

From: [Drumgold, Shane](#)
To: [Priestly, Erin](#); [Jerome, Skye](#); [OConnor, Corey](#)
Subject: RE: Proofing - Brittany Higgins
Date: Tuesday, 3 May 2022 9:15:04 AM
Attachments: [image003.png](#)
[image005.png](#)
[Witness List.docx](#)

OFFICIAL: Sensitive

Hi All

In relation to timing preparation for the Higgins matter, I just wanted to set some timing landscape.

Skye and I have essentially broken the case up such at I do the first 26 witnesses, (my last one is [REDACTED]) and sky takes over from witness 27 (FA [REDACTED]).

I have largely cleared the next three weeks to proof my witnesses - (9 – 27 May) – I am pretty free this week also if we can fit any in. I have one appeal matter on the afternoon of 16 May, and I will be out of the office (yet contactable so can proof via Webex if needed) for the week of 30 May – 3 June.

I hope we can work this in.



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: D [REDACTED]

M: [REDACTED]

E: [REDACTED]@act.gov.au

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

W: www.dpp.act.gov.au

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

Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Priestly, Erin <[REDACTED]@act.gov.au>
Sent: Tuesday, 3 May 2022 9:03 AM
To: Drumgold, Shane <[REDACTED]@act.gov.au>
Subject: FW: Proofing - Brittany Higgins

OFFICIAL: Sensitive

Hi Shane

Would you be happy with 13 May for proofing? This does not give us a day afterwards, in case we run over.

Kind regards



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

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

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From: Treacy, Elysha <[REDACTED]@act.gov.au>
Sent: Tuesday, 3 May 2022 8:59 AM
To: Priestly, Erin <[REDACTED]@act.gov.au>; Yates, Heidi <[REDACTED]@act.gov.au>
Subject: RE: Proofing - Brittany Higgins

Apologies Erin,

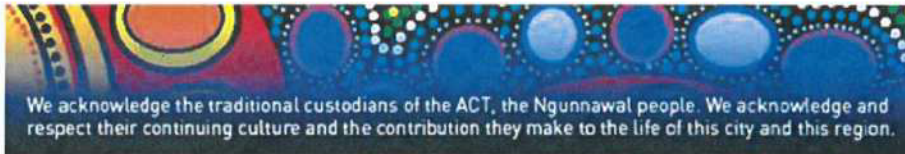
I should note I have not confirmed Ms Higgin's availability for anything other than Friday, 13th May and wish to highlight this is their preferred day of travel.

Kind Regards,

[REDACTED]
(she/her)

Victim Rights and Reform
Victim Support ACT
Phone: [REDACTED]

56 Allara Street, Canberra City | GPO Box 158 Canberra ACT 2601 |
ACT Human Rights Commission | ACT Government | www.victimsupport.act.gov.au



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From: [REDACTED]
Sent: Tuesday, 3 May 2022 8:55 AM
To: Priestly, Erin [REDACTED]@act.gov.au>; Yates, Heidi [REDACTED]@act.gov.au>
Subject: RE: Proofing - Brittany Higgins

Good morning Erin,

Thanks you for speaking with Shane about possible proofing dates.

Mr Sharaz would like to accept the offer of flights and accommodation, so that he is able to support Ms Higgins during her time in Canberra.

We've been advised Friday, 13 May is their preference for travel however I note your comments about being available the day after should proofing exceed one day. If I suggest Thursday, 12 May to Ms Higgins and Mr Sharaz, does this work for both yourself and Shane?

Lastly, I understand Mr Sharaz may not be able to support Ms Higgins during her proofing, however could you please confirm Ms Higgins can indeed have a support person with her should she wish? Assuming this person is not a witness in the proceedings.

Please don't hesitate to phone me on [REDACTED] to discuss further.

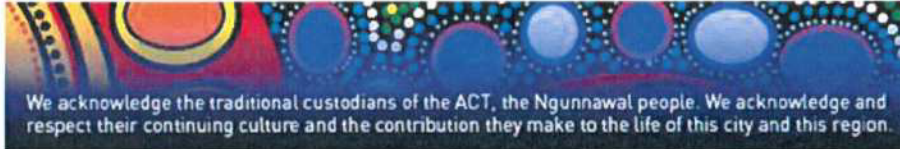
Kind Regards,

[REDACTED]
(she/her)

Victim Rights and Reform
Victim Support ACT
Phone: [REDACTED]
56 Allara Street, Canberra City | GPO Box 158 Canberra ACT 2601 |
ACT Human Rights Commission | ACT Government | www.victimsupport.act.gov.au



#diversitygoeswithme



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From: Priestly, Erin <REDACTED@act.gov.au>
Sent: Monday, 2 May 2022 3:29 PM
To: Yates, Heidi <REDACTED@act.gov.au>
Cc: <REDACTED@act.gov.au>
Subject: RE: Proofing - Brittany Higgins

OFFICIAL: Sensitive

Thanks Heidi.

I have spoken to Shane and we are wondering if Wednesday 11 May would work for Ms Higgins? We would cover the flights and accommodation for both Ms Higgins (and Mr Sharaz, should he wish to accompany her). Shane has suggested accommodation on Wednesday night, after the proofing, would be preferable just in case there is any further conversation which needs to take place Thursday.

Kind regards



Erin Priestly
 Senior Prosecutor
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
T: REDACTED (Direct)
T: (02) 6207 5399 (Reception)
E: REDACTED@act.gov.au
W: www.dpp.act.gov.au

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Please consider the environment before printing this e-mail

From: Yates, Heidi <REDACTED@act.gov.au>
Sent: Monday, 2 May 2022 1:46 PM
To: Priestly, Erin <REDACTED@act.gov.au>
Cc: <REDACTED@act.gov.au>
Subject: RE: Proofing - Brittany Higgins

Importance: High

OFFICIAL: Sensitive

Thank you Erin,

I am still on leave but keen to ensure we come back to you this quickly, noting the relevant timeframes.

I will follow up with Brittany ([REDACTED]) to identify what time/date might work for her and come back to you ASAP. Please let me know if your office has any preferred dates/times.

In the meantime, can I please clarify DPP's preferred approach to the booking of flights and accommodation? I note your earlier advice that you will only require Brittany for a day of proofing. However, noting the intensive nature of that day, would the DPP be supportive of arranging for her to stay overnight before or after the proofing?

Regards,

Heidi Yates

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



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

From: Priestly, Erin <[REDACTED]@act.gov.au>

Sent: Monday, 2 May 2022 11:14 AM

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

Cc: [REDACTED] <[REDACTED]@act.gov.au>

Subject: RE: Proofing - Brittany Higgins

OFFICIAL

Good morning Heidi

Just following up on arranging a proofing time for Ms Higgins, now that the stay decision has been handed down.

I am conscious you may be on leave, so I have copied in [REDACTED].

