

**From:** Drumgold, Shane  
**Sent:** Thu, 16 Sep 2021 09:10:28 +1000  
**To:** Moller, Scott; [REDACTED]@afp.gov.au; Boorman, Marcus  
**Cc:** Jerome, Skye  
**Subject:** Police v Lehrmann

**OFFICIAL: Sensitive**

Dear Scott et al

I understand from a conversation with John Korn that police may have served a copy of the brief of evidence directly of defence.

Under the practice direction, the DPP are required to serve the brief of evidence, and only after vetting it to ensure that all evidence falls within the disclosure guidelines in section 4 of the Prosecution Policy.

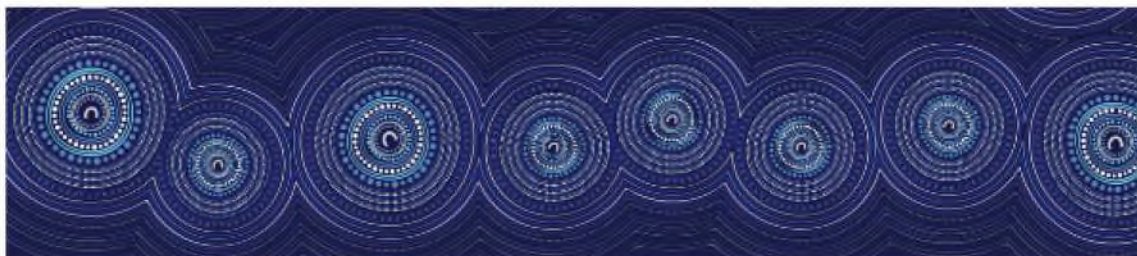
Can you please advise precisely what was served, and when it was served so we can determine our position on section 88B Magistrates Court Act.



**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](http://www.dpp.act.gov.au)

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**From:** Moller, Scott  
**Sent:** Thu, 16 Sep 2021 10:13:21 +1000  
**To:** Drumgold, Shane; Frizzell, Emma; Boorman, Marcus  
**Cc:** Jerome, Skye  
**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]  
**Attachments:** eBrief - sheet.xlsm

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**OFFICIAL:Sensitive**

Dear Shane,

The attached spreadsheet contains a summary of the material served on Mr Korn on Friday 16 August 2021. The hyperlinks will not work, as the source material exceeds the capacity for email, however It is essentially the same brief that was served on the DPP that same day, but containing the usual redactions in terms of addresses, dates of birth, and non-relevant particulars.

I trust this assists in your consideration of whether or not to seek to waive committal proceedings in accordance with s.88B of the *Magistrates Court Act 1930* (ACT).

Kind Regards,

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

ACT POLICING

**REDACTED**

[www.afp.gov.au](http://www.afp.gov.au)



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A SAFER AUSTRALIA

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

**Sent:** Thursday, 16 September 2021 9:10 AM

**To:** Moller, Scott <**REDACTED**@afp.gov.au>; Frizzell, Emma <**REDACTED**@afp.gov.au>; Boorman, Marcus <**REDACTED**@afp.gov.au>

Cc: Jerome, Skye <REDACTED@act.gov.au>

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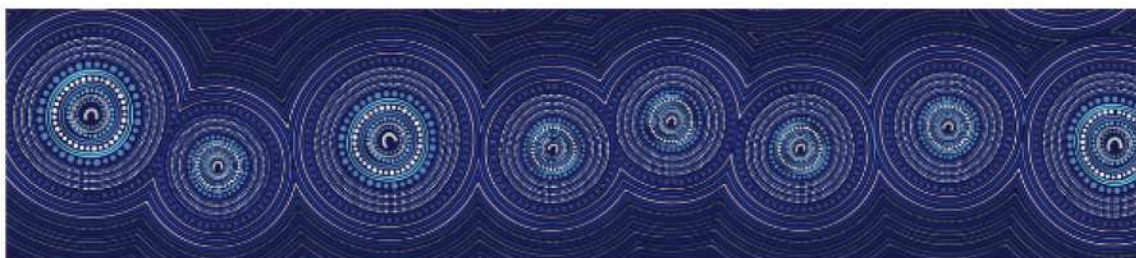
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W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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

\*\*\*\*\*

**From:** Priestly, Erin  
**Sent:** Fri, 17 Sep 2021 12:00:17 +1000  
**To:** Drumgold, Shane; Jerome, Skye  
**Subject:** RE: Police v Lehrmann CC2021/8143

**OFFICIAL: Sensitive**

Hi Shane and Skye

I have gone through the brief.

**1. Check the two versions of brief spreadsheets (ours and defence) are the same:**

- a. The spreadsheets appear to be the same, we don't have access to the files through the defence spreadsheet so I cannot confirm if the documents are the same.
- b. There is an issue with our documents which cause me concern if they were disclosed to defence in the same format. Although sensitive information has been redacted, when viewing the documents it is possible to remove the redaction and view the information underneath. This includes the complainant's details (address, DOB etc) and also details of other persons (like her counsellors). I am not sure what, if anything, can be done now they have been provided to defence by AFP but I thought I should let you know. It may just be our documents and not those provided to defence that this is an issue with. The documents I have identified in which this occurs are:
  - i. Her Time Counselling Records;
  - ii. Canberra Rape Crisis Centre Records;
  - iii. Ochre Medical Records (page 8 only);
  - iv. Medicare Report;
  - v. PBS Report;
  - vi. Consent to access iCloud;
  - vii. Consent to acquire data;
  - viii. Personnel File documents;
- c. I am not sure if you have both discussed this already or if it has been dealt with but I thought I should just flag it for your consideration just in case - it appears that the Her Time and CRCC Records might be protected confidences. I am not sure what can or should be done now AFP have already given them to us/defence. Is there any utility in filing an application under s 79E of EMPA at this stage?
- d. Is it an issue that defence have been given the audio of the EICI?

**2. Identify any missing evidence - spreadsheet v brief of evidence**

- a. We are currently missing the following:
  - i. Audiovisual EICI x 2
  - ii. Police statements
    1. Gareth Saunders

2. Jason McDevitt

3. Kristy [REDACTED]

iii. Statements regarding complaint evidence\*

1. K [REDACTED]

[REDACTED]

\* We have a statement from [REDACTED] – the transcript of the first EICI notes a reference to [REDACTED] (QA 411) and later a [REDACTED] (QA 439). Upon listening to the audio, it appears [REDACTED] is a typo and the complainant says [REDACTED] on both occasions.

iv. Documents:

1. Complete download – Complainant's 3 phones
2. Complete download – Accused's phone
3. Transcript – [REDACTED]
4. Transcript – [REDACTED]
5. Transcript – [REDACTED]

- a. Further to the above issue of complaint evidence – there are other people the complainant indicates she spoke to 'either prior to or when it became public' being: [REDACTED]. Would you like statements from these people also?

Would you like me to contact the informant about the missing evidence, or would you prefer to deal with him directly yourself?

I am just getting started on the Court documents now and will get back to you on anything I identify as missing from those.

Kind regards  
Erin

---

**From:** Jerome, Skye <[REDACTED]@act.gov.au>

**Sent:** Friday, 17 September 2021 7:30 AM

**To:** Drumgold, Shane <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>

**Subject:** RE: Police v Lehrmann CC2021/8143

**OFFICIAL: Sensitive**

Hi Shane and Erin!

Below is my summary of the missing items from the brief disclosed to the DPP on 06 August 2021:

1. Complete download – Complainant's 3 telephones
2. Complete Download - Defendant's phone
3. Audio recording for [REDACTED]

## 4. Transcripts for following witnesses:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]

## 5. Statements regarding complaint evidence

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]
- f. [REDACTED]
- g. [REDACTED]

## 6. DVD recordings for both Complainant's EICIs dated 24/2/21 &amp; 26/5/21.

We need to check that police have included everything that Shane asked for on 28.06.21. I think a few items remain outstanding from that list.

I hope that the AFP checked the defence copy for sensitive information and redacted it.

My trial will be finished by midday today.

Kind regards

Skye



**Skye Jerome**

Crown Advocate

Office of the Director of Public Prosecutions (ACT)

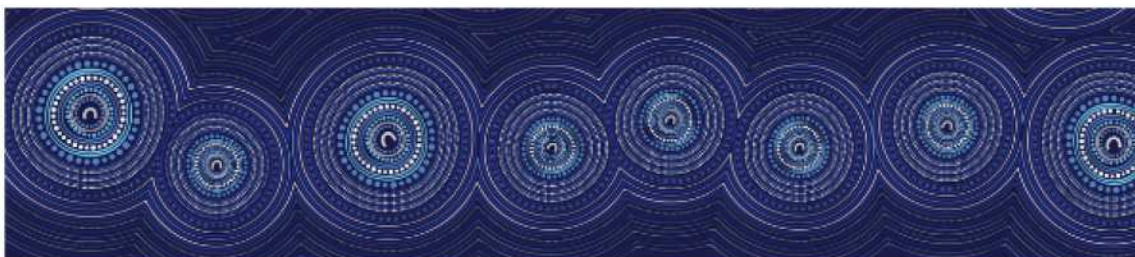
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**From:** Drumgold, Shane <REDACTED@act.gov.au>  
**Sent:** Thursday, 16 September 2021 3:48 PM  
**To:** Priestly, Erin <REDACTED@act.gov.au>; Jerome, Skye <REDACTED@act.gov.au>  
**Subject:** Police v Lehrmann CC2021/8143

**OFFICIAL: Sensitive**

Hi All

Firstly, welcome to the team Erin, I propose keeping this team together through to the finalisation of this matter. I have had a meet and greet with Brittany Higgins, and I will connect Brittany and Erin so she has a consistent point of contact through the matter, although all communication with Brittany is usually through Victim of Crime Commissioner Heidi Yates.

The matter was mentioned today and the following happened:

16/9/21

Coram: Beth Campbell

Crown: Drumgold

Contra: Warwick Korn

- The defendant plead not guilty through Warwick Korn
- I advised the court that the brief of evidence had been served on 6 August (by police but we won't get into that)
- We would consent to the waiving of committal under s88B(1)(b) Magistrate Court Act
- Defence then sought a 4 week adjournment to make sure they had the entire brief
- Matter adjourned to 14/10/21 9.30am for committal of one type or another

I just spoke to Erin and advised that I need the following done

- I have prepared a first draft of the case statement, indictment, witness list and evidence list.
- I have also prepared two further documents called opening, that contains some additional observations that I do not want to include in the case statement as well as a Court Document which is a summary of the entire brief in the order in which the trial will be run.
- I have placed on the keyboard in your office, a copy of the brief of evidence on a memory stick with a brief spreadsheet for our brief (with some highlights of some things I think are missing) and the spreadsheet for the brief served on defence, as well as the additional material



Can I please have the following done Erin

1. Check the two versions of brief spreadsheets (ours and defence) are the same
2. Identify any missing evidence - spreadsheet v brief of evidence
3. Identify any missing evidence - brief vs case statement/witness list/exhibit list

Skye, when you get free of your trial, please feel free to chat with Erin t about your observations of the missing items.

For your benefit I have attached the following to this email

- Court Document
- Case statement
- Opening
- Witness List
- Exhibit list

I would love to tee up a meeting together late next week so we can start to workshop the way forward.



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

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T: **REDACTED** (Direct line)

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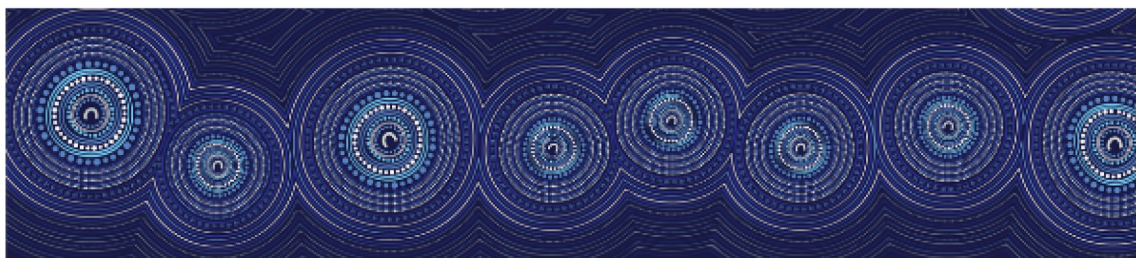
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**Sent:** Tue, 21 Sep 2021 13:31:23 +1000  
**To:** Moller, Scott; [REDACTED]@afp.gov.au; Boorman, Marcus  
**Cc:** Jerome, Skye; Priestly, Erin  
**Subject:** RE: Police v Lehrmann CC2021/8143

**OFFICIAL: Sensitive**

Dear All

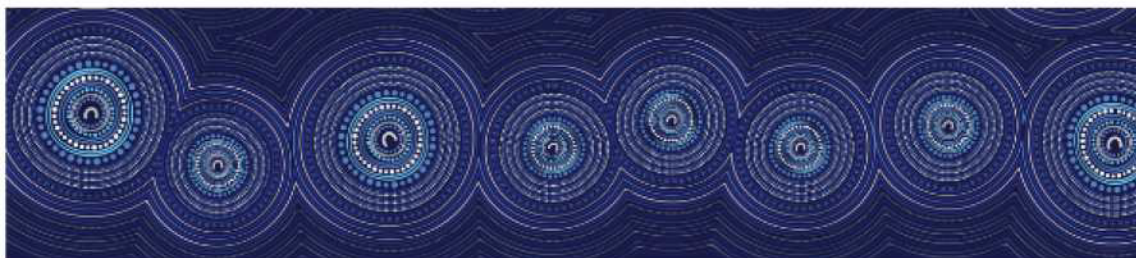
Is it possible to get an answer to the questions in red ASAP, as depending on the answer, we may need some urgent remedial activity.



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**From:** Drumgold, Shane  
**Sent:** Friday, 17 September 2021 2:31 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>; [REDACTED]@afp.gov.au; Boorman, Marcus  
 [REDACTED]@afp.gov.au  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** Police v Lehrmann CC2021/8143

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Dear Superintendent Moller et al

We have identified an issue with the crown's copy of the brief of evidence, disclosed to my office with the file on 6 August 2021.

**Unlocked redactions**

Sensitive information redacted electronically from the documents below have not been locked. This means that the redactions are capable of being removed and the sensitive information revealed. We have identified the following documents which have unlocked redactions:

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to access iCloud;
- vii. Consent to acquire data;

**Defence copy of the brief**

As you are aware, section 3.3 of the AFP/DPP Collaborate Agreement outlines that *"The AFP will provide briefs of evidence to the DPP."* Prosecution Policy section 4.4 then requires of the DPP, that 'in fulfilling our disclosure obligations, the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.'

You have confirmed that contrary to the collaborative agreement, a copy of the brief of evidence was served on the accused's legal representatives by the AFP on 06 August 2021.

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

**Can you please confirm the address or telephone number of any person was not disclosed?**

The Counselling Records from both "Her Time" and "Canberra Rape Crisis Centre" are communications for counselling by a person against whom a sexual offence is alleged to have been committed and are accordingly "Protected Confidences" within the definition section 79A *Evidence (Miscellaneous Provisions) Act 1991* making them subject to a general immunity from disclosure under section 79D, requiring leave under s79E before being disclosed.

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

We also understand that a copy of the complainant's evidence in chief interviews dated 24 February 2021 and 26 May 2021 were disclosed to the defence. As you would be aware, the accused is entitled to a copy of the transcript of such recordings pursuant to s 53(2)(b) *Evidence (Miscellaneous Provisions) Act* (EMPA), however, the accused can only access the recording by applying pursuant to ss54 and 55 EMPA.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

**Further evidence**

Please also be advised that the following items remain outstanding on the brief of evidence:

- i. Audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021
- ii. Police statements
  1. Gareth Saunders
  2. Jason McDevitt
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  4. [REDACTED]
  5. [REDACTED]
  6. [REDACTED]
  7. [REDACTED]
  8. [REDACTED]
  9. [REDACTED]
- viii. Documents:
  1. Photos of Lehrmann's Phone – SC James Brown
  2. [REDACTED] – Trent Madders
  3. Complete download – Complainant's 3 phones
  4. Complete download – Accused's phone
  5. Transcript – [REDACTED]
  6. Transcript – [REDACTED]
  7. Transcript – [REDACTED]

Can you please advise when these items will be provided. Can you please ensure that any redactions from police notes are limited to unrelated investigations and sensitive information. Further, in accordance with the AFP/DPP Collaborative agreement, when available, can you please ensure both prosecution and defence copies are served on the DPP for us to serve defence.

**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)

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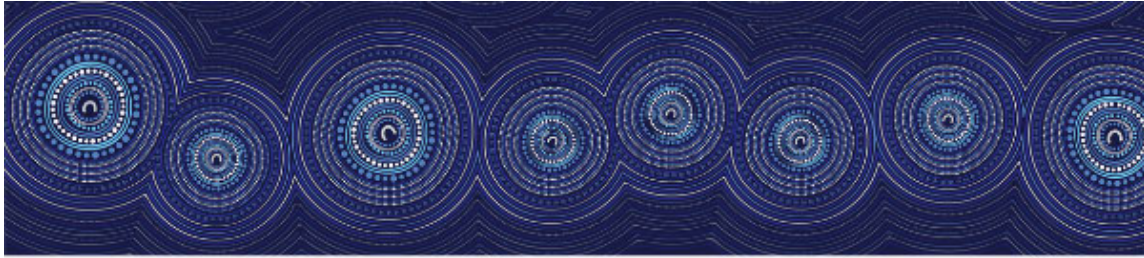
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**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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**OFFICIAL: Sensitive**

Shane,  
 I have assigned this to the team and requested a response by cob today.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
 CRIMINAL INVESTIGATIONS  
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**Sent:** Tuesday, 21 September 2021 1:31 PM  
**To:** Moller, Scott <REDACTED@afp.gov.au>; Frizzell, Emma <REDACTED@afp.gov.au>; Boorman, Marcus <REDACTED@afp.gov.au>  
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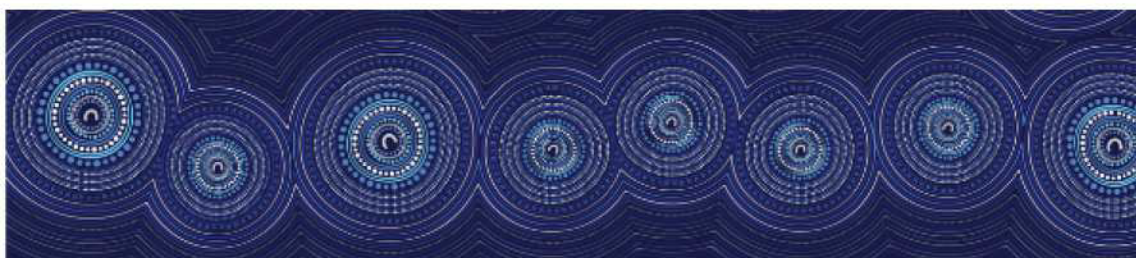
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6. [REDACTED]
7. [REDACTED]
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9. [REDACTED]

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2. [REDACTED] – Trent Madders
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6. Transcript – [REDACTED]
7. Transcript – [REDACTED]

Can you please advise when these items will be provided. Can you please ensure that any redactions from police notes are limited to unrelated investigations and sensitive information. Further, in accordance with the AFP/DPP Collaborative agreement, when available, can you please ensure both prosecution and defence copies are served on the DPP for us to serve defence.



