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AUSTRALIAN FEDERAL POLICE

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العملية

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From: Drumgold, Shane
Sent: Thu, 7 Oct 2021 08:51:04 +1100
To: Yates, Heidi
Subject: Contact with AFP

OFFICIAL: Sensitive

Dear Ms Yates

I have received correspondence from the Chief Police Officer in relation to the matter of Police v Lehrmann, in the following terms:

As you are aware, Ms Yates has been the primary conduit between the investigations team and Ms Higgins in the role of support and spokesperson. She has been present for a number of meetings/interviews between the investigations team and Ms Higgins and has provided information relevant to the matter before court. As such we consider Ms Yates to be a disclosure witness and have obtained a statement from her.

Given this support role I now have concerns regarding Ms Yates' continued direct engagement with ACT Policing in relation to this matter, specifically in her position as the Victims of Crime Commissioner, noting she has now been identified as a witness in this investigation. It would be inappropriate for us to continue to engage with Ms Yates in this capacity and seek your assistance in advising Ms Yates of this potential conflict

I read this as advice that AFP investigations will directly engage with my office, and my office will in turn engage with you.

On my records, you have already requested this in an email to Detective Superintendent Scott Moller on 26 August 2021, so I do not envisage it presenting a difficulty.

Kind regards



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

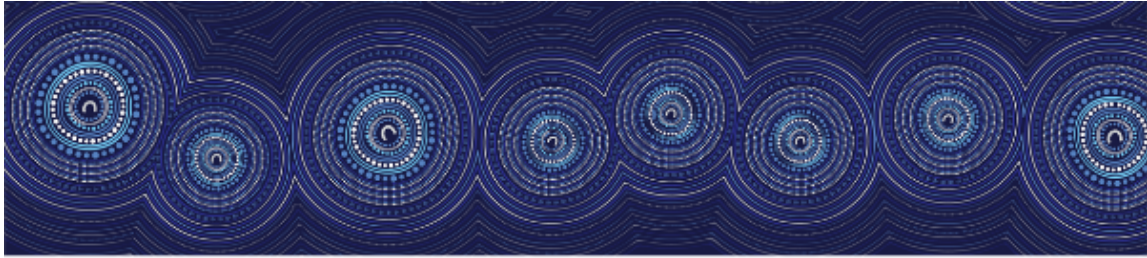
E: REDACTED@act.gov.au

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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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
Sent: Mon, 18 Oct 2021 15:39:53 +1100
To: Drumgold, Shane
Subject: Michael Chew - new role

OFFICIAL

FYI, Commander Chew appears to have moved back to federal AFP as per below signature block.

From: Chew, Michael <[REDACTED]@afp.gov.au>
Sent: Monday, 18 October 2021 12:22 PM
To: McKinley, Vanessa <[REDACTED]@act.gov.au>
Subject: RE: IMG meeting postponed from 19 October [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

Vanessa

I have moved from ACTP so pls remove me from the IMG. I am not sure who in ACTP is taking responsibility for the IMG going forward.

I have enjoyed working with the group on this program which I believe has some positive outcome for all involved.

Regards

Michael

COMMANDER MICHAEL CHEW
PROTECTION OPERATIONS
SPECIALIST PROTECTIVE COMMAND
[REDACTED]
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

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



From: McKinley, Vanessa <[REDACTED]@act.gov.au>
Sent: Monday, 18 October 2021 12:14 PM
Subject: IMG meeting postponed from 19 October

OFFICIAL

Dear IMG members,

I hope this email finds you well.

Due to the unavailability of a number of IMG members, we have decided to postpone the meeting scheduled for tomorrow (**19 October**) to a more suitable date and time. We apologise for any inconvenience this may cause.

In the coming weeks, the Program will be making contact with IMG members to determine the future direction and function of this group and we look forward to seeking your views.

Please do not hesitate to contact in the meantime if you would like to discuss anything further.

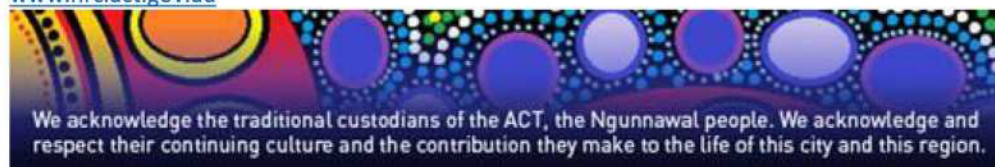
Kind regards,
 Vanessa

Intermediary Program

Phone: [REDACTED] | Phone: [REDACTED] | Email: [REDACTED]@act.gov.au

ACT Human Rights Commission

www.hrc.act.gov.au



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

From: Yates, Heidi
Sent: Fri, 5 Nov 2021 10:13:30 +1100
To: Drumgold, Shane
Cc: Jerome, Skye; Priestly, Erin
Subject: Higgins matter
Attachments: Edna Ryan Speech.docx

OFFICIAL

Hello Shane,

Thank you for your appearance in the Lehrmann matter this morning.

Two quick things in relation to my brief discussion with Brittany after the matter today:

- Brittany would welcome some further information prior to 18 November about what the first appearance in the Supreme Court might involve. I indicated I was sure this information would be available over the coming week and have indicated my understanding that it will likely occur remotely – assuming the SC doesn't update its covid response before then.
- Brittany's partner, David, also asked me to let you know (for information) that she has been chosen to receive the [Edna Ryan award for 'inciting others to challenge the status quo'](#). The award will be given online this evening. I understand she has pre-recorded an acceptance speech and that this may air later this evening on 'The Project' and other stations. The speech text is attached for your information, she notes she has been careful not to reference matters pertaining to the case.

Regards,

Heidi Yates

Victims of Crime Commissioner

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



**VICTIMS OF CRIME
COMMISSIONER**

ACT Human Rights Commission

Edna Ryan Speech:

Introduction:

What an honour it is to be here today! First and foremost, I wanted to say thank-you.

To be regarded in the same breath as past and current recipients of the Edna Ryan award is truly humbling.

I speak to you today, armed with the knowledge that I stand on the shoulders of giants. One of which is Edna Ryan herself, who pioneered the equal minimum wage for Australian women all those years ago.

My voice has only been heard as a result of the people who came before me. Those who laid the groundwork for this argument about women's safety and gendered violence to be heard.

To be awarded the Edna Ryan 'Grand Stirrer Award' which is given to the person who 'incites others to challenge the status quo' is personally such a huge honour.

At the start of this year, before I resigned from my job in Parliament House, my partner gave me a little totem to look to whenever I felt overwhelmed or afraid.

It was a note of something I had said to him when I gently broke the news that I had decided to speak publicly about my assault and was going to be quitting my job and likely would have to leave Canberra as a result.

The reason I gave him was because I didn't want to continue to enable the culture of silence inside Parliament House and that I felt I had a moral responsibility to tell my truth and do my bit to – hopefully - make it a little bit better for the next woman who works in the corridors of power.

So, for months I carried that little note David gave me in my pocket and whenever I faced a challenge, I would always come back to my own personal mantra for strength... 'to make it easier for other women to speak'.

Power of Disclosure:

This year I've been reminded of the power of disclosure. Sharing the unvarnished truth of your lived experience with other people and hearing in response 'that has happened to me as well'.

Dating back to the suffragettes fight for the vote - to the equal rights amendment in the United States and right on through to the current reckoning of the MeToo movement - the source of every woman's social justice movement has been women saying the sayable thing – and discovering it's not just you.

I don't think I've ever said this publicly, but in my work sphere within politics - my

experience of assault and victimisation in the workplace - was personally validated by the trailblazing disclosures of Chelsey Potter, Dhanya Mani and Rochelle Miller.

Listening to their stories, I felt such an immediate sense of shared grief. Although, what we each endured was different, there were enough similarities that it made me feel a little less alone.

It confirmed that what happened to me wasn't an anomaly, there were systemic issues in politics and that I didn't have to carry it all on my own.

As a result of their bravery, I decided to speak out.

This is what happens when people hold space for you to give voice to your experience. You inadvertently give permission for others to share their truth.

Today, I felt it was important to acknowledge them.

It's gruelling opening up and exposing your most personal trauma, to public scrutiny.

Thank-you all for your openness, thank-you for your honesty and I hope you all feel some sort of pride in knowing that your disclosures made a difference in not only my life but lives of thousands of Australians.

2021 Recap

In Australia, we have long been aware the institutional and structural failings that facilitate gendered harassment and violence.

According to the Australian Bureau of Statistics, one in five women Australian women over the age of 15 has experienced some form of sexual assault. If you are a woman of colour those statistics are even higher.

The truth is most women either have a story like mine or know somebody with a story like mine.

This year, we saw the historic March4Justice rallies which saw over 100,000 women and men from all backgrounds coming together, taking to the streets and demanding change.

Being afforded the opportunity to stand shoulder-to-shoulder with so many Australians, many of whom had their own stories sexual assault, and declaring in unison that 'enough is enough' was incredibly powerful.

Just within my own immediate family - I attended the rally in Canberra, my mum attended the one in Brisbane and my grandmother went to one in the Northern Rivers of NSW. It was truly an intergenerational and multicultural affair.

I'm a big believer in the idea that we need a movement that is as diverse as the people who would be impacted by the changes we seek.

There is no such thing as strengthening people by making their decisions for them.

That means in the present, we must continue to strive to embody the inclusive ends we want. Our tactics need to reflect our goals.

Equality is about making life fairer for all women everywhere – whether it's in the home or the boardroom.

Bringing about greater community awareness to these issues of gender are so vitally important.

Research has told us that the less gender-polarized the culture - the lower the degree of violence and the greater the degree of democracy.

The national conversation around sexual assault this year, inspired by the actions of activists like Grace Tame, Saxon Mullins and Chanal Contos, served as a cathartic moment for women to be able to discuss the systemic structural issues inherent in the justice system and our major intuitions.

Everything from consent education, to sexual harassment in sports, legislating other types of horrendous sexual assault like stealthing and momentarily a bill introducing the affirmative consent model in NSW.

Government Inaction:

Naturally, progress comes with pushback from those accustomed to the status quo.

This year, has been extremely difficult and often times shocking.

It served as an important reminder of just how ingrained sexism is within our major institutions – including federal politics.

Like many Australians, I watched this all play out in the media from a laptop in my studio apartment in Brisbane.

Following the historic March4Justice rallies across the country, the Prime Minister of the country decided not to embrace the moment to enact reform, but instead retorted that “not far from here, such marches are being met with bullets”.

We witnessed an extremely confronting ruling in the NSW District Court which seemingly excused physical violence against a young woman on the basis that due to the perpetrators private education he may have viewed her attire as ‘provocative’.

We saw the brilliant Australian of the Year Grace Tame, misrepresented, attacked and ultimately completely iced out of a Government review aimed at addressing child sexual abuse, the issue she's been publicly advocating for all year.

We've seen sitting members of Parliament apologise for unconscionable conduct harassing women online, feel emboldened through their access to legal services, to publicly withdraw their apologies and actually begin suing people.

We read reports about private schools asking male students to rank qualities they 'wished' for in a woman, awarding more points for virginity, looks and Christian values than generosity or adventurousness.

We watched as people hid behind throwaway phrases like "due process" and "presumption of innocence", while failing to acknowledge how the justice system is notoriously stacked against victims of sexual crimes.

We witnessed, time and time again, the testimony of credible women like the former Tasmania MP Sue Hickey, Julia Banks and Christine Holgate, be ignored by the Government in favour of the word of men who occupy positions of power.

We witnessed as the Government held a Women's Safety Summit seeking solutions to gendered violence, the week after the Senate voted down half of the legislative recommendations in the Kate Jenkins historic sexual harassment Respect@Work report.

I sat across from the Prime Minister trying to seek out any firm deliverables - beyond more reviews and reports about the culture inside Parliament House – only to be rebuffed by him saying “it's your right to ask, it's my right to consider”. When I expressed my disappointment, he seemed shocked that I wasn't merely grateful for his time.

These are the actions of people in our courts, in our schools and in the heart of our democracy.

This isn't a political problem; this is a human problem.

We've all learned over the past year just how common gendered violence and gender-based discrimination is in this country.

It's time our leaders on both sides of politics stop side-stepping accountability and commit to actually addressing the problem.

The first resistance to social change is to say: 'it's not necessary'.

Conclusion:

This year, it has been incredible to see the real change in community sentiment towards victim-survivors and how we as a society respond to their stories.

I encourage women to feel empowered to speak up, call out bad behaviour and share your truth with the confidence of knowing you have a generation of women ready, willing and able to support you.

It's so vitally important that we capitalise on this moment, to seek out real change from our

leaders and not just platitudes.

In the next six months or so, the Government will call the next federal election.