Thank you both.

Kind regards

Erin Priestly
Senior Prosecutor



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

T: REDACTED (Direct)
T: (02) 6207 5399 (Reception)
E: REDACTED@act.gov.au
W: www.dpp.act.gov.au

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Please consider the environment before printing this e-mail

From: Priestly, Erin
Sent: Tuesday, 5 April 2022 1:10 PM
To: Yates, Heidi <REDACTED@act.gov.au>
Subject: Proofing - Brittany Higgins

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Hi Heidi

I hope you are well.

Shane, Skye and I were hoping to organise a time to proof Ms Higgins later this month. Is there a time that Ms Higgins might already be in Canberra to proof her at our office? The estimate is that it will take about a day.

Kind regards



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

T: REDACTED (Direct)
T: (02) 6207 5399 (Reception)
E: REDACTED@act.gov.au
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R V LEHRMANN

No. SCC XXXX of 2021

LIST OF WITNESSES

1. Brittany HIGGINS
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. Fiona BROWN
21. Linda REYNOLDS
22. Assistant Commissioner [REDACTED]
23. Federal Agent Rebecca [REDACTED]
24. Federal Agent Katie [REDACTED]
25. Detective Sergeant Robert Heath LANGLANDS
26. Detective Senior Constable Sarah Elizabeth HARMAN
27. [REDACTED]
28. [REDACTED]
29. [REDACTED]
30. [REDACTED]
31. [REDACTED]
32. Michealia CASH
33. David SHIRAZ
34. [REDACTED]
35. [REDACTED]
36. Detective Sergeant Kylie [REDACTED]
37. Senior Constable Emma Louise FRIZZELL

- 38. Detective Inspector Marcus Colin BOORMAN
- 39. Detective Leading Senior Constable Trent Robert MADDERS
- 40. Senior Constable James [REDACTED]
- 41. Peter [REDACTED]
- 42. [REDACTED]

From: [REDACTED] Stephanie
To: [Priestly, Erin](#)
Cc: [DE Shelley](#); [REDACTED] Helen; [Hughes, Callum](#); [Frizzell, Emma](#); [Madders, Trent](#); [Fleming, David](#)
Subject: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]
Date: Monday, 20 June 2022 7:10:48 PM
Attachments: [DRAFT REDACTIONS - Investigation review conducted by Cmdr Smith dated 2 August 2021.pdf](#)
[REDACTED - Identified discrepancies.pdf](#)
[Review Doc.pdf](#)
[DRAFT REDACTIONS - Higgins brief response by DCPO.pdf](#)
[REDACTED - Briefs from Scott Moller and Marcus Boorman.pdf](#)

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Legal privilege**

Dear Erin

Further to our meeting last week, please find attached the following documents which we are advised by ACT Policing fall within the description of "investigative review documents" in the disclosure request received from the defence in this matter. We are providing these to you for the purpose of advice as to whether they should be disclosed in the proceedings. The documents are as follows:

- 4 June 2021 – minute from Marcus Boorman to DCPO-R titled "Op Covina Direction/ Decision – Alleged sexual assault Australian Parliament House 23 March 2019"
- 7 June 2021 – executive brief from Scott Muller to Michael Chew titled "Seeking direction in relation to Operation COVINA – alleged sexual intercourse without consent, Australian Parliament House 23 March 2019, and completed cover sheet.
- 2 August 2021 – investigation review conducted by Cmdr Smith.
- Undated - document titled "identified discrepancies"; and
- Undated - document titled "review doc".

We understand the Director has previously received the documents dated 4 June 2021 and 7 June 2021 in the context of being asked to provide advice and considers in that context the documents are subject to LPP. We would be grateful if you could confirm that these are the same documents and that the Director's position is that they are privileged.

Assuming at this stage the Director's position is that the first two documents should not be disclosed because they are subject to LPP, we note that if disclosure of the documents is pressed by the defence, there is a potential argument that other copies of the documents in the hands of the AFP are not privileged. The argument would be that prior to being provided to the Director, these documents were documents prepared for the purpose of internal AFP briefing and guidance, and that copies of the documents held by the AFP are not privileged because they did not involve communications with a legal advisor and were not made for the dominant purpose of obtaining legal advice or for use in, or for the purposes of litigation proceedings. Grateful if you could advise whether you consider this relevant in the current circumstances.

We do not believe you have previously been provided with the third, fourth or fifth documents, in the context of a request for advice or otherwise, and it appears to us that the documents

would be disclosable, but will defer to your office's view on this.

Please note some documents have legal professional privilege claims marked up. However, to enable you to see the LPP content, we have not applied these redactions. Should the documents be disclosed to defence, please apply the LPP redactions to the following documents:

- *Investigation reviewed conducted by Cmdr Smith dated 2 August 2021*
- *Higgins brief response by DCRO*

As detailed in Emma Frizzell's email, ACT Policing will provide you with the other documents captured by the disclosure request.

Aside from the above, as mentioned in our teleconference on Thursday, ACT Policing will not be taking any steps to source material sought in the disclosure request which is not currently in our possession.

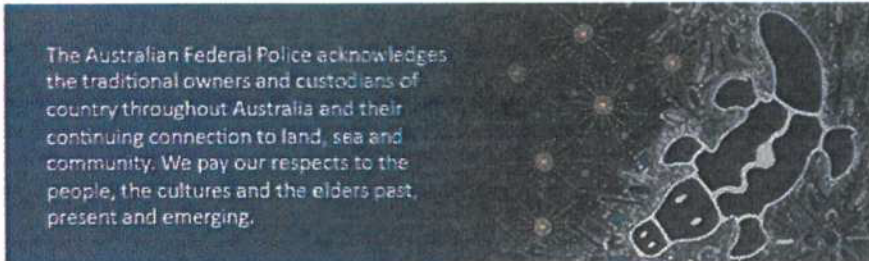
Kind regards
Stephanie

STEPHANIE [REDACTED]
LAWYER – AFP LEGAL
CHIEF LEGAL COUNSEL

REDACTED [REDACTED]
www.afp.gov.au



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OFFICIAL:Sensitive**Investigation review**

ACT Policing - Chief Police Officer
Deputy Commissioner Neil Gaughan APM

Title of review

Review of Operation Covina (PROMIS 6381473)

Purpose of the review:

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

The review has been initiated by ACT Policing Senior Executive, following an investigation into an allegation of a sexual assault occurring at Australian Parliament House (APH) on 23 March 2019.

Scope of the review:

The scope of the review will address the following:

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

The Terms of Reference are attached - Annexure A.

Plan and methodology:

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

The drive location was identified as:

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

The tactical review will be conducted in two phases:

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

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

The review was conducted over four days.

