policy Adviser for Michaelia Cash in Canberra [4] late 2017 promoted to Senior Policy Adviser.
- [5] July 2019 following Federal Election, Brittany Higgins joined our office as assistant media advisor – came from Minister Reynolds office.
 - We got along very well.
 - She was a committed and hard working member of the team.
 - We travelled together as a result of our roles.
 - Helped any time I needed anything.
- [7] October or November 2019 I noticed Brittany seemed a bit down and suggested we go for a coffee.
 - Walked to Queens Terrace Caffe and she mentioned an incident whilst at Reynolds Office.
- [8] Said she had been assaulted by adviser.
 - Been drinking
 - Accepted a lift home
 - Woke up alone with clothes in disarray
- [9] She was rather upset
 - I asked if she had support
 - She told me he had been let go
 - Asked if there was anything I could do

29) [REDACTED] (19/7/21)

- [3] 2 January 2019 commenced working for Cash.
- [4] Following election on 18 May 2019 Higgins commenced.
- [5] Late November 2019 with Higgins, attended a Coalition Senators and Staff Christmas Party with about 60-80 other people
- [6] Early in the evening in conversation with Brittany about our careers.
 - Both driven and held junior roles.
 - Both hoped for long term careers as staffers.
 - Formed a pact to support each other.
 - Asked if I knew Bruce Lehrmann and I said I did not know him well, but worked in the same building.
 - She disclosed to me that she had been assaulted by him in Minister Reynolds Office in lead up to May 2019 election.
- [7] Cognisant surround by people and tried to keep conversation discrete – and did not go into specifics. – seemed ill-at-ease but not too upset.
- [8] Expressed concerns about media trying to publish story.
- [9] I asked if she was receiving support.
- [11] Later than night I returned to office to collect my bag and noticed Brittany in meeting room off reception area crying, being comforted by [REDACTED].
- [12] I told [REDACTED] and she would look after her.

30) [REDACTED] (29/7/21)

- [3] 5 years ago commenced work as Adviser for Cash.
- [4] Following Federal election in 2019 Brittany Higgins started working for us.
- [5] In 2019 and she looked upset and had a conversation.
 - Found out there was a media enquiry in the office relating to her.
 - She described an event where there was a power imbalance – both drunk.
 - She told me she asked him to stop and he didn't
 - Asked who it was and she said Bruce Lehrmann.

31) [REDACTED] (9.34am 19/5/21)

- [Q11] Chief of Staff from Mikaela Cash
- [Q12] Prior to that, worked for a number of members and senators.
- [Q15] Brittany Higgins started in office June 2019, just after election. [Q17] maybe 4th June.
- [Q25] Linda Reynolds called and said someone from her office was about to come around.
- [Q16] We hired her as assistant media advisor. Had been through PAC and we needed a media advisor.
- [Q19] I understood she had only been in the building a short time.
- [Q20] I wasn't aware of the incident whatsoever.
- [Q22] She was in office from June 2019 until she resigned.
- [Q110] I always thought she did a very good job.

Resignation

- [Q23] In October 2019, what happened in 2019 was publicly discussed.
- [Q27] There'd been a media inquiry relating to the incident.
- [Q30] From memory, called Brittany in and told her someone from Reynold's office is coming around, apparently there had been a media inquiry.
 - Brittany was quite upset when I told her.
- [Q52] Told [REDACTED] was the journalist.
- [Q33] They had a conversation, then [Q34] I had a brief conversation.
- [Q38] We told Minister Cash.
- [Q45] Brittany was adamant that she didn't want to go any further – didn't want it to be a media story.
- [Q46] This was October 2019.
- [Q48] I could tell it upset her.
- [Q68] Her main concern was that she'd be able to be identified.

Initial rejection

- [Q87] Tendered her resignation on 5th February [Q89] We said take a few days to think about it.
- [Q54] She gave me her resignation letter – wanted to resign her position.

- [Q56] I basically said, look you know, we really don't want you to resign, you know, I don't want to process this.
- [Q57] you know, take a week off to think about, and she took a week of.
 - Minister spoke to her the next Friday
 - She told us a lot more details about the incident that we did not know.
- [Q 92] She told us a lot more of the detail, basically about the night.
- [Q93] Remembered waking up with a person on top of her.
- [Q99] She'd had a lot to drink, and basically woke up with him on top of her.
- [Q100] A guy called Bruce Lehrmann.
- [Q146] I probably learnt a lot from what was on TV to be honest.
- [Q91] She said she wanted to get out of politics.
- [Q161] We offered her to go to the police, and she said no.
 - I gave her extra time to change her mind, just in case she did.
- [Q58] We offered to go to the police.
 - Offered for her to do the job remotely.
 - I sent her a message the next week basically saying we'll process it on Friday.
- [Q64] I didn't really feel it was appropriate to press her for details.

32) Michealia CASH (3.52pm 21/5/21)

Work History

- [Q64-65] She applied for the job
 - My understanding is based on what I learnt, she applied for three jobs – she was given approval for all three jobs she chose to come to my office.
- [Q70] All I knew it was a step-up in my office.
- [Q77] For me, an election been held – I'm looking for a media adviser.
- [Q137-138] Sometimes the older you get, the more wisdom you get – there's a hierarchy even in this place. You're on the blue carpet at a very young age.

Media enquiry

- [Q85-86] Around October 2019.
- [Q83] Brit said I don't want to take a call from Canberra Times anymore.
 - A journalist has been inquiring about me personally.
 - About an incident that occurred in Linda's office.
 - I don't want to talk about it anymore.
 - Another staffer and I went out drinking, got really drunk and came back really late to Parliament House.
 - I remember waking up on the minister's couch and security found me.
- [Q91] OK that's fine. I'm thinking it's a security breach, and I'd be pretty embarrassed myself.
- [Q102] In the second conversation – the following Friday the media adviser comes to me and says "Holy shivers, we've just got questions about Brittany, she was raped"
- [Q106] Brittany never mentioned rape, she never mentioned sexual.

- [Q83] She started getting those photos of likes and un-likes around the time of Senate Estimates in 2019 – she was concerned about the sort of stuff and raised it with her boss Mikaela Cash.
- [Q101] She really opened up at Christmas and was [REDACTED].

34) [REDACTED] (27/7/21)

- [3] July 2020 met Brittany Higgins through David Sharaz.
 - Brittany and David came to my house for a catchup.
 - Had an outdoor fire.
 - Brittany had come from another function, and said she was more comfortable at my house so stayed.
- [4] Later on in the evening I was sitting on side of fire with Brittany.
 - She said she felt harassed at work.
 - Did not tell me the details, but made agreement to catch up later.
- [6] July or August [REDACTED], Brittany, David and I went to Vertical indoor skiing.
 - [REDACTED] and David ate pizza and drank wine.
 - Brittany and I were skiing then had pizza and drinks.
 - We went to David's place at [REDACTED] and sat talking.
 - David asked Brittany if he could tell me something and she nodded.
 - David said Brittany had been sexually assaulted at Parliament house.
- [7] 15/11/20 caught up with Brittany at Walt and Burley on Kingston Foreshore.
 - Spoke about work and how much she loved her job.
 - Said she was struggling with what happened.
 - Did not tell me further details.
 - Would talk about how wonderful her job was one minute, then would be quite sad and quiet.
 - Asked if she was OK and she would draw breath and shake her head.
 - Appeared torn between loving job and incident that happened.
- [9] Dec 20 – Jan 21 would catch up sporadically – and Brittany would cancel.
- [10] Prior to media, I knew Brittany was out drinking with her work colleagues, back to Parliament House, discovered next morning in bad position on couch.

35) [REDACTED] (23/7/21)

- [5] Sat 8/8/20 with wife [REDACTED] went vertical Skiing in Fishwick with Brittany Higgins and David Sharaz, then went to David Sharaz's house afterwards.
 - Higgins told us about 2 years earlier she had been out drinking with a colleague
 - Wanted to go home as feeling unwell
 - Senior colleague took her to Parliament House
 - So drunk could not sign
 - Woke up in Minister's office being raped
 - Woken up by security
- [6] In next few months began talking to myself and [REDACTED] about going to media and police

- Jan 2021 Brittany told me she was going ahead with a formal complaint and media story
- I reached out for support workers to assist her
- [8] 5.20pm Thurs 24/6/21 received a call from DSC Harman

Report 2

36) Detective Sergeant Kylie [REDACTED] (26/7/21)

- [3]-[5] Shortly after 4.00pm Fri 5/2/21 accompanied Constable RED and Brittany Higgins to a private room to get details.
- [7] Advised that she had reported a matter to Rebecca [REDACTED] but understood she had since left.
- [8] Said she was sexually assaulted in Defence Ministers office by staff member in 2019.
- [9] Said at the time of the 2019 election there was a lot of pressure on her not to report it and there had been ongoing pressure since not to speak out.
- [11] Said she tried to resign three times in the last month and had been declined.
 - Resigned once and for all last week and they told her she could just work from Queensland and they'd pay her.
- [12] Was currently receiving counselling and now felt in a better headspace.
- [15] She was quite emotional but composed throughout the conversation.
- [19] Contacted CI reception Officer D/Sgt Lauren Gilliland and briefed her.
 - Also advised D/A [REDACTED] and D/Sgt Saunders.

37) Senior Constable Emma Louise FRIZZELL (27/7/21)

- [3] Friday 5/2/21 D Sgt Saunders advised me that request to reactivate report had come in.
- [6] 8.31am Sat 6/2/21 with D Sgt Saunders met Brittany Higgins and David Sharaz at Belconnen Police Station.
- [13]-[14] Offered Higgins EICI, and she said she wanted to but wanted media releases to play out first and asked if she could do in a week around Sunday 21/2/21.
- [16] Advised investigation would not commence until she provided a statement, and advised that media coverage could jeopardise any evidence.
- [20] 4.05pm met Higgins and Sharaz at [REDACTED] and she provided a dress.
- [24] Wed 17/2/21 sent SMS to Higgins to discuss [25] later responded via SMS and Email in which Higgins asked when she could book a date to provide a statement and reactive investigation.
- [26]-[27] 11.53am Friday 19/2/21 had phone conversation with Higgins and discussed travelling interstate and said I would email her with a suitable date for Police to travel.
- [31] 1.00pm Wed 24/2/21 with Madders, met Higgins, Sharaz, [REDACTED] and [REDACTED] at AFP Gold Coast office, and conducted EIC.
- [57] Thurs 4/3/21 had conversation with Her Time Counselling [REDACTED] and said patient notes were data corrupted but would provide what records she had.
- [76] 4.59pm Wed 10/3/21 sent Higgins SMS and made arrangements for Higgins to meet at Woden Police Station on 12/3/21.

- Defendant wanted [REDACTED] to message Higgins to invite her.
- Higgins attended saying she could not stay.
- Preparing to leave and males wouldn't let her leave and took her phone as she attempted to order an Uber.
- When defendant was intoxicated and pushed his weight around.
- Matter resolved next day.
- [REDACTED].
- [182] 2.28pm Thurs 3/6/21 had a conversation with [REDACTED], Campaign Manager for Reynolds in Perth.
 - [184] [REDACTED] regarding resignation letter.
 - [185] Said all went out for lunch.
 - Heard of incident on 1/3/19.
 - [REDACTED] rang her to tell her what happened.

Phone

- [38] At conclusion of EICI Wed 24/2/21 asked Higgins about old mobile phone and discussed her written consent to conduct a data examination.
- [39] Said had not brought her old mobile and made arrangement to contact her at 9.00am next day.
- [41] 9.05am Thurs 25/2/21 attempted to contact her re phone and had no answer.
- [43]-[44] 9.37am contacted Sharaz and he raised "*concerns about Minister Peter Dutton's knowledge of the matter as per a media report that same morning. I advised Sharaz that I would discuss both subjects with Higgins.*"
- [45]-[48] 9.42am Higgins called and said she would allow me to download her mobile, and I said we would also need to compile a timeline of disclosure of witnesses.
 - Higgins raised concern and sounded upset.
 - Media article same morning involving Minister Dutton
 - Raised concerns that she first met with me and Saunders about information sharing between AFP and APH.
 - Wasn't aware of what information would be provided to Minister Dutton and was very overwhelmed and not confident in the investigation process.
- [51] Declined to provide her consent to police citing that she was not confident her records would be kept confidential.
- [53]-[56] 1.46pm met with [REDACTED] – sought consent to examine data and he declined saying he would send relevant correspondence between himself and Ms Higgins to me.
- [63]-[64] 9.15am Fri 26/2/21 with Madders attended Higgins' home.
 - Obtained consent to obtain medical records.
 - Madders discussed her current and old phone and asked her to consider providing her mobile phones to police before returning to Canberra.
- [175] 9.30am Wed 26/5/21 met Higgins and Yates at Belconnen Police Station.
 - [176] Higgins provided consent for police to examine data from her mobile phone.
 - [181] 12.51pm Reid provided a USB with phone data on it.