It's more important than ever to be vocal and to ensure gendered violence is on the agenda.

As stated by former Prime Minister Julia Gillard, our leaders "should think seriously about the role of women in public life and in Australian society because we are entitled to a better standard than this."

Thank-you for this award and thank-you for your support this year.

From: Drumgold, Shane
Sent: Wed, 10 Nov 2021 12:43:55 +1100
To: Yates, Heidi
Cc: Jerome, Skye; Priestly, Erin
Subject: RE: Higgins matter

OFFICIAL

Thanks Heidi

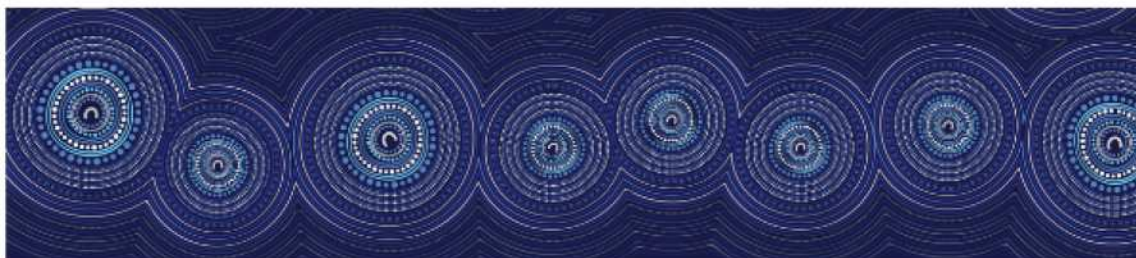
I am unavailable on Monday, but available this Friday at 2.00pm, so lets set that. I will await the information relating to the book, and make decisions based on its content.



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

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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <REDACTE@act.gov.au>
Sent: Wednesday, 10 November 2021 12:21 PM
To: Drumgold, Shane <REDACTED@act.gov.au>
Cc: Jerome, Skye <REDACTE@act.gov.au>; Priestly, Erin <REDACT@act.gov.au>
Subject: RE: Higgins matter

OFFICIAL

Hello Shane,

Online meeting before 18 November

Brittany would be grateful to accept your office of an AVL meeting prior to the 18th.

Might you have a window:

- Friday 12 between 1.30pm and 3pm
- Monday 15 between 2-4pm?

Forthcoming book on the incident by Aaron Patrick

Brittany will shortly send through some further information regarding concerns she has in relation to a book she understands will be shortly published by journalist Aaron Patrick.

Apparently, the book directly addresses what 'actually happened' on the night of the incident and the nature of generous support offered by Minister Reynolds. At present, he has reached out to her to offer her a right of reply before it is published.

Brittany has sought some preliminary advice from Mr Leon Zwier, who has suggested that she should respond in writing to Mr Patrick, indicating that it would be inappropriate for her to comment on matters which are currently before the court.

I have invited Brittany to send through some further information to you ASAP regarding the details of the above, for your consideration and advice (if required).

Regards,

Heidi Yates

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



VICTIMS OF CRIME
COMMISSIONER
ACT Human Rights Commission

From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Friday, 5 November 2021 10:38 AM
To: Yates, Heidi <REDACTED@act.gov.au>
Cc: Jerome, Skye <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>
Subject: RE: Higgins matter

OFFICIAL

Thanks Heidi

On the first issue, I am happy to have an AVL meeting with Miss Higgins prior to 18 November to explain the process from this stage and beyond.

On the second issue, I have read the acceptance speech and I have not identified any sub curia issues with its content.

If Miss Higgins would like a brief meeting, I would be grateful for a couple of date/time options and I will consult my diary.



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:

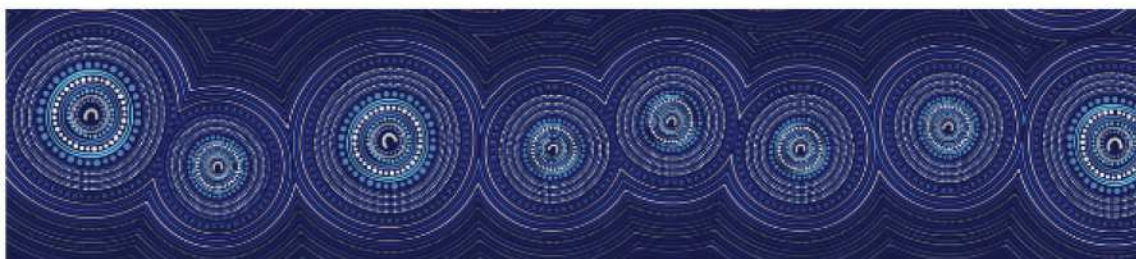
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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <[REDACTED]@act.gov.au>

Sent: Friday, 5 November 2021 10:14 AM

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

Cc: Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>

Subject: Higgins matter

OFFICIAL

Hello Shane,

Thank you for your appearance in the Lehrmann matter this morning.

Two quick things in relation to my brief discussion with Brittany after the matter today:

- Brittany would welcome some further information prior to 18 November about what the first appearance in the Supreme Court might involve. I indicated I was sure this information would be available over the coming week and have indicated my understanding that it will likely occur remotely – assuming the SC doesn't update its covid response before then.
- Brittany's partner, David, also asked me to let you know (for information) that she has been chosen to receive the [Edna Ryan award for 'inciting others to challenge the status quo'](#). The

award will be given online this evening. I understand she has pre-recorded an acceptance speech and that this may air later this evening on 'The Project' and other stations. The speech text is attached for your information, she notes she has been careful not to reference matters pertaining to the case.

Regards,

Heidi Yates

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



**VICTIMS OF CRIME
COMMISSIONER**

ACT Human Rights Commission

From: Drumgold, Shane
Sent: Thu, 18 Nov 2021 09:26:35 +1100
To: Jerome, Skye; Priestly, Erin
Cc: DPP, SC Updating; Moller, Scott; Frizzell, Emma; Yates, Heidi
Subject: R v Lehrmann SCC 264 of 2021 direction results

OFFICIAL: Sensitive

18/11/21 Criminal Directions

-
 Registrar Reece
 Crown: Drumgold SC
 Contra: Warwick Korn

Crown advised the court that all relevant documents had been filed and served, and we were ready for the allocation of a trial date

Following dates were allocated:

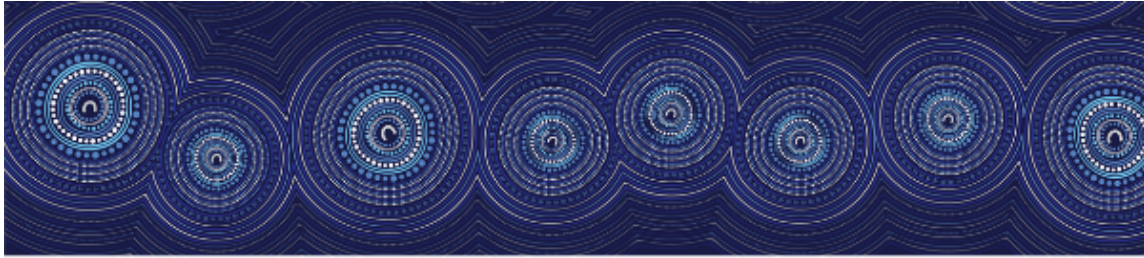
- 16/12/21 - 9.00am for further directions (for defence to confirm there will be no pre-trial applications)
- 7/2/22 – 2.00pm Criminal Case Conferencing
- 28/2/22 – 9.00am pre-trial directions
- Trial allocated for 4 weeks - 6 June 2022 – 1 July 2022.



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
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 W: www.dpp.act.gov.au

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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi
Sent: Thu, 16 Dec 2021 08:52:21 +1100
To: Drumgold, Shane
Subject: Re: Directions hearing going ahead today?

Great - thank you Shane.

Heidi Yates
 Victims of Crime Commissioner
 ACT Human Rights Commission
 P: 6205 2222
 E: REDACTED@act.gov.au
From: Drumgold, Shane REDACTED@act.gov.au>
Sent: Thursday, December 16, 2021 8:03:01 AM
To: Yates, Heidi <REDACTED@act.gov.au>
Subject: RE: Directions hearing going ahead today?

OFFICIAL

Hey Heidi

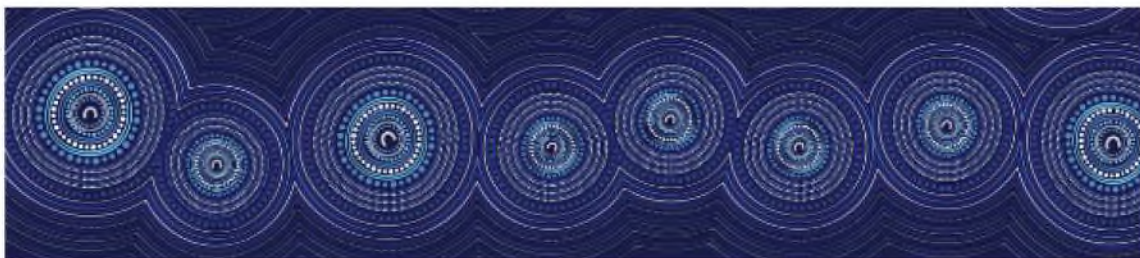
Direction were only to confirm that defence had no pre trial applications, and they just confirmed they do not, so today's directions have been vacated.



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: [REDACTED](tel:REDACTED) (Direct line)
 T: [REDACTED](tel:REDACTED) (Executive Officer Katie Cantwell)
 M: [REDACTED](tel:REDACTED)
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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Thursday, 16 December 2021 7:01 AM
To: Drumgold, Shane <REDACTED@act.gov.au>
Subject: Directions hearing going ahead today?

OFFICIAL

Good morning Shane
Just checking whether the directions hearing is going ahead in the Lehrmann matter this morning?
If so, do you mind sharing the Webex link?
With thanks,
Heidi

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
P: 6205 2222
E: <REDACTED@act.gov.au>

From: Yates, Heidi
Sent: Mon, 31 Jan 2022 09:58:03 +1100
To: Drumgold, Shane
Subject: RE: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

Thank Shane –
 I'll now have to build in some travel time from my previous meeting – might we do 4pm instead of 3.30pm?
 Thanks,
 H

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



From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Saturday, 29 January 2022 10:12 AM
To: Yates, Heidi <REDACTED@act.gov.au>
Subject: RE: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

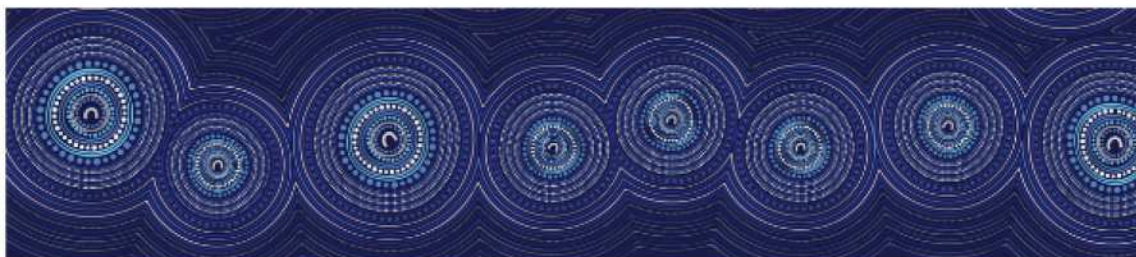
Done – see you then



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Friday, 28 January 2022 5:40 PM
To: Drumgold, Shane <REDACTED@act.gov.au>
Subject: RE: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

Great – thanks Shane.
Let's lock in 3.30pm on Thursday 3 Feb at your office.

Heidi Yates

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



From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Friday, 28 January 2022 5:35 PM
To: Yates, Heidi <REDACTED@act.gov.au>
Subject: Re: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

Hey Heidi
I am free all day on 3 Feb - let's book it in for 3.30pm?

Shane Drumgold SC
Director
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: REDACTED (Direct)
T: REDACTED (Executive Officer)
M: REDACTED

E: REDACTED@act.gov.au

W: www.dpp.act.gov.au

Sent from my iPhone

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

Sent: Friday, January 28, 2022 4:53:40 PM

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

Subject: RE: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

Hi Shane,

Afraid Brittany has advised that she will be caught up all day on Wed 9th.

However, she's indicated that she will also be in Canberra on Thursday 3rd for a meeting with Julia Gillard at ANU in the context of her new role with the women's leadership institute.

She recognises it is late notice but wondered whether you may be free for us to meet with you any time after 3pm on Thursday the 3rd? She would be happy to come to your office.

If not – we can aim for a face to face a little later in the year.