Describe the reviewers:

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

Case information

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

Briefly summarise the investigation to date:

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

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

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

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

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

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

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

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

Conduct of review

Describe your findings:

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

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

The material reviewed reveals:

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

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

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

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

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

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- The reasons for returning to APH.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Follow up action

The review team recommends the following:

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

Andrew SMITH
Commander

2 August 2021

Identified discrepancies

MR LEHRMANN WAS BUYING MS HIGGINS DRINKS ALL NIGHT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS HIGGINS WAS TAKING PHOTOS WHILE AT 88MPH

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

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

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

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

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

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

- During the meeting with FA [REDACTED] and FA [REDACTED] on 01 April 2019 Ms Higgins stated she attended the Phillip Medical Centre and was waiting for the results. Enquiries with the medical centre show she last attended in February 2019.
- Text messages from Ms Higgins to [REDACTED] state that she attended a doctor on the evening of 26 March 2019.
- Ms Brown stated that Ms Higgins informed her that she had a doctor's appointment on 29 March 2019.
- During the meeting with SC Harman on 08 April 2019 Ms Higgins stated she had not sought medical assistance.
- Ms Higgins provided SC Frizzell with consent for her medical records at the Kingston Medical Practice, which she states she attended after the incident. Enquiries with the medical centre show she attended in October 2019.
- **Protected confidence** [REDACTED]
- Medicare and the Pharmaceutical Benefits Scheme records do not show Ms Higgins attending a doctor until 25 October 2019.

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

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

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

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

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

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

COMMENTS ABOUT MR LEHRMANN ON THE PROJECT

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

[REDACTED]

COMMENTS ABOUT MINISTER CASH ON THE PROJECT

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

DISCREPENCIES

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

DISCREPENCIES

Bruce had to collect something from work – reason for going to APH She fell over up the stairs Alleged Bruce told her to be quiet otherwise they won't let them in	<ul style="list-style-type: none"> - Corroborated by Bruce' version of events - Both ██████████ and Bruce recall Brittany falling over within 88mph. - Told ██████████ they conversed about QLD weather; - Bruce said they were discussing the evening out
Brittany provided that she 'essentially woke up mid rape', and told Bruce to stop numerous times, while crying. He didn't say anything to her. Brittany says that 'he was almost done'. She could tell because he was sweaty.	<p>In diary notes of F/A ██████████ on 01/04/2021 Brittany states that she remembers Bruce being on top of her, he saying something about finishing and her saying 'no, don't'</p> <p>Remembers being on the couch, remembers him being on top of her, remembers him saying something about finishing and her saying 'no, don't'.</p>
States that she was about a 9/10 intoxicated entering Parliament House, cannot recall going through security or interacting with the guards.	<ul style="list-style-type: none"> - CCTV footage shows her interacting with the guards and appearing to walking without issue. - The guards state they could not smell alcohol on either party and both signed their names to enter the building. - A message to ██████████ states that she can't recall getting to Parliament House, vaguely remembers Bruce being there then waking up half naked. - After ██████████ questions whether she hooked up with Bruce or did he take advantage of her she states was barely lucid and thinks it wasn't consensual because of the way he left.
Bruce was buying her alcohol all night	<ul style="list-style-type: none"> - CCTV footage from The Dock does not show him buying her alcohol. - Bank statements show he only bought one \$40 round of drinks.
She was distressed when she returned home and her flatmate thought this was odd.	<ul style="list-style-type: none"> - The flatmate is a registered nurse who does not recall her being distressed or emotional on the weekend in question. - She does remember a strange phone call about a week or two later that Brittany said was the AFP following up about something at work. - She only thought it was odd due to the AFP calling Brittany about her workplace.
She attended Ochre medical centre in Kingston after the incident for the morning after pill.	<ul style="list-style-type: none"> - The medical centre she nominated has records of her only visit to them was in October 2019. - SC Sarah Harman states during the meet/greet on 08/04/2019 Brittany expressed concern about possibly getting pregnant. - In a text message to ██████████ on 27 March 2019, she reports she went to the GP the previous evening. - Medicare records do not support medical attention during this period of time.
States that she can't recall the Uber/taxi ride to Parliament House.	<ul style="list-style-type: none"> - Bruce states they talked about the night.

DISCREPENCIES

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

DISCREPENCIES

<p>Upon waking, her dress was up around her waist, and the straps were down.</p>	<ul style="list-style-type: none"> - [REDACTED] reportedly located her completely undressed, with her clothing on the floor.
<p>Other</p>	
<p>Brittany reports to 'The Project' that she arranged the drinks Brittany reports to FA/[REDACTED] that she attended the [REDACTED] following the incident</p>	<ul style="list-style-type: none"> - Not supported by disclosure in EICJ, [REDACTED] s statements <p>The medical centre she nominated has no records of her attendance from the date of the incident and onwards.</p>
<p>Recorded conversation between Brittany and Minister Cash.</p>	<p>Relates the incident to Minister Cash and states that she struggled with Bruce and he wouldn't stop. <i>She has never mentioned this detail in any other version.</i></p>
<p>She reports that Bruce said he just had to pick something up [From APH] States on The Project that she had no interest or sexual interest in Bruce.</p>	<ul style="list-style-type: none"> - Bruce corroborated this, advising he had to attend APH to collect his keys. - [REDACTED] states that Brittany and Bruce were sitting very close to each other at 88mph and kissed (pushed). - During the ROI with Bruce he stated he couldn't remember this occurring but didn't discount that it happened. - In diary notes of F/A [REDACTED] from 01/04/2019 Brittany stated that Bruce was getting 'handsy', but she didn't mind.
<p>States to The Project that she invited a number of people to drinks to meet Bruce and it was so she could value add to the office. [REDACTED] - Told [REDACTED] she was given a taxi home [from APH]</p>	<p>She was invited to drinks by [REDACTED] Bruce was leaving the portfolio but believes he was invited to the drinks by Brittany.</p> <ul style="list-style-type: none"> - She caught an Uber
<ul style="list-style-type: none"> - 23 March – Brittany told him she went back to APH with a group of people. - On 26 March – Brittany txt him advising she may not continue to be employed by Linda (Reynolds). Goes on to say that Friday didn't play out like she made out. Vaguely recall Bruce being there, woke up Saturday morning half-dressed by herself. - [REDACTED] asks Brittany if it was just her and Bruce, if there was a group of people, or if she was taken advantage of? 	<ul style="list-style-type: none"> - First partial disclosure; - Still no direct disclosure of sexual assault. No disclosures of assault had been made until after [REDACTED] asks her if she was taken advantage of; - Brittany omitted these conversations when discussing with Police; - Brittany states they were in a relationship; - [REDACTED] was engaged while have sex with Brittany in the office and sending her flowers every couple of days, 'Love [REDACTED]'. These were being sent in Perth (after incident). He ended his engagement after his relationship with Brittany; - It appears incident occurred while still 'seeing' [REDACTED]