38) Detective Inspector Marcus Colin BOORMAN (29/7/21)

- [3] About 2.00pm Friday 5/2/21 D Supt Rowena [REDACTED] advised that a previous report in 2019 may need to be reactivated as the victim now wished to proceed.
- [5] 2.10pm spoke to D Sgt Gareth Saunders and provided him with a briefing.
- [6] 9.55a, Sat 6/2/21 contacted by D Sgt Saunders in relation to a meeting he had with Higgins.
- [7] During meeting Higgins disclosed a number of matters inferring a cover up at the time of the incident and impropriety of Senior Office holders.
- [47] 10.19am Saturday 17/4/21 received a call from Korn and made arrangements to meet accused at AFP Sydney office.
- [49] 2.45pm met accused with Korn and conducted TROI – and [53] 3.20pm seized mobile phone.
- [60]-[61] Advised by S/Con [REDACTED] that images of Miss Higgins found on mobile phone.
- [73] 11.33am Thursday 29/4/21 [REDACTED].
- [80]-[81] 2.24pm Wed 5/5/21 received call from Heidi Yates asking all communication to go through her.
- [88]-[89] 1.00pm Tuesday 11/5/21 attended Dept of Def and spoke to [REDACTED] and advised that Higgins email only held for 45 day and they attempted a Ghost identification
 - No information re Higgins on 23/3/19
 - 3 emails sent by Lehrmann 23/3/19

Phone

- [97] 2.15pm Friday 21/5/21 – received call from Yates re EIC with Higgins
- [99] 2.41 Higgins advised that Higgins coming in and would bring her phone.
- [105] Phoned Yates and requested Higgins bring her current and old phone.

39) Detective Leading Senior Constable Trent Robert MADDERS (19/2/21)

- [4] 8.00am Wed 24/2/21 commenced at Winchester – 10.30am flew to Coolangatta.
- [5] 1.11pm met Brittany Higgins and conducted EIC interview.
- [7] 8.00am Thur 25/2/21 – Higgins advised that she “no longer” wished to provide her mobile phone for Cellebrite data extractions.
- [9] 1.50pm Thurs 25/2/21 spoke to [REDACTED] – asked for mobile and declined stating he had conversations with Ministers of Parliament on his phone.
- [12] 8.00am Friday 26/2/21 commenced duty.
 - 9.13am attended an address in [REDACTED] and spoke to comp.
 - Stated to her that we would need to conduct a data extraction on her phone to ensure a thorough investigation, but we would revisit the discussion when she was in the ACT.
- [28] 8.00am Friday 12/3/21 commenced duty.
- [28] 10.00am Frizzell and I attended Woden Police Station for meeting organised by [REDACTED]
[REDACTED]

Accused

43) Bruce LEHRMANN (TROI 3.36pm 19/4/21)

Current situation

- [Q35] [REDACTED]
- [Q37] [REDACTED]
- [Q57] I have wanted to cooperate, that is why I am more than happy to cooperate.
- [Q9] Outset reject allegation
- [Q68] Simply didn't happen.
- [Q326] Phone [REDACTED]
- [Q676] [REDACTED]
- [Q694-695] I was not wedded to Canberra – we were going to Sydney – the relationship would just be long distance.

History at Parliament House

- [Q162] Had worked at Parliament House for 6 years
 - Soon after the 2013 election.
- [Q362] Was with Bridget McKenzie [Q364] [REDACTED]
- [Q681] I moved to Reynold's office about 6 months.
- [Q174-175] Group of Ministers indicated they were not contesting the election, Julie Bishop, Christopher Pyne, Steve Ciobo
 - PM phoned Minister Reynolds offering the Defence Industry Portfolio
- [Q186] I was the only staffer based in Canberra
- [Q73] I was Linda Reynold's most senior staffer.
 - We inherited a number of Steve Ciobo's staff.
- [Q198] When we moved offices to the Defence Industry portfolio, I moved out of the Senate wing.
- [Q207] Fiona Brown was acting Chief of Staff/
- [Q166-168] I had oversight of staff who were hiring and firing
 - Liaising with your commissioner at AFP, [REDACTED] handling estimates processes.
 - Parliamentary Policy
 - National Security
 - Signing for [REDACTED] and Home Affairs briefs.
- [Q156] I didn't know Brittany very well – she moved to that portfolio we inherited.
- [Q157] Brittany was one of the few that was allowed to stay.
- [Q302] On a sitting week, we had a social event at Parliament House and they would get quite rowdy.
- [Q303] We'd often end up back invariably with your minister in the office drinking more.
- [Q359] People would have been angling for my job there.

After hours at Parliament House

- [Q484-486] It is incredibly common for work or socialising purposes to attend Parliament House after hours.

- In my case, the majority time is for work.
- [Q488] I've been back with my minister for example and the whole office had drinks.
- [Q489] There is alcohol left there.
- [Q505] Brittany was the media adviser and there was quite a bit going on, it didn't shock me the timing that she had to do that.

Alcohol at Parliament House

- [Q615] I didn't have any alcohol hidden in my office.
- [Q754] To the best of my knowledge there was no alcohol there.

Leaving work

- [Q319-321] I had to go back to Parliament to get my keys.
 - This was normal practice.
- [Q322] I would often just leave them on my desk.
 - I wouldn't have a lot of things in my pocket.
 - My briefcase would be shoved under my desk somewhere.
 - Often, I've forgot things.

- [REDACTED]

- [Q643] I didn't have my usual purpose pass.

The Dock

- [Q110-111] Friday 22 March 2019.
- [Q117] [REDACTED] someone.
- [Q119] [REDACTED]
- [Q71] I can't remember whether Brittany invited me or the invite went to [REDACTED] – works as Peter Dutton press secretary.
 - [REDACTED] and I went to Kinston Hotel – Kingo and had a steak and a beer.
- [Q267-268] Walked from the Kingo to the Dock because it was close.
- [Q72] One of us indicated to Brittany that we would pop down later to The Dock and join her and her defence colleagues.
- [Q284] The event had the front tables.
- [Q298-299] My recollection was that Brittany Higgins was there, but I'm not 100% sure.
- [Q74] We were there for a couple of hours I suppose.
- [Q75] I was not carrying on or anything, because there was the Dept of Defence, I recognised as ADC's of various ministers, the Governor General's ADC was also present.
- [Q77] Laruen who identified herself as the head of media or head of comms for the Chief of Navy.
- [Q453] I recall [REDACTED] telling me that days after, they were quite close that night.
- [Q454] At the Dock they were quite close, sort of touching and things like that.
- [Q455] Just sort of with hands you know.

88 mph

- [Q79] Brittany, [REDACTED] wanted – all sort of said, well lets keep us keeping having a drink.
- [Q381] From my recollection it was Brittany, [REDACTED]
- [Q121] There was a discussion to proceed on as the Dock booking was ending.
- [Q80] I have really enjoyed 88mph – it's a favourite of mine.
- [Q376] Would have been an Uber.
- [Q81] I said let's go there. I was not intoxicated, particularly in the company I was in at the Dock.
- [Q83] It was my recollection that [REDACTED] was sort of leading the group.
- [Q388] We went in and had a boogie. Its good music.
- [Q401] The four of us would have been dancing. We have got to know each other as I said beforehand.
- [Q408] I can't recall Brittany being on the dance floor.
- [Q409] I was always on the dance floor.
- [Q413] I can't be sure if we were in a booth. [Q414] I'm relatively confident we would have got a table.
- [Q452] Interactions would have been close – not in a romantic or intimate way. We'd known each other from the night and went out in public.

Leaving 88mph for Parliament House

- [Q415-417] I definitely would have told [REDACTED], I recall definitely telling Brittany [Q418] and [REDACTED] as well.
- [Q85] I had to go back to Parliament House to get my keys to get back into my apartment where I was living with my girlfriend.
- [Q86] Brittany also indicated that she had to attend Parliament for something, I didn't enquire as to what.
- [Q89] I made an indication that I was ready to go, and I had to pop back to Parliament to get my keys, she indicated as well as part of that discussion.
 - I said, well, you know, I'm already going there, if you wanted to share an Uber there and I've got to pop up.
- [Q481] I indicated to the group that I was heading off, and I needed to stop by Parliament. Brittany had indicated that she also needed – I offered her a lift because I was already going there.
- [Q486] I said I've got to go and get my keys, and we left.
- [Q428-429] She indicated she also had to pop back there – then I said, well I'm getting an Uber.
- [Q431] Then I indicated that once I've picked up, gone to Parliament, I'm probably going back home.
- [Q662] I did say I'll get my keys and I'm just going to poke around the Question Time folders based on what we discussed tonight.

Purchasing Drinks.

- [Q305] I was probably in a shout – I only recall buying a couple of rounds. I can't be sure.

- [Q334] I had two accounts in my name that have a credit card.
 - This is the more relevant one – this is my spending account.
- [Q336] The Dock \$16
- [Q337] Kinston Hotel \$24.20
- [Q83-84] I'm happy to provide my bank statements – I actually only spent \$40 at 88mph,

Intoxication

- [Q132] I was moderate – I was certainly able to – I was functioning.
- [Q134] from my observations, Brittany was also.
- [Q402] I didn't observe people to be so drunk that the night was over, they couldn't function, they couldn't talk to each other.
- [Q411] I didn't observe any of us being grossly intoxicated that we were not functioning or anything.
- [Q73] I believe I only bought one or two rounds of drinks – I was not intoxicated at all.
- [Q444] I wasn't in a state that I was not able to function.
- [Q445] 1 – 10 probably a 7 [Q446] Brittany probably the same.
- [Q532] We were all intoxicated [Q533] ;ole the same as me.
- [Q534] We were discussing [REDACTED] being drunk and them hooking up, potentially hooking up.
- [Q535] I mean we were not at an intoxicated level like they were.

Arriving at Parliament House

- [Q90] We didn't have our passes on us. I don't know why she didn't have hers, I think I probably just forgot about mine.
 - I didn't have my keys and belongings because I wasn't expecting a big night.
- [Q91] I thought I'll just pop back up if its before 10.00 or whatever and get my things.
- [Q93] [REDACTED] [Q94] Gave my name and indicated I was with Brittany.
- [Q96] The best I can recall is I've provided all the things I needed to positively ID – driver's licence.
- [Q635] She indicated that she needed to so something as well, which were related to her work, and I don't talk about people going into other people's work business.

In Ministers Office

- [Q100] I entered the office and turned left to my desk.
 - Brittany turned right into the Minister's suite, which is opposite the chief of staff suite.
 - I didn't see her again.
 - I went to my desk
 - My brief case was there
 - I've got what I needed to for the weekend.
- [Q562] I turned left at my desk.
- [Q664] I didn't see her after we went in.
- [Q141] I don't believe I got my briefcase. I just got what I needed for the weekend.
- [Q138] It is possible Brittany went through the Minister's Officer and then to the media

- I can't see any other people's desks.
- [Q620] I was at my desk probably 20 minutes or so.
- [Q660] I did not see her – I don't know what she was doing.