**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]

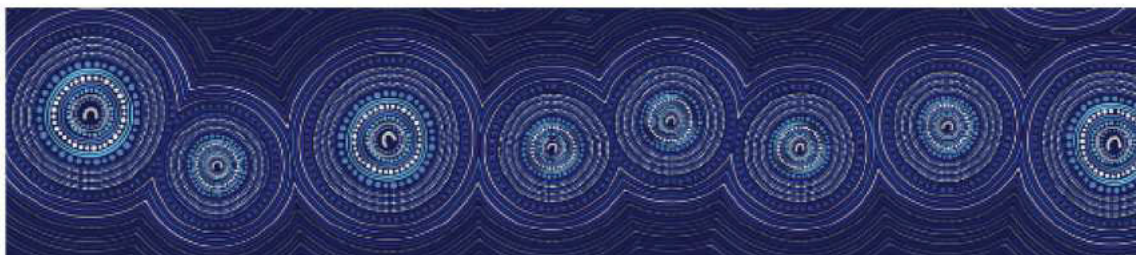
E: [REDACTED]@act.gov.au

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

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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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**

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

\*\*\*\*\*

**From:** Moller, Scott  
**Sent:** Wed, 22 Sep 2021 06:40:46 +1000  
**To:** Drumgold, Shane  
**Cc:** Frizzell, Emma; Madders, Trent; Rose, Robert; **REDA**, Damien  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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

Shane,  
Please see response below as requested.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
CRIMINAL INVESTIGATIONS  
ACT POLICING  
**REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



POLICING FOR  
A SAFER AUSTRALIA

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---

**From:** Rose, Robert <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 3:43 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Dear Sir,

As requested by Mr Drumgold, I can provide the following response:

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

I can confirm the unlocked redactions in the material referenced below **are** in the defence copy, and that the redactions **could and in fact can** be removed revealing the redacted material from documents listed below.

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TEAM LEADER JACET & CSORT - CRIMINAL INVESTIGATIONS  
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**To:** Rose, Robert <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

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 A response by cob today please.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
 CRIMINAL INVESTIGATIONS  
 ACT POLICING  
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**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:31 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>; Boorman, Marcus <[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

Dear All

Is it possible to get an answer to the questions in red ASAP, as depending on the answer, we may need some urgent remedial activity.



**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:

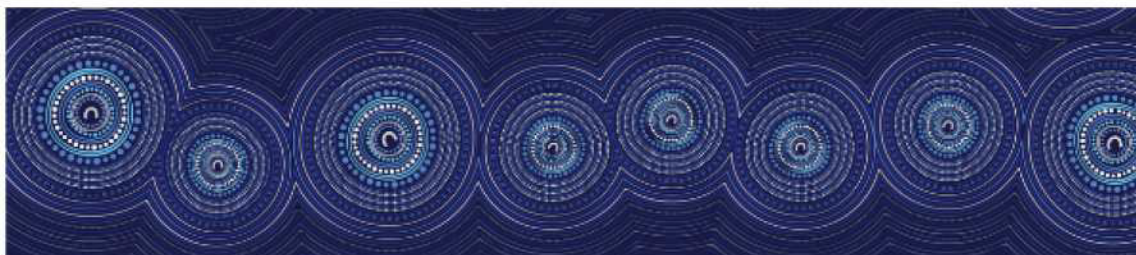
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Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Drumgold, Shane

**Sent:** Friday, 17 September 2021 2:31 PM

**To:** Moller, Scott <REDACTED@afp.gov.au> REDACTED@afp.gov.au; Boorman, Marcus

REDACTED@afp.gov.au

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

**Subject:** Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

Dear Superintendent Moller et al

We have identified an issue with the crown's copy of the brief of evidence, disclosed to my office with the file on 6 August 2021.

**Unlocked redactions**

Sensitive information redacted electronically from the documents below have not been locked. This means that the redactions are capable of being removed and the sensitive information revealed. We have identified the following documents which have unlocked redactions:

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to access iCloud;
- vii. Consent to acquire data;

#### **Defence copy of the brief**

As you are aware, section 3.3 of the AFP/DPP Collaborate Agreement outlines that *“The AFP will provide briefs of evidence to the DPP.”* Prosecution Policy section 4.4 then requires of the DPP, that ‘in fulfilling our disclosure obligations, the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.’

You have confirmed that contrary to the collaborative agreement, a copy of the brief of evidence was served on the accused’s legal representatives by the AFP on 06 August 2021.

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

**Can you please confirm the address or telephone number of any person was not disclosed?**

The Counselling Records from both “Her Time” and “Canberra Rape Crisis Centre” are communications for counselling by a person against whom a sexual offence is alleged to have been committed and are accordingly “Protected Confidences” within the definition section 79A *Evidence (Miscellaneous Provisions) Act 1991* making them subject to a general immunity from disclosure under section 79D, requiring leave under s79E before being disclosed.

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

We also understand that a copy of the complainant’s evidence in chief interviews dated 24 February 2021 and 26 May 2021 were disclosed to the defence. As you would be aware, the accused is entitled to a copy of the transcript of such recordings pursuant to s 53(2)(b) *Evidence (Miscellaneous Provisions) Act* (EMPA), however, the accused can only access the recording by applying pursuant to ss54 and 55 EMPA.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

#### **Further evidence**

Please also be advised that the following items remain outstanding on the brief of evidence:

- i. Audio visual copies of the complainant’s Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021

- ii. Police statements
  - 1. Gareth Saunders
  - 2. Jason McDevitt
  - 3. Kristy Anderson
  
- iii. Statements regarding complaint evidence
  - 4. [REDACTED]
  - 5. [REDACTED]
  - 6. [REDACTED]
  - 7. [REDACTED]
  - 8. [REDACTED]
  - 9. [REDACTED]
  
- viii. Documents:
  - 10. Photos of Lehrmann's Phone – SC James Brown
  - 11. [REDACTED] – Trent Madders
  - 12. Complete download – Complainant's 3 phones
  - 13. Complete download – Accused's phone
  - 14. Transcript – [REDACTED]
  - 15. Transcript – [REDACTED]
  - 16. Transcript – [REDACTED]

Can you please advise when these items will be provided. Can you please ensure that any redactions from police notes are limited to unrelated investigations and sensitive information. Further, in accordance with the AFP/DPP Collaborative agreement, when available, can you please ensure both prosecution and defence copies are served on the DPP for us to serve defence.



**Shane Drumgold SC**

Director

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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

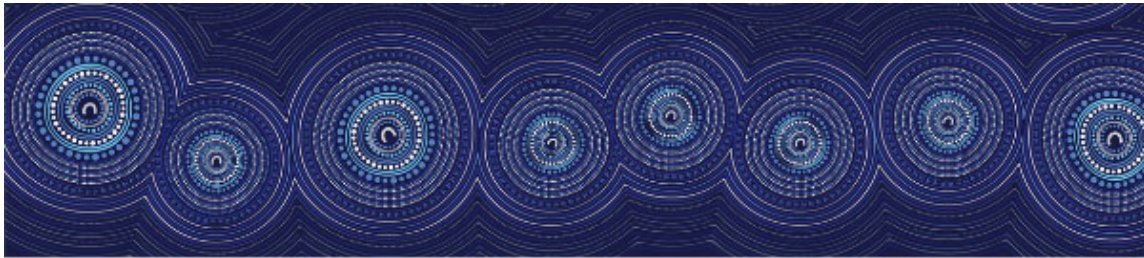
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\*\*\*\*\*

**From:** Drumgold, Shane  
**Sent:** Wed, 22 Sep 2021 08:16:57 +1000  
**To:** Moller, Scott  
**Cc:** Frizzell, Emma; Madders, Trent; Rose, Robert; REDACTED, Damien; Jerome, Skye; Priestly, Erin  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

This is deeply concerning. Can you please advise, as a matter of urgency, what is being done to correct the situation?

May I suggest the following as a start:

1. AFP contact whoever the brief was handed to, and direct them to delete the offending documents.
2. AFP provide my office with a copy of documents that can be served on defence, complete with locked redactions for us to serve as replacements.
3. Write to the complainant through her representatives, and inform her
  - a. Her counselling notes were served on defence
  - b. Other documents were served with unlocked redactions enabling contact information to be revealed
  - c. The recordings of her EIC interviews were served on defence
  - d. What remedial action was taken
4. Copy myself into the actions.

This will also become relevant to a fact in issue, as well as credibility issues in the trial, so can I please also be advised:

1. Who from the AFP provided the brief to defence?
2. Who it was provided to?
3. How it was provided (posted or handed to defence)?
4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
5. Who made the decision to hand the brief directly to defence?
6. The reasons for the decision to hand the brief directly on defence?

I will also require statements from the relevant parties outlining all of the above activity, including the remedial activity.

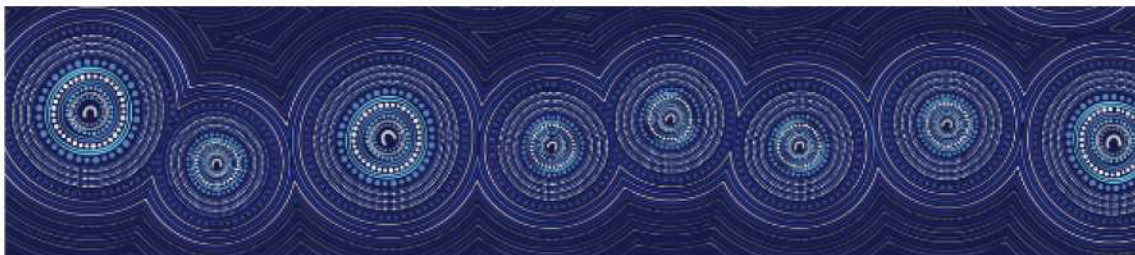


**Shane Drumgold SC**

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 GPO Box 595, Canberra ACT 2601 (DX 5725)  
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---

**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Wednesday, 22 September 2021 6:41 AM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>;  
Rose, Robert <[REDACTED]@afp.gov.au>; [REDACTED] Damien <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,  
Please see response below as requested.

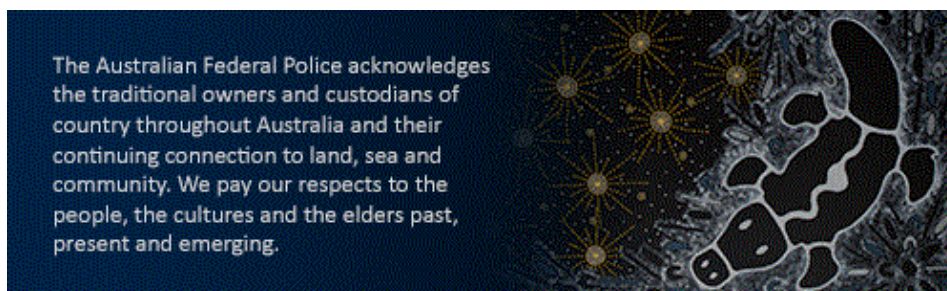
Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
CRIMINAL INVESTIGATIONS  
ACT POLICING

[REDACTED]  
[www.afp.gov.au](http://www.afp.gov.au)



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**From:** Rose, Robert [REDACTED] <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 3:43 PM  
**To:** Moller, Scott [REDACTED] <[REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Dear Sir,

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TEAM LEADER JACET & CSORT - CRIMINAL INVESTIGATIONS  
ACT POLICING

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**Sent:** Tuesday, 21 September 2021 1:34 PM  
**To:** Rose, Robert [REDACTED] [@afp.gov.au](mailto:[REDACTED]@afp.gov.au)>  
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Dear All

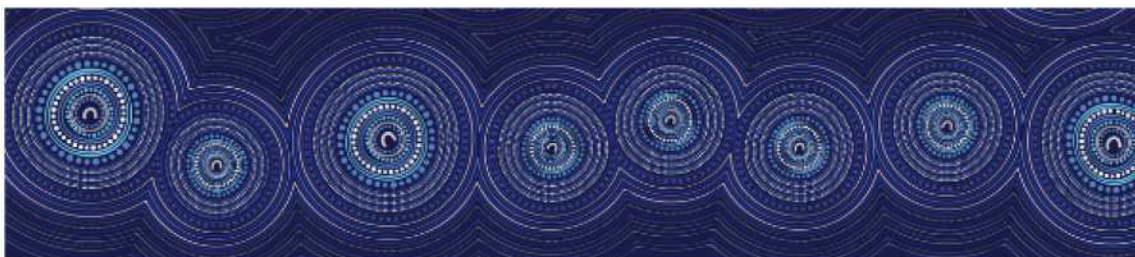
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 Director  
 Office of the Director of Public Prosecutions (ACT)  
 GPO Box 595, Canberra ACT 2601 (DX 5725)  
 T: [REDACTED] (Direct line)  
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Artwork by Ngarrindjeri artist Jordan Lovegrove

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**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
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**Defence copy of the brief**

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#### **Further evidence**

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  1. Gareth Saunders
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  3. Kristy [REDACTED]
- iii. Statements regarding complaint evidence
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- viii. Documents:
  10. Photos of Lehrmann’s Phone – SC James Brown
  11. [REDACTED] – Trent Madders
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  15. Transcript – [REDACTED]
  16. Transcript – [REDACTED]



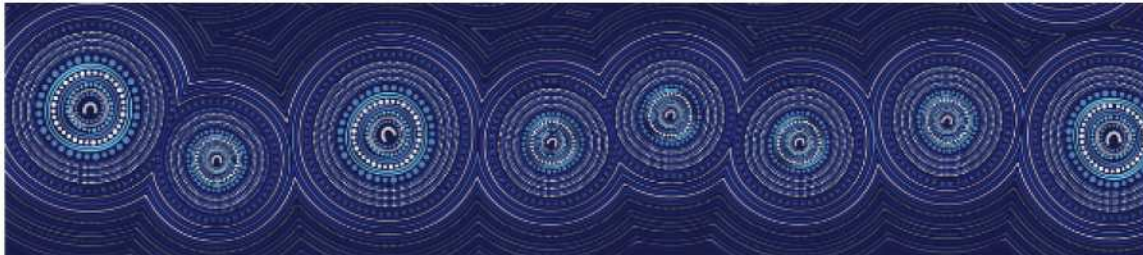
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\*\*\*\*\*

**From:** Moller, Scott  
**Sent:** Thu, 23 Sep 2021 07:58:54 +1000  
**To:** John Korn  
**Cc:** Drumgold, Shane  
**Subject:** Op COVINA - Redactions [SEC=OFFICIAL]

**OFFICIAL**

Good morning Mr Korn,

A review of the defence copy of the brief of evidence in the matter of Police v Lehrmann CC2021/8143, provided to your office on 6 August 2021, has revealed the presence of documents with redaction errors as well as others should not have been included in the brief. I would be grateful if those documents could be deleted. The review has revealed 6 documents as listed below, which have been subject to redaction of personal information not relevant to a fact in issue. However, those documents were erroneously “not locked”, and some of the redactions are capable of being removed to reveal the underlying information. I would ask that those documents are deleted. Replacement copies will be supplied by the ACT DPP.

I am aware that the brief provided to your office included audio copies of the complainant’s Evidence-in-Chief Interview (EICI) as well as personal counselling records from appointments with ‘Her Time Counselling’. As you would be aware, Defence counsel are entitled to copies of the transcript of the complainant’s EICI, although access to recordings must be through application pursuant to sections 54 and 55 of the *Evidence (Miscellaneous Provisions) Act 1991* (EMPA). Additionally, the counselling records related to the complainant’s appointments with ‘Her Time Counselling’ are considered ‘Protected Confidences’, pursuant to section 79A of the EMPA and as such are subject to general immunity from disclosure under section 79D of the EMPA. Consequently, I ask that the audio recording of the complainant’s EICI and medical records relating to the complainant’s appointments with ‘Her Time Counselling’ be deleted pending any application for provision of these being made.

The documents for deletion and references are:

*Section 1 – Civilian Witnesses*

**Item 1** - Complainant – Ms Brittany Higgins, EICI – Audio - Dated 24/02/2021 - EICI  
Complainant – Ms Brittany Higgins, EICI – Audio - Dated 26/05/2021 – Second EICI

*Section 4 – Investigation Documents*

**Item 20** - Medical Records – Medical Records for Ms Higgins – Dated 5/03/2021 – Her Time Counselling

The documents for deletion for which **replacements will be provided** by the DPP are:

*Section 4 – Investigation Documents*

**Item 23** – Medical Records – Canberra Rape Crisis Service notes for Ms Higgins – Dated 29/03/2021

**Item 24** – Medical Records – Ochre Health Kingston notes for Ms Higgins – Dated 08/04/2021

**Item 26** – Medical Records – Medicare Report for Ms Higgins – Dated 27/04/2021

**Item 27** – Medical Records – PBS report for Ms Higgins – Dated 27/04/2021

**Item 93** – Consent Form – Consent to acquire phone data – Ms Higgins – Dated 26/05/2021

**Item 94** – Consent Form – Consent to access iCloud information – Ms Higgins – Dated 26/05/2021

I would be grateful if you could respond to this email including Mr Shane Drumgold, Director ACT DPP, into the reply to the effect of the deletions occurring.