DISCREPENCIES

<ul style="list-style-type: none">- Further states it was just her and Bruce and that she was barely lucid and didn't feel like it was consensual, stating if he thought it was okay, why did he leave her there- That he and Brittany were not in a relationship. They were having sex.	
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ACT Policing

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

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

Final Approval	
Name: Michael Chew Position: DCPO - R	Signature:
Date:	
Comments: <u>SUP CT - SCOTT</u>	
<p>→ I have reviewed and am of the opinion that the brief should be referred to ActDPP for assessment & consideration of prosecution.</p> <p>→ Please ensure the brief is forwarded to ActDPP.</p> <p>→ At the same time a copy of this report & associated documents be sent to CMBR SMITH for a "red team" assessment.</p>	

1 of 3
Last updated:

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M. CHEW on 16/6



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ACT Policing

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

Subject	Seeking direction re Operation COVINA		
To	DCPO - R	Functional Area	ACT Policing
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	By ASAP		
Through		Comments to EA	
CC			

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

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Comments:		
Name/Position:	Signature:	Date:

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Comments:		
Name/Position:	Signature:	Date:

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Executive Briefing

Addressee DCPO - R

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

Action required:

For information and decision

Deadline:

ASAP

Reasons for proposed actions:

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

54 (1) - Sexual Intercourse without Consent

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

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

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

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

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

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

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

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

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

Resource implications:

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

Consultation:

Op Covina investigation team
ACT DPP

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Expected Reaction:

Positive.

Recommendation:

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

[REDACTED]
Scott Voller
Detective Superintendent
SIO Operation COVINA
[REDACTED]



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Investigation into alleged sexual assault at Parliament House

Media Options

POLICING FOR A SAFER AUSTRALIA

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Background

In February 2021, Ms Brittany Higgins conducted an interview with *The Project* detailing allegations of a sexual assault that occurred at Parliament House in March 2019 (first reported to ACT Policing in April 2019). In the 24 hours following the airing of her interview, ACT Policing estimates there were more than 150 online stories about the matter. This count does not include television reporting.

Since that time, ACT Policing and the AFP have continued to receive enquiries from more than 20 media organisations seeking updates to the investigation. In line with usual practices, ACT Policing Media and Public Engagement has not provided any further detail; however, several senior executives have provided commentary about the investigation progress and detectives working on the matter. Chief Police Officer (CPO) Neil Gaughan has been asked for updates on several occasions during his regular ABC interview (**Attachment A**) and the AFP Commissioner Reece Kershaw has addressed questions during Senate Estimates. On Tuesday, 25 May Commissioner Kershaw told a Senate Estimates Committee that the brief of evidence would be going to the ACT Director of Public Prosecutions (DPP) 'in the next few weeks'.

This investigation is the most high-profile investigation conducted by ACT Policing in recent years, and media reporting on sexual assault continues to increase due to governments considering new laws and policies to better support victims. The public and media interest in this sexual assault investigation is unprecedented, and ACT Policing could consider speaking with other jurisdictions about their media approach for similar politically charged cases.

Outcome 1 – DPP supports criminal prosecution

Option A – Issue Media Release

On Wednesday, 7 April, CPO Gaughan advised ABC radio host Adam Shirley ACT Policing would inform the community of any updates to the investigation via a press release (**Attachment A**, page 3).

If this option is selected, the following recommendations should be considered:

- The media release provides statements only with no quotes attributable to any police officer.
- The media release be longer than other media releases about sexual assault matters going before the courts to ensure ACT Policing addresses media interest and provides supportive commentary to encourage other victims to come forward to report offences.
 - (The NSW Police press release issued in response to Christian Porter is a useful example – **Attachment B**).
- The media release is issued early in the day to allow for appropriate monitoring of comments on social media and management of media enquiries. The social media team can adjust the roster to allow someone to monitor comments up to 9pm that night. The social media team will also have some content ready to post for people being disrespectful in the comment section or potentially impacting a fair trial.

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Potential benefits of issuing a media release

Media reporting will be limited to the pre-approved statement issued by ACT Policing - approved by ACT Policing, DPP and AFP.

ACT Policing can control the narrative by providing commentary about its victims-based approach to investigation sexual assault allegations, which due to other limited content available for the story, may increase reporting of these statements.

ACT Policing can ensure there are no unscripted statements made by its spokespeople. This reduces the possibility of ACT Policing's public statements being raised during the court process in relation to the prospect of a fair trial for the alleged offender due to extensive media reporting.

If parts of the investigation or case receive negative attention during the court hearing process, ACT Policing has not provided vision and imagery which will be linked to media reporting.

Questions about the investigation during Senate Estimates have often come from unscripted interviews. Only issuing a media release limits misinterpretation of any commentary which could be raised during future Senate Estimates

If questions continue to be received by journalists during the court hearing process, they can be referred to the online media release.

Potential concerns of issuing a media release

Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive. This could perpetuate feelings that police officers do not take investigations of sexual assault seriously and do not provide appropriate support to victims.

At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story

The AFP Commissioner may be asked questions at his next appearance at Senate Estimates. The CPO could similarly be asked questions in ACT Government hearings.

For significant sexual assaults, ACT Policing has organised press conferences for interested media organisations. This is arguably, the most high-profile investigation ACT Policing has undertaken in recent years and many of the circumstances meet the threshold that would normally apply to making a spokesperson available.

ACT Policing does not open dialogue with other victims of sexual assault to see the police support that could be available should they choose to report.

If there is negative attention on detectives investigating the matter, ACT Policing will not have had the opportunity to come out in front with its position on how the investigation was managed. Our commentary will be reactive when the court matter is finished, which may be some months, leaving a potential vacuum of information.

Mitigating strategies required

Potential concerns of issuing a media release

Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive. This could perpetuate feelings that police officers do not take investigations of sexual assault seriously

Mitigating strategy

Ensure a lengthy media release is issued. NSW Police issued an extensive media release in response to the Christian Porter investigation. If media aren't being given an opportunity to ask questions, the media material needs to be

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Potential concerns of issuing a media release and do not provide appropriate support to victims.

At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story

The AFP Commissioner may be asked questions at his next appearance at Senate Estimates.

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If there is negative attention on detectives investigating the matter, ACT Policing will not have had the opportunity to come out in front with its position on how the investigation was handled. Our commentary will be reactive when the court matter is finished, which may be some months, leaving a potential vacuum of information.

Mitigating strategy

more extensive to cover as many questions as possible that could be raised.

Refuse to answer any questions as the matter is before court. The presenter will likely try to ask a question regardless if we advise we are not responding. Any public comment should only be "I am not making any comment as the matter is before the courts."

Any public comment should only be "I am not making any comment as the matter is before the courts."

Explain that ACT Policing is taking steps to ensure it does not prevent a fair trial from occurring.