Question time folders

- [Q577] Paper-based
- [Q649] We have four at the time.
- [Q652] If it was not a controversial item, the DLO can edit it.
 - Minister Reynolds likes to have what we call a pink slip above the top of the department provided briefs.
 - Pink slip is a politically made document, either typed or hand-written whereby there was no mention to the department.
 - Quite often there were lots of them pink notes on top of the department notes in the folder.
- [Q101] I attended to some Question Time folders.
 - Through the course of the evening, the discussions we were having with Defence officials.
 - While it was on my mind, I attended to some Question Time folders.
 - We had a new minister heading into her first Questions Time.
 - I wanted to ensure that – was part of my role to look after her.
- [Q102] While it was still on my mind.
 - The discussions that we'd have.
 - Particularly about some of the industry programs, particularly the Air Force.
- [Q573] Question Time brief – the big folders we have probably 4-5 of them.
- [Q576] Moving a lot of industry matters to the front that could have been controversial, submarine program was certainly one of them which was a focus of mind.
- [Q582] a lot of it was, um, sticking tabs to certain topics that I recall from discussing with the guys at The Dock.
- [Q587] We were theorising that the Labor Party might ask questions on Question Time, I was just there, writing notes on the submarine issue and ensuring that the folder was in a way that the minister was happy, it was readily accessible to her.
 - Because you're asked a question in Question Time, you have a matter of seconds to find the relevant part.
- [Q602] I do remember doing a lot of writing, so, its also possible I didn't (access computer) because I was just writing notes on – while I was thinking of it.
- [Q584] We won't alter them, we put a tag on them with our notes.
- [Q585] And the DLO can change them, we can redo them ourselves, but it was better to do them through the department, so they can see the changes, then they wouldn't send up a brief that was the same, they would very likely.
- [Q443] I certainly recall fixing up the Question Time folders properly, and Monday they were all fine.
- [Q609] I never left my desk [Q610] Or my own corner.
- [Q611] From memory I exited out the back door [Q612] Because my desk is up that end.

Potential use of computer whilst in Minister's Office

- [Q589] It's possible that I logged into my Parliament House computer.
- [Q590] There is a rule within the Coalition that if were doing political work, its to be done on the APH network, because it can't be FOI'd.
- [Q591] Because I was working on the Question Time folders, if I was making notes, political notes for the Minister, it would have been on the system like.
 - The other system had Defence Top Secret and had these Top Secret as well.
 - They were useless devices anyway.

Leaving Minister's Office

- [Q628-631] Communication with Brittany
 - On entry said I'll get what I need to do
 - I'm getting what I need, and I'll head off.
 - Didn't get a response
 - Possibly a response but I was on my way to my desk.
 - I was leaving yelled "I'll head off
 - Don't recall a response
- [Q441] Somewhere between 1.15-1.40 we would have left.
- [Q570-571] From entry to exit – probably 45 minutes.
- [Q104] I ordered myself an Uber.
 - I left the building through the car park.
- [Q442] Then I ordered the Uber from my desk in Parliament House 2.20-2.25am.

Leaving employment

- [Q867] It was dealt with as a security breach, I was certainly concerned about AFP involvement.
- [Q725] I was quite concerned it thought well, I come back to Parliament and everyone does often.
 - I was actually concerned that you know, the AFP would be involved that week for the security breach.
- [Q245] I had a discussion with Fiona Brown chief of staff.
- [Q246] Because when a new portfolio happens all the staff are essentially fired.
- [Q248] I was offered a position to stay on, but I indicated then to Fiona Brown that I was actually looking at jobs in Sydney
 - Because my girlfriend was taking a role in the NSW Parliament there.
- [Q249] I indicated that I would be leaving Parliament.
- [Q249-250] She pulled me aside in the hallway
 - The minister wanted to thank you for the service briefs.
 - We would be offering your position to someone else.
 - I thought fine, whatever.
- [Q251] I'll stay on until you find someone, and I'll help you prepare the minister or whatever.
- [Q252] We didn't settle on the date.
 - When you find that person, I'll do a handover.

- I understood the gravity of my role.
- Politicians care about their public image.
- It was her first question time.
- [Q706] I can recall that meeting was, she'd been informed by security that Brittany and I accessed the officer after hours, constituting a security breach.
- [Q707] It was against the Ministerial Staffing Code of Conduct.
- [Q708] I said that I had to get my keys, I was only in there for a short period – it was a rather brief meeting.
- [Q709] She told me not to bring any phones in. I was also not allowed to bring any notepad or pen.
- [Q712] She said for security breach – look this is quite serious.
- [Q711] She indicated that I was already leaving, I think from my recollection we actually agreed that Friday that week would be my last day.
- [Q243] I don't have any records, but my recollection is that a week or more prior to these events.
- [Q715] She said its probably best if you just pack up your things and go now.
- [Q716] I packed up my personal belongings.
- [Q722] It was a security breach – like you know, I was leaving.
 - It didn't make much of it – I hadn't been formally terminated.
 - I was waiting for something to happen, which did happen eventually.
- [Q896-910] The week after the meeting with Fiona, there was another round of discussions I had with her
 - And a gentleman called [REDACTED] via telephone
 - He now works at the Prime Minister's office with Special Minister of State
 - I wasn't allowed notes
- [Q914-915] I got my notice from the Department of Finance which detailed security breach.

Inconsistencies put to him

- [Q762-767] Put to him that he told Fiona Brown he went to drink whisky and asked to offer an explanation.
 - No, I'm sorry.
 - It was certainly not the reason for going back to the office.
- [Q773-776] [REDACTED] said you were kissing and Higgins slipped over
 - I can't recall it
- [Q800-803] Can you offer me an explanation why Miss Higgins would make this statement
 - I have no idea. I have suspicions certain things that happened to me in January
 - On reflection appear to have a connection
 - Two emails from a domain name not owned by me
 - [Q814] Twitter friend request from David Sharaz
 - [Q829] There were disgusting things on tweets using my photo
- [Q860] Can you offer any explanation at all why Miss Higgins would make up this allegation

- I don't know, but I suspect it goes beyond just me.

44) [REDACTED] (11.13am 16/7/21)

- [Q10] [REDACTED]
[REDACTED] and boy named Bruce.
- [Q11] I am semi-father.
- [Q15] Became aware of incident when Sam Maiden broke the story and journalist Rosie [REDACTED]
[REDACTED]
- [Q19] I drove her to airport next morning to fly to Sydney.
- [Q30] [REDACTED]
- [Q22] Bruce made a decision to leave politics before the Brittany Higgins incident.
- [Q32] Problem was the media was very non-descript on the incident.
- [Q37] Bruce is not a physical person – he is a nerd.
- [Q54]-[62] His version compared with media version
- [Q63] Bruce and him gathered EFTPOS receipts.
- [Q133] I played a pseudo investigator role with Bruce helping him piece together the information.
- [Q137] Bruce received some controversial or aggressive emails.

Background:

In late February 2019 the complainant worked as a media advisor for the former Federal Minister for Defence Industry Hon Steven Ciobo, and the accused worked as a political adviser for the Hon Linda Reynolds.

On 11 April 2019 the Prime Minister called an election for 18 May 2019. In the lead up to this, on around 1 March 2019 Minister Ciobo announced he would not contest the next election. On 2 March 2019, the Defence Industry portfolio shifted from Minister Ciobo to the Hon Linda Reynolds. This created something of a merged office with the accused amongst a group of staffers who were already working for Minister Reynolds, and the complainant amongst a group transferring from Minister Ciobo's office to Minister Reynolds office with the Defence Industries portfolio.

There was a general sense within the government and their staff that the incumbent government would lose the election, and the team would essentially usher the office through to the end of the government at the election on 18 May 2019.

Against this backdrop, on the evening of Friday 22 March 2019, a group of staffers attended The Dock on the Kingston Foreshore to signify what they thought was the run up to end of the government.

The complainant arrived around 7.19pm and had arranged a date on a [REDACTED] [REDACTED] for the evening.

The complainant purchased her first drink at 7.24pm attending the bar on her own then returning to table one.

At 7.56pm the complainant is seen messaging her bumble date at which time she is seen with two drinks in front of her.

At 8.03pm, the complainant is seen leaving the table and going to front of the location to meet her date, then returning inside where the pair immediately went to the bar then returned with a drink each. The complainant introduced her date to the group where they sat talking.

At 8.34pm the complainants date returns from the bar with another two drinks and gave one to the complainant.

The accused went to dinner at the Kingston Hotel with another advisor [REDACTED], then the two men made their way to the Dock in Kingston arriving at 8.39pm and joining the group.

At 8.41pm the complainant went to the toilet and the accused is seen attending the bar with another person, where they purchased two drinks with the other person paying, then the accused and the male he was with joined the second table, table two.

On leaving the bathroom at 8.48pm, the complainant is seen attending the bar, greeting another male who purchased three drinks with the male paying, with him giving the complainant one of the drinks. When they returned to the table at 8.52pm, the complainant walked past table one and joined table two where the accused was seated, leaving her date alone at the table one.

At 9.32pm, the complainant and the accused attend the bar and chatted for a while, and the accused was possibly in a shout as he purchased three beers and a clear drink for the complainant with **the accused seen handing his card to the bar staff at 9.34.44pm** and she is seen tapping it for payment at **9.34.54pm**, before they returned and re-joined the second table.

On her return, her date appears to have left.

At 10.07pm the complainant is seen returning to the bar alone, and whilst waiting to be served, at 10.08.29pm the complainant is seen searching her phone and partially stumbling backward. She eventually purchases a single drink and pays for it before returning to the second table.

At around 10.34pm the people from the second table including the accused and complainant leave that table and join table one and the two tables effectively merged into one.

At around 10.34pm the complainant went to the toilet, and when she returned, the accused is seen handing her one of three drinks sitting on the table.

At 11.08pm the accused and the complainant return to the bar and purchase more drinks one of which for the complainant and the **accused is seen handing a card to the wait staff at 11.09.45pm and her tapping it at 11.09.55pm**.

At 11.22pm the complainant is seen sitting at the table with two drinks in front of her, and there appears to be a conversation with others about which drink is hers, before she is seen drinking from them alternately.

At 11.50pm the group begin to disburse. As she was about to leave, the complainant is seen to pick up a full drink and scull it, then leave with the accused. The accused, the complainant and two others from the group, [REDACTED] attended another club in Canberra City called 88 mph. It is unknown whether the complainant drank more at that location.

Accordingly, as at 11.50pm, over a period of 4 and a half hours, the complainant had consumed at least nine drinks.

Complainant's Intoxication

██████ recalls that at 88mph *"I remember Brittany being really drunk....I remember her falling over. Um, and sort of pulling herself back up onto the couch and I think Bruce [accused] helped her back onto the couch."*¹

The complainant recalls *"I was drinking consistently throughout the night, so people were buying me drinks"*² *On leaving the Dock, I would say [my intoxication was] seventy per cent, I was already very drunk at that point"*³ *"The next thing I sort of remember was being at 88mph, so like I – yea, I was already leaving the Dock I was really very drunk"*.⁴ *"I was pretty embarrassed by falling over. Um, I remember after I fell over. Bruce [accused] helped me up"*.⁵ *"I kind of managed to catch myself in terms of hands, like I didn't face plant but I definitely got my knees and I was off-road, I had to be helped up...I remember Bruce helped me up"*.⁶ *"It's as drunk as I've ever been in my life"*⁷

The complainant reports at one point in her interview that he was buying me a lot of drinks.⁸ The complainant does not outline how she knew it was the accused, or how they were paid for etc. As outlined, CCTV shows various people handing the complainant drinks throughout the evening. In his record of interview, the accused produced receipts from bank accounts suggesting he spent \$24.20 at the Kingston Hotel, with a single transaction of \$16.00 at The Dock, inconsistent with CCTV that shows purchases at 9.34.54pm and 11.09.55pm. His records show him spending a further \$40.00 at 88mph. As outlined, CCTV shows the complainant attending the bar on her own and with others numerous times, and at other times others placing drinks in front of her consuming at least 9 drinks over 4 and a half hours.

The group stayed at 88 mph from around 12.00pm until around 1.30am the following morning.

Leaving 88mph for Parliament House

The complainant says that at that time she lived in ████████ and she recalls the accused suggesting they go together in a cab.⁹ They did this, and the complainant stated *"I don't specifically remember sort of the words that were said, but it was sort of something along the lines of, "I have to stop in and pick something up from work." Um, and I – I wasn't really cognizant, I wasn't fully in a state where I was sort of argumentative. I was really open to*

¹ ROI Madders/██████ 24/3/21 - Q32.