Thanks,

Heidi

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

5 Constitution Avenue

Canberra City ACT 2601

Tel (02) 6205 2222



VICTIMS OF CRIME
COMMISSIONER

ACT Human Rights Commission

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

Sent: Friday, 28 January 2022 11:43 AM

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

Subject: RE: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

I am free all day



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:

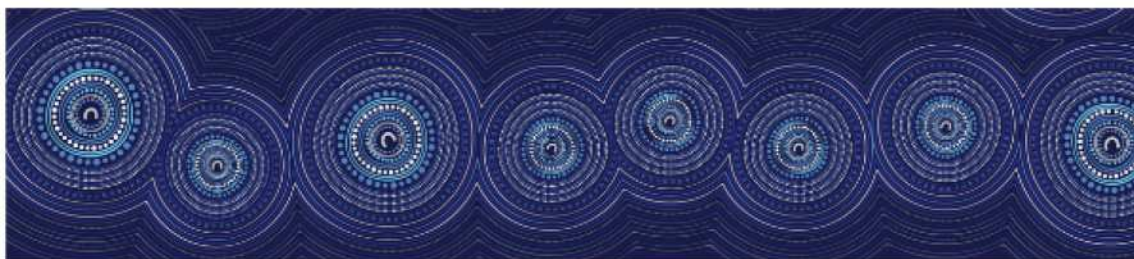
E: [REDACTED]@act.gov.au

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

Sent: Friday, 28 January 2022 11:42 AM

To: Drumgold, Shane [REDACTED]@act.gov.au>

Subject: RE: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

Hi Shane,

Thanks for that advice.

What meeting time might you have available on Wed 9th?

Many thanks,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission

5 Constitution Avenue

Canberra City ACT 2601

Tel (02) 6205 2222



**VICTIMS OF CRIME
COMMISSIONER**

ACT Human Rights Commission

From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Friday, 28 January 2022 10:31 AM
To: Yates, Heidi <REDACTE@act.gov.au>
Subject: RE: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

Hi Heidi

Happy new year. I hope you had some down time over the break. Unfortunately I am in the ACT Court of Appeal on Thursday 10 February, however I do have some time on Wednesday 9 February if we can make that work.

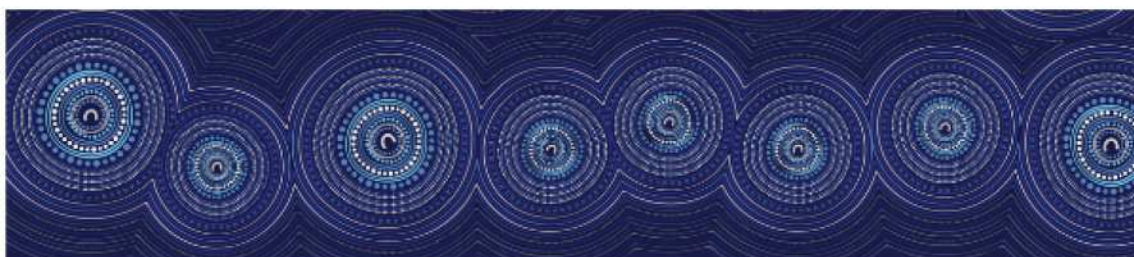
I do not have any further news on the additional statements, however followed my previous enquiry up with a further enquiry this week, and will advise when I get a response.



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)
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From: Yates, Heidi <REDACTE@act.gov.au>
Sent: Friday, 28 January 2022 10:21 AM
To: Drumgold, Shane <REDACTED@act.gov.au>
Subject: Face to face meeting with Ms Higgins on morning of Thu 10 Feb?

OFFICIAL: Sensitive

Hi Shane,
I hope the new year has begun well for you and your team.

Ms Higgins has advised that she will be in Canberra on Wed 9 and Thu 10 February, as she and Grace Tame are speaking at the Press Club on Wednesday 9th.

Might you be available at any point on the morning of Thursday 10th for a face to face meeting with Brittany and myself? She would welcome the chance to meet you in person, and if possible, would like to briefly discuss aspects of previous police conduct which continue to concern her. In that vein, have you perhaps received any updated information from ACTP in relation to the circumstances surrounding the service of the incorrect brief on defence that could be shared with Brittany?

Regards,

Heidi Yates

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



From: Yates, Heidi
Sent: Mon, 7 Feb 2022 10:54:55 +1100
To: Drumgold, Shane
Subject: RE: Quick Query re BH phone

OFFICIAL

Thanks Shane,
 I welcome and agree with that advice.

We'll proceed with work to replace her phone for now.

Thanks,
 Heidi

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



From: Drumgold, Shane <[REDACTED]@act.gov.au>
Sent: Monday, 7 February 2022 10:52 AM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: RE: Quick Query re BH phone

OFFICIAL

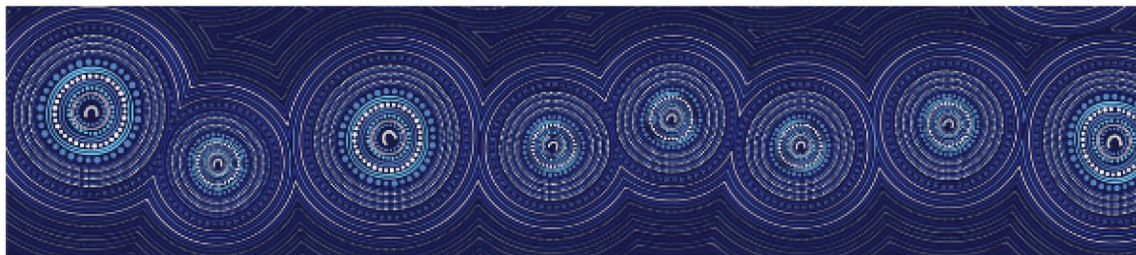
Hey Heidi
 My preference would be to not request the phone back. I am not sure what if any issue will be made about the phone, but I don't want to leave ourselves open to suggestion that we requested its return to prevent such enquiry. Is it possible that the VOC fund could replace it until after the trial?



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

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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Monday, 7 February 2022 10:47 AM
To: Drumgold, Shane <REDACTED@act.gov.au>
Subject: Quick Query re BH phone

OFFICIAL

Hello Shane,
Thank you for your time with Brittany last week. It was great for her to meet you, and Skye and Erin and to discuss where things are up to.

A quick one – Brittany is still struggling to operate day to day on a broken phone whilst awaiting return of her phone from police.

Would it be safe to assume that she may not receive her phone back for some further weeks? If so – I will investigate whether we may be able to support her purchase of a functioning phone through the Victims of Crime Financial Assistance Scheme.

Many thanks,
Heidi

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

 **VICTIMS OF CRIME
COMMISSIONER**
ACT Human Rights Commission

From: Drumgold, Shane
Sent: Mon, 28 Feb 2022 09:58:28 +1100
To: Yates, Heidi
Cc: Priestly, Erin; Jerome, Skye
Subject: RE: HIGGINS matter - Monday listing

OFFICIAL

Good morning Heidi

At mention this morning, Mr Korn was directly asked whether he was going to make an application for a stay. He was non-committal and said there was not currently an application before the court however possibly another legal team may consider one. He was told directly that if there was to be an application it needs to be made now – and placed the matter before the Chief Justice at 9.30am Thursday 10 March for them to confirm that there will not be an application.

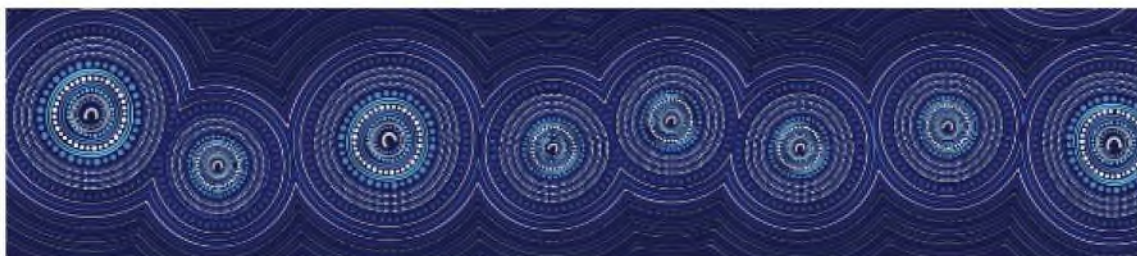
As an aside, I have since had an opportunity to review all authorities on temporary stays due to publicity (delay the start of the trial) and I do not believe there is a real prospect of success for any such application, so would like Brittany to continue to prepare herself for a 6 June start.



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <[REDACTED]@act.gov.au>
Sent: Monday, 28 February 2022 7:09 AM
To: Drumgold, Shane [REDACTED]@act.gov.au>
Cc: Priestly, Erin <[REDACTED]@act.gov.au>
Subject: Re: HIGGINS matter - Monday listing

Thanks Shane.
All the best for this morning.

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
P: 6205 2222
E: [REDACTED]@act.gov.au

From: Drumgold, Shane [REDACTED]@act.gov.au>
Sent: Monday, February 28, 2022 6:54:15 AM
To: Yates, Heidi [REDACTED]@act.gov.au>
Cc: Priestly, Erin <[REDACTED]@act.gov.au>
Subject: RE: HIGGINS matter - Monday listing

OFFICIAL

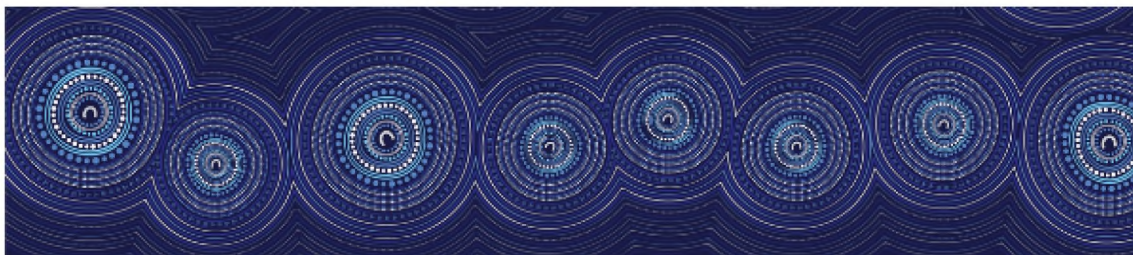
Hi Heidi
I am appearing in person, as is the judge. I understand that Mr Korn will be appearing via phone.



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

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Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Sunday, 27 February 2022 8:38 PM
To: Drumgold, Shane <REDACTED@act.gov.au>
Cc: Priestly, Erin <REDACTED@act.gov.au>
Subject: HIGGINS matter - Monday listing
Importance: High

OFFICIAL

Hello Shane,

Just confirming – is the Higgins matter in for a criminal case conference, or a directions hearing on Monday morning?

If a directions hearing – I presume this will be in person rather than on webex, noting the recent Supreme Court move back to face-to-face?

If it does happen to be on-line, can you please forward me the webex link? Otherwise, we will await an update.

Many thanks,
Heidi

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
56 Allara St
Canberra ACT 2601
Tel (02) 6205 2222



**VICTIMS OF CRIME
COMMISSIONER**

ACT Human Rights Commission

From: Yates, Heidi
Sent: Wed, 9 Mar 2022 21:14:57 +1100
To: Drumgold, Shane
Subject: Re: Higgins

OFFICIAL

Thanks Shane.
I'll be coming over from a morning event at ANU so may come by.

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
P: 6205 2222
E: **REDACTED**@act.gov.au
From: Drumgold, Shane <**REDACTED**@act.gov.au>
Sent: Wednesday, March 9, 2022 8:55:48 PM
To: Yates, Heidi <**REDACTED**@act.gov.au>
Subject: Re: Higgins

OFFICIAL

It is Heidi- Korn is appearing remotely but the rest are in person

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

Sent from my iPhone
From: Yates, Heidi <**REDACTED**@act.gov.au>
Sent: Wednesday, March 9, 2022 8:53:14 PM
To: Drumgold, Shane <**REDACTED**@act.gov.au>
Subject: Higgins

OFFICIAL

Good evening Shane,
Just checking in regarding tomorrow's listing before the new CJ. Is the matter in for 9.30?

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
P: 6205 2222
E: **REDACTED**@act.gov.au

From: Yates, Heidi
Sent: Mon, 28 Mar 2022 09:19:52 +1100
To: Drumgold, Shane
Subject: RE: HIGGINS - Timing of Stay Application on Friday

OFFICIAL

Thanks Shane,
I'll update Brittany. I'm sure she would be grateful for a chat afterwards to bring her up to speed.

I presume we won't have a sense until the day as to whether the CJ is likely to hand down her decision on Friday or reserve it until early next week?