Sincerely,

Scott Moller

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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**From:** Drumgold, Shane  
**Sent:** Fri, 24 Sep 2021 11:29:22 +1000  
**To:** Moller, Scott  
**Cc:** Frizzell, Emma; Madders, Trent; Rose, Robert; REDACTED, Damien; Jerome, Skye  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Thank you for this advice, however as stated this will also become relevant to a fact in issue, as well as credibility issues in the trial, so I asked to be advised:

1. Who from the AFP provided the brief to defence?
2. Who it was provided to?
3. How it was provided (posted or handed to defence)?
4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
5. Who made the decision to hand the brief directly to defence?
6. The reasons for the decision to hand the brief directly on defence?

I understand from your email that the answer to the question 2 is Barrister John Korn and question 3 is personally handed to him.

Can I please get an answer to the remaining questions?

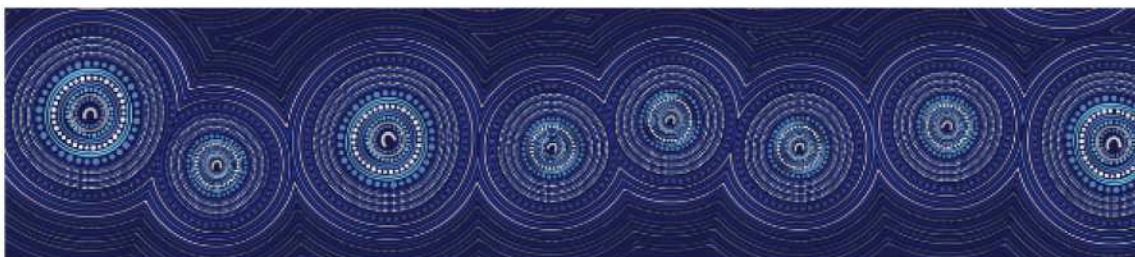
Further, confirming that I will require statements supporting the above.



**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](http://www.dpp.act.gov.au)

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---

**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Friday, 24 September 2021 10:41 AM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>;  
 Rose, Robert <[REDACTED]@afp.gov.au>; REDA, Damien <[REDACTED]@afp.gov.au>; Jerome,  
 Skye <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Good morning Shane,

In response to your email dated Wednesday 22 September 2021, I contacted Mr Korn by email (which I CC'd you into) notifying him of the issues that had been identified in the copy of the brief provided to him on 6 August 2021.

I requested that he delete the documents that were identified as not being correctly redacted, as well as the audio copy of the EICI and the complainant's counselling notes. I advised Mr Korn that updated, correctly redacted documents would be provided as soon as possible. I then had a follow up telephone conversation with Mr Korn, **who confirmed to me that he had not accessed the brief, other than to read the fact sheet.** Mr Korn agreed to destroy the brief and provide written confirmation of doing so. I advised Mr Korn that your office will be providing him with a new copy of the brief in due course.

My team has since corrected the documents within the brief ensuring the redactions are accurate and locked. A new defence copy of the brief has been prepared and I will arrange for this to be provided to your office.

With respect to communication with the complainant, advice was received from Heidi Yates and confirmed by yourself on 26 August 2021, that your office would take on responsibility for providing Ms Higgins with all information, updates and advice. As such, and in line with this agreement it is more appropriate that the DPP provide the requested update noting that Mr Korn has not accessed any of the documents.

To briefly answer your questions below regarding service of the brief on Mr Korn. I can confirm that the brief was served on Mr Korn in person shortly after the service of the summons for Mr

Lehrmann. Mr Korn requested a copy of the brief at that time and arrangements were made for a copy to be provided. This occurred at his office in Sydney.

Regards  
Scott

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

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**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Wednesday, 22 September 2021 8:17 AM  
**To:** Moller, Scott <[REDACTED]@p.gov.au>  
**Cc:** Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>; Rose, Robert <[REDACTED]@afp.gov.au>; REDA, Damien <[REDACTED]@afp.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

This is deeply concerning. Can you please advise, as a matter of urgency, what is being done to correct the situation?

May I suggest the following as a start:

1. AFP contact whoever the brief was handed to, and direct them to delete the offending documents.
2. AFP provide my office with a copy of documents that can be served on defence, complete with locked redactions for us to serve as replacements.
3. Write to the complainant through her representatives, and inform her
  - a. Her counselling notes were served on defence

- b. Other documents were served with unlocked redactions enabling contact information to be revealed
  - c. The recordings of her EIC interviews were served on defence
  - d. What remedial action was taken
4. Copy myself into the actions.

This will also become relevant to a fact in issue, as well as credibility issues in the trial, so can I please also be advised:

1. Who from the AFP provided the brief to defence?
2. Who it was provided to?
3. How it was provided (posted or handed to defence)?
4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
5. Who made the decision to hand the brief directly to defence?
6. The reasons for the decision to hand the brief directly on defence?

I will also require statements from the relevant parties outlining all of the above activity, including the remedial activity.



**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**

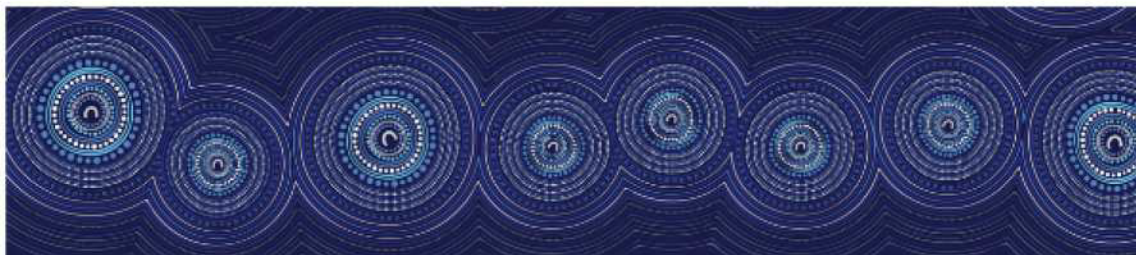
E: **REDACTED** @act.gov.au

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

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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

**Sent:** Wednesday, 22 September 2021 6:41 AM

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

**Cc:** Frizzell, Emma <**REDACTED** @afp.gov.au>; Madders, Trent <**REDACTED** @afp.gov.au>;



Rose, Robert <[REDACTED]@afp.gov.au>; REDA, Damien <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,  
Please see response below as requested.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

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**From:** Rose, Robert <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 3:43 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Dear Sir,

As requested by Mr Drumgold, I can provide the following response:

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

I can confirm the unlocked redactions in the material referenced below **are** in the defence copy, and that the redactions **could and in fact can** be removed revealing the redacted material from documents listed below.

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;

- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to acquire data;

**Can you please confirm the address or telephone number of any person was not disclosed?**

I can confirm the address and/or phone number of the following people **is capable of being disclosed**, should someone with access to the document “click” on the redacted element as referred to above and “drag” the redaction away from the underlying material.

[REDACTED]  
Ms Brittany Higgins;

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

I can confirm the counselling records as referred to below **were** included in the defence copy of the brief, apparently without leave under s.79E being sought.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

I can confirm the **audio** recordings of the evidence-in-chief interviews with Ms Higgins **were** disclosed to the defence.

Kind Regards,

Bob

**DETECTIVE SERGEANT ROBERT ROSE**  
TEAM LEADER JACET & CSORT - CRIMINAL INVESTIGATIONS  
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**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:34 PM  
**To:** Rose, Robert <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Bob,  
 A response by cob today please.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
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**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:31 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>; Boorman, Marcus <[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

Dear All

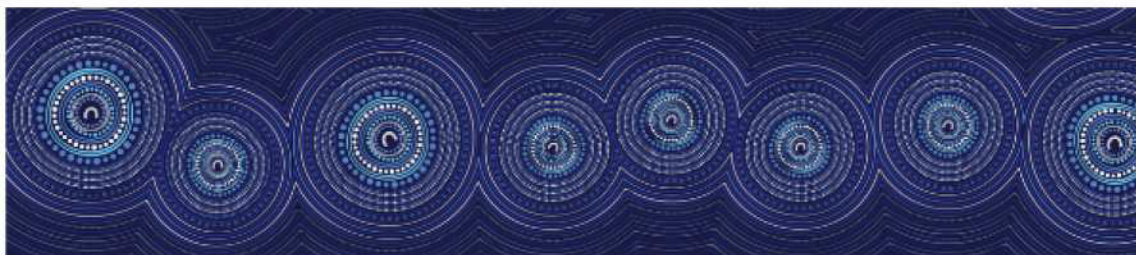
Is it possible to get an answer to the questions in red ASAP, as depending on the answer, we may need some urgent remedial activity.



**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:** Drumgold, Shane  
**Sent:** Friday, 17 September 2021 2:31 PM  
**To:** Moller, Scott <REDACTED@afp.gov.au>; REDACTED@afp.gov.au; Boorman, Marcus  
 REDACTED@afp.gov.au  
**Cc:** Jerome, Skye <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** Police v Lehrmann CC2021/8143

OFFICIAL: Sensitive

Dear Superintendent Moller et al

We have identified an issue with the crown's copy of the brief of evidence, disclosed to my office with the file on 6 August 2021.

**Unlocked redactions**

Sensitive information redacted electronically from the documents below have not been locked. This means that the redactions are capable of being removed and the sensitive information revealed. We have identified the following documents which have unlocked redactions:

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to access iCloud;
- vii. Consent to acquire data;

#### **Defence copy of the brief**

As you are aware, section 3.3 of the AFP/DPP Collaborate Agreement outlines that “*The AFP will provide briefs of evidence to the DPP.*” Prosecution Policy section 4.4 then requires of the DPP, that ‘in fulfilling our disclosure obligations, the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.’

You have confirmed that contrary to the collaborative agreement, a copy of the brief of evidence was served on the accused’s legal representatives by the AFP on 06 August 2021.

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

**Can you please confirm the address or telephone number of any person was not disclosed?**

The Counselling Records from both “Her Time” and “Canberra Rape Crisis Centre” are communications for counselling by a person against whom a sexual offence is alleged to have been committed and are accordingly “Protected Confidences” within the definition section 79A *Evidence (Miscellaneous Provisions) Act 1991* making them subject to a general immunity from disclosure under section 79D, requiring leave under s79E before being disclosed.

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

We also understand that a copy of the complainant’s evidence in chief interviews dated 24 February 2021 and 26 May 2021 were disclosed to the defence. As you would be aware, the accused is entitled to a copy of the transcript of such recordings pursuant to s 53(2)(b) *Evidence (Miscellaneous Provisions) Act* (EMPA), however, the accused can only access the recording by applying pursuant to ss54 and 55 EMPA.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

#### **Further evidence**

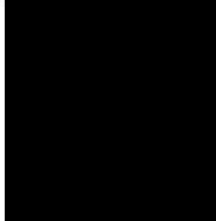
Please also be advised that the following items remain outstanding on the brief of evidence:

- i. Audio visual copies of the complainant’s Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021

## ii. Police statements

1. Gareth Saunders
2. Jason McDevitt
3. Kristy [REDACTED]

## iii. Statements regarding complaint evidence



## viii. Documents:

10. Photos of Lehrmann's Phone – SC James Brown
11. [REDACTED] – Trent Madders
12. Complete download – Complainant's 3 phones
13. Complete download – Accused's phone
14. Transcript – [REDACTED]
15. Transcript – [REDACTED]
16. Transcript – [REDACTED]

Can you please advise when these items will be provided. Can you please ensure that any redactions from police notes are limited to unrelated investigations and sensitive information. Further, in accordance with the AFP/DPP Collaborative agreement, when available, can you please ensure both prosecution and defence copies are served on the DPP for us to serve defence.

**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

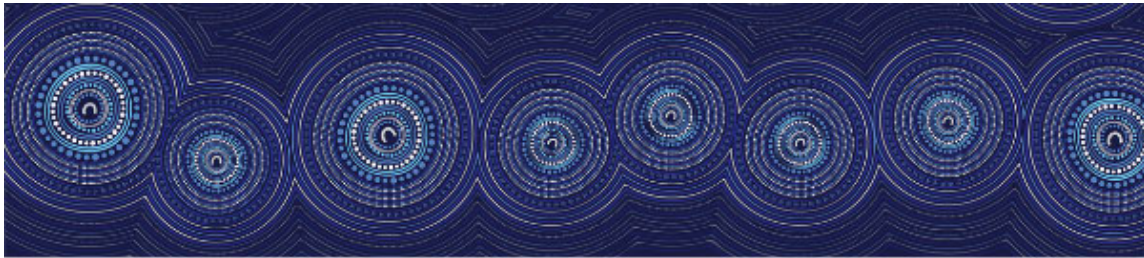
E: [REDACTED]@act.gov.au

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

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Drumgold, Shane  
**Sent:** Fri, 24 Sep 2021 11:35:11 +1000  
**To:** Jerome, Skye  
**Subject:** RE: LERHMANN

**OFFICIAL**

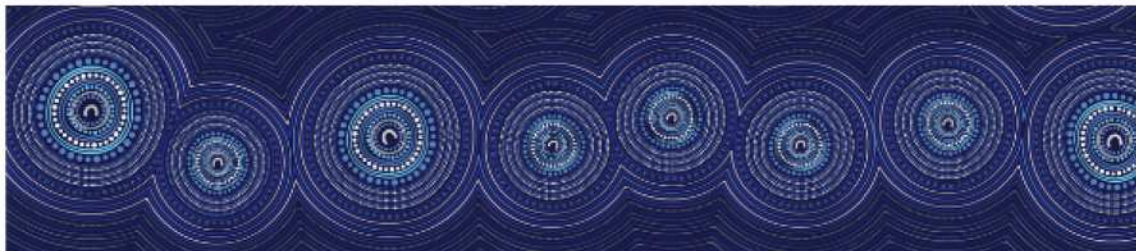
I understand police are getting written confirmation from Korn



**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](http://www.dpp.act.gov.au)

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---

**From:** Jerome, Skye <**REDACTED**@act.gov.au>  
**Sent:** Friday, 24 September 2021 11:34 AM  
**To:** Drumgold, Shane <**REDACTED**@act.gov.au>  
**Subject:** LERHMANN

**OFFICIAL**

Hi Shane

Should we also seek confirmation on whether the defendant has seen this brief or whether copies have been made of the brief.

So far, police have only bothered to find out if the defence barrister has viewed the material.

Kind regards  
Skye

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**From:** Moller, Scott  
**Sent:** Mon, 27 Sep 2021 11:33:13 +1000  
**To:** Drumgold, Shane  
**Cc:** Frizzell, Emma; Madders, Trent; Rose, Robert; **REDA**; Damien; Jerome, Skye; Priestly, Erin; Rose, Robert  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,

In response to your questions see below:

i,ii,iii & ii – The team is currently working on your request and will have a time line in relation to completion by cob today.

In response to your questions 1 - 6 highlighted below my response is indicated in red.

In an email of 22/9/21 I requested statements in relation to the brief service on defence. On 24/9/21 I received an answer to questions 2 and 3, but have not received a response to the remainder, nor an indication of when the statements will be received:

- 1) Who from the AFP provided the brief to defence on 6 August 2021? **Detective Cilla** [REDACTED]  
**(AFP Sydney Office)**
- 2) Who it was provided to? **John Korn**
- 3) How it was provided (posted or handed to defence)? **Hand delivered**
- 4) If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)? **No meeting, the brief was handed to John Korn and a receipt gained for service.**
- 5) Who made the decision to hand the brief directly to defence? **I have escalated this request and it is currently sitting with my Executive for response.**
- 6) The reasons for the decision to hand the brief directly on defence? **I have escalated this request and it is currently sitting with my Executive for response.**

In response to the below questions 1 – 3 the Team is working on it and will provide a response by COB today.

We will also need to add:

- 1) Directions to defence and their responses regarding potential use of the offending material.
- 2) The impact of disclosure (ie, any undertakings or responses that offending material was not accessed or distributed to accused)
- 3) The provision of replacement material for any deleted offending documents.

In the email to John Korn 7.59am 23/9/21 you indicated that replacement documents would be provided, however we have not as yet received those replacement documents. Can you please advise when this will be received. **The team is working on it and will provide a response by COB today**

Further, in the same email you sought a response from Mr Korn, and I have not received a response as yet, can you please chase that up. **I left a message for Mr Korn this morning (27/09/21) and will continue to chase it up until I receive a response.**

Regards  
Scott

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

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A SAFER AUSTRALIA

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

**Sent:** Monday, 27 September 2021 10:30 AM

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

**Cc:** Frizzell, Emma <**REDACTED**@afp.gov.au>; Madders, Trent <**REDACTED**@afp.gov.au>;

Rose, Robert <**REDACTED**@afp.gov.au>; **REDACTED**, Damien <**REDACTED**@afp.gov.au>; Jerome,

Skye <**REDACTED**@act.gov.au>; Priestly, Erin <**REDACTED**@act.gov.au>

**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**Importance:** High

**OFFICIAL: Sensitive**

Dear Scott

This matter is listed in the ACT Magistrates Court on 14 October (just over 2 weeks) for committal for trial. At this time, we will be required to produce the indictment, cases statement and a Supreme Court questionnaire, and will be required to formally advise the court of the status all outstanding material.