² EICI Madder/Higgins 24/2/21 Q103.

³ EICI Madders/Higgins 24/2/21 Q153.

⁴ EICI Madders/Higgins 24/2/21 Q151.

⁵ EICI Madders/Higgins 24/2/21. Q28.

⁶ EICI Madders/Higgins 24/2/21 Q176-177.

⁷ EICI Madders/Higgins 24/2/21 Q172.

⁸ EICI Madders/Higgins 24/2/21 Q25.

⁹ EICI Madders/Higgins 24/2/21 Q29.

[REDACTED]

Regarding her clothing, she states that during the sexual assault, the complainant says *“My dress was still on my body, um, but it’d had just been really scrunched up, so it was around my waist”*¹⁷ [REDACTED]

[REDACTED]

[REDACTED] notes he *“appeared in a hurry and dropped off his pass. I asked him if he was coming back. He didn’t stop and hastily replied no.”*²⁰

At 4.15am (around 1 hour 45 minutes after the accused left) [REDACTED] attended the Minister’s Office to check on the welfare of the complainant, noting she was [REDACTED]

[REDACTED] notes that she was [REDACTED].²² This is a greater state of undress than reported by the complainant during the sexual assault, which we can place somewhere between 1 hour 45 minutes and 2 hours 30 minutes earlier and appears consistent with the dress being further removed either by the complainant when semi-conscious or by another after the complainant had lost consciousness. In either case, they are both corroborative of her claim that sexual intercourse occurred.

The complainant does not remember [REDACTED] attending, as her next recollection is *“Probably about eight o’clock the next day. And I remember hearing a female security guard yelling into the office, asking if I was okay. I didn’t see anyone, but, but I heard her yell out”*.²³ This is consistent with evidence that at 9.15am, around 7 and a half hours after the complainant first arrived at Parliament House, guard [REDACTED], accompanied by guard

¹⁶ EICI Madders/Higgins 24/2/21 Q36.

¹⁷ EICI Madders/Higgins 24/2/21 Q259.

¹⁸ EICI Madders/Higgins 24/2/21 Q254.

¹⁹ EICI Madders/Higgins 24/2/21 Q36.

²⁰ Report of [REDACTED] 24/03/2019.

²¹ EICI Madders/Higgins 24/2/21 Q79-80.

²² EICI Madders/Higgins 24/2/21 Q208-213.

²³ EICI Madders/Higgins 24/2/21 Q36.

██████████ attended the office, when ██████████ knocked on the door and called out “Security” asking if anyone was there, and the complainant responded “yes”. ██████████ asked if everything was Ok, and the complainant responded Yes, everything’s okay.²⁴

After the ██████████ exchange, the complainant says she sat and ate most of a box of Roses chocolates and was sick in the Minister’s bathroom. She combed her hair and pulled herself together, then retrieved a Carla Zampatti jacket from a box of goodwill clothing and left,²⁵ and ██████████.

Version of Bruce Lehrmann

██████████ notes that on entry he commented *“It’s very early in the morning, guys to be working. Are you going to work?”* and they both said *“Yes, they’re going to work”*.²⁶

██████████ recalls the exchange slightly differently, recalling ██████████ saying *“Oh, you guys are in here late. Couldn’t this have waited – waited until Monday and the guy seemed to take offence to it and he’s like, No, it couldn’t wait.”* ██████████ specifically recalled that the complainant did not say anything.²⁷

When spoken to by Fiona Brown on Tuesday 26 March 2019, Ms Brown recalls that the accused told her *“He just came in to have – to drink his whisky”* and that he said he had *“about two glasses”*.²⁸ Although it does not appear in her EICI, colleague ██████████ recalls whilst disclosing the events to her, the complainant told her on either 27 or 28 March 2019 that *“he wanted to come back here to like show me some whisky or there was something. I remember whisky being mentioned.”*²⁹

In a letter from Minister Reynolds on 4 April 2019 advising the accused that he had been dismissed she states *“I am advised that when you sought entry to parliament house after hours, you did so by reporting to security that you were required to attend my office for important official business.”*³⁰ In response to this letter, the accused wrote to Senator Reynolds saying *“I offer no excuses and accept that entering the office after hours is a breach no matter what the reason. I do however refute the claim that I informed security it was for official purposes.”*³¹

In his record of interview with police conducted 19 April 2021, the accused states that he was aware that entering parliament house after hours was a security breach, and that he was concerned the AFP would become involved for this reason.³² Notwithstanding his

²⁴ ROC Madders/██████████ 24/3/21 Q54.

²⁵ EICI Madders/Higgins 24/2/21 Q37.

²⁶ ROC Madders/██████████ 18/3/21 Q39.

²⁷ ROC Madders/██████████ 24/4/21 Q130-133.

²⁸ ROC Madders/Brown 22/3/21 Q128-130.

²⁹ ROC Madders/██████████ 2/4/21 Q137.

³⁰ Letter from Senator Linda Reynolds to Bruce Lehrmann 4/4/19.

³¹ Email from Bruce Lehrmann to Fiona Brown / Sen Reynolds Friday 5/4/19 9.28am.

³² Boorman/Lehrmann 19/4/21 Q725.

knowledge that attending parliament house after hours constituted a security breach significant enough to draw the attention of the AFP, he then offers police investigators two reasons for entering Parliament House.

Reason one appears to suggest that it was planned, because, notwithstanding the fact that he was going out, for some reason he left the keys to his apartment at Parliament House with a plan to swing by and grab them on his way home.³³

Reason two suggests that he had a conversation with people from defence department at The Dock (prior to continuing onto 88mph) that reminded him that he had to attend the office to do some work, specifically stick some tabs on a certain topic on the question time brief for the Minister, and that it could not wait until the following Monday.³⁴

The second of these we say is a lie, as it would be highly unlikely that he would tell his boss that he returned to the office to drink whisky yet told both security on entry and police during a formal interview that he attended parliament house to do some work. Further, it appears highly unlikely that he would not take his apartment keys with him when he left work on 22 March to go out.

He states in his record of interview that on entering the office, the complainant turned and went into the minister's suite and he went to his desk and got what he needed for the weekend, attended to some of the question time folders, ordered himself an uber and left.³⁵

[REDACTED]

Intoxication

As outlined, the complainant's statements of being highly intoxicated is heavily corroborated by CCTV of her alcohol consumption at the Dock as well as the observations of [REDACTED] and to a lesser extent [REDACTED]. Specifically, the CCTV from The Dock in Kingston showing her drinking consistently, consuming at least 9 drinks over some 4 hours 30 minutes between arriving at 7.20pm and leaving at around 11.50pm, sculling a drink before she left. It is further corroborated by the fact that on entering parliament house at

³³ Boorman/Lehrmann 19/4/21 Q85.

³⁴ Boorman/Lehrmann 19/4/21 Q573-583.

³⁵ Boorman/Lehrmann 19/4/21 Q100-104.

³⁶ Report of [REDACTED] 24/03/2019.

1.42am, she fell asleep and did not become cognizant for over seven hours, when she was roused by [REDACTED] at 9.15am.

Complaint

The complainant made a number of disclosures in the days that followed.

On Saturday 23 March 2019, the day of the incident, the complainant had a phone conversation with her friend [REDACTED] and he noticed she was very cagy, but disclosed that they went back to the Minister's office for drinks, however the complainant said she did not want to talk about it.³⁷ The following day there was a combination of phone conversations and SMS exchanges in which the complainant told [REDACTED] that she had woken up in the Minister's office half naked.³⁸ In an SMS exchange with [REDACTED] on the following Tuesday 26 March 2019 the complainant said *"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"*. [REDACTED] asked *"Did you hook up in there or did someone take advantage of you?"* and the complainant responded *"I was barely lucid. I really don't feel like it was consensual at all. I just think if he thought it was okay, why would he just leave me there like that"*. The complainant was concerned the matter would become public, sending a further SMS the same day *"The only thing I really want is for this to not get out and become public knowledge. Besides my parents you're the only person who knows (outside of Fiona and whenever she takes it to the Minister and apparently it has to be reported to PMO."* The complainant told [REDACTED] that she did not want to go to the police because she doesn't want to make an issue of it.³⁹ In text on Friday 29 March 2019, the Complainant sent and SMS to [REDACTED] saying *"I'm not sure why but I feel super angry at the moment. It's probably misdirected and should be aimed at Bruce but I feel so pissed at the people in the party"*. She further messaged *"if I want to maintain a job I can't talk about it but I'm still getting follow up calls from the AFP to this dah and I'm just at the end of my rope with it"*.

On either the Tuesday or Wednesday⁴⁰, which would be either 27 or 28 March 2019, the complainant appeared quite upset⁴¹ when talking to colleague [REDACTED] when she told him she had been out drinking with the accused and was taken back to Parliament House⁴². She described the incident in some detail including that she woke up on the Minister's couch with the accused on top of her, having sex with her.⁴³

³⁷ ROC Madders/[REDACTED] 23/2/21 Q23.

³⁸ ROC Madders/[REDACTED] 23/2/21 Q26.

³⁹ ROC Madders/[REDACTED] 23/2/21 Q74.

⁴⁰ ROC Boorman/[REDACTED] 26/5/21 Q139.

⁴¹ ROC Boorman/[REDACTED] 26/5/21 Q79.

⁴² ROC Boorman/[REDACTED] 26/5/21 Q80-83.

⁴³ ROC Boorman/[REDACTED] 26/5/21 Q130-133.

On “*probably the Wednesday or the Thursday*”⁴⁴ which would be either 27 or 28 March 2019, the complainant made a disclosure to work colleague ██████████ consistent with her evidence in chief interview saying she fell asleep on the Minister’s couch and woke up and the suspect was on top of her.⁴⁵ ██████████ states that over the next four or five months she spoke to her about four times, finally advising her that she had decided not to go further with it anymore.⁴⁶

On her return to work on Monday 25 March 2019 the accused and complainant had very limited contact. On Tuesday 26 March 2019, office manager Fiona Brown, who was aware of the complainant and accused entering the previous Saturday morning from Parliament House security had organised to talk to both of them.

The accused met with Ms Brown first and was instructed to leave the office and was subsequently provided a show cause request, then was formally dismissed on 5 April 2019 for a combination of two factors, the first being a previous security incident involving clumsy handling of secure documents, and the second being that on entry to Parliament House in the early hours of Saturday 23 March 2019, he dishonestly told security guards that he was attending to do some work.

The complainant was also spoken to by Fiona Brown on Tuesday 26 March, and she stated that she did not remember accessing the office but said had been out and was inebriated⁴⁷ and recalled waking up semi-naked⁴⁸, stating “I’m responsible for my actions”⁴⁹. Fiona Brown explained it was a breach of Ministerial Code of Conduct, and that was the end of any disciplinary action with regards to the complainant. Fiona Brown was however concerned for her welfare and invited her to work from home for the rest of the day.

Fiona Brown organised for a second phone meeting and phoned her and was informed that she had been crying⁵⁰. Fiona Brown offered to visit her, and the complainant refused.⁵¹

A third meeting was held on Thursday 28 March 2019⁵², and Fiona Brown told the complainant that if she was unhappy with anything she would have their support, and offered her contact details for the Employment Assistance Program. At this point, the complainant disclosed that “*I recall him being on top of me*”.⁵³ Fiona Brown then said if it was something she had not wanted to happen she should report it, and she said her father was coming down to spend some time with her and she would consult him.

⁴⁴ ROC Madders/██████████ 2/4/21 Q117.

⁴⁵ ROC Madders/██████████ 2/4/21 Q138.

⁴⁶ ROC Madders/██████████ 2/4/21 Q141.

⁴⁷ ROC Madders/Brown 22/3/21 Q164.

⁴⁸ ROC Madders/Brown 22/3/21 Q166.

⁴⁹ ROC Madders/Brown 22/3/21 Q171.

⁵⁰ ROC Madders/Brown 22/3/21 Q218.

⁵¹ ROC Madders/Brown 22/3/21 Q218.

⁵² ROC Madders/Brown 22/3/21 Q238.

⁵³ ROC Madders/Brown 22/3/21 Q293.