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
56 Allara St
Canberra ACT 2601
Tel (02) 6205 2222



From: Drumgold, Shane <REDACTED@act.gov.au>
Sent: Saturday, 26 March 2022 2:12 PM
To: Yates, Heidi <REDACTED@act.gov.au>
Subject: Re: HIGGINS - Timing of Stay Application on Friday

Hey Heidi - the stay application starts at 10.00am, and should go for about half a day. Unfortunately, Brittany cannot watch it, because it would run a significant risk of opening us up to allegations of tainted evidence.

I would really like to have a chat with her afterwards though to bring her up to speed.

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

Sent from my iPad

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Friday, March 25, 2022 5:11:57 PM
To: Drumgold, Shane <REDACTED@act.gov.au>
Subject: HIGGINS - Timing of Stay Application on Friday

OFFICIAL

Hi Shane,

Thanks for the work you and your team have devoted to completion of submissions in relation to the stay application in this matter, which I understand had to be filed today.

Can you please advise what time the application is listed for on Friday next week? I will plan to attend.

Also – I presume it would be your preference that Ms Higgins did not observe the hearing (remotely), based on our earlier discussions? I said that I would check and confirm with her.

Regards,

Heidi Yates

Victims of Crime Commissioner

ACT Human Rights Commission
56 Allara St
Canberra ACT 2601
Tel (02) 6205 2222

 **VICTIMS OF CRIME
COMMISSIONER**
ACT Human Rights Commission

From: Yates, Heidi
Sent: Thu, 14 Apr 2022 16:54:51 +1000
To: Drumgold, Shane
Cc: Jerome, Skye; Priestly, Erin; Treacy, Elysha; Taplin, Katherine
Subject: HIGGINS: Victim Support contact for next week (19-22 April)

OFFICIAL

Hello Shane,

I am on leave next week. My colleague, Elysha Treacy (cc'd) will act as the contact for the Higgins matter whilst I'm away. I have advised Brittany and David of this and they are happy to work with Elysha.

Elysha is contactable by email, and on her direct office line **REDACTED**.
She is also happy for me to share with you her personal mobile: **REDACTED**.

Victim Support Director, Kath Taplin (cc'd), is also available throughout the week on: **REDACTED**. I will be available by mobile for anything urgent.

Assuming we may have news of the CJ's decision on the stay application, I would be grateful if you could contact Elysha and she will let Brittany know. I imagine Brittany may seek a conference call with you to discuss the CJ's decision once it is available. Fingers crossed.

I will be back on deck after Anzac day on Tuesday 26th.

Regards,

Heidi Yates
Victims of Crime Commissioner

ACT Human Rights Commission
56 Allara St
Canberra ACT 2601
Tel (02) 6205 2222

 **VICTIMS OF CRIME
COMMISSIONER**
ACT Human Rights Commission

From: Yates, Heidi
Sent: Mon, 6 Jun 2022 20:38:01 +1000
To: Drumgold, Shane
Subject: Trial commencement

OFFICIAL

Hi Shane,

In our conversation last week, you mentioned the CJ would likely decide this week whether the trial may start ahead of 27 June. Can you please confirm when the CJ will consider this matter? I don't appear to have a date/time in my notes.

Thanks,
Heidi

Heidi Yates
Victims of Crime Commissioner

ACT Human Rights Commission
56 Allara St
Canberra ACT 2601
Tel (02) 6205 2222

 **VICTIMS OF CRIME
COMMISSIONER**
ACT Human Rights Commission

From: Yates, Heidi
Sent: Mon, 20 Jun 2022 22:03:21 +1000
To: Drumgold, Shane; Jerome, Skye
Subject: Fwd: For Shane

OFFICIAL

OFFICIAL

Hi both,

Just forwarding this in case the ratings data is of assistance.

Regards,
Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
P: 6205 2222
E: **REDACTED**@act.gov.au
From: David Sharaz **REDACTED**
Sent: Monday, June 20, 2022 9:44:34 PM
To: Leon Zwier **REDACTED**@abl.com.au>; Yates, Heidi **REDACTED**@act.gov.au>
Subject: For Shane

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Hi Leon and Heidi,

Didn't want to email the DPP directly, as it's not my case.

I've searched for - and found via a contact - the TV ratings for the Logies.

Lisa's speech was quite late, so the 800k viewing figure would have dropped quite significantly by 11pm.

Also worth noting (via my graph below) that's a national viewing figure. The regional viewing figure is much less at 300k (and again would have dropped by 11pm).

That regional viewing figure would drop much further too because you're only factoring in Canberra, so 300k is not accurate when you're talking about Canberra jury-selection.

My predicted guess, it would have been 10-20k.

When you think ABC 7PM Canberra news only rates 30k-40k viewers. (And that's prime time!)

Thanks,

David

5 CITY METRO EAST COAST SYDNEY MELBOURNE BRISBANE ADELAIDE PERTH REGIONAL										
Rank	Channel	Program	5 CITY METRO	EAST COAST	SYDNEY	MELBOURNE	BRISBANE	ADELAIDE	PERTH	REGIONAL
1	Seven	SEVEN NEWS - SUN	944	683	214	294	174	110	152	478
2	Nine	NINE NEWS SUNDAY	931	783	306	322	154	93	56	340
3	Nine	62ND ANNUAL TV WEEK LOGIE AWARDS	885	723	248	315	159	102	60	318
4	Nine	62ND ANNUAL TV WEEK LOGIE AWARDS - ARRIVALS	826	682	235	273	174	87	57	308
5	Nine	AUSTRALIA'S TOP TEN OF EVERYTHING	538	447	147	211	88	60	31	169

Send from iPhone

From: Yates, Heidi
Sent: Mon, 27 Jun 2022 09:27:13 +1000
To: Drumgold, Shane
Cc: Jerome, Skye; Priestly, Erin
Subject: FW: Further reporting

OFFICIAL: Sensitive

Hi Shane,
Just forwarding this link, noting I understand you may be in the process of seeking undertakings from a range of media outlets. I'm not sure whether the Australian is currently under consideration.

Regards,

Heidi Yates

Victims of Crime Commissioner
ACT Human Rights Commission
56 Allara St
Canberra ACT 2601
Tel (02) 6205 2222



From: David Sharaz **REDACTED**
Sent: Monday, 27 June 2022 7:51 AM
To: Yates, Heidi <**REDACTED**@act.gov.au>
Subject: Further reporting

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Hi Heidi,

The media continues to write about the trial.

Including this awful line (below) in the Australian.

.....

Thanks,

David

“A not guilty verdict would raise questions as to why a man’s reputation and life has been wrecked, and whether Higgins’s version of the boozy night that ended in a minister’s office was false.”

<https://amp.theaustralian.com.au/commentary/lisa-wilkinson-puts-media-vigilantes-in-the-dock/news-story/e4d806660659f3c569a16a45621135b6>

From: Greig, Mitchell
Sent: Thu, 29 Sep 2022 13:41:50 +1000
To: Yates, Heidi
Cc: Pitney, Sarah; SVC_DPPCases; Brit Mae
Subject: RE: Publication Consent (202113941)

OFFICIAL

Hi Heidi,

Shane will give you a call this afternoon.

Kind regards,



Mitchell Greig
Prosecutor Associate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: REDACTED
W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Thursday, 29 September 2022 1:35 PM
To: Greig, Mitchell <REDACTED@act.gov.au>
Cc: Pitney, Sarah <REDACTED@act.gov.au>; SVC_DPPCases <REDACTED@act.gov.au>; Brit Mae <REDACTED>
Subject: Re: Publication Consent (202113941)

OFFICIAL

Hi Mitchell

Thanks great news - thanks so much for confirming.

Brittany is seeking an update in relation to the outcome of the defence disclosure applications that I understand Keegan was representing the DPP in. Are you or one of the team available for a quick chat with me about this this afternoon?

Thanks,
Heidi

Heidi Yates
Victims of Crime Commissioner

ACT Human Rights Commission
 P: 6205 2222
 E: REDACTED@act.gov.au

From: Greig, Mitchell <REDACTED@act.gov.au>
Sent: Thursday, September 29, 2022 12:06:06 PM
To: Yates, Heidi <REDACTED@act.gov.au>
Cc: Pitney, Sarah <REDACTED@act.gov.au>; SVC_DPPCases <REDACTED@act.gov.au>; Brit Mae
 REDACTED
Subject: RE: Publication Consent (202113941)

OFFICIAL

Hi Heidi,

Thanks for that confirmation.

I actually just got off the phone with the Police regarding their attendance. They plan to have uniform officers present at the Court entry during the first week of the trial and will then reassess the situation for the remainder of the trial. Police are meeting with Court Security today to co-ordinate with one another.

Kind regards,



Mitchell Greig
 Prosecutor Associate
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: REDACTED
 W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Thursday, 29 September 2022 11:47 AM
To: Greig, Mitchell <REDACTED@act.gov.au>
Cc: Pitney, Sarah <REDACTED@act.gov.au>; SVC_DPPCases <REDACTED@act.gov.au>; Brit Mae
 REDACTED
Subject: Re: Publication Consent (202113941)

OFFICIAL

Hi Mitchell
 I confirm Ms Higgins (cc'd)

has already provided her consent to be named to the court. I can locate a copy of that email and forward it to you.

May I also seek your advice on the email I sent to Sarah yesterday requesting info about liaising with police regarding their attendance on Tuesday?

Happy to discuss if easier: [REDACTED]

Regards,

Heidi Yates
Victims of Crime Commissioner
ACT Human Rights Commission
P: 6205 2222
E: [REDACTED]

From: Greig, Mitchell <[REDACTED]@act.gov.au>
Sent: Thursday, September 29, 2022 11:33:08 AM
To: Yates, Heidi <[REDACTED]@act.gov.au>
Cc: Pitney, Sarah <[REDACTED]@act.gov.au>; SVC_DPPCases [REDACTED]@act.gov.au>
Subject: Publication Consent (202113941)

OFFICIAL

Dear Heidi,

Under Section 74 of the *Evidence (Miscellaneous Provisions) Act* it prohibits the publication of the complainant's name in sexual offence proceedings unless it is established that the complainant consents to the publication of their name before it has occurred.

Can you please confirm with Ms Higgins whether she consents so that we can inform the Court.

Kind regards,



Mitchell Greig
Prosecutor Associate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: [REDACTED]
W: www.dpp.act.gov.au

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Please consider the environment before printing this e-mail

From: Yates, Heidi
Sent: Thu, 13 Oct 2022 14:28:52 +1100
To: Drumgold, Shane; Associate to Chief Justice McCallum
Subject: RE: DPP v Lehrmann - Complainant's evidence

OFFICIAL: Sensitive

Thank you Grace,
 Further to Mr Drumgold's email below, I confirm I have informed the complainant of the content of your email below, including the caution for Ms Higgins not to divulge or volunteer the relevant information during her evidence or to any journalist during the trial.
 Regards,

Heidi Yates
 Victims of Crime Commissioner
 ACT Human Rights Commission
 56 Allara St
 Canberra ACT 2601
 Tel (02) 6205 2222



From: Drumgold, Shane <[REDACTED]@act.gov.au>
Sent: Thursday, 13 October 2022 1:16 PM
To: Associate to Chief Justice McCallum <[REDACTED]@courts.act.gov.au>; Steven Whybrow <[REDACTED]@keychambers.com.au>
Cc: Yates, Heidi <[REDACTED]@act.gov.au>
Subject: RE: DPP v Lehrmann - Complainant's evidence

OFFICIAL: Sensitive

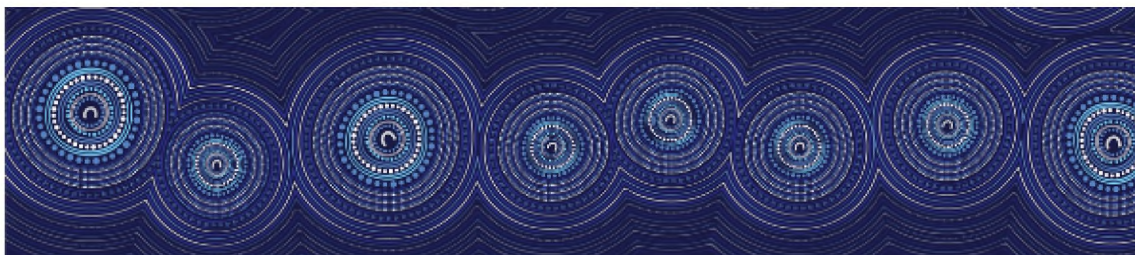
Dear Grace
 I acknowledge receipt of this, and will address it with the witness prior to her entering the witness box.