In an email on 17/9/21 at 2.31pm I requested advice of when the following items would be provided, and I have not as yet received a response:

- i. Audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021
- ii. Police statements
  1. Gareth Saunders
  2. Jason McDevitt
  3. Kristy [REDACTED]
- iii. Statements regarding complaint evidence
  4. [REDACTED]
- i. Documents:
  1. Photos of Lehrmann's Phone – SC James Brown
  2. [REDACTED] – Trent Madders
  3. Complete download – Complainant's 3 phones
  4. Complete download – Accused's phone
  5. Transcript [REDACTED]
  6. Transcript [REDACTED]
  7. Transcript – [REDACTED]

In an email of 22/9/21 I requested statements in relation to the brief service on defence. On 24/9/21 I received an answer to questions 2 and 3, but have not received a response to the remainder, nor an indication of when the statements will be received:

- 1) Who from the AFP provided the brief to defence on 6 August 2021?
- 2) Who it was provided to?
- 3) How it was provided (posted or handed to defence)?
- 4) If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
- 5) Who made the decision to hand the brief directly to defence?
- 6) The reasons for the decision to hand the brief directly on defence?

We will also need to add:

- 7) Directions to defence and their responses regarding potential use of the offending material.
- 8) The impact of disclosure (ie, any undertakings or responses that offending material was not accessed or distributed to accused)
- 9) The provision of replacement material for any deleted offending documents.

In the email to John Korn 7.59am 23/9/21 you indicated that replacement documents would be provided, however we have not as yet received those replacement documents. Can you please advise when this will be received. Further, in the same email you sought a response from Mr Korn, and I have not received a response as yet, can you please chase that up.

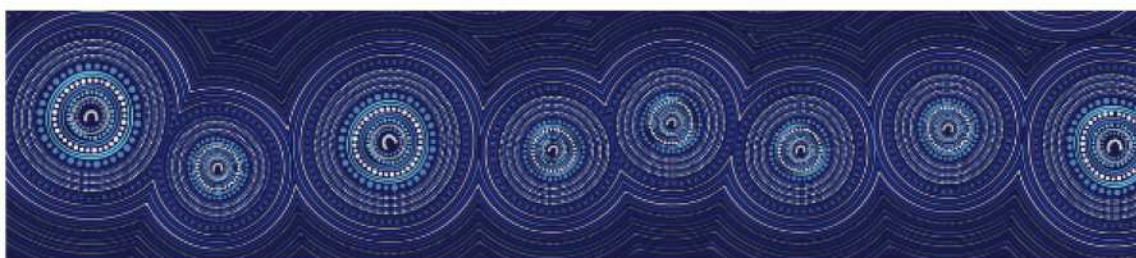
Can you please respond ASAP to enable us to progress this matter.



**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](http://www.dpp.act.gov.au)

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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:** Moller, Scott [REDACTED]@afp.gov.au>  
**Sent:** Friday, 24 September 2021 10:41 AM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>;  
 Rose, Robert <[REDACTED]@afp.gov.au>; [REDACTED] Damien <[REDACTED]@afp.gov.au>; Jerome,  
 Skye <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Good morning Shane,

In response to your email dated Wednesday 22 September 2021, I contacted Mr Korn by email (which I CC'd you into) notifying him of the issues that had been identified in the copy of the brief provided to him on 6 August 2021.

I requested that he delete the documents that were identified as not being correctly redacted, as well as the audio copy of the EICI and the complainant's counselling notes. I advised Mr Korn that updated, correctly redacted documents would be provided as soon as possible. I then had a follow up telephone conversation with Mr Korn, **who confirmed to me that he had not accessed the brief, other than to read the fact sheet.** Mr Korn agreed to destroy the brief and provide written confirmation of doing so. I advised Mr Korn that your office will be providing him with a new copy of the brief in due course.

My team has since corrected the documents within the brief ensuring the redactions are accurate and locked. A new defence copy of the brief has been prepared and I will arrange for this to be provided to your office.

With respect to communication with the complainant, advice was received from Heidi Yates and confirmed by yourself on 26 August 2021, that your office would take on responsibility for providing Ms Higgins with all information, updates and advice. As such, and in line with this agreement it is more appropriate that the DPP provide the requested update noting that Mr Korn has not accessed any of the documents.

To briefly answer your questions below regarding service of the brief on Mr Korn. I can confirm that the brief was served on Mr Korn in person shortly after the service of the summons for Mr Lehrmann. Mr Korn requested a copy of the brief at that time and arrangements were made for a copy to be provided. This occurred at his office in Sydney.

Regards  
Scott

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

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REDACTED

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**From:** Drumgold, Shane <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>

**Sent:** Wednesday, 22 September 2021 8:17 AM

**To:** Moller, Scott <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>

**Cc:** Frizzell, Emma <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>; Madders, Trent <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>;

Rose, Robert <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>; REDACTED, Damien <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>; Jerome, Skye <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>; Priestly, Erin <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>

**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

This is deeply concerning. Can you please advise, as a matter of urgency, what is being done to correct the situation?

May I suggest the following as a start:

- 1) AFP contact whoever the brief was handed to, and direct them to delete the offending documents.
- 2) AFP provide my office with a copy of documents that can be served on defence, complete with locked redactions for us to serve as replacements.
- 3) Write to the complainant through her representatives, and inform her
  - a. Her counselling notes were served on defence
  - b. Other documents were served with unlocked redactions enabling contact information to be revealed
  - c. The recordings of her EIC interviews were served on defence
  - d. What remedial action was taken
- 4) Copy myself into the actions.

This will also become relevant to a fact in issue, as well as credibility issues in the trial, so can I please also be advised:

- 1) Who from the AFP provided the brief to defence?
- 2) Who it was provided to?
- 3) How it was provided (posted or handed to defence)?
- 4) If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
- 5) Who made the decision to hand the brief directly to defence?
- 6) The reasons for the decision to hand the brief directly on defence?

I will also require statements from the relevant parties outlining all of the above activity, including the remedial activity.

**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

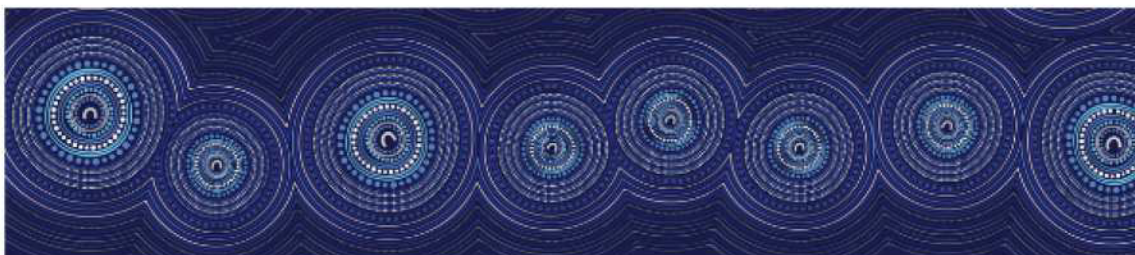
E: **REDACTED** @act.gov.au (EO)

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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to the life of this city and this region

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**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Wednesday, 22 September 2021 6:41 AM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>;  
 Rose, Robert <[REDACTED]@afp.gov.au>; REDA, Damien <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,  
Please see response below as requested.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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---

**From:** Rose, Robert [REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 3:43 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Dear Sir,

As requested by Mr Drumgold, I can provide the following response:

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

I can confirm the unlocked redactions in the material referenced below **are** in the defence copy, and that the redactions **could and in fact can** be removed revealing the redacted material from documents listed below.

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to acquire data;

**Can you please confirm the address or telephone number of any person was not disclosed?**

I can confirm the address and/or phone number of the following people **is capable of being disclosed**, should someone with access to the document “click” on the redacted element as referred to above and “drag” the redaction away from the underlying material.

[REDACTED];  
Ms Brittany Higgins;  
[REDACTED];

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

I can confirm the counselling records as referred to below **were** included in the defence copy of the brief, apparently without leave under s.79E being sought.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

I can confirm the **audio** recordings of the evidence-in-chief interviews with Ms Higgins **were** disclosed to the defence.

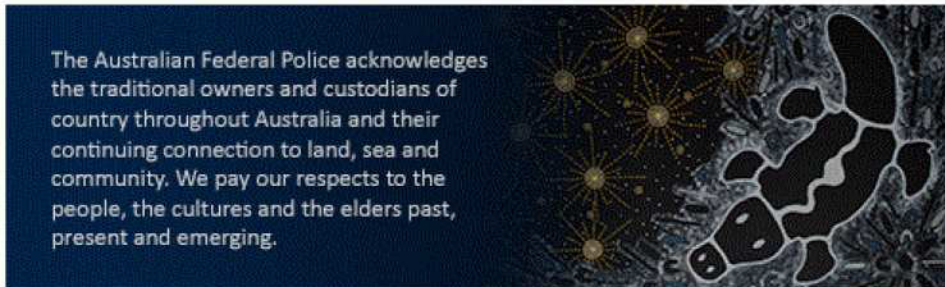
Kind Regards,

Bob

**DETECTIVE SERGEANT ROBERT ROSE**  
TEAM LEADER JACET & CSORT - CRIMINAL INVESTIGATIONS  
ACT POLICING  
**REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



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---

**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:34 PM  
**To:** Rose, Robert <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Bob,  
A response by cob today please.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
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**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:31 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>; Boorman, Marcus <[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143

**OFFICIAL: Sensitive**

Dear All

Is it possible to get an answer to the questions in red ASAP, as depending on the answer, we may need some urgent remedial activity.



**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:** Drumgold, Shane  
**Sent:** Friday, 17 September 2021 2:31 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au> [REDACTED]@afp.gov.au; Boorman, Marcus [REDACTED]@afp.gov.au  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** Police v Lehrmann CC2021/8143

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Dear Superintendent Moller et al

We have identified an issue with the crown's copy of the brief of evidence, disclosed to my office with the file on 6 August 2021.

**Unlocked redactions**

Sensitive information redacted electronically from the documents below have not been locked. This means that the redactions are capable of being removed and the sensitive information revealed. We have identified the following documents which have unlocked redactions:

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to access iCloud;
- vii. Consent to acquire data;

**Defence copy of the brief**

As you are aware, section 3.3 of the AFP/DPP Collaborate Agreement outlines that *"The AFP will provide briefs of evidence to the DPP."* Prosecution Policy section 4.4 then requires of the DPP, that 'in fulfilling our disclosure obligations, the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.'

You have confirmed that contrary to the collaborative agreement, a copy of the brief of evidence was served on the accused's legal representatives by the AFP on 06 August 2021.

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

**Can you please confirm the address or telephone number of any person was not disclosed?**

The Counselling Records from both "Her Time" and "Canberra Rape Crisis Centre" are communications for counselling by a person against whom a sexual offence is alleged to have been committed and are accordingly "Protected Confidences" within the definition section 79A *Evidence (Miscellaneous Provisions) Act 1991* making them subject to a general immunity from disclosure under section 79D, requiring leave under s79E before being disclosed.

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

We also understand that a copy of the complainant's evidence in chief interviews dated 24 February 2021 and 26 May 2021 were disclosed to the defence. As you would be aware, the accused is entitled to a copy of the transcript of such recordings pursuant to s 53(2)(b) *Evidence (Miscellaneous Provisions) Act* (EMPA), however, the accused can only access the recording by applying pursuant to ss54 and 55 EMPA.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

**Further evidence**

Please also be advised that the following items remain outstanding on the brief of evidence:

- i. Audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021
- ii. Police statements
  8. Gareth Saunders
  9. Jason McDevitt
  10. Kristy [REDACTED]
- iii. Statements regarding complaint evidence
  11. [REDACTED]
- viii. Documents:
  17. Photos of Lehrmann's Phone – SC James Brown
  18. [REDACTED] – Trent Madders
  19. Complete download – Complainant's 3 phones
  20. Complete download – Accused's phone
  21. Transcript – [REDACTED]
  22. Transcript – [REDACTED]
  23. Transcript – [REDACTED]

Can you please advise when these items will be provided. Can you please ensure that any redactions from police notes are limited to unrelated investigations and sensitive information. Further, in accordance with the AFP/DPP Collaborative agreement, when available, can you please ensure both prosecution and defence copies are served on the DPP for us to serve defence.



**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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\*\*\*\*\*

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

\*\*\*\*\*



**From:** Drumgold, Shane  
**Sent:** Mon, 27 Sep 2021 17:45:59 +1000  
**To:** Moller, Scott  
**Cc:** Frizzell, Emma; Madders, Trent; Rose, Robert; REDACTED Damien; Jerome, Skye; Priestly, Erin  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Dear Scott  
 I acknowledge receipt of the response.

We have compiled the team for this prosecution

Erin Priestly - instructing solicitor  
 Skye Jerome – Junior Counsel  
 Shane Drumgold SC – Senior Counsel

Erin Priestly will be the primary contact to settle the brief and brief disclosure certificate and can meet you with Skye Jerome at a mutually suitable time.



**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)  
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---

**From:** Moller, Scott <REDACTED@afp.gov.au>  
**Sent:** Monday, 27 September 2021 4:46 PM  
**To:** Drumgold, Shane <REDACTED@act.gov.au>  
**Cc:** Frizzell, Emma <REDACTED@afp.gov.au>; Madders, Trent <REDACTED@afp.gov.au>; Rose, Robert <REDACTED@afp.gov.au>; REDACTED Damien <REDACTED@afp.gov.au>; Jerome, Skye <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,  
Response to your questions attached.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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---

**From:** Drumgold, Shane <REDACTED@act.gov.au>  
**Sent:** Monday, 27 September 2021 10:30 AM  
**To:** Moller, Scott <REDACTED@afp.gov.au>  
**Cc:** Frizzell, Emma <REDACTED@afp.gov.au>; Madders, Trent <REDACTED@afp.gov.au>; Rose, Robert <REDACTED@afp.gov.au>; REDA, Damien <REDACTED@afp.gov.au>; Jerome, Skye <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]  
**Importance:** High

**OFFICIAL: Sensitive**

Dear Scott

This matter is listed in the ACT Magistrates Court on 14 October (just over 2 weeks) for committal for trial. At this time, we will be required to produce the indictment, cases statement and a Supreme Court questionnaire, and will be required to formally advise the court of the status all outstanding material.

In an email on 17/9/21 at 2.31pm I requested advice of when the following items would be provided, and I have not as yet received a response:

- i. Audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021

## ii. Police statements

1. Gareth Saunders
2. Jason McDevitt
3. Kristy [REDACTED]

## iii. Statements regarding complaint evidence

4. [REDACTED]

## ii. Documents:

1. Photos of Lehrmann's Phone – SC James Brown
2. [REDACTED] – Trent Madders
3. Complete download – Complainant's 3 phones
4. Complete download – Accused's phone
5. Transcript – [REDACTED]
6. Transcript – [REDACTED]
7. Transcript – [REDACTED]

In an email of 22/9/21 I requested statements in relation to the brief service on defence. On 24/9/21 I received an answer to questions 2 and 3, but have not received a response to the remainder, nor an indication of when the statements will be received:

1. Who from the AFP provided the brief to defence on 6 August 2021?
2. Who it was provided to?
3. How it was provided (posted or handed to defence)?
4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
5. Who made the decision to hand the brief directly to defence?
6. The reasons for the decision to hand the brief directly on defence?

We will also need to add:

7. Directions to defence and their responses regarding potential use of the offending material.
8. The impact of disclosure (ie, any undertakings or responses that offending material was not accessed or distributed to accused)
9. The provision of replacement material for any deleted offending documents.

In the email to John Korn 7.59am 23/9/21 you indicated that replacement documents would be provided, however we have not as yet received those replacement documents. Can you please advise when this will be received. Further, in the same email you sought a response from Mr Korn, and I have not received a response as yet, can you please chase that up.

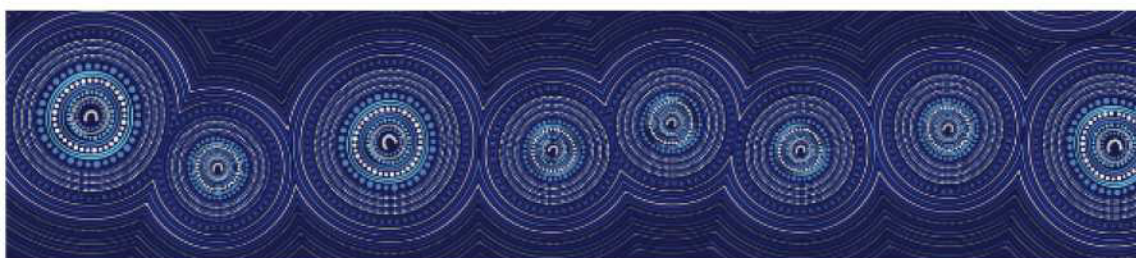
Can you please respond ASAP to enable us to progress this matter.



**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](http://www.dpp.act.gov.au)

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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:** Moller, Scott <REDACTED@afp.gov.au>  
**Sent:** Friday, 24 September 2021 10:41 AM  
**To:** Drumgold, Shane <REDACTED@act.gov.au>  
**Cc:** Frizzell, Emma <REDACTED@afp.gov.au>; Madders, Trent <REDACTED@afp.gov.au>;  
 Rose, Robert <REDACTED@afp.gov.au>; REDA, Damien <REDACTED@afp.gov.au>; Jerome,  
 Skye <REDACTED@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Good morning Shane,

In response to your email dated Wednesday 22 September 2021, I contacted Mr Korn by email (which I CC'd you into) notifying him of the issues that had been identified in the copy of the brief provided to him on 6 August 2021.

I requested that he delete the documents that were identified as not being correctly redacted, as well as the audio copy of the EICI and the complainant's counselling notes. I advised Mr Korn that updated, correctly redacted documents would be provided as soon as possible. I then had a follow up telephone conversation with Mr Korn, **who confirmed to me that he had not accessed the brief, other than to read the fact sheet.** Mr Korn agreed to destroy the brief and provide written confirmation of doing so. I advised Mr Korn that your office will be providing him with a new copy of the brief in due course.

My team has since corrected the documents within the brief ensuring the redactions are accurate and locked. A new defence copy of the brief has been prepared and I will arrange for this to be provided to your office.