First report to the police

On Friday 29 March 2019 Fiona Brown reported the incident to the internal Australian Federal Police, and an appointment was made for the Complainant to talk to them on Monday 1 April 2019.

A meeting was held at midday on Monday 1 April 2019 between Federal Agents Rebecca [REDACTED] and Katie [REDACTED] in which the complainant disclosed the details of the events.

Federal Agents [REDACTED] and [REDACTED] then referred the matter to ACT Policing Sexual and Child Assault Team (SACAT). A week later on Monday 8 April 2019 the complainant met Detective Senior Constable Sarah Harman at which point she reported the events of the evening in some detail. Police practice is to allow the complainant to retain a degree of control over the progress.

At 1.56pm on 10 April 2019 DSC Harman made a call to the complainant then left an SMS that was not responded to. At 1.28pm on Saturday 13 April 2019 the complainant sent DSC Harman an email stating:

After careful consideration I have decided not to proceed any further in this regard.

I really appreciate your time, professionalism and assistance with this complaint. You helped me more than you know.

It's just not the right decision for me personally, especially in light of my current workplace demands.

Thank-you again for your candour and I apologise if I've taken up much of your time.

After first report

The day after this, on 11 April 2019 the Prime Minister called an election for 18 May 2019, and all government offices including Minister Reynolds entered election mode. This resulted in the complainant relocating to Perth to join the campaign of Minister Reynolds between 14 April – 3 May 2019, then again from 6 May 2019 to the day after the successful election being 19 May 2019.

The complainant remained in the employment of Minister Reynolds for another 2 and a half weeks until 7 June 2019 at which point she accepted a role in the office of Minister Michaelia Cash.

For the year and a half from June 2019 – January 2021 the complainant remained in the employment of the office of Minister Cash. The complainant took no further action for the second half of 2019, however commenced counselling with the Canberra Rape Crisis Centre on 17 January 2020, engaging in seven counselling sessions between 17 January 2020 and 3 February 2021.

Second report to the police

After a year of counselling the complainant decided to reinstate the report to police, and in preparation took a number of steps.

The first was to resign her position with Minister Cash, which took a number of attempts, as each time either Minister Cash's chief of staff Daniel Try or Minister Cash talked her into delaying, offering sweeteners like the ability to work from her home on the Gold Coast.

On Friday 29 January 2021 the complainant formally resigned from Minister Cash's office and ceased any engagement with the Federal Government or Parliament House.

There had been some media surrounding the events, and on the following Tuesday 2 February 2021 the complainant gave an interview to a television program, which subsequently aired on 15 February 2021.

Two days after providing the interview on Thursday 4 February 2021, the complainant wrote an email to Federal Agent Rebecca [REDACTED] who had managed the first report on 1 April 2019, stating:

I'm just reaching out in relation to a sexual assault case that we originally discussed in April 2019.

My work situation has changed and I'm looking at pressing forward with a formal statement. Before I make that final decision is there any way for me to review or have a copy of the original case file that exists at the present?

Federal Agent [REDACTED] referred the matter to SACAT at ACT Policing where police reactivated the investigation.

Investigation:

Detective Sergeant Kaylie [REDACTED] and Senior Constable Emma Frizzell met with the complainant and the investigation recommenced.

The complainant participated in a recorded interview with police 20 days after the email to Rebecca [REDACTED] on 24 February 2021.

The complainant was very concerned about government interference in the investigation and was hesitant to produce private material that she feared may be used to generate negative publicity. This included a reluctance to produce her phone that contained a large amount of private material including SMS messages between the complainant and her family and boyfriend and private photos including those of family members. On 25 February 2021 Senior Constable Frizzell requested the complainant give police her phone and she raised concerns about Minister Dutton's media comments indicating a knowledge of

matters subject to investigation.⁵⁴ Officer Frizzell undertook discuss the matter and put her at ease. A number of meetings occurred over the following weeks, and on 26 May 2021 the complainant produced her phone and consent for all of her data to be examined.

The accused participated in a record of interview on 19 April 2021.

Due to travel restrictions resulting from various COVID measures the accused was not summonsed to attend court until 5 August 2021.

⁵⁴ Statement of Senior Constable Emma Frizzell 27/7/21 - paragraph 43-44

R V LEHRMANN

No. SCC XXXX of 2021

LIST OF WITNESSES

1. **Brittany HIGGINS**
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. **Fiona BROWN**
21. **Linda REYNOLDS**
22. **Assistant Commissioner Leanne Patricia REDA**
23. **Federal Agent Rebecca Anne [REDACTED]**
24. **Federal Agent Katie Anne [REDACTED]**
25. **Detective Sergeant Robert Heath LANGLANDS**
26. **Detective Senior Constable Sarah Elizabeth HARMAN**
27. [REDACTED]
28. [REDACTED]
29. [REDACTED]
30. [REDACTED]
31. [REDACTED]
32. **Michealia CASH**
33. **David SHIRAZ**
34. [REDACTED]
35. [REDACTED]
36. **Detective Sergeant Kylie [REDACTED]**
37. **Senior Constable Emma Louise FRIZZELL**

- 38. Detective Inspector Marcus Colin BOORMAN
- 39. Detective Leading Senior Constable Trent Robert MADDERS
- 40. Senior Constable James Ross [REDACTED]
- 41. Peter John [REDACTED]
- 42. [REDACTED]

Exhibits List

| | Exhibit Description | Tender Through | |
|--|--|-----------------------|--|
| CCTV | | | |
| | CCTV Entering Parliament House | Higgins | |
| | CCTV Lehrmann Leaving Parliament House | Higgins | |
| | CCTV Higgins Leaving Parliament House | Higgins | |
| | AFP Composite of all CCTV | Higgins | |
| Images | | | |
| | Images [REDACTED] | Higgins | |
| | Images Ministers Office M1.23 | Higgins | |
| | Images White Dress | Higgins | |
| | Image leg mark | Higgins | |
| Phones | | | |
| | Cellebrite Report Lehrmann | | |
| | Cellebrite Report Higgins | | |
| | SMS Higgins Dillaway | | |
| | SMS Brown Higgins | | |
| | SMS Brown Higgins 15/3/19 | | |
| | SMS exchange photo Dillaway – Frizzell | | |
| | SMS exchange photo Higgins - Frizzell | | |
| Lehrmann Discipline | | | |
| | Lehrmann Security Incident | | |
| | Letter Reynolds Lehrmann 4/4/19 | | |
| | Letter Reynolds Lehrmann 5/4/19 | | |
| | Letter Reynolds Lehrmann 5/4/19 II | | |
| | Email Lehrmann to Brown/Reynolds | | |
| | Lehrmann Termination of Employment | | |
| Parliament House Incident Reports | | | |
| | Incident Statement [REDACTED] | | |
| | Incident Statement [REDACTED] | | |
| | Incident Statement [REDACTED] | | |
| Miscellaneous | | | |
| | Higgins email to Harman not proceed – 13/4/19 | Harman | |
| | Canberra Rape Crisis Centre records 17/1/20-3/2/21 | | |
| | Phone call Higgins Cash Resignation + transcript | | |
| | Higgins resignation letter - 29/1/21 | | |
| | The Project Transcript – 2/2/21 aired 15/2/21 | | |
| | Higgins email to [REDACTED] proceed - 4/2/21 | [REDACTED] | |
| | 4 Corners Transcript – 22/3/21 | | |
| | Lehrmann Bank Records | | |



Police Statement

Statement in the matter of Operation Covina

Name Cilla May [REDACTED]
 Occupation Police Officer
 Date 18 October 2021

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.
2. My full name is Cilla May [REDACTED]. I am a Senior Constable of Police with the Australian Federal Police (AFP) currently attached to Eastern Command (EC), Transnational Serious and Organised Crime Team 9 (TSOC9), located at 110 Goulburn Street, Sydney, in the state of New South Wales (NSW).
3. I have previously made a statement in this matter, dated 30 September 2021. This statement is made further to that statement.
4. About 10.00am on Friday, 6 August 2021 I commenced duty at EC Sydney Headquarters.
5. Later that day, I had a conversation with Federal Agent Stephen [REDACTED] and he told me certain things.

(Federal Agent [REDACTED] requested that I assist him by serving a 'summons package' on behalf of ACT Policing. Federal Agent [REDACTED] advised that the lawyer would attend EC Sydney Headquarters later that afternoon to collect the package.)

6. About 1.45pm, I was contacted by Detective Superintendent Scott MOLLER through a telephone call. Detective Superintendent MOLLER told me certain things.

(Detective Superintendent MOLLER told me that the lawyer I was to meet with was John KORN and he was trying to arrange with him a time to attend EC Sydney Headquarters. Detective Superintendent

..... [REDACTED]
 Police initials

MOLLER proposed 2.00pm that afternoon and advised me that he had left a message for Mr KORN and was waiting to speak with him. Detective Superintendent MOLLER told me that he was trying to coordinate the service of the summons and notifying the victim.)

7. About 2.08pm, I met with Mr KORN at the front of EC Sydney Headquarters.

(Mr KORN had asked after a copy of the brief of evidence, which I advised I did not have. Mr KORN advised that he would contact 'Mr MOLLER' and ask after the brief. About that time, I observed Mr KORN make a telephone call and overheard him enquire after an electronic copy of the brief of evidence. A short time later, I spoke with Detective Superintendent MOLLER, who advised that the electronic copy of the brief had been 'express posted' to his [Mr KORN's] office and would likely arrive on Monday.)

8. About 2.18pm, I hand delivered the 'Defendant Copy' of the 'Form 3 Information and Summons Package' (case number CC2021/8143) to Mr KORN. Both Mr KORN and I signed page 227 of my official AFP Diary, number D15504, in acknowledgement of the service.

9. About 3.09pm, I was contacted by Detective Sergeant Robert ROSE through a telephone call. Detective Sergeant ROSE told me certain things.

(Detective Sergeant ROSE requested that I provide further assistance by making a copy of the 'eBrief' and provide it to Mr KORN. Detective Sergeant ROSE told me that Detective Leading Senior Constable Trent MADDERS would send me details related to the brief which was to be downloaded.)

10. About 3.21pm, Detective Leading Senior Constable MADDERS provided me with a file path for the related 'eBrief'. A short time later, I commenced a download of that 'eBrief' onto a silver coloured Samsung 256 GB Universal Serial Bus (USB).

11. About 3.55pm, I was contacted by Mr KORN through a telephone call. Mr KORN told me certain things.

(Mr KORN advised that 'Mr MOLLER' had provided my contact number to him and told him that I would be making a copy of the brief. Mr KORN said that he would be in his office for the next 20 or so minutes

and to not break my back getting it to him today, that it could wait until Monday. I told Mr KORN that I was making a copy now and that I would notify him if I could get it to him today, within 15 minutes.)

12. About 4.20pm, I contacted Detective Leading Senior Constable MADDERS through a telephone call. Detective Leading Senior Constable MADDERS told me certain things.

(I advised Detective Leading Senior Constable MADDERS that there had been an issue with the download due to an error related to the 'Dock' closed circuit television [CCTV] footage. Detective Leading Senior Constable MADDERS advised that the USB required formatting.)

13. About 4.41pm, I contacted Mr KORN through a telephone call. Mr KORN told me certain things.

(Mr KORN advised that he would attend EC Sydney Headquarters in about 15 to 20 minutes and would call me when he had arrived.)

14. I placed the silver coloured Samsung 256 GB USB into an AFP marked envelope.

15. About 5.26pm, I met with Mr KORN at the front of EC Sydney Headquarters. I handed Mr KORN the AFP marked envelope containing the silver coloured Samsung 256 GB USB.

16. During the course of my duties, I took notes in my official AFP Diary, number D15504, on pages 226 to 229 inclusive.

DOCUMENT: COPIES OF PAGES 226 TO 229 INCLUSIVE OF MY OFFICIAL AFP DIARY, NUMBER D15504

17. About 7.15am on Monday, 11 October 2021 I commenced duty at EC Sydney Headquarters.

18. About 1.31pm, Detective Sergeant David Fleming contacted me through a telephone call. Detective Sergeant Fleming told me certain things.

(Detective Sergeant Fleming advised that he required the USB containing the brief of evidence to be collected from Mr KORN and further require assistance in returning a mobile telephone to the Defendant, via Mr KORN.)