Shane Drumgold SC
 Director
 Office of the Director of Public Prosecutions (ACT)
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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: Associate to Chief Justice McCallum <REDACTED@courts.act.gov.au>
Sent: Thursday, 13 October 2022 12:46 PM
To: Drumgold, Shane <REDACTED@act.gov.au>; Steven Whybrow
<REDACTED@keychambers.com.au>
Cc: Yates, Heidi <REDACTED@act.gov.au>; Associate to Chief Justice McCallum
<REDACTED@courts.act.gov.au>
Subject: DPP v Lehrmann - Complainant's evidence

Dear Mr Drumgold and Mr Whybrow,

As you are aware, Ms Higgins is due to return to the witness box tomorrow after an absence of four days. The Chief Justice has asked me to thank you for your indication that neither party seeks to have an explanation for the absence put before the jury and that neither party will ask Ms Higgins any question directed to that issue. In that circumstance, her Honour has asked me to request the Director of Public Prosecutions to inform the complainant and her support person, Ms Yates, of that fact and to caution Ms Higgins that she must not divulge or volunteer that information during her evidence or to any journalist during the trial. The reason for this request is to ensure that the jury does not hear evidence of the kind that could result in a mistrial.

Kind regards
Grace

Grace Hartley
Associate to Chief Justice McCallum
ACT Supreme Court
T: REDACTED
E: REDACTED@courts.act.gov.au

I acknowledge the traditional owners of the land from which this email was sent, their continuing connection to the land, waters and culture and pay my respects to elders past and present, as well as any other First Nations recipients of this email. This always was, and always will be, Aboriginal land.

14 Apr 2022 at 7:56 am

May today be the day... 🤞

I don't have any more fingers to cross

14 Apr 2022 at 4:23 pm

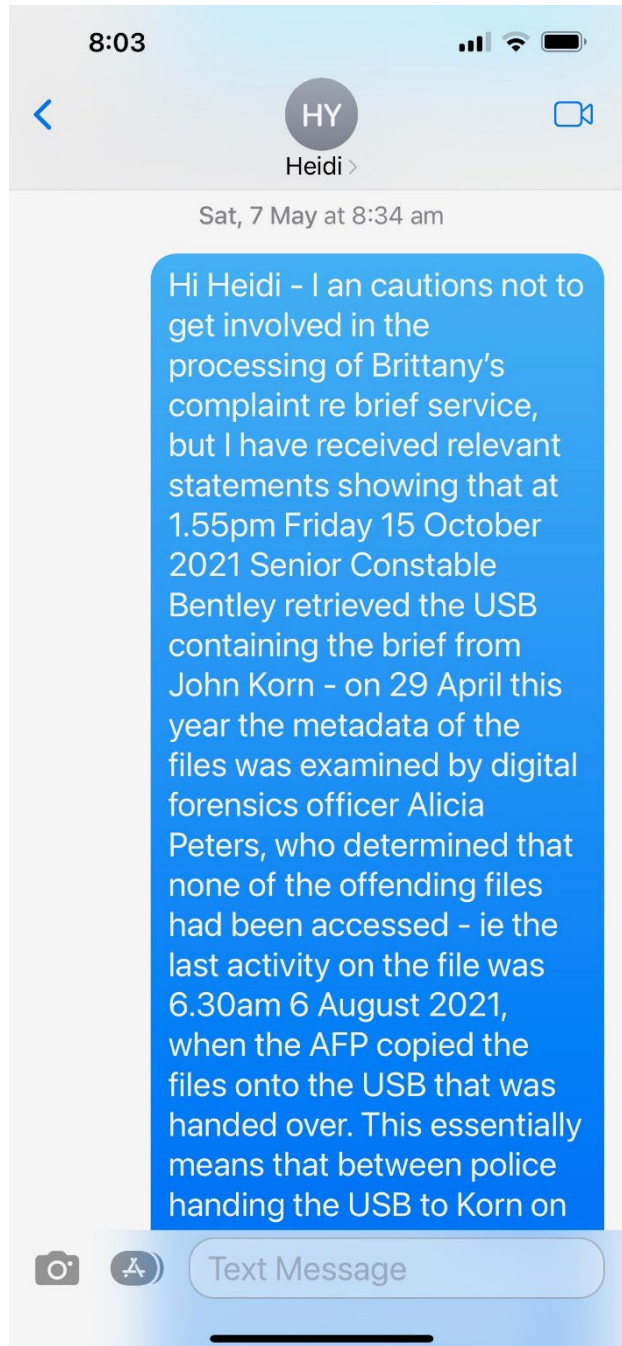
Just a quick one - I'm on leave next week. Elysha Treacy from our office will be contact for the Higgins matter. I will email you with her direct mobile - can you please contact her when / if stay decision is being handed down? She will alert Brittany etc. Thanks, H

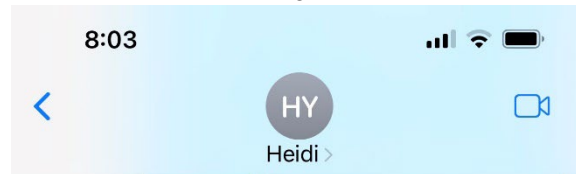
Thanks Heidi - very disappointing but hopefully there is resolution next week

28 Apr 2022 at 9:09 am

Hi Heidi - the stay decision will be handed down at 4.00pm tomorrow- can you pass it onto Brittany

Will do. Thanks Shane.





6 August 2021 and collecting it on 15 October 2021, none of the file had been accessed. I just thought this would be something that may give Brittany some peace of mind.

Sat, 7 May at 9:46 am

Shane - thank you. I'm sure you're right and will share this with her.

Wed, 25 May at 8:11 pm

Hi Shane - sorry to miss you. I'll give you a call tomorrow morning. H

Tue, 31 May at 11:12 am

Thanks for your call. Just heading into another meeting. Might you be free for me to call a bit after 12? I'm speaking with BH at one and am keen to check in on a couple of things.


No problem - call when you are free

Tue, 31 May at 4:16 pm

Hi Heidi - could you give me a call when you are free




Brittany Higgins BH >

Wed, 8 Jun at 9:14 am

elizabeth byrne 
@ElizabethJByrne

al of Bruce Lehrmann who is accused of raping
ny Higgins inside Parliament House will start or
f June, after finding a new lawyer.

· 8/6/2022 · Twitter for iPad

Hi Shane, just confirming I'm heading into a meeting and won't be available in the next hour but Brittany has already seen this. I'd be glad to touch base briefly re defence counsel a little later today if possible. Thanks, H

Should I call her?

Mon, 20 Jun at 6:42 pm

Hi S - thanks for the call. I've updated the complainant. All the best to you and the team re tonight's submissions. I'll attend at 9am tomorrow morning.
Heidi

Tue, 21 Jun at 8:31 pm

Hi Shane - sorry to miss you. I could call in 10-15 if not too late? Afraid I'm out for much of tomorrow for a family funeral. Thanks, H

Wed, 7 Sep at 5:10 pm

Hi Shane - just checking in to confirm the reason for the listing of the lehrmann matter tomorrow at 3pm? Is this just a procedural matter? Thanks, Heidi

5

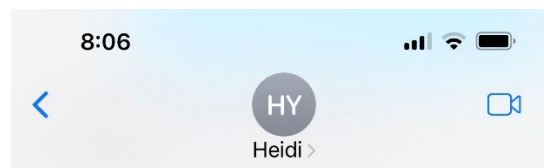
Fri, 30 Sep at 9:16 am

Hi S - just a quick one. Do you know if the disclosure matters are continuing today, or if they wrapped up yesterday? Ta, H

Fri, 7 Oct at 9:51 am

Hi Heidi two things - 1) The Sheriff has asked for Brittany to be outside the courtroom at 10.00am, and 2) Defence have noted that you appear to nod or shake your head as Brittany gives evidence, and have asked me to ask you to avoid this. I place no personal observations on any of this, and I am just passing on things I have been asked to.

Thanks Shane. Noted and I'll comply



Is Brittany outside?

Fri, 7 Oct at 11:29 am

Came we have Brittany back

Coming

Mon, 10 Oct at 9:32 am

We understand her honour may wish to speak to us. We are waiting outside Supreme Court three as couldn't get in touch with her associate.

Fri, 14 Oct at 8:08 am

All sorted with Jayne Reece. Thank you

That's great

Text Message
Fri, 14 Oct at 9:56 am

We are outside the court room - ready when required.

iMessage
Mon, 17 Oct at 8:52 pm

Apologies for late text.
Is there any chance that jury could be sent out before end of day tomorrow?

No I don't think so

Thanks.

Tue, 25 Oct at 2:53 pm

Question from jury

Yes, thanks Shane. Grateful for an update after if possible. Leon may be able to get there.

Sat, 29 Oct at 11:19 am

Do you have 5 min to chat

Mon, 14 Nov at 10:04 am

Such a pleasure to have Linda start work with our team today. How lucky are we?!

Oh thanks Heidi - she is in deed lovely - and has found her calling with you guys I think

It seems to be an excellent fit. We look forward to supporting her to settle in.

Thu, 1 Dec at 8:30 am

Do you have a moment for a chat

Yes - can I call you in two?

7

Thu, 1 Dec at 10:03 pm

Hi S - confirming no one on this side verified anything. Such disappointing conduct from SM. On we go...

It is very strange

Indeed. Very strange.

My only concern really is Brittany's safety

Thanks S. She's ok tonight. And will be in good care tomorrow. Thanks again for making tomorrow possible.

Fri, 2 Dec at 7:22 am

Reading the Maiden article, she clearly has my media points. I only shared these with Leon - who sent them onto Brittany - and possibly David Shiraz.

Delivered

Hmmm.

All the best for 10am.

IN THE SUPREME COURT OF THE)
)
AUSTRALIAN CAPITAL TERRITORY)
)
CRIMINAL JURISDICTION)

No. SCC 264 of 2021



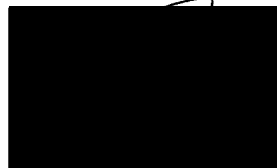
THE QUEEN

against

BRUCE EMERY LEHRMANN

The DIRECTOR OF PUBLIC PROSECUTIONS, who prosecutes in this behalf for Her Majesty the Queen, INFORMS THE COURT AND CHARGES THAT on 23 March 2019 at Canberra in the Australian Capital Territory BRUCE EMERY LEHRMANN engaged in sexual intercourse with Brittany Mae Higgins without her consent, and was reckless as to whether she had consented.

DATED this 10th day of November 2021



NEVILLE SHANE DRUMGOLD SC
Director of Public Prosecutions
for the Australian Capital Territory

IN THE SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY CRIMINAL JURISDICTION

No. SCC 264 of 2021

WITNESSES:

THE QUEEN

against

BRUCE EMERY LEHRMANN

INFORMATION FOR

CC2021/8143

Engage in sexual intercourse with another person without the consent of that other person, and is reckless as to whether that other person consents to sexual intercourse

Section 54 Crimes Act 1900

COURT

Cor. Judge

Date of Plea

Plea

Date/s of Trial

Verdict

Judgment

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NAMES OF JURORS

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JUDGE / REGISTRAR

IN THE SUPREME COURT OF THE)
)
 AUSTRALIAN CAPITAL TERRITORY)
)
 CRIMINAL JURISDICTION)

No. SCC 264 of 2021



THE QUEEN

against

BRUCE EMERY LEHRMANN

CASE STATEMENT

Summary

The accused is charged that on 23 March 2019, he engaged in sexual intercourse with Brittany Mae 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 Honourable Steven Ciobo, and the accused worked as a political adviser for the Honourable 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 transferred from Minister Ciobo to the Honourable Linda Reynolds. The portfolio transfer merged the group of staffers who worked for both Ministers. The accused was amongst the group of staffers originally working for Minister Reynolds and the complainant was amongst the 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) 62075399
 Facsimile: (02) 62075428

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 an electronic dating application called [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 8.39pm.

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 alcohol at 88 mph. However as at 11.50pm, when she left The Dock, it is anticipated that she had consumed a large number of alcoholic drinks over the 4.5-hour period.

Complainant's Intoxication

[REDACTED] stated that at 88mph *"I remember Brittany [complainant] 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 recalled *"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 reported 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

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.

██████████ 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 the versions of events differ between the accused and the complainant.

Version of Brittany Higgins

On entry to the Minister's Office the complainant stated *"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 was being on the couch as he was raping me. Um, at that point, I felt like a bit of time had passed. I felt like – I felt like he was almost finished"...."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"..."I was sort of wedged into the corner of the couch, he had his knee on my thigh"..."I was crying through the entire process"..."I said no at least half a dozen times."*¹⁶

Regarding her clothing, during the sexual assault, the complainant stated, *"My dress was still on my body, um, but it'd had just been really scrunched up, so it was around my waist."*¹⁷ She is clear that she was not wearing underwear, and that it was penetrative sex.¹⁸ The complainant stated that afterwards, *"He looked at me and he left. I couldn't get up off the couch, um, and I passed out for – until the next day."*¹⁹

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

██████████ noted that the accused *"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. ██████████ noted that 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

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 ██████████ /03/2019.