ACT Policing to consider when it may be able to undertake an information campaign about how to report sexual assault and the investigation process. This requires support from members of the SACAT team who have indicated to date they do not wish to participate in videos for online purposes.

Consider additional statements in the media release which could detail ACT Policing's commitment to the investigation.

Conclusion: If this option is selected, a number of concerns require successful implementation of mitigation strategies to ensure positive reporting of ACT Policing's investigation.

Option B – Issue Media Release and conduct Press Conference

In the current media environment, politicians and organisations are often required to hold press conferences to address questions from journalists that are in the public interest. This provides an opportunity to be seen as more open and transparent, and can increase reporting of statements wishing to be made.

If this option is selected, the following recommendations should be considered:

- Exercise press conferences will need to be conducted in the lead-up to ensure all spokespeople are prepared for the number of questions from journalists.

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- Provide a media release under embargo until the time of the press conference. The media release and media advisory should be issued with at least two hours' notice.
- Conduct the press conference with multiple spokespeople. The structure should include an opening statement from the CPO (recognising the community interest in this matter, outlining policing's commitment to the investigation, the victims-led approach to investigations, explaining why investigations are not completed in timeframes the community may first expect) who then refers to Criminal Investigations Superintendent for direct comment on the investigation (detailing the investigating team, the multiple interviews conducted, the charges laid) before the CPO concludes encouraging anyone who is the victim of sexual assault to report to police.
- Conduct the press conference with the ACT Policing media banner. There has been significant confusion from journalists about the difference between the AFP and ACT Policing, it will be important to get correct attribution for the investigation.
- Conduct the press conference indoors and at an ACT Policing site (Belconnen conference room suggested due to its size which will accommodate the significant number of journalists expected to attend).
- Do not set a time limit for the conclusion of the press conference. Allow all (reasonable) questions to be made and take the time to answer them.

Potential benefits of conducting a press conference

ACT Policing could be seen as supportive of Brittany Higgins and all sexual assault victims. ACT Policing could ensure it verbalises its victims-led approach to sexual assault victims to appeal to more people to come forward.

ACT Policing could be seen as open and transparent about the investigation that was conducted while previous statements have been limited due to the need to protect the integrity of the investigation.

It provides an opportunity to gain more trust in the police action and the investigation, regardless of any outcomes during the court hearing process.

ACT Policing could address all questions that may be raised by journalists and provide responses so they understand the police investigation and its complexity.

Potential concerns of conducting a press conference

Spokespeople could say something to jeopardise the possibility of a fair trial. Many journalists attending the press conference will be press gallery journalists who may not have the same understanding of ACT Policing, how police investigations are conducted and court reporting procedures. This could lead to a number of questions unable to be answered during the press conference.

There may be more questions that cannot be answered than questions that can. If the press conference is being broadcast live on social media or television this could cause embarrassment for ACT Policing, depending on the answers provided.

Once a press conference is held this could invite further requests for interview after the fact.

If parts of the investigation or case receive negative attention during the court hearing process, ACT Policing has provided vision and imagery which will be linked to media reporting. The community may view ACT Policing as against fair investigations for people who are accused of sexual assault for being involved in the matter proceeding to court.

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Potential benefits of conducting a press conference

It could provide an opportunity for Brittany Higgins to see the police commitment to the investigation, while she is unable to make public comment during the court process.

Potential concerns of conducting a press conference

It could encourage Brittany Higgins to make a comment if she did not view the press conference as helpful to the court proceedings or did not portray her in the way she wishes to be seen.

Mitigating strategies required

Potential concerns of conducting a press conference

Spokespeople could say something to jeopardise the possibility of a fair trial.

Many journalists attending the press conference will be press gallery journalists who may not have the same understanding of ACT Policing, how police investigations are conducted and court reporting procedures. This could lead to a number of questions unable to be answered during the press conference.

There may be more questions that cannot be answered than questions that can. If the press conference is being broadcast live on social media or television this could cause embarrassment for ACT Policing, depending on the answers provided.

Once a press release is held this could invite further requests for interview after the fact.

If parts of the investigation or case receive negative attention during the court hearing process, ACT Policing has provided vision and imagery which will be linked to media reporting. The community may view ACT Policing as against fair investigations for people who are accused of sexual assault for being involved in the matter proceeding to court.

It could encourage Brittany Higgins to make a comment if she did not view the press conference as helpful to the court proceedings or did not portray her in the way she wishes to be seen.

Mitigating strategies

Conduct exercise press conferences and ensure strict adherence to agreed talking points which are approved a significant time in advance.

CPO Gaughan to act as the primary spokesperson at the press conference to limit questions about the investigation, and consider when it is most appropriate questions are address by the Criminal Investigations Superintendent.

As above.

Refuse to answer any further questions. Any public comment should only be "I am not making any comment as the matter is before the courts."

Consider what press release could be issued at the conclusion of the appeal process if the mater proceeds to trial or not continued.

Provide a copy of the press release and advice about the talking points before the press conference. Warn her against any media interviews while the court proceedings are underway as it may prejudice the trial.

Potential questions at a press conference

- When and where did you interview the alleged offender?
- Did he provide a statement or a 'no comment' interview?
- When did you interview Brittany Higgins?

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- Have you spoken to her more than once?
- Did she provide any other evidence other than her statement? Were there text messages between her and the alleged perpetrator?
- Why did this investigation take so long?
- How many witnesses did you speak to during the investigation?
- Can you detail which politicians provided evidence for the investigation?
- What evidence did Linda Reynolds provide for the investigation?
- What CCTV did you have available to support your investigation?
- Were there any issues in securing the CCTV and then accessing it?
- Was parliamentary privilege used to stop the collection of any evidence?
- Will there be any charges laid due to the cleaning of the crime scene?
- It was reported the alleged offender could have gone overseas in the past few months, has he left the country at all during this time or could he before his court date?
- Have you had an increase in other sexual assaults being reported since Brittany Higgins came forward?
- When and who first reported the Brittany Higgins investigation to ACT Policing?
- When did ACT Policing first tell AFP National about the investigation?
- Have any other people come forward alleging to be a victim of this man? Will more charges be laid?
- Are you investigating any other sexual assaults at Parliament House?

Conclusion: If this option is selected, a number of concerns require successful implementation of mitigation strategies to ensure positive reporting of ACT Policing's investigation.

Outcome 2 – DPP against criminal prosecution

Option A – Issue a Media Release

If this option is selected, the following recommendations should be considered:

- Encourage the DPP to also issue a statement relating to its assessment of the brief of evidence against its prosecution policy. Not all journalists reporting on this investigation are court journalists and understand how decisions are made to proceed to court.
- The media release provides statements only with no quotes attributable to any police officer.
- The media release be longer than other media releases about sexual assault matters going before the courts to ensure ACT Policing addresses media interest and provides supportive commentary to encourage other victims to come forward to report offences.
 - (The NSW Police press release issued in response to Christian Porter is a useful example – **Attachment B**).
- The media release is issued early in the day to allow for appropriate monitoring of comments on social media and management of media enquiries. The social media team can adjust the roster to allow someone to monitor comments up to 9pm that night. The social media team will also have some content ready to post for people being disrespectful in the comment section or potentially impacting a fair trial.