[REDACTED]
Police initials

19. About 8.00am on Wednesday, I commenced duty at EC Sydney Headquarters.
20. About 10.16am, I attended a location in Sutton Forest, NSW and met with Detective Leading Senior Constable MADDERS.
21. About 10.20am, Detective Leading Senior Constable MADDERS handed me and AFP exhibit bag, containing AFP exhibit 3624845/001, described as being '1x Apple iPhone XS Max in brown coloured case'. I retained possession of the item and returned to EC Sydney Headquarters.
22. About 11.45am on Friday, 15 October 2021 I commenced duty at EC Sydney Headquarters.
23. About 1.52pm, I met with Mr KORN at the front of EC Sydney Headquarters.
24. About 1.53pm, I handed Mr KORN AFP exhibit 3624845/001, described as being '1x Apple iPhone XS Max in brown coloured case'. Both Mr KORN and I signed an AFP 'Property Record of Receipt'.

DOCUMENT: AFP PROPERTY RECORD OF RECEIPT FOR EXHIBIT 3624845/001 – 1X APPLE IPHONE XS MAX IN BROWN COLOURED CASE

(Mr KORN commented that the item would be sent to Bruce LEHRMANN, who would be required to return it to his workplace.)

25. About 1.55pm, I took possession of the silver coloured Samsung 256 GB USB, which now had a sticker reading 'HIGGINS' attached to it, which was provided to me by Mr KORN. Both Mr KORN and I signed page 269 of my official AFP Diary, number D15504, in acknowledgement of the item being transferred into my custody. I retained possession of the silver coloured Samsung 256 GB USB.

26. During the course of my duties, I took notes in my official AFP Diary, number D15504, on pages 263 to 269 inclusive.

DOCUMENT: COPIES OF PAGES 263 TO 269 INCLUSIVE OF MY OFFICIAL AFP DIARY, NUMBER D15504

27. I read this statement before I signed it.

[REDACTED]

(Signature)

Cilla May [REDACTED]
Senior Constable 20437
EC Sydney – Transnational Serious and Organised Crime
18 October 2021

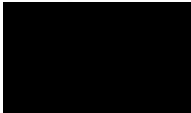
[REDACTED]
Police initials

Statement in the matter of R v Bruce Emery Lehrmann

Statement of Scott Joseph Moller continued

Page 2 of 5

7. About 9.25am on Wednesday 26th May 2021, with Detective Inspector Boorman and Detective Sergeant Saunders I attended the reception area of the Winchester Police Centre and met Ms Brittany Higgins (Ms Higgins) who was with the ACT Victims of Crime Commissioner Ms Heidi Yates. After some short introductions we walked to the Family Room interview area within the Belconnen Police Station. There we had a conversation with Ms Higgins during which time she was introduced to Senior Constable Frizzell and Detective Leading Senior Constable Madders for the purpose of conducting an evidence in chief interview (EICI).
8. *(During this conversation I stressed to Ms Higgins the importance of refraining from participating in any media interviews in relation to this matter.)*
9. Once the introductions were complete I left the police station.
10. About 12.15pm this date I returned to the Belconnen Police Station Family Room with Detective Inspector Boorman and we had a further conversation with Ms Higgins and Ms Yates in relation to the investigation process into the future.
11. At 12.50pm on Thursday 27th May 2021 as per the email received from Ms Yates on 5th May 2021 I contacted her and had a discussion about Ms Higgins mental health and information received by police to suggest that Ms Higgins may attempt to self-harm.
12. *(During this discussion I requested Ms Yates check on the welfare of Ms Higgins and closely monitor it from then on.)*
13. On Thursday 17th June 2021 with Detective Boorman I provided a briefing to DCPO Chew in relation to the progress of the investigation.
14. On Friday 18th June 2021 I forwarded a copy of the interim brief of evidence to Commander Andrew **RED** to conduct an independent review of the investigation.
15. About 1pm on Monday 12th July 2021 with Detective Inspector Boorman, I went to a meeting room on the ground floor of the AFP Office in Brisbane, Queensland. There I met with Ms Higgins and Ms Yates


(Police initials

and we provided Ms Higgins with an update of the investigation and clarified a number of questions that had developed. During this meeting Ms Higgins told us certain things.

16. *(Ms Higgins advised any photo's taken on the night of the incident were saved on her Google drive attached to her iCloud but she could not recall taking any photo's)*
17. Ms Higgins accessed her mobile phone and identified photos stored on her Google Drive and indicated a photo which had been taken on the night depicting a cocktail glass on a table and in the background was number of persons seated at a booth.
18. *(Ms Higgins advised the photo of an injury to her leg she took herself on Whatsapp during budget week, however could not recall the exact date. Ms Higgins advised she shared this photo with "The Project" on 19 January 2021)*
19. *(Ms Higgins advised she had seven iPhone's since 2019, most had been supplied by the government as part of her work and they had been returned when she changed jobs, however Ms Higgins was happy for police to take the old phones she had for examination and agreed to provide them to police.)*
20. During the conversation I produced a document depicting a number of images of text message correspondence between herself and her partner, David Sharaz, on 21 May 2021. The text messages shown to Ms Higgins depicted a conversation in relation to Ms Higgins sending Mr Sharaz an audio file with an explanation that she was clearing out her phone ahead of the Police. I then queried Ms Higgins as to the meaning of the conversation.
21. *(Ms Higgins told me that the files she had sent to David Sharaz and deleted from her phone related to taped conversations of her talking to various Ministers and she was concerned she had committed an offence by taping the Ministers so she didn't want the Police to find them.)*
22. About 2.05pm that day the meeting concluded and Ms Higgins and Ms Yates left the building.
23. About 2.40pm the same day, Ms Yates returned to the AFP Office in Brisbane, Queensland and handed Detective Inspector Boorman two iPhones. Detective Inspector Boorman made a note of these iPhones in his official diary and Ms Yates signed the entry.

Statement in the matter of R v Bruce Emery Lehrmann

Statement of Scott Joseph Moller continued

Page 4 of 5

-
24. About 9.41am on Friday 30th July 2021 I briefed DCPO Chew on the direction of the investigation.
25. *(DCPO Chew directed that the investigation move to charge Bruce Lehrmann via summons and serve the brief of evidence directly on the Defendants solicitor at the time that the summons is served. He stated that this direction was based on legal advice received from ACT DPP and the independent investigational review conducted.)*
26. About 2.00pm on Tuesday 3rd August 2021 I had a telephone conversation with Mr John Korn in relation to serving a summons on Mr Lehrmann.
27. *(Mr Korn advised that he would receive service of the summons given he was Mr Lehrmann's legal representative.)*
28. About 1.45pm on Friday 6th August I spoke with Senior Constable Cilla [REDACTED] in relation to the service of the summons on Mr Korn.
29. *(I told Senior Constable Cilla [REDACTED] that Mr Korn would attend Sydney office to receive the summons.)*
30. About 2pm I received a call from Mr Korn.
31. *(Mr Korn advised that he didn't received a copy of the brief of evidence and asked when it would be delivered.)*
32. I then had a discussion with Detective Sergeant Rose.
33. *(I requested the brief of evidence be provided to Mr Korn as soon as possible.)*
34. I then contacted Mr Korn by telephone.
35. *(I told Mr Korn that arrangements had been made to download an electronic copy of the brief of evidence in the Sydney office and provide it to him.)*

.....
Police initials

36. On Thursday 2nd December 2021 I sent an email to [REDACTED] requesting he consider assisting police by providing a statement in relation to this investigation.

DOCUMENT: EMAIL CORROSPONDENCE TO [REDACTED]

DOCUMENT: LETTER ATTACHMENT SENT TO [REDACTED]

37. During the course of my duties, I took notes in my annual diary dated 8th February 2021 – 6th August 2021.

DOCUMENT: COPIES OF DIARY ENTRIES FROM 8TH FEBRUARY 2021 TO 6TH AUGUST 2021 INCLUSIVE.

38. I read this statement before I signed it.

[REDACTED]

(Signature)

Scott Joseph Moller
Detective Superintendent
Winchester Police Centre
08 April 2022

[REDACTED]

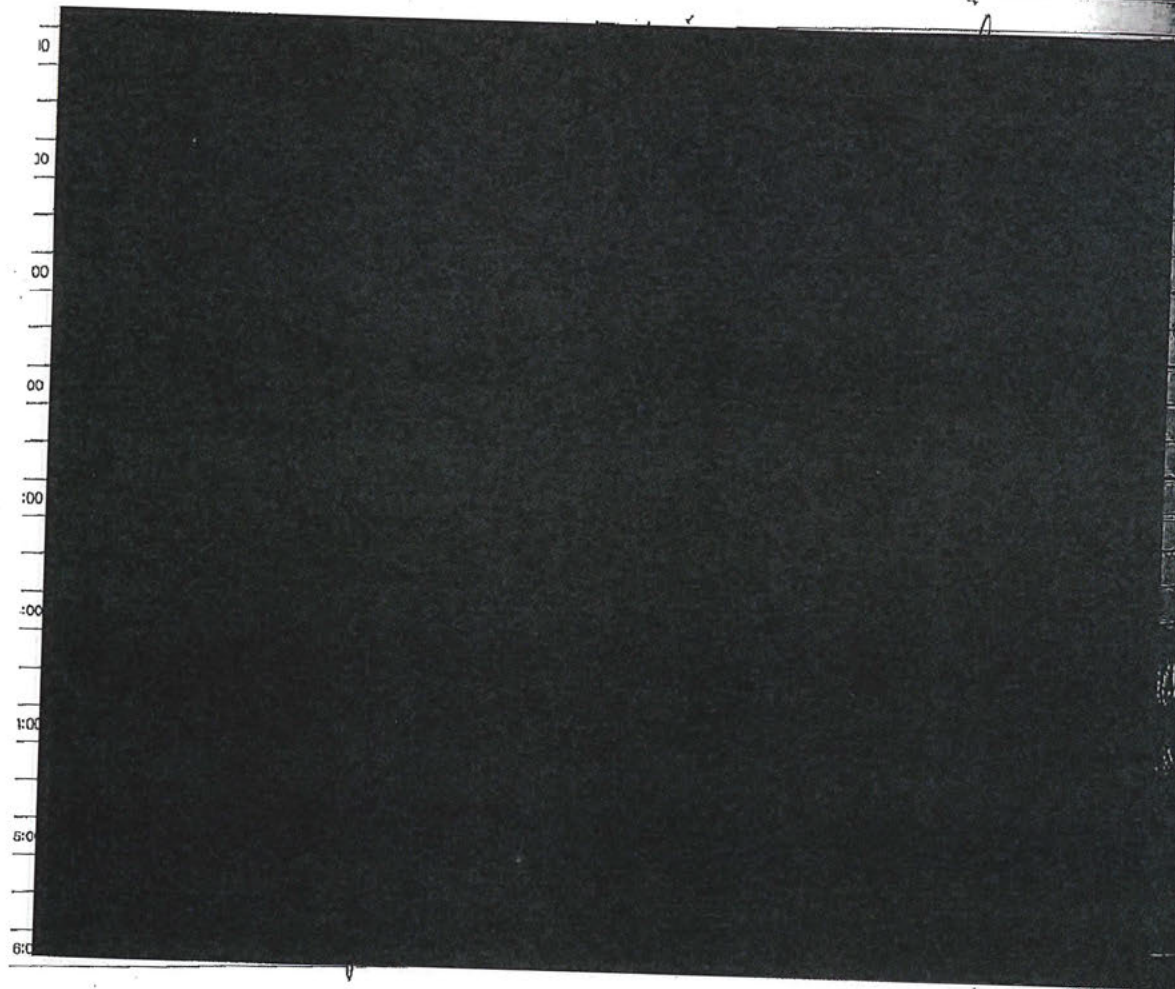
February 2021

Royal Hobart Regatta (S. TAS), Waitangi Day Observance (NZL)