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

On 19 April 2021, the accused participated in a police recorded interview. The accused stated 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 offered two reasons for entering Parliament House:

- Reason one appears to suggest that the late-night entry to Parliament House was planned, because 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 the accused had a conversation with people from the Department of Defence at The Dock which reminded him that he had to attend the office to do some work. The work specifically involved sticking 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 Crown case is that reason two 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.

The accused stated that on entering the office, the complainant turned and went into the Minister's suite. He then 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. ██████████ noted 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

Intoxication

The complainant's statements of being highly intoxicated is corroborated by the observations of ██████████ and, to a lesser extent, ██████████ 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 Brenton at 9.15am.

³⁰ Boorman/Lehmann 19/4/21 Q725.

³¹ Boorman/Lehmann 19/4/21 Q85.

³² Boorman/Lehmann 19/4/21 Q573-583.

³³ Boorman/Lehmann 19/4/21 Q100-104.

³⁴ Report of ██████████ /03/2019.

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]. He noticed that the complainant was very cagy but disclosed that they went back to the Minister's office for drinks. The complainant then 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 didn't want to make an issue of it.³⁷ In a text on Friday 29 March 2019, the Complainant sent an SMS to [REDACTED] stating *"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 Wednesday,³⁸ (which would be either 26 or 27 March 2019), the complainant appeared quite upset³⁹ when talking to colleague Christopher Payne. During this conversation, the complainant reported that she had been out drinking with the accused and was taken back to Parliament House.⁴⁰ 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.⁴¹

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]

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 Boormar [REDACTED] 26/5/21 Q139.

³⁹ ROC Boormar [REDACTED] 26/5/21 Q79.

⁴⁰ ROC Boormar [REDACTED] 26/5/21 Q80-83.

⁴¹ ROC Boormar [REDACTED] 26/5/21 Q130-133.

⁴² ROC Madders [REDACTED] /4/21 Q117.

consistent with her Evidence in Chief Interview saying that she fell asleep on the Minister's couch and woke up and the accused was on top of her.⁴³ [REDACTED] stated that over the next four or five months she spoke to the complainant about four times, finally advising her that she had decided not to go further with it anymore.⁴⁴

On the complainant's return to work on Monday 25 March 2019, the accused and the complainant had very limited contact. On Tuesday 26 March 2019, Office Manager, Fiona Brown, arranged to speak with the pair separately about entering Parliament House in the early hours of Saturday morning being 23 March 2019.

The accused met with Ms Brown first and was instructed to leave the office immediately. He was subsequently provided a show cause request and then was formally dismissed on 5 April 2019. The accused was dismissed for two reasons: 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 Ms Brown on Tuesday 26 March. The complainant told Ms Brown that she did not remember accessing the office but said had been out and was inebriated.⁴⁵ The complainant also recalled waking up semi-naked,⁴⁶ stating *"I'm responsible for my actions."*⁴⁷ Ms 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. Ms Brown was however concerned for her welfare and invited her to work from home for the rest of the day.

Ms Brown organised for a second phone meeting with the complainant and phoned her. The complainant informed her that she had been crying.⁴⁸ Ms Brown offered to visit the complainant, but she refused.⁴⁹

A third meeting with the complainant was held on Thursday 28 March 2019.⁵⁰ Ms 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."*⁵¹ Ms Brown then said if it was something she had not wanted to happen then she should report it. The complainant advised Ms Brown that her father was coming down to spend some time with her and she would consult him.

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.

⁵¹ ROC Madders/Brown 22/3/21 Q293.

First report to the police

On Friday 29 March 2019, Ms Brown reported the incident to the internal Australian Federal Police, and an appointment was made for the complainant to talk to police 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 two 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, undertook counselling between 17 January 2020 and 11 March 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 to 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 sexual intercourse without consent are:

1. The accused engaged in sexual intercourse with another person;
2. The other person did not consent to the sexual intercourse; and
3. The accused was reckless as to whether the other person was consenting to the act.

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

R V LEHRMANN

No. SCC 264 of 2021

LIST OF WITNESSES



Witness List A – witnesses the Crown will call to give evidence at trial

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. [REDACTED]
21. [REDACTED]
22. Fiona BROWN
23. Linda REYNOLDS
24. Assistant Commissioner Leanne [REDACTED]
25. Federal Agent Rebecca Anne [REDACTED]
26. Federal Agent Katie Anne [REDACTED]
27. Detective Sergeant Robert Heath LANGLANDS
28. Detective Senior Constable Sarah Elizabeth HARMAN
29. [REDACTED]
30. [REDACTED]
31. [REDACTED]
32. [REDACTED]
33. [REDACTED]
34. Michealia CASH
35. David SHIRAZ
36. [REDACTED]

37. [REDACTED]
38. Detective Sergeant Kylie [REDACTED]
39. Senior Constable Emma Louise FRIZZELL
40. Detective Inspector Marcus Colin BOORMAN
41. Detective Leading Senior Constable Trent Robert MADDERS
42. Senior Constable James Ross [REDACTED]
43. Peter John [REDACTED]
44. [REDACTED]
45. Jennifer [REDACTED]
46. [REDACTED]
47. [REDACTED]

Witness List B – witnesses whose statements the Crown will tender or whose evidence will be called through the informant unless notified by defence that the witness is required

1. Detective Leading Senior Constable Kirsten Ellen REDA
2. Federal Agent Hugh REDA

Witnesses who have not provided a statement and in relation to whom it is unknown if they will be called to give evidence

1. Detective Sergeant Gareth SAUNDERS
2. Detective Sergeant Jason McDEVITT
3. Detective Senior Constable Kristy [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]

Form 4.10**Supreme Court criminal
proceeding—pre-trial
questionnaire***Court Procedures Rules 2006**(see r 4733 (Supreme Court criminal proceedings—appearance when committed for trial))*

In the Supreme Court of the Australian Capital Territory
Criminal Jurisdiction

No. SCC 264 of 2021

THE QUEEN

and

BRUCE EMERY LEHRMANN

Completed by: Erin Priestly
DPP

Filed for the Crown:

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

Reference: 202113941
Telephone: (02) 62075399
Email: SCupdating@act.gov.au

Item	Question	DPP	Accused
Parties details			
1	Name of solicitor handling matter (if accused person is self-represented, state self-represented)	Erin Priestly	
2	Solicitor's email address (if accused person is self-represented, accused person's email address)	[REDACTED]@act.gov.au	
3	Name of counsel	Shane Drumgold SC; Skye Jerome	
4	Counsel's email address	[REDACTED]@act.gov.au; [REDACTED]@act.gov.au	
Trial Duration			
5	Are there co-accused? If so, identify them.	No	
6	Will there be an application for a separate trial from other accused? (see r 4751)	N/A	
7	Will there be an application to sever the indictment? (see r 4751)	N/A	
8	Will there be an election for trial by judge alone?		
9	How long is the trial likely to take?	Three weeks	
Significant pre-trial applications (other than severance in item 7 above)			
10	Are there any objections to evidence/applications (eg tendency, coincidence) to be heard and likely to occupy more than 2 hours pre-trial? (if not addressed in items 11-14, please specify)	Nil Crown applications	
11	Will there be an application by the accused to set aside or stay the proceeding?	Unknown	

Item	Question	DPP	Accused
	(see r 4750)		
12	<p>Will there be a pre-trial application in relation to tendency evidence?</p> <p>If so, what is the estimated time required? (see <i>Evidence Act 2011</i> (ACT), s 97 and r 6752)</p>	No	
13	<p>Will there be a pre-trial application in relation to coincidence evidence?</p> <p>If so, what is the estimated time required? (see <i>Evidence Act 2011</i> (ACT), s 98 and rule 6753)</p>	No	
14	<p>(1) Will there be a pre-trial application:</p> <p>(a) about admissibility of evidence?</p> <p>(b) about any other question of law affecting the conduct of the trial?</p> <p>(c) about editing of pre-recorded evidence (if yes, see items 21 and 22 below)</p> <p>(d) that could postpone or delay the trial if the application were granted?</p> <p>(e) that should otherwise be heard before the start of the trial?</p> <p>(see r 4752 about requirements for pre-trial applications)</p> <p>(2) If so:</p> <p>(a) what is the nature of the pre-trial application?</p>	<p>(1)</p> <p>(a) No</p> <p>(b) No</p> <p>(c) No</p> <p>(d) No</p> <p>(e) No</p> <p>(2)</p> <p>(a)</p>	<p>(1)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(2)</p>

Item	Question	DPP	Accused
	(b) what is the estimated time required?	(b)	(a) (b)
Witness matters			
15	Number of proposed witnesses for the prosecution: (a) police (b) civilian (c) expert	(a) 13 (b) 37 (c) 2	(a) (b) (c)
16	Number of proposed witnesses for the accused: (a) civilian (b) expert	(a) (b)	(a) (b)
17	(a) Has the prosecution served all statements of each witness it proposes to call? (b) If not, when will they be served?	(a) No (b) When received by the DPP	(a) (b)
18	(a) Is there any evidence that the prosecution proposes to call or tender that has not been served on the accused? (b) If so, what is the evidence? (c) When will the evidence be served?	(a) Yes (b) Images from search warrant. (c) When received by the DPP	(a) (b) (c)
19	(a) Will an interpreter be required for any witnesses? (b) If so, in what language?	(a) No (b)	(a) (b)
20	(a) Is an intermediary required to be appointed? (see <i>Evidence (Miscellaneous Provisions) Act 1991, s 4AK</i>)	(a) No	(a)

Item	Question	DPP	Accused
	(b) If so, has one been appointed? (c) Will an application be made for an intermediary to be appointed for a witness with a communication difficulty? (see <i>Evidence (Miscellaneous Provisions) Act 1991, s 4AJ</i>)	(b) (c)	(b) (c)
21	Does the DPP intend to play a police interview audiovisual recording (see <i>Evidence (Miscellaneous Provisions) Act 1991, s 52 (1)</i> and div 4.3.3): (a) If so, has a s 53 notice been served? (b) Is there any objection to the admissibility of all or parts of the audiovisual recording which may require an order for editing? (see s 51 (3) (b), s 52 (2)) (c) How long will the interview(s) take to play at trial?	(a) Yes (b) Unknown (c) 2 hours	(a) (b) (c)
22	Does the DPP intend to play a recorded statement of police interview (see <i>Evidence (Miscellaneous Provisions) Act 1991, s 81B (1)</i>)? (a) if so, is there any objection to the admissibility of all or parts of the recorded statement pursuant to s 81B (2)? (b) How long will the interview(s) take to play at trial?	No (a) (b)	(a) (b)
23	Will there be an application for evidence of a witness to be taken by audiovisual link or telephone? (see <i>Evidence (Miscellaneous Provisions) Act 1991, pt 3.4</i>)	Unknown at this stage	

Item	Question	DPP	Accused
24	Will there be an application for a view? (see <i>Evidence Act 2011</i> , s 53)	No	
25	Do any of the witnesses giving evidence from the court room have any special needs (eg assistance animal)?	No	
Remote Witness information			
26	<p>(a) Will evidence be given at a pre-trial hearing? (see <i>Evidence (Miscellaneous Provisions) Act 1991</i>, s 43 and div 4.3.4)</p> <p>(b) If so, list name(s), basis of eligibility (and age if a child) and estimated time required for each proposed witness</p> <p>(c) Are any of these witnesses subject to an application mentioned in item 23 (to give evidence from a place not within the Court precinct eg NSW Court, other remote facility) If so, who?</p> <p>(d) What is the total estimated time for use of the remote witness facilities at pre-trial?</p>	<p>(a) No</p> <p>(b)</p> <p>(c)</p> <p>(d)</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p>
27	<p>(a) Will the remote witness room be required at trial?</p> <p>(b) If so, list name(s), basis of eligibility (and age if a child) and estimated time for each proposed witness</p> <p>(c) Are any of these witnesses subject to an application mentioned in item 23 (to give evidence from a place not within the Court</p>	<p>(a) Yes</p> <p>(b) Brittany Higgins, complainant in sexual offence proceeding, 3 days</p> <p>(c) No</p>	<p>(a)</p> <p>(b)</p> <p>(c)</p>