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Potential benefits of issuing a media release

Media reporting will be limited to the pre-approved statement issued by ACT Policing - approved by ACT Policing, DPP and AFP.

ACT Policing can control the narrative by providing commentary about its victims-based approach to investigation sexual assault allegations, which due to limited other content available for the story, may increase reporting of these statements.

ACT Policing can ensure there are no unscripted statements made by its spokespeople. Questioning about the investigation during Senate Estimates has often come from unscripted interviews. This limits misinterpretation of any commentary which could be raised during future Senate Estimates.

Potential concerns of issuing a media release

Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive and disingenuous. This could perpetuate feelings that police officers do not take investigations of sexual assault seriously and do not provide appropriate support to victims.

At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story. This may also occur with the Canberra Times at the next quarterly meeting.

The AFP Commissioner may be asked questions at his next appearance at Senate Estimates. ACT Policing does not open dialogue with other victims of sexual assault to see the police support that could be available should they choose to report.

Trust is lost with the community who believe ACT Policing rarely progress matters to court or conduct investigations that result in successful prosecutions. HRC could repeat its previous concerns on this topic.

There is a lack of understanding in the community of the complexity of investigating historical sexual assault matters.

Mitigating strategies required

Potential benefits of issuing a media release

Due to limited statements being made in the past three months, ACT Policing could be seen as, or accused of being, secretive and disingenuous. This could perpetuate feelings that police officers do not take investigating of sexual assault seriously and do not provide appropriate support to victims.

At CPO's next ABC monthly radio interview he will be asked questions anyway, which will give ABC Radio and TV an exclusive story. This may also occur at the next quarterly meeting with the Canberra Times.

The AFP Commissioner may be asked questions at his next appearance at Senate Estimates.

ACT Policing does not open the dialogue with other victims of sexual assault to see the police

Mitigating strategy

Ensure a lengthy media release is issued. NSW Police issued an extensive media release in response to the Christian Porter investigation. If media aren't being given an opportunity to ask questions, the media material needs to be more extensive to cover as many questions as possible that could be raised.

Have prepared talking points that limit any comments to the media release previously issued.

Have prepared talking points that limit any comments to the media release previously issued.

ACT Policing to consider when it may be able to undertake an information campaign about how to report sexual assault and the investigation

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Potential benefits of issuing a media release support that could be available should they choose to report.

Trust is lost with the community who believe ACT Policing rarely progress matters to court or conduct investigations that result in successful prosecutions. HRC could repeat its previous concerns on this topic.

There is a lack of understanding in the community of the complexity of investigating historical sexual assault matters.

Mitigating strategy

process. This requires support from members of the SACAT team who have indicated to date they do not wish to participate in videos for online purposes.

As above.

Provide data relating to how matters don't proceed to court based on directions from the victim.

As above.

Conclusion: This approach is not recommended.

Option B – Issue Media Release and conduct Press Conference

If this option is selected, the following recommendations should be considered (points 2-6 as already detailed in Outcome 1- Option B):

- Encourage the DPP to also issue a statement relating to its assessment of the brief of evidence against its prosecution policy. Not all journalists reporting on this investigation are court journalists and understand how decisions are made to proceed to court.
- Mock press conferences will need to be conducted daily in the lead-up to ensure all spokespeople are prepared for the number of questions from journalists.
- Provide a media release under embargo until the time of the press conference. The media release and media advisory should be issued with at least two hours' notice.
- Conduct the press conference with multiple spokespeople. The structure should include an opening statement from the CPO (recognising the community interest in this matter, outlining policing's commitment to the investigation, the victims-led approach to investigations, explaining why investigations are not completed in timeframes the community may first expect) who then refers to Criminal Investigations Superintendent for direct comment on the investigation (detailing the investigating team, the multiple interviews conducted, the charges laid) before the CPO concludes encouraging anyone who is the victim of sexual assault to report to police.
- Conduct the press conference with the ACT Policing media banner. There has been significant confusion from journalists about the difference between the AFP and ACT Policing, it will be important to get branding right.
- Conduct the press conference indoors and at an ACT Policing site (Belconnen conference room suggested due to its size which will accommodate more journalists).
- Do not set a time limit for the conclusion of the press conference. Allow all questions to be made and take the time to answer them.

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Potential benefits of conducting a press conference

The opportunity to explain honestly, and face-to-face, why the matter didn't proceed to court, which may resonate with journalist increasing positive reporting and increasing trust in the community viewing the story.

Media reporting and senate estimate interactions may have led to a community perception that the AFP is being secretive and also has actions to hide in relation to this investigation.

Being seen as transparent and open as a way to encourage other victims to come forward even though this matter did not proceed.

Being given an opportunity to explain some of the limitations in historical sexual assault cases.

Providing one opportunity for all questions to be aired so future statements can remain factual but limited in detail.

Allowing ACT Policing to share another side of the story which so far has been dominated by one version of events.

Provide an opportunity to show the dedication of detectives in their investigation of this matter.

Potential concerns of conducting a press conference

If further evidence becomes available, statements by ACT Policing could impact a fair trial.

Unscripted comments may alienate victims of sexual assault further if they take offence to specific statements.

Mitigating strategies required

Potential concerns of conducting a press conference

If further evidence becomes available, statements by ACT Policing could impact a fair trial.

Unscripted comments may alienate victims of sexual assault further if they take offence to specific statements.

Mitigating strategy

Ensure talking points are reviewed by the DPP and AFP Legal team.

Ensure talking points are considered and spokespeople are well-rehearsed.

Potential questions at a press conference

- Why is it not proceeding to court?
- What evidence is lacking from the brief to the DPP?
- What has failed in the investigation for it not to proceed to court?
- When was Brittany interviewed?
- Why did the investigation take so long?
- Which politicians did you speak to?
- Did you speak to the Parliamentary Services staff?
- Was the alleged offender interviewed? When was he interviewed?
- Have any of this other victims come forward and are you investigating those?

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- Did the clean-up of the crime scene contribute to the lack of evidence?
- What CCTV was available for the investigation?
- Did Parliamentary Services prevent the investigation in its early stages but not releasing the CCTV to police sooner?
- Could you conduct any forensic analysis from the dress Brittany was wearing?
- Are there any other people that could be charged from this investigation?
- Will you ever revisit this case so that it can proceed to court?
- Is it usual for cases like this not to proceed to court?
- What does that say about our court system and reform that is needed?
- How many other sexual assault cases have not proceeded to court in the past year like this one?
- How many other sexual assaults that occurred at Parliament House are you conducting right now?