Monday
039/328 Week 6

Regatta - Regatta

*② Simon Assart (colleged) Av.
Parkman House Archd BUNbury
Higgins*



7:00

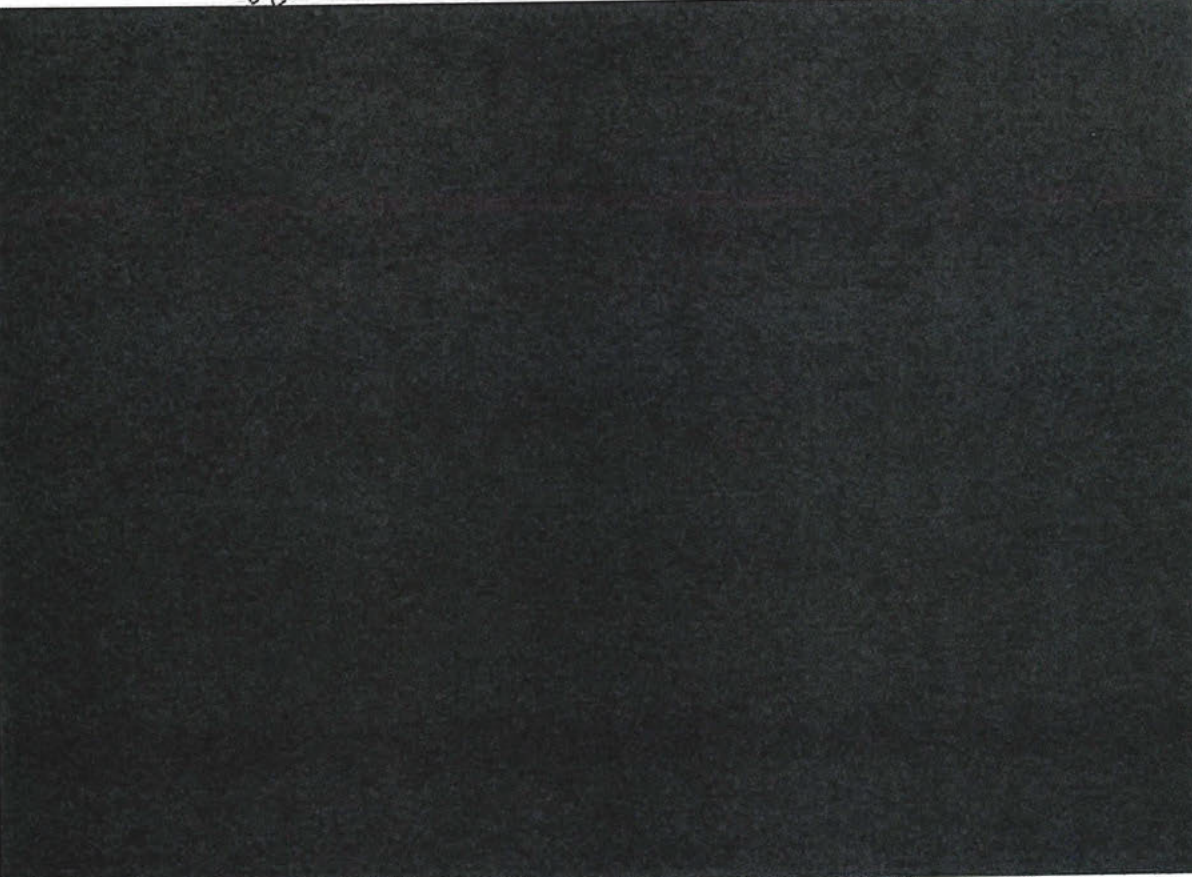
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| | | | 16 17 18 19 20 21 22 23 24 25 | 17 18 19 20 21 22 23 | 21 22 23 24 25 26 27 28 29 30 |

Monday 2021

Wednesday 146/219 Week 21 26

6a - 5m

9:30am meet with
 7:00 Jack Team, discussions M.
 Butler Higgins
 8:00 noon at with Osborn & Partners to Behan P.S.
 meet with Higgins & Jack discuss
 with some M. business process
 9:00 discussions M - media and Higgins
 to upon first any media as
 it may influence any upcoming
 10:00 court process / trial.
 11:00 status of show Enziah & P/SL records
 to Higgins M. B.C.



| July | | | | | | | August | | | | | | | September | | | | | | | October | | | | | | | November | | | | | | | December | | | | | | | | | | | |
|------|----|----|----|----|----|----|--------|----|----|----|----|----|----|-----------|----|----|----|----|----|----|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|---|---|---|---|--|
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| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | | | | | |

May 2021

27 Thursday
147/218 Week 21

7a - 5'

:00

10:00am meeting with Steve re. Bentley
Hygiene

:00

- 32724 - text messages
17 353 - media files

:10

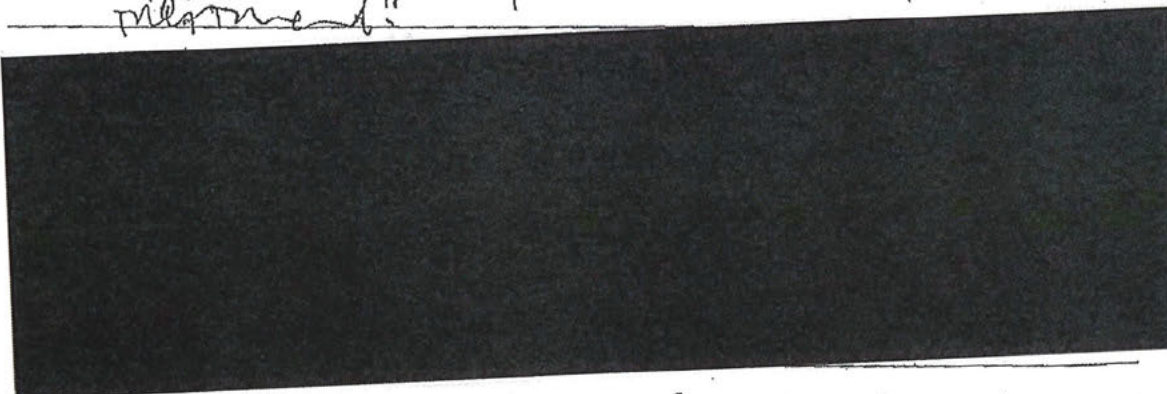
- 21/5/20 - text message to Rayford
"you coming out my place at 11:00 of
believe"

:20

- Marcus spoke to her on Heidi's cell
21/05 arranged for all to trace
place & they were visited by phone.

:0

- 17/05 - text message - Rayford
- ask if they want to play
hard ball. "it's why we're projected
again because of this sort of
treatment"



12:50 in with 4/101 4/500 re Bentley
Hygiene

| January | February | March | April | May | June |
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June 2021

Monday 21
172/193 Week 25

8am - 5pm
Workshop

7:00

8:00

Meeting with Beaman re
Review of Higgins' Brief to
DPP.

9:00

10:00

11:00

12:00

1:00

2:00

3:00

4:00

5:00

6:00

7:00

| July | August | September | October | November | December |
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| 26 27 28 29 30 31 | 23 24 25 26 27 28 29 | 27 28 29 30 | | | |

July 2021

Term 3 starts (ACT, QLD, VIC)

12 Monday 193/172 Week 28

9am - 5pm



9:00 - 9am travel to Brisbane to briefing with Anthony Hedges.

10:00 * 11:30am briefing with Cameron Douglas re interview of Mrs Hedges.

11:00 * 12:00pm briefing with Mr Cameron re Anthony Hedges interview. (Challenger)

12:00 - 1:00pm - reasonable prospects of conviction.

1:00 * - in the public interest.

12:58pm meeting with Anthony Hedges re - many photos.

00 - "There were photos of long island 42A" etc.

- single one.
- Photo taken during Budget week Oz sport on
- WhatsApp was wiped - shared photos.
- Has some photos re - World from the time
- Has a lot of media files in telephone
- no files that have been recorded of voice conversations with numbers

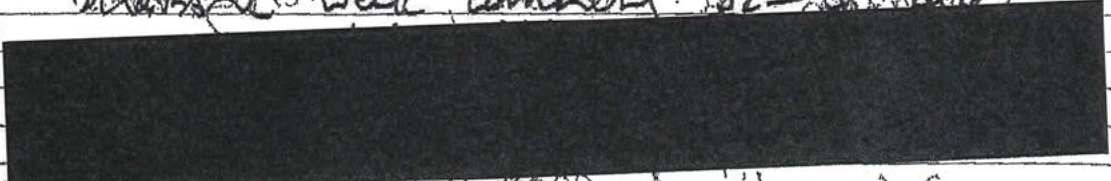
| January | February | March | April | May | June |
|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S |
| 1 2 3 | 1 2 3 4 5 6 7 | 1 2 3 4 5 6 7 | 1 2 3 4 | 1 2 | 1 2 3 4 5 6 |
| 6 7 8 9 10 | 8 9 10 11 12 13 14 | 8 9 10 11 12 13 14 | 5 6 7 8 9 10 11 | 3 4 5 6 7 8 9 | 7 8 9 10 11 12 13 |
| 13 14 15 16 17 | 15 16 17 18 19 20 21 | 15 16 17 18 19 20 21 | 12 13 14 15 16 17 18 | 10 11 12 13 14 15 16 | 14 15 16 17 18 19 20 |
| 20 21 22 23 24 | 22 23 24 25 26 27 28 | 22 23 24 25 26 27 28 | 19 20 21 22 23 24 25 | 17 18 19 20 21 22 23 | 21 22 23 24 25 26 27 |
| 27 28 29 30 31 | | 29 30 31 | 26 27 28 29 30 | 24 25 26 27 28 29 30 | 28 29 30 |

July 2021

30 Friday 21/1/21 Week 30

Gar - 5 - ...
Winchester

DISCUSSIONS WITH ...
HAGGINS. DISCUSSIONS ON ...
... week ...



9.30a ...

... HAGGINS - DISCUSSIONS ON ...
...
... APP & DPP.

9.45a Contact ...
... HAGGINS - ...
... HAGGINS ...

... HAGGINS ...
... HAGGINS ...
... HAGGINS ...

... HAGGINS ...
... HAGGINS ...
... HAGGINS ...

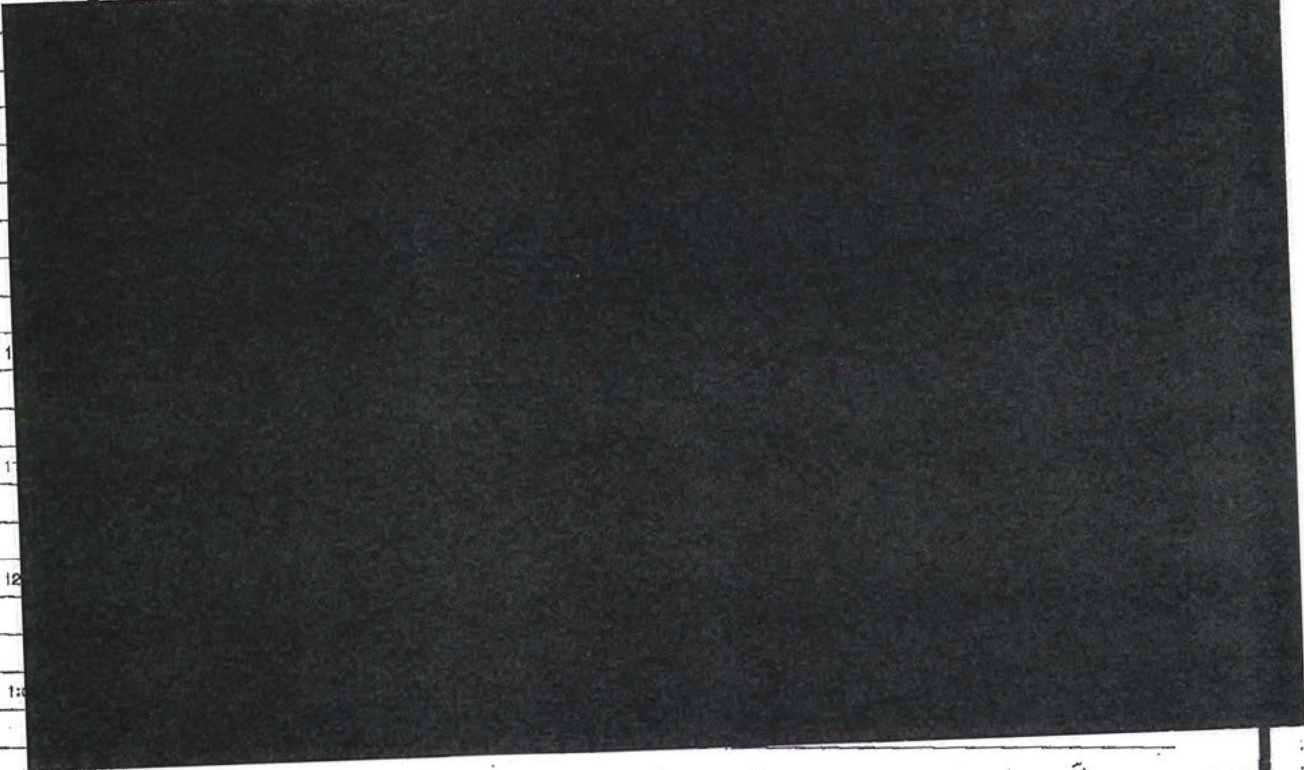


| January | | | | February | | | | March | | | | April | | | | May | | | | June | | | | | | | | | | | | | | |
|---------|----|----|----|----------|----|----|----|-------|----|----|----|-------|----|----|----|-----|----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|----|---|----|
| W | T | F | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | | | |
| | | 1 | 2 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 31 | 1 | 2 | 3 | 4 | 5 | 6 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 8 | 7 | 8 | 9 | 10 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | | |
| 3 | 14 | 15 | 16 | 17 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 21 | 22 | 23 | 24 | 25 | | |
| 0 | 21 | 22 | 23 | 24 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 23 | 24 | | |
| 7 | 28 | 29 | 30 | 31 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | | | |

August 2021

3 Tuesday
245/150 Week 31

See - 5



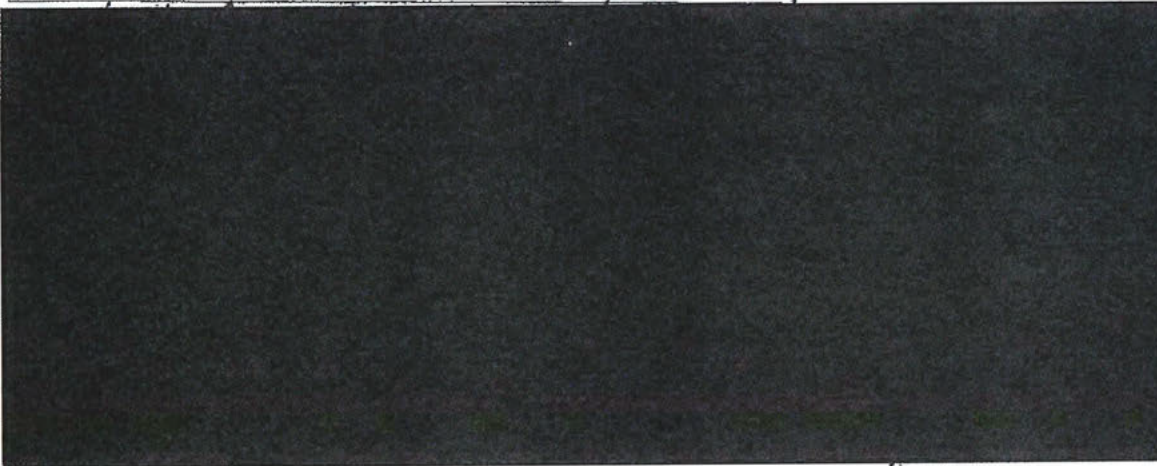
2:00 - 1:40 - Spoke with DCPO-R DISCUSSION
 w/ approval "no need for approval
 we have had it independently reviewed.
 3:00 - and have with ADVICE. Set up
 need to have it approved. "Some
 brief at me. of summer"
 4:00 1:45 - Spoke to Bob Kelle advise same.
 1:50 - Spoke to John KARN - re
 5:00 Eastern Higgins. westgate / saving of summer.
 2:00 - Spoke to John KARN advise
 6:00 same that we are in testimony the
 social aspect of Higgins and should
 we reach a decision to proceed to
 7:00 summer with market be the best place
 to serve the summer.

| January | February | March | April | May | June |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S |
| 4 5 6 7 8 9 10 | 1 2 3 4 5 6 7 | 1 2 3 4 5 6 7 | 1 2 3 4 | 31 1 2 | 1 2 3 4 5 6 |
| 11 12 13 14 15 16 17 | 8 9 10 11 12 13 14 | 8 9 10 11 12 13 14 | 5 6 7 8 9 10 11 | 3 4 5 6 7 8 9 | 7 8 9 10 11 12 13 |
| 18 19 20 21 22 23 24 | 15 16 17 18 19 20 21 | 15 16 17 18 19 20 21 | 12 13 14 15 16 17 18 | 10 11 12 13 14 15 16 | 14 15 16 17 18 19 20 |
| 25 26 27 28 29 30 31 | 22 23 24 25 26 27 28 | 22 23 24 25 26 27 28 | 19 20 21 22 23 24 25 | 17 18 19 20 21 22 23 | 21 22 23 24 25 26 27 |
| | | 29 30 31 | 26 27 28 29 30 | 24 25 26 27 28 29 30 | 28 29 30 |

August 2021

5 Thursday
217/148 Week 31

82 - 5
Washington



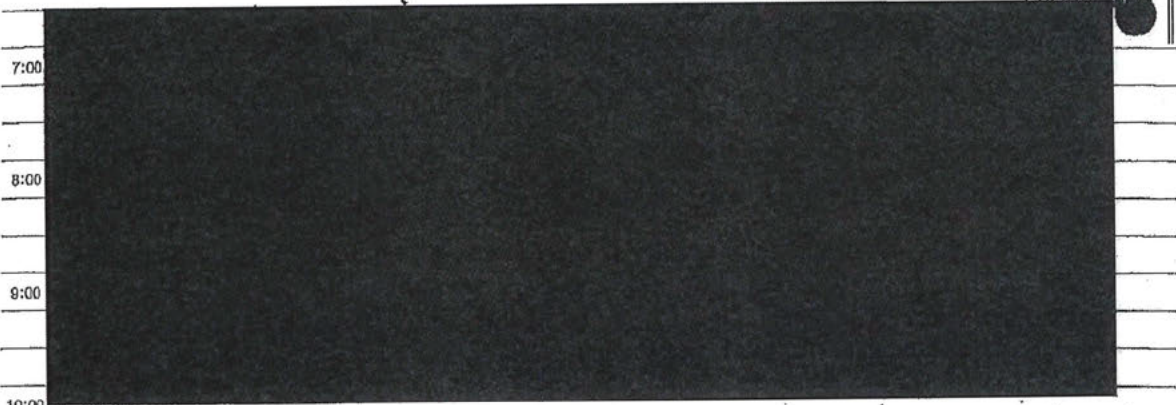
DCDO-R Briefed. discussing the service of summons on letterman. Everything planned for service to take place on Friday 26 August in Sydney - Arrangements made for a vehicle to leave. The fore brief of evidence & original summons to attorneys of Sydney AND HAND over to SUP based detectives who will serve out reference - JOHN KOENIG. I said "this is outside of our normal procedure - normally we go through the of get. free application. I think we should still do this?" Depo said "we can't make - no need we have now it remained and I'm comfortable with that lets just get it served and move on!" I said "ok well get it done tomorrow and I'll get my meeting with Hugh Jones & Higgins tomorrow!"

| January | February | March | April | May | June |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S |
| 5 6 7 8 9 10 | 8 9 10 11 12 13 14 | 8 9 10 11 12 13 14 | 5 6 7 8 9 10 11 | 3 4 5 6 7 8 9 | 7 8 9 10 11 12 13 |
| 1 2 3 | 1 2 3 4 5 6 7 | 1 2 3 4 5 6 7 | 1 2 3 4 | 1 2 | 1 2 3 4 5 6 |
| 11 12 13 14 15 16 17 | 16 17 18 19 20 21 | 15 16 17 18 19 20 21 | 12 13 14 15 16 17 18 | 10 11 12 13 14 15 16 | 14 15 16 17 18 19 20 |
| 18 19 20 21 22 23 24 | 22 23 24 25 26 27 28 | 22 23 24 25 26 27 28 | 19 20 21 22 23 24 25 | 17 18 19 20 21 22 23 | 21 22 23 24 25 26 27 |
| 25 26 27 28 29 30 31 | | 29 30 31 | 26 27 28 29 30 | 24 25 26 27 28 29 30 | 28 29 30 |

August 2021

8a - 4p - Winchester

Friday 6



10:00
1.48 mi. south to survey other - give
* Digital Pass return left.

11:00
- 2:20 met. with Heidi Yates - victims
discussions with her and then
12:00 contact initiated by Yates
to Anthony Haggard.
- plan Haggard to call
1:00 will be discussing by
way of Embassy

2:00
- advise DCPS re briefing with Heidi
Yates and Haggard. Completed.

3:00
- info from team brief from
4:00 subed out Koen.

5:00
- call from Koen - no brief.

6:00
- discussions with team (Koen) - brief
to be downloaded by call in
Rutney & subed out Koen.

7:00
- brief DCPS re same.
- advise Koen re same.

| July | | | | | | | August | | | | | | | September | | | | | | | October | | | | | | | November | | | | | | | December | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|------|---|---|---|---|----|----|--------|----|---|---|---|---|---|-----------|---|---|---|----|----|----|---------|---|---|---|---|---|----|----------|---|----|----|----|----|----|----------|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | 1 | 2 | 3 | 4 | 30 | 31 | | | | | 1 | | | | 1 | 2 | 3 | 4 | 5 | | | | 1 | 2 | 3 | | | | 1 | 2 | 3 | 4 | | | | 1 | 2 | 3 | 4 | | | | 1 | 2 | 3 | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 26 | 27 | 28 | 29 | 30 | 31 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | 31 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 28 | 29 | 30 | 27 | 28 | 29 | 30 | 31 |

SEPTEMBER 2021

22

Wednesday
265/100 Week 38

Can I meet you here?

7:00

8:00

9:00

10:00

11:00

12:00

2:30pm - discussion with Mark O'neill
re of COVID - explain issues
with regulations and proposed
way forward by D.P.R.

1:00

2:00

:00

00

30

10

0

| January | February | March | April | May | June |
|-------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S | M T W T F S S |
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| 2 13 14 15 16 17 | 15 16 17 18 19 20 21 | 15 16 17 18 19 20 21 | 12 13 14 15 16 17 18 | 10 11 12 13 14 15 16 | 14 15 16 17 18 19 20 |
| 9 20 21 22 23 24 | 22 23 24 25 26 27 28 | 22 23 24 25 26 27 28 | 19 20 21 22 23 24 25 | 17 18 19 20 21 22 23 | 21 22 23 24 25 26 27 |
| 16 27 28 29 30 31 | | 29 30 31 | 26 27 28 29 30 | 24 25 26 27 28 29 30 | 28 29 30 |



Police Statement

Statement in the matter of R v Bruce Emery Lehamnn

Name Michael Chew
Occupation Commander
Date 29 April 2022

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence; I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.
2. My full name is Michael Chew. I am a Commander of Police with the Australian Federal Police (AFP) currently attached to Specialist Protective Command, located at Edmund Barton Building, 47 Kings Ave, Barton in the Australian Capital Territory (ACT).
3. On Thursday 17th June 2021 I had a meeting with Detective Superintendent Moller and Detective Inspector Boorman. They provided me with an update in relation to the investigation of Bruce Lehamnn.

(During this briefing I instructed that an internal review be conducted on the investigations.)

4. On Friday 30th July 2021 I received a briefing from Detective Superintendent Moller in relation to the Investigation of Bruce Lehamnn.

(During this briefing and having regards to ACT DPP advice received and the completion of an internal review I instructed the investigation proceed to charge by way of summons and serve the brief of evidence on the Defendants solicitor at the same time.)

5. I read this statement before I signed it.

.....
Police initials

Statement in the matter of R v Bruce Emery Lehramnn
Statement of Michael Chew continued



(Signature)

Michael Chew
Commander
Canberra
29 April 2022

.....
Police initials