Item	Question	DPP	Accused
	precinct eg NSW Court, other remote facility)? If so, who? (d) Is recording of evidence required? (<i>Evidence (Miscellaneous Provisions) Act 1991</i> , s 69) (e) What is the total estimated time for use of the remote witness facilities at trial?	(d) Yes (e) 3 days	(d) (e)
28	At pre-trial hearing or at trial, will the prosecution seek an order under the <i>Evidence (Miscellaneous Provisions) Act 1991</i> about: (a) screening of a witness in court? (s47) (b) having a witness otherwise required to give evidence by audiovisual link give evidence in the courtroom instead? (s 68)	(a) No (b) No	(a) (b)
29	Is this a proceeding for which there is a prohibition on a self-represented accused cross-examining a witness?	Yes	
30	Do any of the witnesses giving evidence remotely have any special needs (eg assistance animal)?	No	
Other facilities at trial			
31	Are any other requirements needed as part of this trial?	No	
32	Will the prosecution be seeking to use their own transcription equipment?	No	
33	Will any other equipment be relied on by the parties? If so, please specify (eg security safe)	No	
Matters pertaining to accused			

Item	Question	DPP	Accused
34	At time of filing, is the accused on bail or in custody?	Bail	
35	Is there likely to be any issue as to the accused's fitness to plead? (see <i>Crimes Act 1900</i> , div 13.2)		
36	(a) Will an interpreter be required for the accused? (b) If so, in what language?	(a) (b)	(a) (b)
37	Which, if any, of the following defences will be raised? (a) alibi (b) self-defence (c) mental impairment (d) automatism (e) claim of right (f) duress (identifying the source) (g) non self-induced intoxication leading to inability to form the required intention	(a) (b) (c) (d) (e) (f) (g)	(a) (b) (c) (d) (e) (f) (g)
Trial listings			
38	The next Central Criminal Trial Callover that this matter will likely be placed into is: This covers the following trial dates:		
39	State any known unavailable dates during the sittings for counsel or witnesses	None presently known	

From: Jerome, Skye
Sent: Fri, 20 May 2022 12:32:44 +1000
To: Drumgold, Shane
Subject: FW: URGENT - LERHMANN

Hi Shane

I have just conferred with [REDACTED] who initially obtained the Parliament House CCTV footage. He has confirmed that he did quarantine footage of the couple arriving at PH and [REDACTED]

I have directed the AFP to obtain the footage as they claim to not have a copy now.

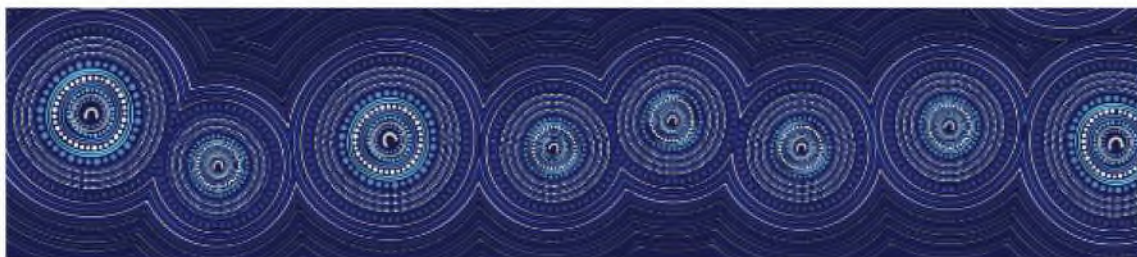
Kind regards

Skye



Skye Jerome
Crown Advocate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: [REDACTED] (Direct line)
E: [REDACTED]@act.gov.au
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.



**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

Please consider the environment before printing this e-mail

From: Jerome, Skye
Sent: Friday, 20 May 2022 12:31 PM
To: Hughes, Callum <[REDACTED]@afp.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>;
Madders, Trent <[REDACTED]@afp.gov.au>

Cc: Greig, Mitchell <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>
Subject: URGENT - LERHMANN

Dear All

Re: LERHMAN

We have just conferred with [REDACTED]. He has confirmed that he quarantined footage of the couple arriving at Parliament House and [REDACTED].

Noting that you no longer have a copy of this footage, can you please obtain the footage that is now missing from the brief?

Kind regards

Skye



Skye Jerome

Crown Advocate

Office of the Director of Public Prosecutions (ACT)

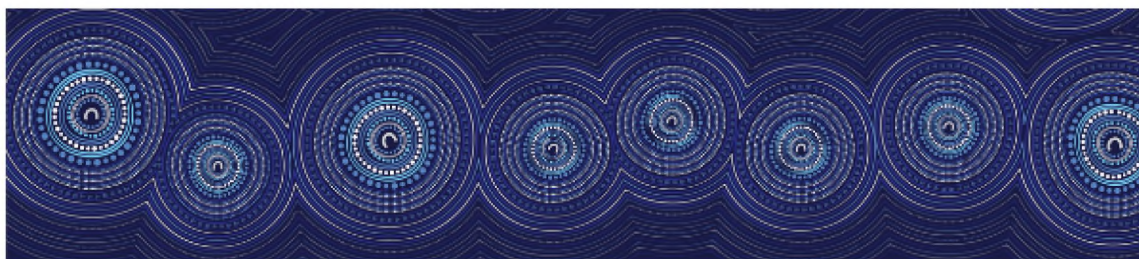
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: [REDACTED] (Direct line)

E: [REDACTED]@act.gov.au

W: www.dpp.act.gov.au

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Artwork by Ngarrindjeri artist Jordan Lovegrove

Please consider the environment before printing this e-mail

From: Jerome, Skye
Sent: Wed, 25 May 2022 17:56:09 +1000
To: Drumgold, Shane
Subject: Fwd: CCTV Footage Op Covina [SEC=OFFICIAL]

OFFICIAL

Hi Shane
Can we discuss this tomorrow?
S

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From: Fleming, David <[REDACTED]@afp.gov.au>
Sent: Wednesday, May 25, 2022 5:11 pm
To: Jerome, Skye <[REDACTED]@act.gov.au>
Cc: Hughes, Callum <[REDACTED]@afp.gov.au>
Subject: CCTV Footage Op Covina [SEC=OFFICIAL]

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OFFICIAL

Good afternoon Syke,

In relation to the matter of R v Lerhmann, the ACT DPP have raised that CCTV footage is missing from the brief of evidence. You have indicated that the footage was viewed by yourself and the Director of the ACT DPP which showed Lehrmann and Higgins [REDACTED]. Further, you have outlined that this footage was handed to the DPP in June 2021 by D/L/S/C Madders and was contained on a hard drive.

On 16 April 2019, AFP Federal Agent (F/A) Rebecca [REDACTED] attended APH and viewed the CCTV footage which had been quarantined by APH. F/A [REDACTED] first observation was of the accused and the complainant [REDACTED]. This is outlined in paragraph 16 of her statement which states ' At 01:41am on Saturday 23 March 2019, Ms Higgins and her male companion are seen to enter [REDACTED]. At this same time a Protective Service Officer (PSO) has entered directly behind them.' This is further reflected on page 301 of her AFP Diary.

On 26 February 2021, the master copy of the CCTV was obtained by D/Sgt Gareth Saunders and lodged as an exhibit M484784, Seizure: 3620292. The footage had been quarantined by staff at APH and contained the three folders:

20190404 Entering Both Parties
20190404 Male Leaving
20190404 Female Leaving

This footage was viewed by D/Sgt Gareth Saunders and subsequently by S/C Frizzell and D/L/S/C Madders. None of the three police who viewed the master copy of the CCTV obtained from APH, have observed the footage you have outlined in paragraph 1 as having seen. This is outlined in paragraphs 20 – 25 in the statement of D/Sgt Gareth Saunders and corroborated in his AFP diary notes which state 'the footage on the disc is all that was quarantined from the time of the incident.' D/Sgt Gareth Saunders further noted that:

In addition, the CCTV footage provided does not depict:

- *The arrival of the male and the Complainant at APH (including the vehicle they arrived in; possibly contained on camera [REDACTED]);*
- *The male or the Complainant leaving the Minister's suite (would be contained on camera [REDACTED]);*
- *The attendance of Parliamentary Security Service Officers at the Minister's suite throughout the morning to check the welfare of the Complainant (this was referred to in the [REDACTED]);*
- *The later attendance of the cleaner at the Minister's suite ([REDACTED]);*

It was later confirmed that the footage that had been supplied to Police was the only footage in existence.

On 18 June 2021, D/L/S/C Madders attended the office of the ACT DPP and handed over a hard drive. The hard drive contained material in relation to the investigation which included the CCTV footage that had been obtained from APH by D/Sgt Gareth Saunders. The hard drive was later handed back to D/L/S/C Madders, with all material deleted and the hard drive re-used for other operational purposes.

On 23 May 2022, S/C Frizzell and I attended APH and met with [REDACTED] who provided us with a further copy of the quarantined CCTV footage from APH in relation to the matter. [REDACTED] stated that the footage that he provided to police is all the footage that had been quarantined and that there was no outstanding footage.

On 23 May 2022, S/C Frizzell spoke to [REDACTED] who confirmed that the CCTV provided to police by [REDACTED] earlier in the day contained all quarantined CCTV and that there was no outstanding CCTV. Police advised [REDACTED] that [REDACTED] has provided a recollection of CCTV whereby Lehrmann and Higgins are seen to exit a vehicle and enter APH. [REDACTED] advised [REDACTED] was the person who quarantined the CCTV however if the specific CCTV clip wasn't quarantined, it is now not available.

Police have further been advised that the CCTV footage [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On 24 May 2022, I met with yourself and the Director of the ACT DPP in the conference room of the ACT DPP. I produced the master copy of the CCTV footage that was obtained by D/Sgt Gareth

Saunders from APH. The footage was shown during the course of the discussion which contained three sections:

20190404 Entering Both Parties

20190404 Male Leaving

20190404 Female Leaving

None of the footage contained on the master copy of the CCTV from APH captures the footage you have outlined above in paragraph 1.

I have also reviewed all the material that has been obtained during the course of the investigation and is stored on an AFP drive. I have not located or observed the footage you have outlined in paragraph 1 as having observed.

In the object of thoroughness, I have contacted the AFP digital forensics and arranged for them to examine the hard drive which was provided to the ACT DPP on 18 June 2021. This will occur tomorrow on 26 May 2022.

For the footage to exist, police would have had to obtain it from APH. The only footage that has been obtained by police from APH is the master copy of the CCTV footage which was obtained by D/Sgt Gareth Saunders on 26 February 2021. If any other footage was obtained, it would either be contained on an AFP drive, and/or be produced in the brief of evidence and be referenced in a police statement. To my knowledge of the matter and subsequent review of the brief of evidence and AFP drive, I have not identified any additional footage has been obtained by police.

I have spoken to D/L/S/C Madders and S/C Frizzell about the matter, and they have not misplaced, lost, removed, concealed or deleted the footage you have outlined in paragraph 1 to have seen. They have both worked extremely hard on the investigation under a high degree of pressure and scrutiny, and having worked with them, I hold them and their level of dedication and integrity in high regard. Any implied thought which suggests that footage has been lost by police should therefore be dismissed.

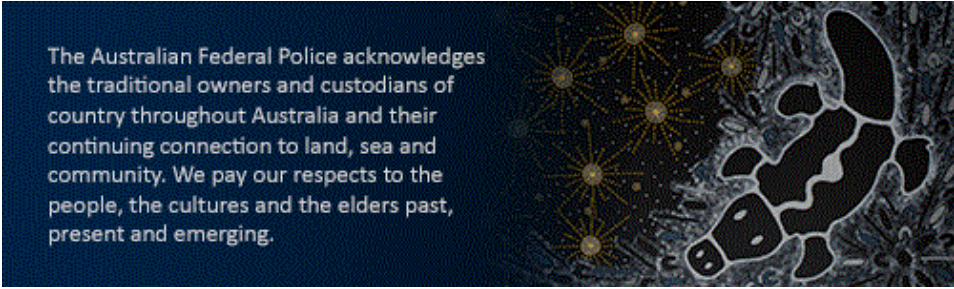
If you wish to discuss further, please do not hesitate to contact me.

Regards

D/SGT DAVID FLEMING
ACT CRIMINAL INVESTIGATIONS
ACT POLICING
REDACTED
www.afp.gov.au



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A SAFER AUSTRALIA



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

From: Jerome, Skye
Sent: Fri, 27 May 2022 16:44:07 +1000
To: Drumgold, Shane
Subject: Fwd: CCTV Footage Op Covina [SEC=OFFICIAL]

OFFICIAL

FYI

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From: Fleming, David <[REDACTED]@afp.gov.au>
Sent: Friday, May 27, 2022 4:43 pm
To: Jerome, Skye <[REDACTED]@act.gov.au>
Cc: Frizzell, Emma <[REDACTED]@afp.gov.au>; Hughes, Callum
[REDACTED]@afp.gov.au
Subject: RE: CCTV Footage Op Covina [SEC=OFFICIAL]

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OFFICIAL

Good afternoon Skye,

The examination and statement should be completed by Tuesday next week.