With respect to communication with the complainant, advice was received from Heidi Yates and confirmed by yourself on 26 August 2021, that your office would take on responsibility for providing Ms Higgins with all information, updates and advice. As such, and in line with this agreement it is more appropriate that the DPP provide the requested update noting that Mr Korn has not accessed any of the documents.

To briefly answer your questions below regarding service of the brief on Mr Korn. I can confirm that the brief was served on Mr Korn in person shortly after the service of the summons for Mr Lehrmann. Mr Korn requested a copy of the brief at that time and arrangements were made for a copy to be provided. This occurred at his office in Sydney.

Regards

Scott

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

ACT POLICING

**REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



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

**Sent:** Wednesday, 22 September 2021 8:17 AM

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

**Cc:** Frizzell, Emma <**REDACTED** @afp.gov.au>; Madders, Trent <**REDACTED** @afp.gov.au>;

Rose, Robert <**REDACTED** @afp.gov.au>; **REDACTED** Damien <**REDACTED** @afp.gov.au>; Jerome,

Skye <**REDACTED** @act.gov.au>; Priestly, Erin <**REDACTED** @act.gov.au>

**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

This is deeply concerning. Can you please advise, as a matter of urgency, what is being done to correct the situation?

May I suggest the following as a start:

1. AFP contact whoever the brief was handed to, and direct them to delete the offending documents.
2. AFP provide my office with a copy of documents that can be served on defence, complete with locked redactions for us to serve as replacements.
3. Write to the complainant through her representatives, and inform her
  - a. Her counselling notes were served on defence
  - b. Other documents were served with unlocked redactions enabling contact information to be revealed
  - c. The recordings of her EIC interviews were served on defence
  - d. What remedial action was taken
4. Copy myself into the actions.

This will also become relevant to a fact in issue, as well as credibility issues in the trial, so can I please also be advised:

1. Who from the AFP provided the brief to defence?
2. Who it was provided to?
3. How it was provided (posted or handed to defence)?
4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
5. Who made the decision to hand the brief directly to defence?
6. The reasons for the decision to hand the brief directly on defence?

I will also require statements from the relevant parties outlining all of the above activity, including the remedial activity.

**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](http://www.dpp.act.gov.au)

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We acknowledge and respect their continuing culture and the contribution they make  
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Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Wednesday, 22 September 2021 6:41 AM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>;  
 Rose, Robert <[REDACTED]@afp.gov.au>; REDA, Damien <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

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Shane,  
Please see response below as requested.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
 CRIMINAL INVESTIGATIONS  
 ACT POLICING  
 [REDACTED]

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---

**From:** Rose, Robert [REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 3:43 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Dear Sir,

As requested by Mr Drumgold, I can provide the following response:

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

I can confirm the unlocked redactions in the material referenced below **are** in the defence copy, and that the redactions **could and in fact can** be removed revealing the redacted material from documents listed below.

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to acquire data;

**Can you please confirm the address or telephone number of any person was not disclosed?**

I can confirm the address and/or phone number of the following people **is capable of being disclosed**, should someone with access to the document “click” on the redacted element as referred to above and “drag” the redaction away from the underlying material.

[REDACTED]  
Ms Brittany Higgins;

[REDACTED];

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

I can confirm the counselling records as referred to below **were** included in the defence copy of the brief, apparently without leave under s.79E being sought.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

I can confirm the **audio** recordings of the evidence-in-chief interviews with Ms Higgins **were** disclosed to the defence.

Kind Regards,

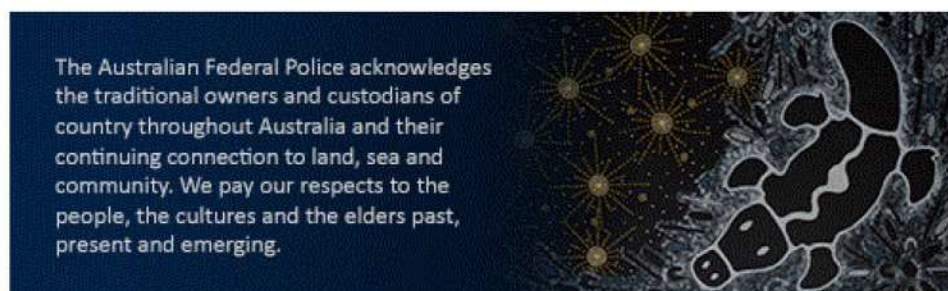
Bob



**DETECTIVE SERGEANT ROBERT ROSE**  
TEAM LEADER JACET & CSORT - CRIMINAL INVESTIGATIONS  
ACT POLICING  
**REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



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---

**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:34 PM  
**To:** Rose, Robert <[REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann CC2021/8143 [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Bob,  
A response by cob today please.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
CRIMINAL INVESTIGATIONS  
ACT POLICING  
**REDACTED**  
[www.afp.gov.au](http://www.afp.gov.au)



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**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Tuesday, 21 September 2021 1:31 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>; Boorman, Marcus <[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** RE: Police v Lehrmann CC2021/8143

**OFFICIAL: Sensitive**

Dear All

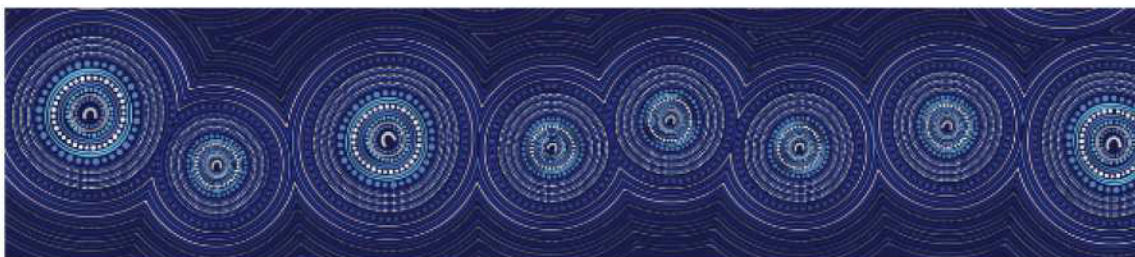
Is it possible to get an answer to the questions in red ASAP, as depending on the answer, we may need some urgent remedial activity.



**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](http://www.dpp.act.gov.au)

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**From:** Drumgold, Shane  
**Sent:** Friday, 17 September 2021 2:31 PM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>; [REDACTED]@afp.gov.au; Boorman, Marcus <[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>  
**Subject:** Police v Lehrmann CC2021/8143

**OFFICIAL: Sensitive**

Dear Superintendent Moller et al

We have identified an issue with the crown's copy of the brief of evidence, disclosed to my office with the file on 6 August 2021.

**Unlocked redactions**

Sensitive information redacted electronically from the documents below have not been locked. This means that the redactions are capable of being removed and the sensitive information revealed. We have identified the following documents which have unlocked redactions:

- i. Her Time Counselling Records;
- ii. Canberra Rape Crisis Centre Records;
- iii. Ochre Medical Records (page 8 only);
- iv. Medicare Report;
- v. PBS Report;
- vi. Consent to access iCloud;
- vii. Consent to acquire data;

**Defence copy of the brief**

As you are aware, section 3.3 of the AFP/DPP Collaborate Agreement outlines that *"The AFP will provide briefs of evidence to the DPP."* Prosecution Policy section 4.4 then requires of the DPP, that 'in fulfilling our disclosure obligations, the prosecution must have regard to the protection of the privacy of victims and other witnesses. The prosecution will not disclose the address or telephone number of any person unless that information is relevant to a fact in issue and disclosure is not likely to present a risk to the safety of any person.'

You have confirmed that contrary to the collaborative agreement, a copy of the brief of evidence was served on the accused's legal representatives by the AFP on 06 August 2021.

**Can you please confirm that the above mentioned unlocked redactions were not in the defence copy, and they could not be removed revealing the redacted material from those documents?**

**Can you please confirm the address or telephone number of any person was not disclosed?**

The Counselling Records from both “Her Time” and “Canberra Rape Crisis Centre” are communications for counselling by a person against whom a sexual offence is alleged to have been committed and are accordingly “Protected Confidences” within the definition section 79A *Evidence (Miscellaneous Provisions) Act 1991* making them subject to a general immunity from disclosure under section 79D, requiring leave under s79E before being disclosed.

**Can you please confirm that counselling records were not disclosed on defence without such leave?**

We also understand that a copy of the complainant’s evidence in chief interviews dated 24 February 2021 and 26 May 2021 were disclosed to the defence. As you would be aware, the accused is entitled to a copy of the transcript of such recordings pursuant to s 53(2)(b) *Evidence (Miscellaneous Provisions) Act* (EMPA), however, the accused can only access the recording by applying pursuant to ss54 and 55 EMPA.

**Can you please confirm that the audio recordings of the evidence in chief interviews were not disclosed to defence?**

#### Further evidence

Please also be advised that the following items remain outstanding on the brief of evidence:

- i. Audio visual copies of the complainant’s Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021
- ii. Police statements
  8. Gareth Saunders
  9. Jason McDevitt
  10. Kristy [REDACTED]
- iii. Statements regarding complaint evidence
  11. [REDACTED]
  12. [REDACTED]
  13. [REDACTED]
  14. [REDACTED]
  15. [REDACTED]
  16. [REDACTED]
- viii. Documents:
  17. Photos of Lehrmann’s Phone – SC James Brown
  18. [REDACTED] – Trent Madders
  19. Complete download – Complainant’s 3 phones
  20. Complete download – Accused’s phone
  21. Transcript – [REDACTED]
  22. Transcript – [REDACTED]
  23. Transcript – [REDACTED]

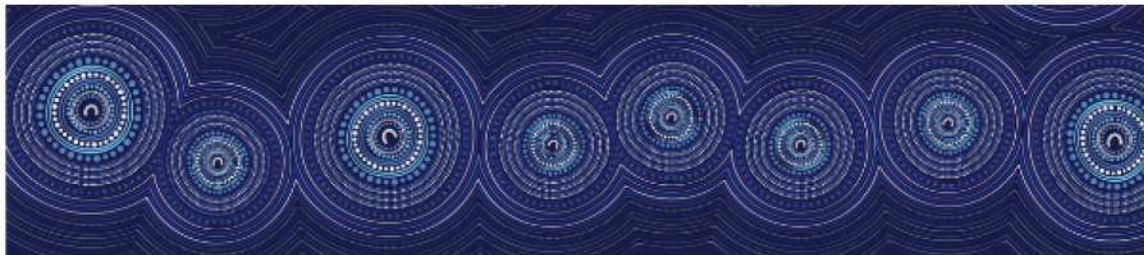
Can you please advise when these items will be provided. Can you please ensure that any redactions from police notes are limited to unrelated investigations and sensitive information. Further, in accordance with the AFP/DPP Collaborative agreement, when available, can you please ensure both prosecution and defence copies are served on the DPP for us to serve defence.



**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](http://www.dpp.act.gov.au)

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\*\*\*\*\*



27 September 2021

Director of Public Prosecutions  
Reserve Bank Building  
20-22 London Circuit  
Canberra City ACT 2601

**Outstanding documents – Police v Bruce Lehrmann – Sexual Intercourse without consent  
CC2021/8143**

Dear Mr Drumgold,

An updated copy of the mention brief provided to both DPP and Defence on 6 August 2021 will be provided to ACT Policing Judicial Operations on a USB memory device on Tuesday 28 September 2021. The following amendments have been made:

1. Her Time Counselling Records have been removed;
2. Canberra Rape Crisis Centre Records have been removed;
3. Audio only copy of the Evidence in Chief Interviews have been removed;
4. Ochre Medical Records redactions have been locked;
5. Medicare report redactions have been locked;
6. PBS report redactions have been locked;
7. Consent to access iCloud redactions have been locked; and
8. Consent to acquire data redactions have been locked.

The audio visual copies of the complainant's Evidence in Chief Interviews dated 24 February 2021 and 26 May 2021 will be provided on CD on Tuesday 28 September 2021 to ACT Policing Judicial Operations.

Additionally, the following documents obtained since the 6<sup>th</sup> of August 2021 have been included in a separate folder on the USB memory device:

1. [REDACTED];
2. Transcript of Record of Conversation with [REDACTED]
3. Transcript of Record of Conversation with [REDACTED]
4. Transcript of Record of Conversation with [REDACTED]
5. Image of a Facebook message as describe [REDACTED]

Since provision of the brief on 6 August 2021, the investigation team has sought the following further evidentiary items relevant to the brief of evidence and will seek to provide these items to your office as a matter of priority.

1. Diary notes of former Police Assistant Commissioner Leanne [REDACTED]
2. Record of Conversation with [REDACTED]
3. Transcript of Record of Conversation with [REDACTED]

4. Record of Conversation with Heidi Yates;
5. Police Statement of Detective Senior Constable Kirsty [REDACTED];
6. Supplementary Police Statement of Detective Leading Senior Constable Trent Madders;
7. Supplementary Statement of Digital Forensic member Pete [REDACTED];
8. iCloud report for Ms Higgins account;
9. Statement of Forensic member Jennifer [REDACTED];
10. Section 3E Crimes Act 1914 Search Warrant – Premises warrant – Queensland – Not executed;
11. Section 3LA Crimes Act 1914 order – Not executed;
12. Transcript of audio recording of Mr Lehrmann requesting access into Australian Parliament House;
13. Audio recordings between [REDACTED];
14. Transcripts of recordings between [REDACTED];
15. Email from Ms Higgins to Mr Lehrmann.

As of 24 September 2021, the following items remain outstanding. It is anticipated that these items will be available for provision to your office by 31 October 2021.

1. Police Statement of Detective Sergeant Gareth Saunders;
2. Police Statement of Detective Sergeant Jason McDevitt;
3. Supplementary Police Statement of Senior Constable Emma Frizzell;
4. Statement of [REDACTED];
5. Statement of [REDACTED];
6. Transcript of Record of Conversation with Heidi Yates;
7. Section 3E Crimes Act 1914 Search Warrant – Uber records;
8. Uber records of Mr Lehrmann; and
9. Uber records of Ms Higgins.

The following statements requested by your office regarding complaint evidence have not been obtained for the following reasons:

1. [REDACTED] - All attempts to contact have gone unanswered. [REDACTED] will be listed in the third schedule;
2. [REDACTED] - Determined to have no relevant evidence to offer;
3. [REDACTED] - Police cannot locate or contact [REDACTED];
4. [REDACTED] - Determined to have no relevant evidence to offer.

The complete downloads of the complainant's 3 phones, and accused's phone consists of many thousands of pages. Each download will require redaction before they can be provided, and this will take considerable time, however the team is currently working through these downloads.

Furthermore, the investigation team is in the process of compiling the disclosure certificate and seek a meeting with your office to discuss items contained within Schedule 1: relevant protected material that is subject of claim of privilege or immunity, prior to its submission.

Yours sincerely,

Scott Moller  
 Detective Superintendent  
 Criminal Investigations  
 ACT Policing



**From:** Drumgold, Shane  
**Sent:** Wed, 6 Oct 2021 14:14:12 +1100  
**To:** REDACTED@eschambers.com.au  
**Subject:** FW: Op COVINA - Redactions [SEC=OFFICIAL]

**OFFICIAL: Sensitive**

Dear Mr Korn

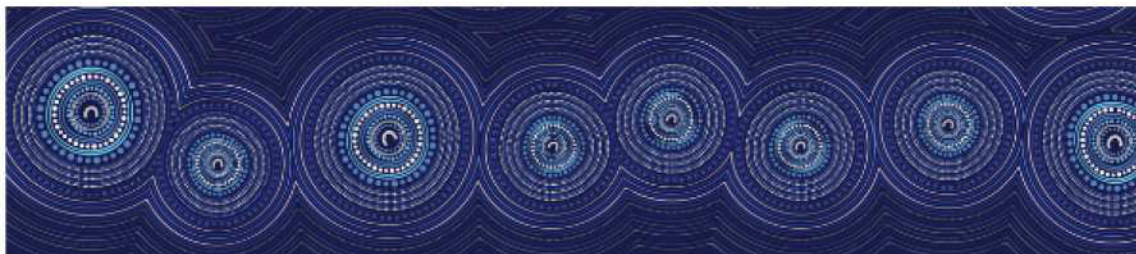
Further to our conversation today, can you please confirm that you have deleted the relevant documents as requested by Detective Superintendent Moller.



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

Artwork by Ngarrindjeri artist Jordan Lovegrove

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**From:** Moller, Scott REDACTED@afp.gov.au>  
**Sent:** Thursday, 23 September 2021 7:59 AM  
**To:** REDACTED@eschambers.com.au  
**Cc:** Drumgold, Shane <REDACTED@act.gov.au>  
**Subject:** Op COVINA - Redactions [SEC=OFFICIAL]

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**OFFICIAL**

Good morning Mr Korn,

A review of the defence copy of the brief of evidence in the matter of Police v Lehrmann CC2021/8143, provided to your office on 6 August 2021, has revealed the presence of documents with redaction errors as well as others should not have been included in the brief. I would be grateful if those documents could be deleted. The review has revealed 6 documents as listed below, which have been subject to redaction of personal information not relevant to a fact in issue. However, those documents were erroneously "not locked", and some of the redactions are capable of being removed to reveal the underlying information. I would ask that those documents are deleted. Replacement copies will be supplied by the ACT DPP.

I am aware that the brief provided to your office included audio copies of the complainant's Evidence-in-Chief Interview (EICI) as well as personal counselling records from appointments with 'Her Time Counselling'. As you would be aware, Defence counsel are entitled to copies of the transcript of the complainant's EICI, although access to recordings must be through application pursuant to sections 54 and 55 of the *Evidence (Miscellaneous Provisions) Act 1991* (EMPA). Additionally, the counselling records related to the complainant's appointments with 'Her Time Counselling' are considered 'Protected Confidences', pursuant to section 79A of the EMPA and as such are subject to general immunity from disclosure under section 79D of the EMPA. Consequently, I ask that the audio recording of the complainant's EICI and medical records relating to the complainant's appointments with 'Her Time Counselling' be deleted pending any application for provision of these being made.