Conclusion: This approach is recommended to ensure all questions likely to come from the media can be answered at one time.

Media reporting during the court hearing process

ACT Policing does not make any comment on investigations which are before the courts. If this matter proceeds to court, there may be significant media interest around hearings. ACT Policing will always issue the following statement.

ACT Policing does not comment on matters before the court.

If this matter proceeds to court, ACT Policing can expect that once a trial is concluded, and the time for appeal has passed, media enquiries to speak to detectives involved in the investigation to detail the complexities of the investigation. Any story will likely be highly critical of either the police investigation or Brittany Higgins, so ACT Policing should adopt a no interview policy. This policy should only be reviewed if special circumstances exist.

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Attachment A

Radio Transcript

Wednesday 14 April 2021



Adam Shirley interviews ACT Policing Deputy Commissioner Neil Gaughan

Channel: ABC Canberra

Program: Breakfast with Lish Fejer

Date: 7 April 2021

Time: 7:38 AM - 7:40 AM

Description: Adam Shirley interviews ACT Policing Deputy Commissioner Neil Gaughan discussing the investigation into the Brittany Higgins sexual assault allegations.

ADAM SHIRLEY: 22 minutes to eight, with you Adam Shirley and Deputy Commissioner Neil Gaughan, who is the CPO, the Chief Police Officer of ACT Policing. Deputy Commissioner Gaughan good to see you again, thanks for dropping by Breakfast as you do.

NEIL GAUGHAN: Morning, Adam and good morning to your listeners.

ADAM SHIRLEY: And Easter period is one where a lot of us rest, relax. There has been a fair bit happening for ACT Policing, though, and let's go to a story that is obviously of national public interest.

NEIL GAUGHAN: Yeah.

Transcript prepared by the Australian Federal Police (AFP) on 14 April 2021.

This transcript is for informational purposes only. It is not intended to be a verbatim record of the original audio recording. The Australian Federal Police (AFP) is not responsible for any errors or omissions in this transcript. The AFP is not responsible for any errors or omissions in this transcript. The AFP is not responsible for any errors or omissions in this transcript.

Stream

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PROTECTED

NEIL GAUGHAN: How long is a piece of string again, I don't want to put a timeline. I think that's really dangerous. I don't want to put pressure on the investigators. My job is to provide them with time and space to do their job, and that's my intention, that's what I intend to do.

ADAM SHIRLEY: You mentioned the way that you might inform the public of significant changes or the progress, how will you inform the public?

NEIL GAUGHAN: We'll put out a pre release Adam, in relation to a significant milestone when that occurs and again, we'll just have to see where that takes us in in the coming weeks.

Page 2 of 100 - 10/10/2014 10:10:10 AM

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Attachment B

[REDACTED] Elena

From: [REDACTED] Elena
Sent: Thursday, 4 March 2021 2:08 PM
To: Chew, Michael; [REDACTED] Tamerra, Hughes, Callum; Moller, Scott
Subject: FW: STATEMENT: STRIKE FORCE WYNDARRA UPDATE [SEC=OFFICIAL]