Regards

D/SGT DAVID FLEMING
ACT CRIMINAL INVESTIGATIONS
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: Jerome, Skye <[REDACTED]@act.gov.au>
Sent: Thursday, 26 May 2022 9:01 AM
To: Fleming, David <[REDACTED]@afp.gov.au>
Cc: Hughes, Callum <[REDACTED]@afp.gov.au>
Subject: RE: CCTV Footage Op Covina [SEC=OFFICIAL]

Dear David

Thank you for your email.

Can you please obtain a statement from DFT who examines the hard drive.

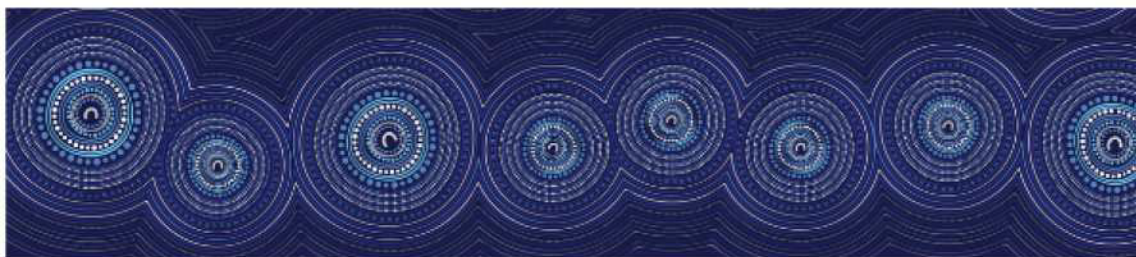
Kind regards

Skye



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Artwork by Ngarrindjeri artist Jordan Lovegrove

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Regards

D/SGT DAVID FLEMING
ACT CRIMINAL INVESTIGATIONS
ACT POLICING
REDACTED
www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA



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From: Jerome, Skye
Sent: Fri, 10 Jun 2022 09:28:49 +1000
To: Drumgold, Shane; Greig, Mitchell; Priestly, Erin
Subject: FW: LERHMANN [SEC=OFFICIAL]

Good morning Everyone

Hopefully the email below means that they have recovered the missing CCTV Footage!

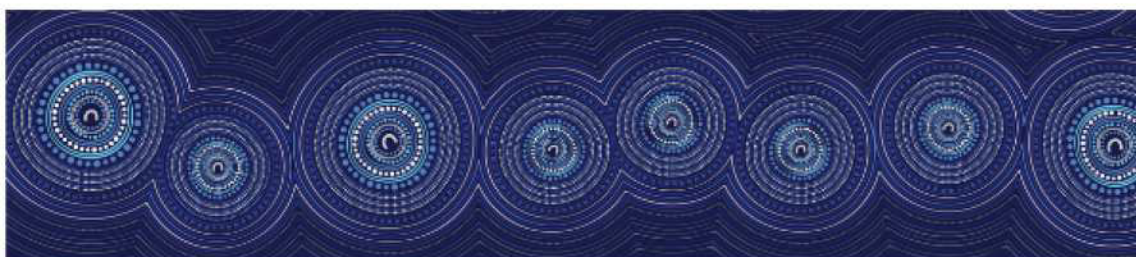
Kind regards

Skye



Skye Jerome
Crown Advocate
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)
T: **REDACTED** (Direct line)
E: **REDACTED**@act.gov.au
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.



**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

Please consider the environment before printing this e-mail

From: Fleming, David <[REDACTED]@afp.gov.au>
Sent: Friday, 10 June 2022 9:24 AM
To: Jerome, Skye <[REDACTED]@act.gov.au>
Cc: Hughes, Callum <[REDACTED]@afp.gov.au>
Subject: RE: LERHMANN [SEC=OFFICIAL]

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OFFICIAL

Good morning Skye,

Trent is reviewing the video files that were recovered from the hard drive this morning to confirm the content of the video files. Once this is done, Alicia [REDACTED] from Digital Forensics will complete her statement.

Regards

D/SGT DAVID FLEMING
ACT CRIMINAL INVESTIGATIONS
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POLICING FOR
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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: Jerome, Skye <**REDACTED** [@act.gov.au](mailto:[REDACTED]@act.gov.au)>
Sent: Friday, 10 June 2022 6:09 AM
To: Fleming, David [REDACTED] [@afp.gov.au](mailto:[REDACTED]@afp.gov.au); Hughes, Callum [REDACTED] [@afp.gov.au](mailto:[REDACTED]@afp.gov.au);
Frizzell, Emma [REDACTED] [@afp.gov.au](mailto:[REDACTED]@afp.gov.au); Madders, Trent [REDACTED] [@afp.gov.au](mailto:[REDACTED]@afp.gov.au)
Cc: Greig, Mitchell <**REDACTED** [@act.gov.au](mailto:[REDACTED]@act.gov.au)>; Priestly, Erin <**REDACTED** [@act.gov.au](mailto:[REDACTED]@act.gov.au)>
Subject: LERHMANN

Dear David

I am following up on the Digital Forensic Statement regarding the CCTV Footage located by prosecutors on the SACAT Hard drive but now no longer available.

The new defence team have requested a copy of all of the CCTV footage. The pending statement is relevant for trial. Do you know when we can expect the statement.

Kind regards

Skye



Skye Jerome
Crown Advocate
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From: Frizzell, Emma
Sent: Wed, 13 Jul 2022 08:41:40 +1000
To: Fleming, David; Madders, Trent
Cc: SVC_DPPCases
Subject: RE: R v LERHMANN 202113941 [SEC=OFFICIAL]

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OFFICIAL

We haven't provided the DF statement because we need Trent's statement to provide context and he didn't sign it before he went on leave.

I'll email Skye.

Dave – Are you still a Covina contact or should DPP be advised to leave you alone now?

ACTING SERGEANT EMMA FRIZZELL
CRIMINAL INVESTIGATIONS - SACAT TEAM 1
ACT POLICING
REDACTED
www.afp.gov.au



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From: Fleming, David [REDACTED]@afp.gov.au
Sent: Tuesday, 12 July 2022 2:55 PM
To: Frizzell, Emma [REDACTED]@afp.gov.au; Madders, Trent [REDACTED]@afp.gov.au
Cc: SVC_DPPCases [REDACTED]@act.gov.au
Subject: RE: R v LERHMANN 202113941 [SEC=OFFICIAL]

OFFICIAL

I thought this was covered in your statement Trent as DF only downloaded the content of the hard drive and did not analyse or cross check the data.

DETECTIVE SERGEANT DAVID FLEMINGOPERATION GREYWOLF
CRIMINAL ASSETS CONFISCATION

REDACTED

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From: Jerome, Skye <REDACTED@act.gov.au>**Sent:** Tuesday, 12 July 2022 2:52 PM**To:** Fleming, David <REDACTED@afp.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>; Frizzell, Emma <REDACTED@afp.gov.au>**Cc:** SVC_DPPCases <REDACTED@act.gov.au>**Subject:** R v LERHMANN 202113941

Dear David and Emma

We have not yet received a statement from DFT regarding the CP Pedestrian Gate footage that is no longer available.

Do you know what has caused this delay? Can you please remind DFT of the urgency of the statement.

Kind regards

Skye



Skye Jerome
 Crown Prosecutor
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: **REDACTED** (Direct line)
 E: **REDACTED**@act.gov.au
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AFP Web site: <http://www.afp.gov.au>

From: Pitney, Sarah
Sent: Fri, 14 Oct 2022 14:14:50 +1100
To: Drumgold, Shane; Jerome, Skye; Greig, Mitchell
Subject: Fwd: Urgent attention for today - Privileged and Confidential

OFFICIAL

FYI - we received the below from Fiona Brown.

I don't propose to respond (unless there is anything you would like me to respond with).

Get [Outlook for iOS](#)

From: Fiona <REDACTED>
Sent: Friday, October 14, 2022 11:17 am
To: Pitney, Sarah <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>;
SVC_DPPCases <REDACTED@act.gov.au>
Subject: Urgent attention for today - Privileged and Confidential

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Dear Sarah

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

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

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

Ms Higgins said Linda Reynolds' chief of staff Fiona Brown offered to pay her six weeks' wages to go to the Gold Coast during the election campaign but that if she went, there would be no prospect of her returning to work after the election.

They said they would pay me out for the entirety of the election to go to the Gold Coast but there would be no prospect of me coming back," she said.

"That was 100 per cent said.

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

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

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

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

Can you please advise what happens is times like this?

Kind regards

Fiona

Sent from my iPhone

Confidential

21 December 2022

E: REDACTED
M: REDACTED

Ms Joanne Dean-Ritchie
Chief Executive Officer
ACT Bar Association
5th Floor, AMP Building
1 Hobart Place
Canberra City ACT 2601

Dear Ms Dean-Ritchie

I am writing to formally complain about the actions of the ACT Director of Public Prosecutions, Mr Shane Drumgold.

I was a witness in the trial R v Lehrmann.

I have not been able to write to you before now because the jury were in deliberations, the trial was then subsequently abandoned and there has been a maelstrom of media coverage around this matter and subsequent events which have been of grave concern to me.

As a witness in the trial, there have been actions by the DPP which caused me to feel threatened and intimidated as a witness. They are outlined below.

1. On 18 May 2022 my counsel and I attended a conference with the Director of Public Prosecutions (DPP), Mr Shane Drumgold for the purposes of 'proofing' prior to the R v Lehrmann trial (the trial).

During that conference I advised Mr Drumgold of my concerns about the upcoming broadcast of the Logie Awards (19 June 2022) in which the interview of 15 February 2021 was nominated for an award and a broadcast which has caused me harm, reputational damage and great distress. Importantly, I spoke about my concerns regarding the airing of and subsequent publicity of uncontested evidence in a court of law being aired during a trial hearing and the day before I was to appear as a witness (20 June 2022) and the impact that could have on me and the jurors. Mr Drumgold was dismissive of my concerns, so much so, that he caused me to emotionally breakdown during our conference.

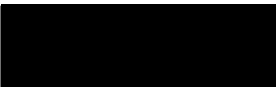
2. On 23 June 2022, several days after the Logies were broadcast and The Project Interview had won the award and the speech by Lisa Wilkinson had aired, my lawyers wrote to Mr Drumgold to further express my deep concerns about the pressure and effect of this on me as witness. (correspondence attached). My request for a meeting was met with an offer of 7-8 weeks down the track, which I found to be dismissive of my concerns given the matter was 'live' in the media and impacting trial dates.
3. On 11 October 2022 I appeared as a witness in the trial R v Lehrmann. At 11.16am a morning tea break was declared, as I left the witness box to make my way out of the court room, Mr Drumgold and his associate approached me and berated me, stating that I was

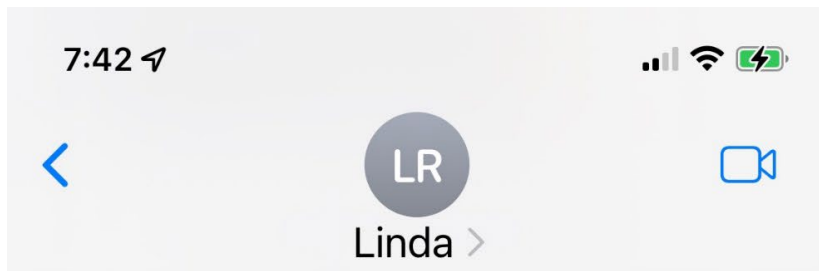
coming close to providing inadmissible evidence because of the way I was answering his questions. I felt threatened and intimidated by their approach. The court room still had alot of people in it and I was left humiliated. I returned to the witness box at 11.36am shaken by their admonishment of me.

4. On 14 October at 11.21am. I urgently emailed Sarah Pitney, Mitchell Greig and SVC_DPPCases (DPP office) to bring to their attention and that of Mr Drumgold, blatantly false and misleading statements given in evidence that morning by Brittany Higgins (see attached email). I asked to be called back to proceedings and have these allegations put to me. I also sought their advice about what happens in times like this. I received no response.
5. On 18 October during his summation Mr Drumgold chose to use argument and language that cast aspersions on my mental emotional health to discredit me as a witness. It was reported in the media and caused me great harm and distress and caused me to seek medical care.

I would like the ACT Bar Association to pursue my complaint including whether the DPP provided disclosure of my correspondence dated 23 June 2022 and email dated 14 October 2022 to Defence. I am available to provide further details of this matter and can be contacted on **REDACTED** or by email **REDACTED**

Your sincerely


Fiona Brown



Hi, do you have the daily transcripts and if so are you able to provide my lawyer?

Also if you have text messages between Brittany and Nicky they maybe revealing.

Hi Linda
I won't give you the transcript for your own protection so you can honestly say all you know is what you been told by the media (or hubby - and I recom-



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