The documents for deletion and references are:

*Section 1 – Civilian Witnesses*

**Item 1** - Complainant – Ms Brittany Higgins, EICI – Audio - Dated 24/02/2021 - EICI  
Complainant – Ms Brittany Higgins, EICI – Audio - Dated 26/05/2021 – Second EICI

*Section 4 – Investigation Documents*

**Item 20** - Medical Records – Medical Records for Ms Higgins – Dated 5/03/2021 – Her Time Counselling

The documents for deletion for which **replacements will be provided** by the DPP are:

*Section 4 – Investigation Documents*

**Item 23** – Medical Records – Canberra Rape Crisis Service notes for Ms Higgins – Dated 29/03/2021  
**Item 24** – Medical Records – Ochre Health Kingston notes for Ms Higgins – Dated 08/04/2021  
**Item 26** – Medical Records – Medicare Report for Ms Higgins – Dated 27/04/2021  
**Item 27** – Medical Records – PBS report for Ms Higgins – Dated 27/04/2021  
**Item 93** – Consent Form – Consent to acquire phone data – Ms Higgins – Dated 26/05/2021  
**Item 94** – Consent Form – Consent to access iCloud information – Ms Higgins – Dated 26/05/2021

I would be grateful if you could respond to this email including Mr Shane Drumgold, Director ACT DPP, into the reply to the effect of the deletions occurring.

Sincerely,

Scott Moller

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS

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\*\*\*\*\*

**From:** Priestly, Erin  
**Sent:** Thu, 7 Oct 2021 09:50:54 +1100  
**To:** Drumgold, Shane; Jerome, Skye  
**Subject:** LEHRMANN - Updated brief

**OFFICIAL**

Hi Shane and Skye

We received the updated brief from AFP this morning.

There is a fair bit of fresh material on there. It is too large to be sent over email, however can be located here: [\\nas125s2\ebriefs\EBriefs\\_Secure\\_005\\_WHoG](#) . Cam has given you both access however you will have to restart your computer before you can get into the file.

The new material is at:

1. IMAGES > Sydney warrant – images
2. PHONE DATA (entire folder)

In my view, we cannot disclose the latest version of the brief as is. The documents contained in 'iCloud data – Higgins' have significant amount of personal details in them which have not been redacted (email address, Medicare number, date of birth etcetera). I will compile a list of what needs redacting (it is pretty significant) and send it off to AFP. As discussed, we need them to edit the brief and reupload it – unfortunately, with the new SharePoint system we cannot do this ourselves. I just wanted to give you both a heads up, as it now looks like we won't have the brief sent off until next week.

Kind regards



**Erin Priestly**  
Prosecutor  
Sexual Offences Unit  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
T: (REDACTED) Direct  
T: (02) 6207 5399 (Reception)  
E: [REDACTED@act.gov.au](mailto:REDACTED@act.gov.au) -  
W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Drumgold, Shane  
**Sent:** Fri, 8 Oct 2021 11:19:37 +1100  
**To:** Moller, Scott  
**Subject:** RE: Op COVINA - Redactions [SEC=OFFICIAL]

**OFFICIAL: Sensitive**

Dear Scott

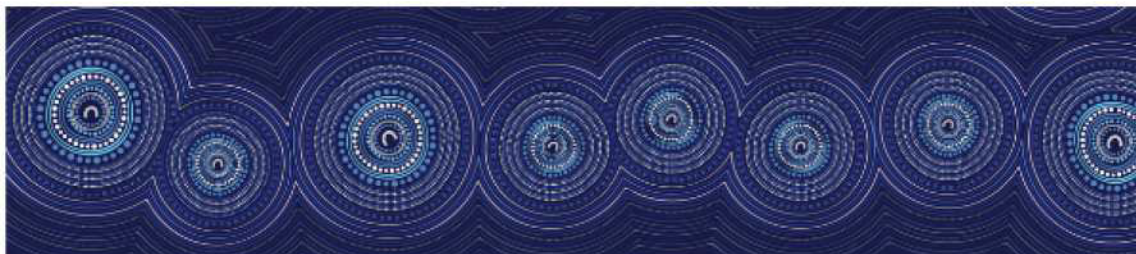
Can I please get an update on your request for confirmation of the destruction of the identified documents..



**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](http://www.dpp.act.gov.au)

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 to the life of this city and this region**

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**From:** Moller, Scott <REDACTED@afp.gov.au>  
**Sent:** Thursday, 23 September 2021 7:59 AM  
**To:** REDACTED@eschambers.com.au  
**Cc:** Drumgold, Shane <REDACTED@act.gov.au>  
**Subject:** Op COVINA - Redactions [SEC=OFFICIAL]

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**OFFICIAL**

Good morning Mr Korn,

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*Section 4 – Investigation Documents*

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The documents for deletion for which **replacements will be provided** by the DPP are:

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**Item 24** – Medical Records – Ochre Health Kingston notes for Ms Higgins – Dated 08/04/2021

**Item 26** – Medical Records – Medicare Report for Ms Higgins – Dated 27/04/2021

**Item 27** – Medical Records – PBS report for Ms Higgins – Dated 27/04/2021

**Item 93** – Consent Form – Consent to acquire phone data – Ms Higgins – Dated 26/05/2021

**Item 94** – Consent Form – Consent to access iCloud information – Ms Higgins – Dated 26/05/2021

I would be grateful if you could respond to this email including Mr Shane Drumgold, Director ACT DPP, into the reply to the effect of the deletions occurring.

Sincerely,

Scott Moller

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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**From:** Drumgold, Shane  
**Sent:** Fri, 8 Oct 2021 13:24:54 +1100  
**To:** Jerome, Skye  
**Subject:** RE: R v Lehmann, Bruce [SEC=OFFICIAL]

**OFFICIAL**

Are you being serious?

In the email dated 22/9/21 I expressly say *"I will also require statements from the relevant parties"*

In the email dated 27/9/21 I expressly say *"In an email of 22/9/21 I requested statements in relation to the brief service on defence. On 24/9/21 I received an answer to questions 2 and 3, but have not received a response to the remainder, nor an indication of when the statements will be received."*

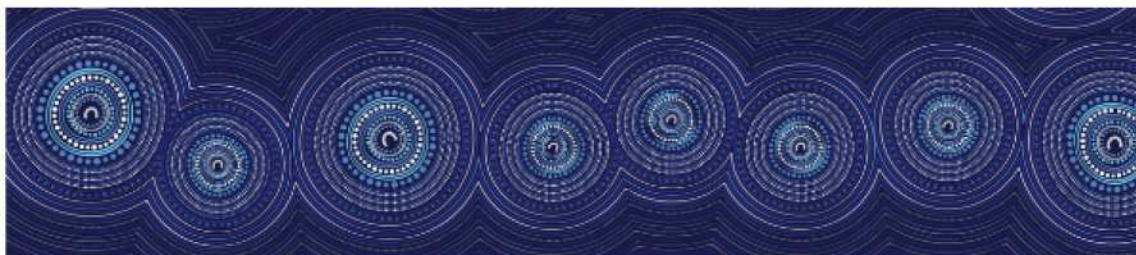
In answer to his question *"is the DPP now seeking written statements re same?"* – I clearly sought statements on 22/9/21 and again 27/9/21 – and still require the statements.



**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:** Jerome, Skye <REDACTED@act.gov.au>  
**Sent:** Friday, 8 October 2021 1:09 PM



To: Drumgold, Shane [REDACTED]@act.gov.au>  
Subject: Fwd: R v Lehrmann, Bruce [SEC=OFFICIAL]

**OFFICIAL**

Hi Shane

Please see below Scott Miller's response to my email.

I intend to respond as follows:

Dear Scott

I confirm that legal advice provided by DPP is subject to LPP and is a matter for AFP Legal.

I further confirm that we require statement/s to address the issues outlined below numbered 1 to 6.

If there are any issues arising from my response to you, please be in touch.

Kind regards

Skye

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**From:** Moller, Scott [REDACTED]@afp.gov.au>  
**Sent:** Friday, October 8, 2021 12:35 pm  
**To:** Jerome, Skye; Frizzell, Emma; Madders, Trent; Fleming, David  
**Cc:** Priestly, Erin  
**Subject:** RE: R v Lehrmann, Bruce [SEC=OFFICIAL]

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**OFFICIAL**

Sky,

Thanks for your response, however my understanding is that in the first instance DPP will decide on disclosure, once this is decided we would then seek AFP Legal advice, if this is not DPP preference I'm happy to progress directly to AFP Legal, but appreciate your written acknowledgement in relation to this. In response to Shane's request on 24 September you will note from the attached that he was provided with a response, is the DPP now seeking written statements re same?

Regards  
Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
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**From:** Jerome, Skye <REDACTED@act.gov.au>  
**Sent:** Friday, 8 October 2021 10:58 AM  
**To:** Moller, Scott <REDACTED@afp.gov.au>; Frizzell, Emma <REDACTED@afp.gov.au>; Madders, Trent <REDACTED@afp.gov.au>; Fleming, David <REDACTED@afp.gov.au>  
**Cc:** Priestly, Erin <REDACTED@act.gov.au>  
**Subject:** Re: R v Lehrmann, Bruce

Dear All

Re: R v Lehrmann, Bruce

Thank you for your time this morning on the phone.

I have spoken with Shane and his view is the same as mine regarding any legal advice provided by DPP to AFP is subject to LPP. AFP Legal is responsible for deciding what is subject to LPP. As such, my office does not require a copy of any briefing documents. This decision rests with AFP Legal.

On 24 September 2021, Shane asked for statement/s to address the following:

- Who from the AFP provided the brief to defence?
- Who it was provided to?
- How it was provided (posted or handed to defence)?
- If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
- Who made the decision to hand the brief directly to defence?
- The reasons for the decision to hand the brief directly on defence?

Are you able to confirm when such statement/s will be provided to DPP?

Kind regards

Skye



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

**From:** Drumgold, Shane  
**Sent:** Mon, 11 Oct 2021 13:15:52 +1100  
**To:** Moller, Scott; Jerome, Skye; Madders, Trent; Frizzell, Emma; Fleming, David  
**Subject:** RE: The Brief You Served on Me [SEC=OFFICIAL]

**OFFICIAL: Sensitive**

Dear Scott

His answer is incomplete and highly concerning. Could you please get an elaboration ASAP?

1. Noting he is still in possession of highly sensitive and protected information, is he going to return the memory stick to the AFP? It appears the least the AFP could do is send someone over to collect it, and my suggestion is that if and when you get them back, you have the metadata examined to ensure the sensitive documents have not been accessed or copied, and this action is outlined in the relevant statement regarding the AFP service of this brief.
2. In the conversation with me last week, he stated that he had copied the content onto a Hard Drive and did not know how to delete it. Is he now going to give a guarantee that either a) this did not occur, or b) it did occur and it has now been deleted?

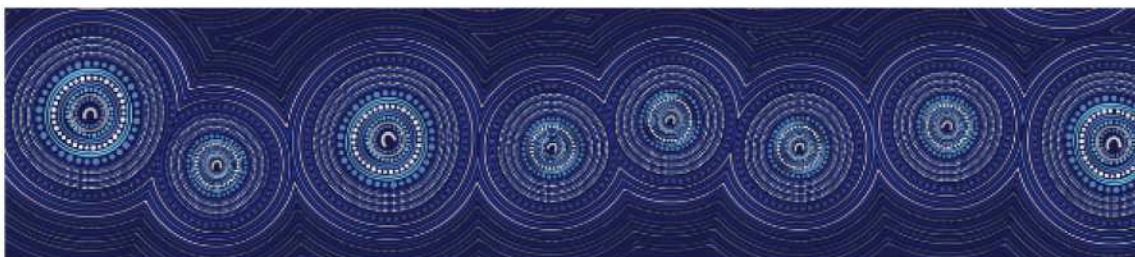
This issue is quite serious – the counselling notes and other sensitive information of a rape complainant have been unlawfully given to counsel for her alleged rapist, who is still in possession of them, and has now been for over 2 months. I would suggest it should attract greater urgency that it appears to be receiving.



**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](http://www.dpp.act.gov.au)

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**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Monday, 11 October 2021 12:59 PM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>;  
Madders, Trent <[REDACTED]@afp.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>; Fleming,  
David <[REDACTED]@afp.gov.au>  
**Subject:** FW: The Brief You Served on Me [SEC=OFFICIAL]

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## OFFICIAL

Shane,

Please see below written confirmation from Mr John Korn highlighting that he hasn't accessed the brief of evidence (Police v Lehrmann) served on him on 6 August 2021. I also note that Mr Korn has confirmed this advice verbally with you during a recent telephone conversation.

Kind regards

Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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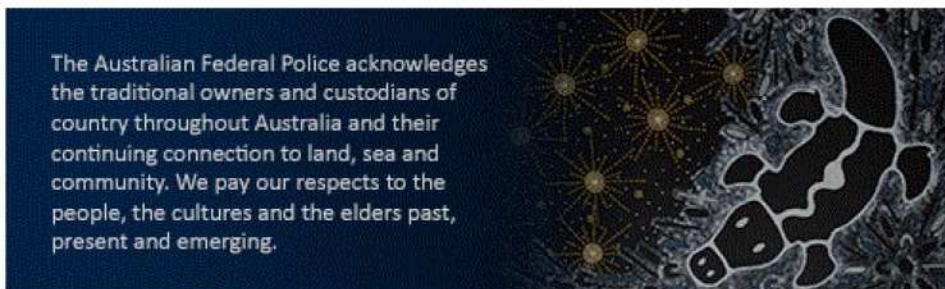
[REDACTED]

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**From:** John Korn <[REDACTED]@eschambers.com.au>  
**Sent:** Friday, 8 October 2021 5:08 PM  
**To:** Moller, Scott [REDACTED]@afp.gov.au>  
**Subject:** The Brief You Served on Me

Dear Mr Moller

I confirm our telephone conversation today, and now confirm in writing, that in terms of the USB stick that you served on me, (at the time of service of the Court Attendance Notice), I have **NOT** viewed, downloaded or printed, any of the material contained on that USB stick.

The reason for that is that shortly after receiving the USB, I opened the stick, and simply saw by name the Folders of items listed on the stick. It seemed to me from what I saw, that it did not look like a DPP Prosecution Brief, certainly not in the form that I'm used to seeing here in the New South Wales District Court system. I took the view that it looked like, what I might term, an Investigators Brief, and my intention was to wait and see what Brief would be served by the ACT Directors Office.

I had a telephone conversation with Shane Drumgold a week ago and I informed him in that telephone call, precisely what I am confirming in writing in this email.

John Korn

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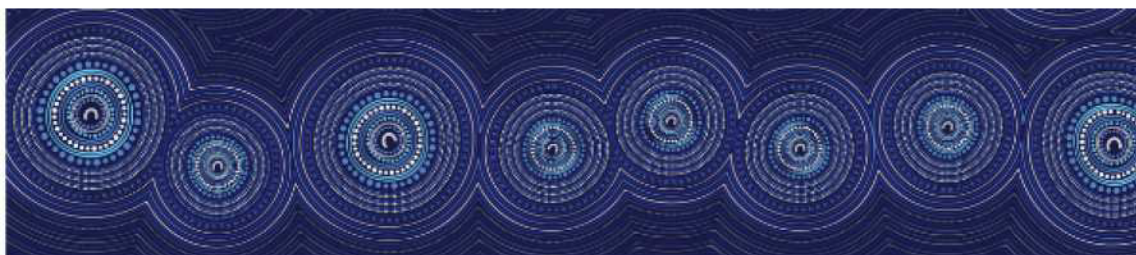
**From:** Jerome, Skye  
**Sent:** Tue, 12 Oct 2021 14:41:43 +1100  
**To:** Drumgold, Shane  
**Subject:** FW: R v Lehrmann, Bruce [SEC=OFFICIAL]

Hi Shane  
Please see below.



**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: **REDACTE**@act.gov.au  
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**From:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 12 October 2021 2:40 PM  
**To:** Jerome, Skye <[REDACTE]@act.gov.au>  
**Subject:** RE: R v Lehrmann, Bruce [SEC=OFFICIAL]

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**OFFICIAL**

Skye,  
I have clarified the member responsible for 5 & 6 and seek you advice on what is required in a statement from them.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
CRIMINAL INVESTIGATIONS

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**From:** Jerome, Skye <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>

**Sent:** Friday, 8 October 2021 10:58 AM

**To:** Moller, Scott <[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)>; Fleming, David <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>

**Cc:** Priestly, Erin <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>

**Subject:** Re: R v Lehrmann, Bruce

Dear All

Re: R v Lehrmann, Bruce

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4. If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
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6. The reasons for the decision to hand the brief directly on defence?

Are you able to confirm when such statement/s will be provided to DPP?

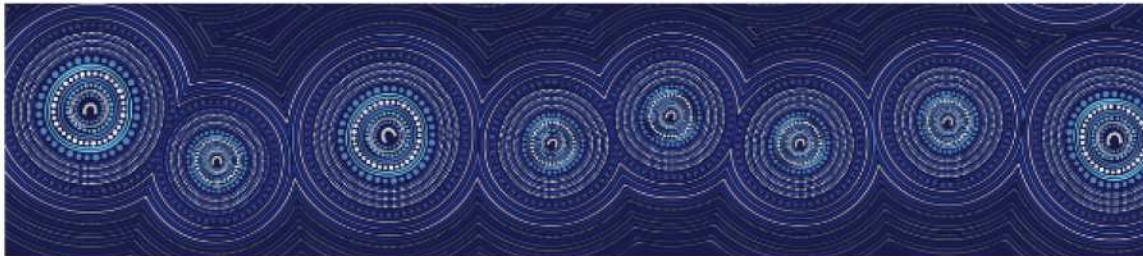
Kind regards

Skye



**Skye Jerome**  
Crown Advocate  
Office of the Director of Public Prosecutions (ACT)  
GPO Box 595, Canberra ACT 2601 (DX 5725)  
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\*\*\*\*\*

**From:** Moller, Scott  
**Sent:** Wed, 13 Oct 2021 15:12:07 +1100  
**To:** Drumgold, Shane  
**Cc:** Jerome, Skye; Fleming, David; Madders, Trent; Frizzell, Emma  
**Subject:** RE: R v Lehrmann, Bruce [SEC=OFFICIAL:Sensitive]  
**Attachments:** RE Police v Lehrmann CC20218143 [SEC=OFFICIALSensitive].eml.eml, Op COVINA - Redactions [SEC=OFFICIAL].eml.eml, The Brief You Served on Me.eml.eml

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Dear Shane,

Thanks for your response. On 27<sup>th</sup> September 2021 I responded to all of your questions (see attached). Additionally I provided the identical attachment email to Sky Jerome on Friday 8<sup>th</sup> October, I hope this satisfactorily answers your questions and I appreciate the clarification surrounding obtaining statements. My previous question to Sky in relation to providing statements was only in relation to question 5 & 6, statements in relation to all the other questions are being obtained as requested. The officer responsible for serving the brief on Mr Korn has been unavailable due to personal leave however is now back at work and attending to your request.

Further, I can advise that arrangements have been made with Mr Korn to retrieve the original electronic brief on **Thursday 14<sup>th</sup> October 2021**, given COVID implications, Mr Korn's availability and competing leave requirements this was the earliest the investigation team was able to arrange to retrieve it.

In response to your additional questions see below:

Get the brief back

- What requests have been made to recover the brief? **Requests via email and phone, see attached email.**
- When was it made? **23<sup>rd</sup> September 2021, 08<sup>th</sup> October 2021**
- Was there any response from defence? **Positive response, Mr Korn has repeatedly stated that he hasn't accessed the brief.**
- When was the response? **A written response was received on 08<sup>th</sup> October 2021 see attached email**
- a) Verify if it has been read? **See attached email, verifying that the brief has not been read.**
  - Has defence been asked? **Yes, see attached response.**
  - If so, who? When? What was said? What was the response? **Initially via phone on 23<sup>rd</sup> September by Detective Superintendent Moller, then follow up email on 24<sup>th</sup> September and finally received the attached email response from Mr Korn.**
  - Who asked? How (writing / phone call / in person)? **Detective Superintendent Moller – Phone call initially and conformation received via email, see attached.**
  - Has meta-data been checked? **Once the thumb drive is received the meta-data will be analysed.**
  - What was revealed? **This will be provided when analysis is complete.**
  - Who did it? **This will be provided when analysis is complete.**
- b) Verify if it has been copied? **On completion of analysis.**
  - Has defence been asked? **No**

- If so, how? When? What was said? What was the response?
- Who asked? How (writing / phone call / in person)?
- Has meta-data been checked? **Once the thumb drive is received it will be analysed.**
- What was revealed? **This will be provided when analysis is complete.**
- Who did it? **This will be provided when analysis is complete.**

In response to your previous questions 5 & 6:

- Commander Chew made the decision to hand the brief directly to the defence and issued that direction through Detective Superintendent Moller to the Investigation team. His reason for this decision and direction are as follows:
  - The brief of evidence had been assessed by the ACT DPP.
  - The investigation had been independently reviewed.
  - There was a desire to expedite the matter.
  - There was a requirement to implement efficiency in the COVID19 environment.

I will seek a statement from Commander Chew, I trust this clarifies your questions.

Kind regards  
Scott

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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

**Sent:** Tuesday, 12 October 2021 3:49 PM

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

**Cc:** Jerome, Skye <**REDACTED**@act.gov.au>

**Subject:** FW: R v Lehrmann, Bruce [SEC=OFFICIAL]

**OFFICIAL: Sensitive**

Dear Scott

Skye has forwarded the correspondence, and I will respond.

In the email dated 22/9/21 I expressly say *"I will also require statements from the relevant parties."*  
 In the email dated 27/9/21 I expressly say *"In an email of 22/9/21 I requested statements in relation to the brief service on defence. On 24/9/21 I received an answer to questions 2 and 3, but have not received a response to the remainder, nor an indication of when the statements will be received."*

As outlined in the email on 22/9/21, the statements should outline the following, and I have added some dot points to hopefully provide more guidance:

- 1) Who from the AFP provided the brief to defence?
  - What is the name of the persons?
  - Where do they work?
  - Who do they work for?
  - Do they have any involvement in this investigation – if so what?
  
- 2) Who it was provided to?
  - Was it handed to a law clerk, or directly to a barrister, and if so, what was the relevant person's name?
  - What if anything was said? For example, was it explained why it was being handed to them at that time? Were any limitations explained? Were they given any directions?
  
- 3) How it was provided (posted or handed to defence)?
  - Assuming the brief was compiled in Canberra, how did it travel to Sydney to be handed over?
  - Was a trip made specifically to convey the brief to Sydney – if not, what was the trip to Sydney for?
  - If it was posted to Sydney for service, who posted it? Who was it addressed to?
  - Once in Sydney, was a copy physically handed to defence?
  - Was there any other correspondence handed to them?
  - Was anything else provided?
  
- 4) If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
  - Was a special trip made to the location, just to hand them a copy of the brief, or was it in the context of another meeting, if so what?
  - Precisely where did the exchange occur?
  
- 5) Who made the decision to hand the brief directly to defence?
  - Who actually made the decision to hand the brief directly to defence?
  - Did they issue instructions for someone else to facilitate it – and if so who?
  - Was there any discussion surrounding the decision to hand the brief directly to defence, if so with who? What was the response?
  
- 6) The reasons for the decision to hand the brief directly on defence?
  - What was the reasoning for handing the brief directly to the defence?
  - Were there any considerations as to whether it should not be handed to defence, and if so what?
  - Was there any discussion during the decision making process, and if so with who? What was said? Was it in person or in writing?

As I have requested since, can I please have the same addressing what has been done since 6 August to:

- a) Get the brief back
  - What requests have been made to recover the brief?
  - When was it made?
  - Was there any response from defence?
  - When was the response?
- b) Verify if it has been read?
  - Has defence been asked?
  - If so, who? When? What was said? What was the response?
  - Who asked? How (writing / phone call / in person)?
  - Has meta-data been checked?
  - What was revealed?
  - Who did it?
- c) Verify if it has been copied?
  - Has defence been asked?
  - If so, how? When? What was said? What was the response?
  - Who asked? How (writing / phone call / in person)?
  - Has meta-data been checked?
  - What was revealed?
  - Who did it?

I trust this is of assistance.



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)

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

M: **REDACTED**

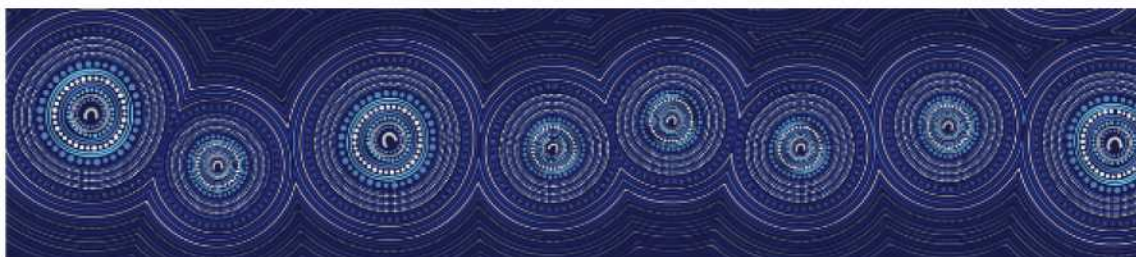
E: **REDACTED** @act.gov.au

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

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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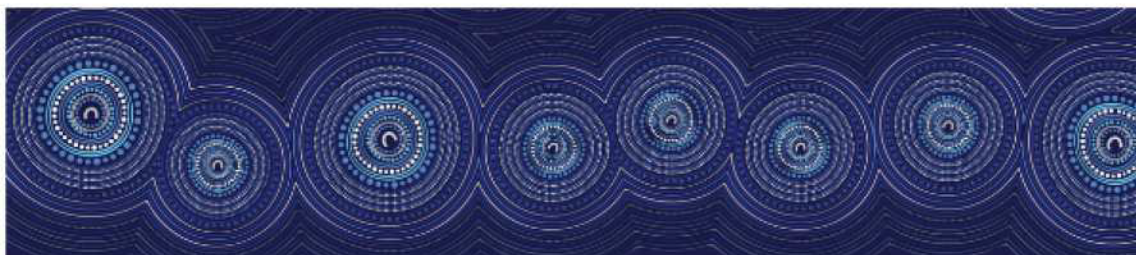
**From:** Jerome, Skye <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Sent:** Tuesday, 12 October 2021 2:42 PM  
**To:** Drumgold, Shane <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Subject:** FW: R v Lehrmann, Bruce [SEC=OFFICIAL]

Hi Shane  
Please see below.



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

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**From:** Moller, Scott <[REDACTED@afp.gov.au](mailto:REDACTED@afp.gov.au)>  
**Sent:** Tuesday, 12 October 2021 2:40 PM  
**To:** Jerome, Skye <[REDACTED@act.gov.au](mailto:REDACTED@act.gov.au)>  
**Subject:** RE: R v Lehrmann, Bruce [SEC=OFFICIAL]

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## OFFICIAL

Sky,  
I have clarified the member responsible for 5 & 6 and seek you advice on what is required in a statement from them.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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---

**From:** Jerome, Skye <**REDACTED**@act.gov.au>**Sent:** Friday, 8 October 2021 10:58 AM**To:** Moller, Scott <**REDACTED**@afp.gov.au>; Frizzell, Emma <**REDACTED**@afp.gov.au>; Madders, Trent <**REDACTED**@afp.gov.au>; Fleming, David <**REDACTED**@afp.gov.au>**Cc:** Priestly, Erin <**REDACTED**@act.gov.au>**Subject:** Re: R v Lehrmann, Bruce

Dear All

Re: R v Lehrmann, Bruce

Thank you for your time this morning on the phone.

I have spoken with Shane and his view is the same as mine regarding any legal advice provided by DPP to AFP is subject to LPP. AFP Legal is responsible for deciding what is subject to LPP. As such, my office does not require a copy of any briefing documents. This decision rests with AFP Legal.

On 24 September 2021, Shane asked for statement/s to address the following:

- 1) Who from the AFP provided the brief to defence?
- 2) Who it was provided to?
- 3) How it was provided (posted or handed to defence)?
- 4) If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?
- 5) Who made the decision to hand the brief directly to defence?
- 6) The reasons for the decision to hand the brief directly on defence?

Are you able to confirm when such statement/s will be provided to DPP?

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](http://www.dpp.act.gov.au)

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**From:** Drumgold, Shane  
**Sent:** Fri, 19 Nov 2021 10:47:10 +1100  
**To:** Moller, Scott  
**Cc:** Jerome, Skye; Priestly, Erin; Frizzell, Emma; Hughes, Callum  
**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

Dear Scott

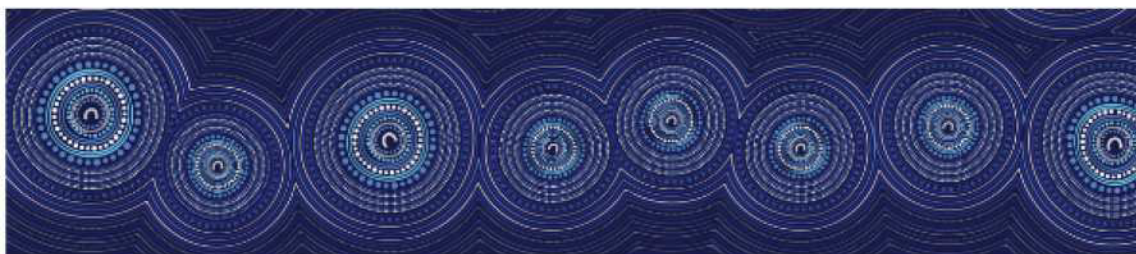
I have been informed in a proofing there was a disclosure made to [REDACTED], and require a statement from him. Further, can you provide an ETA for the statements outlining the circumstances of the premature disclosure of the brief of evidence on defence.



**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](http://www.dpp.act.gov.au)

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**From:** Moller, Scott [REDACTED]@afp.gov.au>  
**Sent:** Friday, 19 November 2021 10:42 AM  
**To:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>; Frizzell, Emma [REDACTED]@afp.gov.au>; [REDACTED] Callum [REDACTED]@afp.gov.au>  
**Subject:** FW: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

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Shane,

Further to my last, the team is requesting further clarification surrounding your request for a statement from [REDACTED] as they advise that he is not listed in the disclosure witnesses provided by Ms Higgins and was not referenced in her EICs. Consequently, the team are after further clarity on the basis for requesting a disclosure statement from Mr [REDACTED].

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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**From:** Moller, Scott

**Sent:** Tuesday, 16 November 2021 9:17 AM

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

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

**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Dear Shane,

1. Statement of Superintendent MOLLER – being drafted
2. Supp Statement FRIZZELL – will be provided once [REDACTED] statement is obtained. This supplementary statement is addressing administrative matters (statement taking etc.)
3. Statement of WONG (Trent Madders advised he was seeking legal advice and has not re-contacted Police) – Making arrangements to obtain the statement within the next two weeks depending on availability.
4. Statement of [REDACTED] – Per para 100 of Frizzell statement, he declined to provide it.
5. Statement of [REDACTED] – In [REDACTED] conversation with Frizzell he identified [REDACTED] as being a former partner of Ms Higgins. Clarification is sought on what basis a statement from him is requested please.

1. Statement of S [REDACTED] - Requested this date.
2. Statement of [REDACTED] - Requested this date.

It might be beneficial to meet with you or your representative to discuss some of these requests (like [REDACTED] to ensure we're meeting your requirements.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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**From:** Drumgold, Shane <[\[REDACTED\]@act.gov.au](mailto:[REDACTED]@act.gov.au)>

**Sent:** Tuesday, 16 November 2021 7:51 AM

**To:** Moller, Scott <[\[REDACTED\]@afp.gov.au](mailto:[REDACTED]@afp.gov.au)>

**Cc:** Jerome, Skye <[\[REDACTED\]@act.gov.au](mailto:[REDACTED]@act.gov.au)>; Priestly, Erin <[\[REDACTED\]@act.gov.au](mailto:[REDACTED]@act.gov.au)>; Frizzell, Emma <[\[REDACTED\]@afp.gov.au](mailto:[REDACTED]@afp.gov.au)>

**Subject:** RE: Police v Lehrmann

**OFFICIAL: Sensitive**

Dear Scott

I will need to be armed with this information for court this Thursday.

The following remains outstanding:

1. Statement of Superintendent MOLLER
2. Supp Statement FRIZZELL
3. Statement of [REDACTED] (Trent Madders advised he was seeking legal advice and has not re-contacted Police)
4. Statement of [REDACTED]
5. Statement of [REDACTED]

Based on the new material, the following may also be helpful

1. Statement of [REDACTED]
2. Statement of [REDACTED]

Is it possible to get a response to the availability question prior to court.



**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]

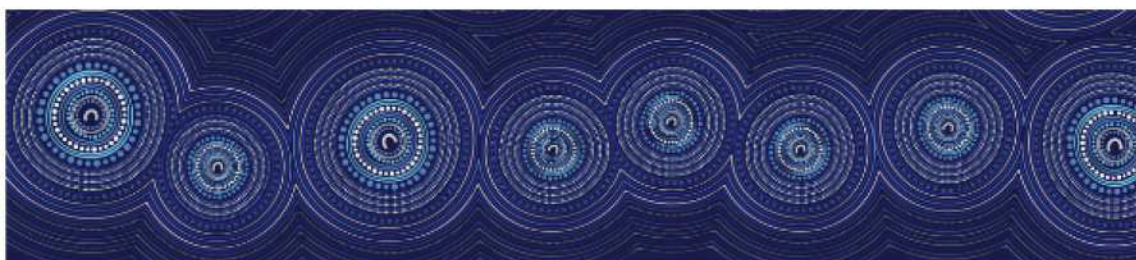
E: [REDACTED]@act.gov.au

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

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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**From:** Drumgold, Shane

**Sent:** Friday, 12 November 2021 3:11 PM

**To:** Moller, Scott [REDACTED]@afp.gov.au>

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

**Subject:** Police v Lehrmann

**OFFICIAL: Sensitive**

Dear Scott

As you are aware, on 5 November the matter of Lehrmann was committed for trial with the first mention next week on 18 November. We will have to finalise the trial preparation, so can I please get an update on the above minutes, and the anticipated timings as well as the outstanding statements relating to the premature service of brief referred to in the attached email.



Further, I am particularly interested in two witnesses mentioned in the statement of Emma Frizzell (27/7/21) at 100 she refers to a statement of [REDACTED], and at 104 she refers to a person named [REDACTED]. I believe both would be material to this case, and I do not have a statement from either. Can you please advise the status of the statements from them.



**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](http://www.dpp.act.gov.au)

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**From:** Moller, Scott  
**Sent:** Fri, 26 Nov 2021 14:28:49 +1100  
**To:** Drumgold, Shane  
**Cc:** Jerome, Skye; Priestly, Erin; Frizzell, Emma; Hughes, Callum  
**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

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**OFFICIAL:Sensitive**

Shane,

The statements have been requested and are currently being drafted. The exact time frame will be dependent upon their individual workload however I can advise that statements for Op Covina are regarded as a priority for completion.

Regards  
 Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

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**From:** Drumgold, Shane <REDACTED@act.gov.au>  
**Sent:** Friday, 26 November 2021 2:25 PM  
**To:** Moller, Scott <REDACTED@afp.gov.au>  
**Cc:** Jerome, Skye <REDACTED@act.gov.au>; Priestly, Erin <REDACTED@act.gov.au>; Frizzell, Emma <REDACTED@afp.gov.au>  
**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Dear Scott

Can you please respond to the below query ASAP

Is it possible to get an anticipated timing on the outstanding statements regarding the erroneous service of the brief of evidence on defence outlined in the previous email.



**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**

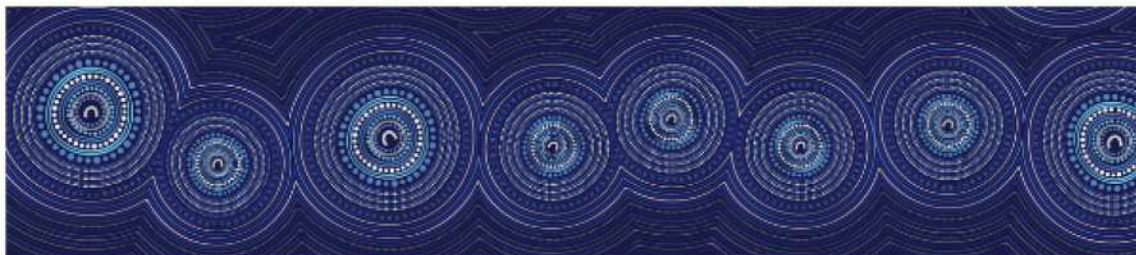
E: **REDACTED**@act.gov.au

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

W: [www.dpp.act.gov.au](http://www.dpp.act.gov.au)

For a full range of victims rights, please go to [www.dpp.act.gov.au](http://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:** Drumgold, Shane

**Sent:** Tuesday, 16 November 2021 9:36 AM

**To:** Moller, Scott <[REDACTED]@afp.gov.au>

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

Emma <[REDACTED]@afp.gov.au>

**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Thanks for the update.

Re [REDACTED] noting his comment that he is unable to distinguish what the complainant told him from what he heard in the media, we might abandon pursuit of him and close this off.

Re [REDACTED] – I understand the complainant recounted the events to him early, and would like to explore his recall and timing of the complaint.

Is it possible to get an anticipated timing on the outstanding statements regarding the erroneous service of the brief of evidence on defence outlined in the previous email.



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

**Sent:** Tuesday, 16 November 2021 9:17 AM

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

**Cc:** Jerome, Skye <**REDACTED** @act.gov.au>; Priestly, Erin **REDACTED** @act.gov.au>; Frizzell, Emma **REDACTED** @afp.gov.au>

**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

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**OFFICIAL:Sensitive**

Dear Shane,

1. Statement of Superintendent MOLLER – being drafted
2. Supp Statement FRIZZELL – will be provided once WONG’s statement is obtained. This supplementary statement is addressing administrative matters (statement taking etc.)
3. Statement of **REDACTED** (Trent Madders advised he was seeking legal advice and has not re-contacted Police) – Making arrangements to obtain the statement within the next two weeks depending on availability.

4. Statement of [REDACTED] – Per para 100 of Frizzell statement, he declined to provide it.
  5. Statement of [REDACTED] – In [REDACTED] conversation with Frizzell he identified [REDACTED] as being a former partner of Ms Higgins. Clarification is sought on what basis a statement from him is requested please.
1. Statement of [REDACTED] – Requested this date.
  2. Statement of [REDACTED] – Requested this date.

It might be beneficial to meet with you or your representative to discuss some of these requests (like [REDACTED]) to ensure we're meeting your requirements.

Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**

CRIMINAL INVESTIGATIONS  
ACT POLICING

[REDACTED]  
[www.afp.gov.au](http://www.afp.gov.au)



POLICING FOR  
A SAFER AUSTRALIA

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---

**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Tuesday, 16 November 2021 7:51 AM  
**To:** Moller, Scott <[REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann

**OFFICIAL: Sensitive**

Dear Scott

I will need to be armed with this information for court this Thursday.

The following remains outstanding:

1. Statement of Superintendent MOLLER
2. Supp Statement FRIZZELL

3. Statement of [REDACTED] (Trent Madders advised he was seeking legal advice and has not re-contacted Police)
4. Statement of [REDACTED]
5. Statement of [REDACTED]

Based on the new material, the following may also be helpful

1. Statement of [REDACTED]
2. Statement of [REDACTED]

Is it possible to get a response to the availability question prior to court.



**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]

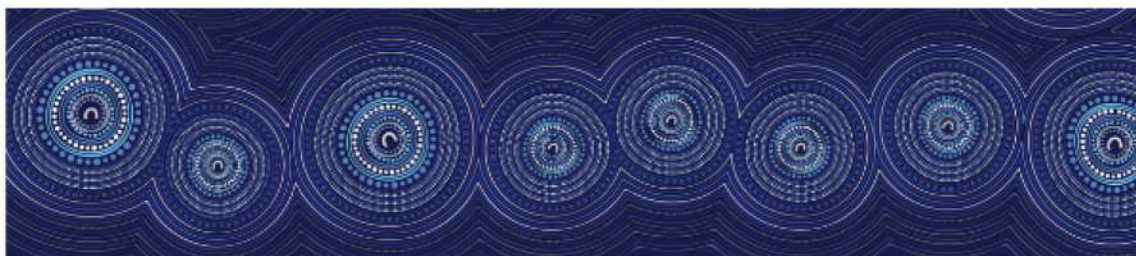
E: [REDACTED]@act.gov.au

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W:[www.dpp.act.gov.au](http://www.dpp.act.gov.au)

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Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Drumgold, Shane

**Sent:** Friday, 12 November 2021 3:11 PM

**To:** Moller, Scott [REDACTED]@afp.gov.au>

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

**Subject:** Police v Lehrmann

**OFFICIAL: Sensitive**

Dear Scott

As you are aware, on 5 November the matter of Lehrmann was committed for trial with the first mention next week on 18 November. We will have to finalise the trial preparation, so can I please get an update on the above minutes, and the anticipated timings as well as the outstanding statements relating to the premature service of brief referred to in the attached email.

Further, I am particularly interested in two witnesses mentioned in the statement of Emma Frizzell (27/7/21) at 100 she refers to a statement of [REDACTED], and at 104 she refers to a person named [REDACTED]. I believe both would be material to this case, and I do not have a statement from either. Can you please advise the status of the statements from them.



**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  
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\*\*\*\*\*

**From:** Drumgold, Shane  
**Sent:** Fri, 28 Jan 2022 10:29:44 +1100  
**To:** Moller, Scott  
**Cc:** Jerome, Skye; Priestly, Erin; Frizzell, Emma  
**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Dear Scott

Firstly happy new year, I hope you had a nice Christmas.

Noting this matter is listed for trial on 6 June, can I please get an update on the statements relating to the premature brief service, specifically the below previous enquiry.

*In an email of 22/9/21 I requested statements in relation to the brief service on defence. On 24/9/21 I received an answer to questions 2 and 3, but have not received a response to the remainder, nor an indication of when the statements will be received:*

1. *Who from the AFP provided the brief to defence on 6 August 2021?*
2. *Who it was provided to?*
3. *How it was provided (posted or handed to defence)?*
4. *If handed to defence, the circumstances under which it was handed to them (ie if it was a meeting, what the meeting was for)?*
5. *Who made the decision to hand the brief directly to defence?*
6. *The reasons for the decision to hand the brief directly on defence?*

*We will also need to add:*

7. *Directions to defence and their responses regarding potential use of the offending material.*
8. *The impact of disclosure (ie, any undertakings or responses that offending material was not accessed or distributed to accused)*
9. *The provision of replacement material for any deleted offending documents.*



**Shane Drumgold SC**

Director

Office of the Director of Public Prosecutions (ACT)

GPO Box 595, Canberra ACT 2601 (DX 5725)

T: **REDACTED** (Direct line)

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

M: **REDACTED**

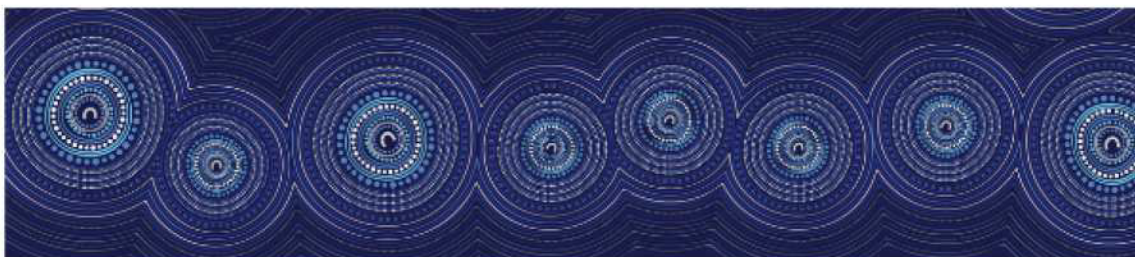
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---

**From:** Drumgold, Shane  
**Sent:** Friday, 26 November 2021 2:25 PM  
**To:** Moller, Scott [REDACTED]@afp.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>; Frizzell, Emma [REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Dear Scott  
Can you please respond to the below query ASAP

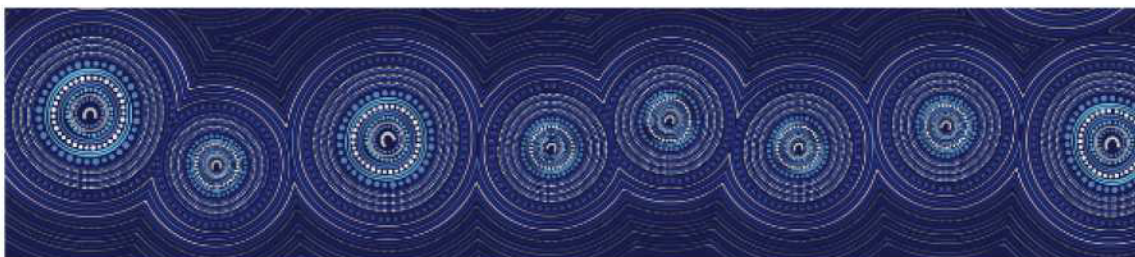
Is it possible to get an anticipated timing on the outstanding statements regarding the erroneous service of the brief of evidence on defence outlined in the previous email.



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GPO Box 595, Canberra ACT 2601 (DX 5725)  
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Thanks for the update.

Re [REDACTED] – noting his comment that he is unable to distinguish what the complainant told him from what he heard in the media, we might abandon pursuit of him and close this off.

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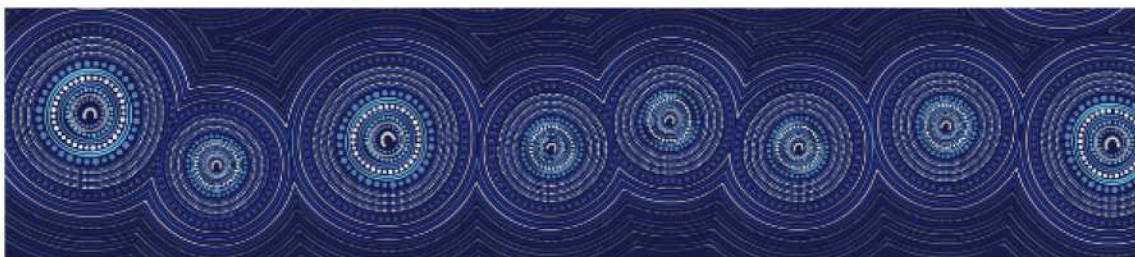
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 T: [REDACTED] (Direct line)  
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Artwork by Ngarrindjeri artist Jordan Lovegrove

**From:** Moller, Scott [REDACTED] <[REDACTED]@afp.gov.au>  
**Sent:** Tuesday, 16 November 2021 9:17 AM  
**To:** Drumgold, Shane [REDACTED] <[REDACTED]@act.gov.au>  
**Cc:** Jerome, Skye <[REDACTED]@act.gov.au>; Priestly, Erin <[REDACTED]@act.gov.au>; Frizzell, Emma [REDACTED] <[REDACTED]@afp.gov.au>  
**Subject:** RE: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

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Regards Scott.

**DETECTIVE SUPERINTENDENT SCOTT MOLLER**  
 CRIMINAL INVESTIGATIONS  
 ACT POLICING

REDACTED

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**Sent:** Tuesday, 16 November 2021 7:51 AM

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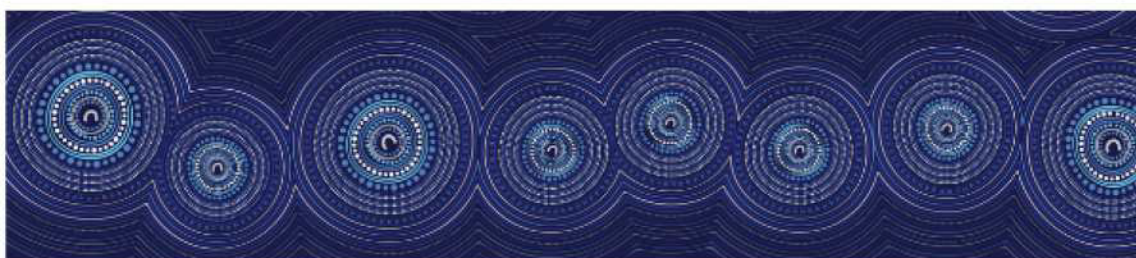
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 T: **REDACTED** (Direct line)  
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**Sent:** Friday, 12 November 2021 3:11 PM  
**To:** Moller, Scott <**REDACTED**@afp.gov.au>  
**Cc:** Jerome, Skye <**REDACTED**@act.gov.au>; Priestly, Erin <**REDACTED**@act.gov.au>; Frizzell, Emma <**REDACTED**@afp.gov.au>  
**Subject:** Police v Lehrmann

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Dear Scott

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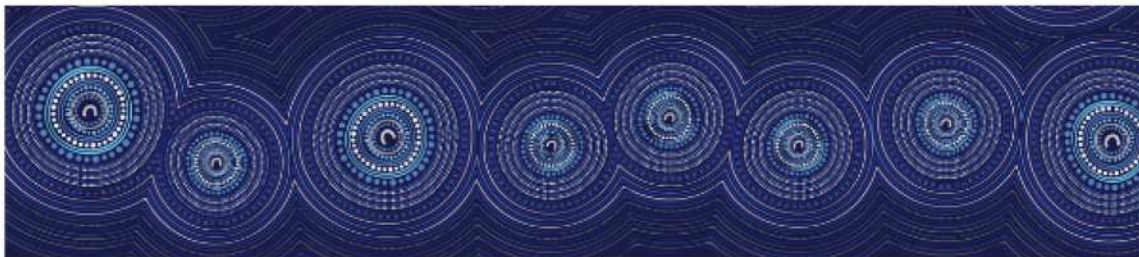
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Director
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GPO Box 595, Canberra ACT 2601 (DX 5725)
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M: REDACTED
E: REDACTED @act.gov.au
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\*\*\*\*\*





**From:** Moller, Scott  
**Sent:** Fri, 28 Jan 2022 10:30:49 +1100  
**To:** Drumgold, Shane  
**Subject:** Automatic reply: Police v Lehrmann [SEC=OFFICIAL:Sensitive]

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Thankyou for your email, however I am on leave until the 3rd May 2021 should your inquiry require immediate attention please contact A/Superintendent Michael **REDACTED**

**From:** Jerome, Skye  
**Sent:** Mon, 31 Jan 2022 15:42:19 +1100  
**To:** Drumgold, Shane; Priestly, Erin  
**Subject:** RE: Brittany Higgins

Hi Shane and Emma

I am free to attend.

I have also emailed A/Inspector Callum [REDACTED] about the outstanding material regarding the original disclosure to Defence. I have not yet received a response.

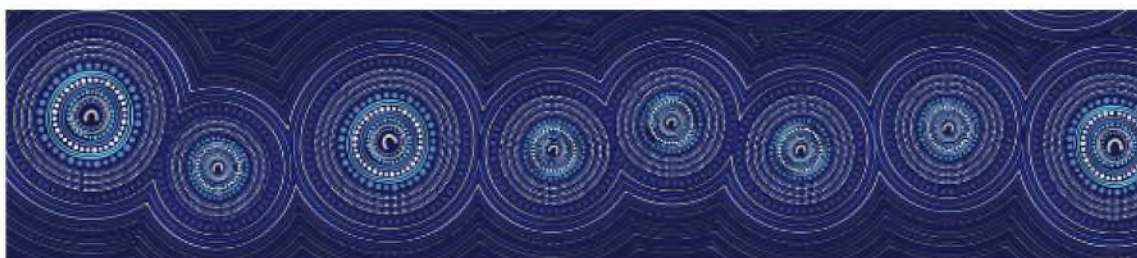
Kind regards

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  
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**From:** Drumgold, Shane <[REDACTED]@act.gov.au>  
**Sent:** Monday, 31 January 2022 3:39 PM  
**To:** Priestly, Erin <[REDACTED]@act.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>  
**Subject:** Brittany Higgins

UNOFFICIAL

Hey Team Lehremann

I have a face to face meeting with Brittany Higgins at 4.00pm this Thursday if either of you are free. If not, that is fine, just thought it would be a good opportunity to get on the front foot with continuity.



**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)

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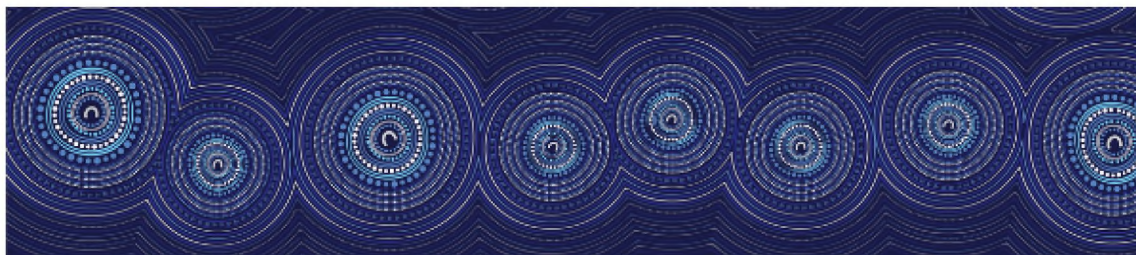
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