OFFICIAL

FYI

Thanks,

ELLENA [REDACTED]
COORDINATOR MEDIA AND PUBLIC ENGAGEMENT
ACT POLICING
[REDACTED]
www.afp.gov.au

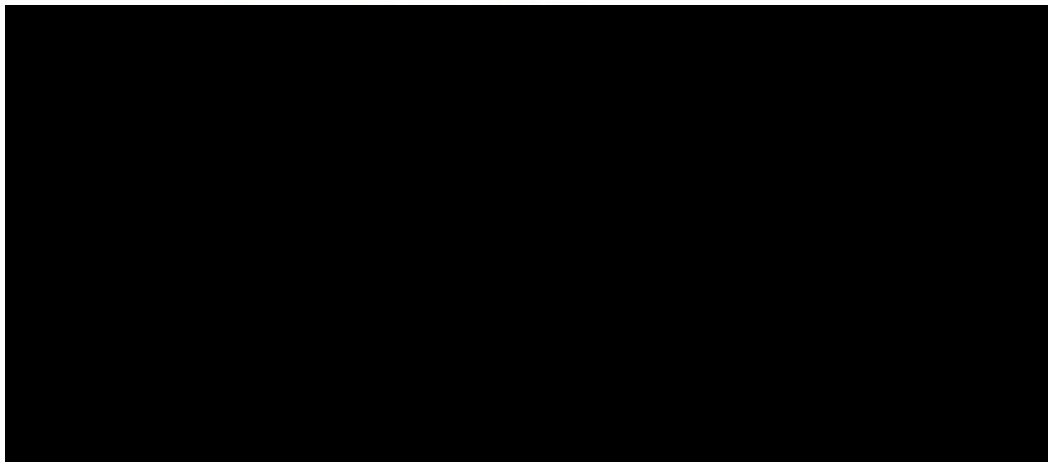


POLICING FOR
A SAFER AUSTRALIA

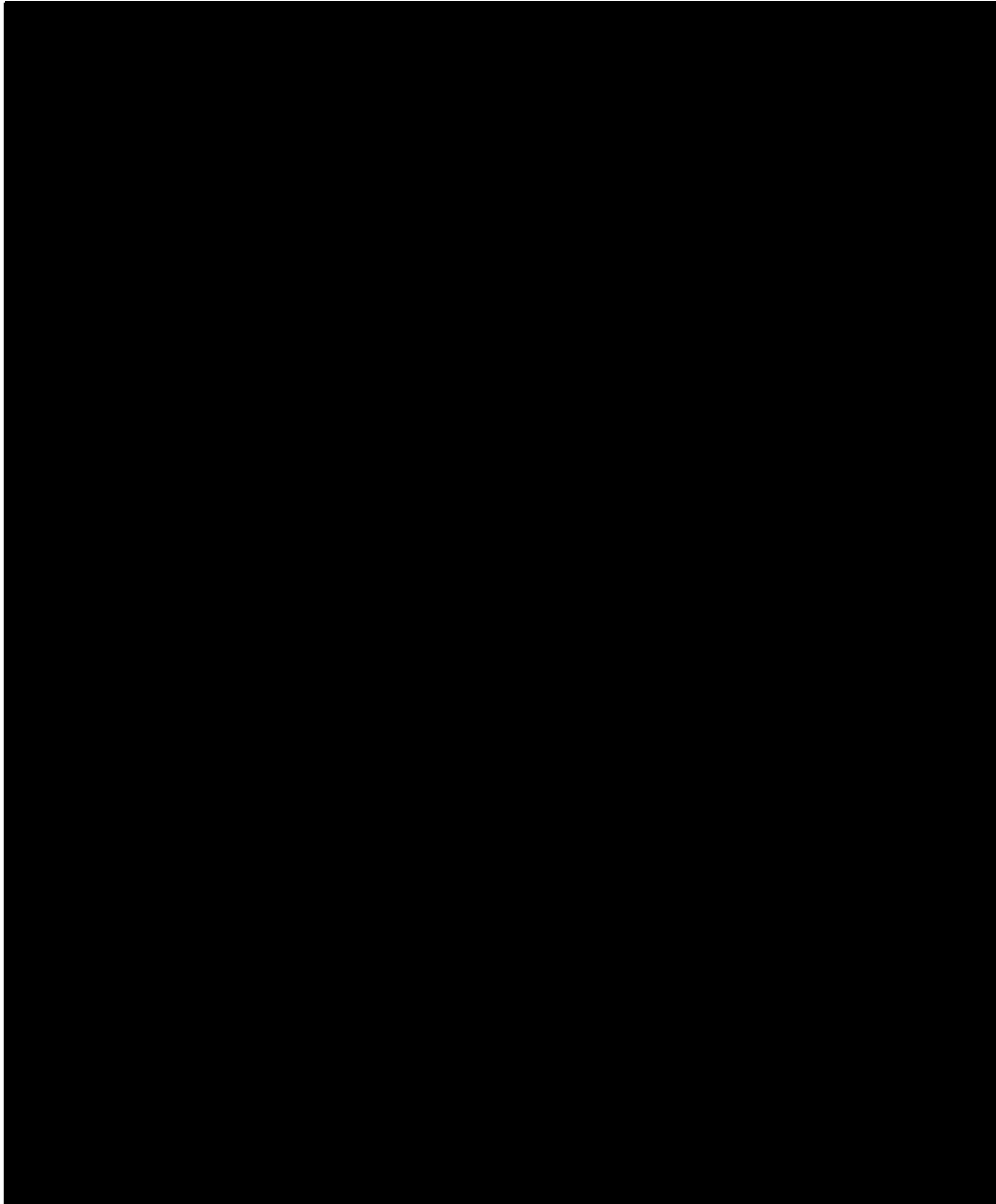
From: AFP Media <[REDACTED]>
Sent: Thursday, 4 March 2021 12:59 PM
To: [REDACTED]
[REDACTED]
Subject: FW: STATEMENT: STRIKE FORCE WYNDARRA UPDATE [SEC=OFFICIAL]

OFFICIAL

From: NSW Police Media <[REDACTED]>
Sent: Thursday, 4 March 2021 9:37 AM
To: NSW Police Media <[REDACTED]>
Subject: STATEMENT: STRIKE FORCE WYNDARRA UPDATE



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AFP
AUSTRALIAN FEDERAL POLICE

Minute

Addressee DCPO-R

Through: Supt- [REDACTED]

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

Action Decision

Deadline As soon as possible

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

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

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

Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Issues

Disclosure - HIGGINS

Disclosure of this incident has 8 significant components:

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

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

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

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

	<ul style="list-style-type: none"> • While sitting in the booth, Mr Lehrmann got 'a little handsy, I didn't really mind'. • Got into a taxi (Uber) - gave Bruce my address. Next recall being at APH. • Talking about a storm in QLD. • Couldn't write my name in the security log, gave a version of my signature. • Recall being in the Minister's office. • Recall him being on top of her. • Mr Lehrmann said something about finishing and I said something like 'No don't'. • Mr Lehrmann left I just stayed there. • Felt grossed out because I could smell what had happened on me. • Was sick in the bathroom. • Saw stains all over the top of my dress (dark). • Had dealings with Mr Lehrmann on the Monday and Tuesday. • Has been to Phillip Medical Centre to get tests done - awaiting results.
<ul style="list-style-type: none"> • Notes from Rebecca [REDACTED] 	<ul style="list-style-type: none"> • Mr Lehrmann told her to 'Play along'
2 April 2019	
<ul style="list-style-type: none"> • 2 April 2019 - CRCC 	<p style="color: red;">Protected confidence</p> <div style="background-color: black; width: 100%; height: 100%;"></div>
8 APRIL 2019	
<ul style="list-style-type: none"> • 8 April 2021 - Meet and Greet with ACTP CI SACAT (S/C Harman) (Taken from Diary notes. 	<ul style="list-style-type: none"> • Got an Uber from The Dock bar to the City. • She went to one other venue (a bar) in the City - she did not know the location and stated that she would ask a friend and advise me. • She was intoxicated and Bruce signed her name for her. • Work spoke with her on Wednesday 27/03/2019 and asked her what had happened surrounding the security breach. • She reported the sexual assault and work told her that if she wanted to report it (to Police) she could and they would not stop her, they just wanted to know if she did. • She stated she had photographs of the evening on her phone and she was asked not to delete them. • Ms Higgins stated she was unsure if protection was used in the intercourse and she stated she had not sought any

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

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

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

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

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

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

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

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

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

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

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

THE SCENE

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

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

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

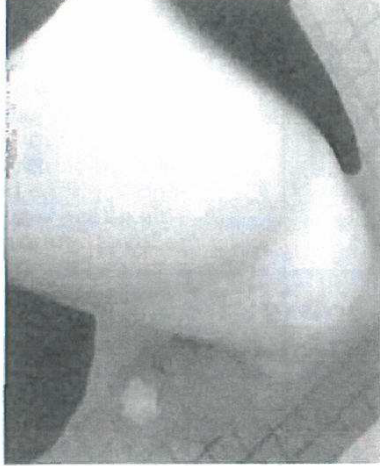
	<ul style="list-style-type: none"> • Second phone (used at the time of alleged incident) not provided. • Cannot recall icloud account and password at this time. • Additional mobile phone obtained in February 2021, which has also not been provided to police.
<ul style="list-style-type: none"> • Identified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

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

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

INJURY TO LEG

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



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

MEDICAL ATTENTION/MORNING AFTER PILL

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

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

Outstanding Inquires

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

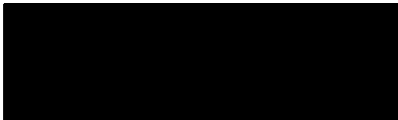
The analysis of Ms Higgins mobile telephone is ongoing and is yet to be completed. Investigators estimate this will take approximately four weeks to complete. Note: Investigators are continuing to identify content on the mobile telephone of concern to the investigation.

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

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

Recommendation

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



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

4 June 2021



ACTDPP

FILE NOTE		
Matter: 202113941 - LEHRMANN.B		
Author: Erin Priestly	Date: 16 June 2022	Time:
<input type="checkbox"/> Court attendance <input type="checkbox"/> telephone attendance <input type="checkbox"/> conference		
Further action required:		
<input type="checkbox"/> yes <input type="checkbox"/> no		

Teleconference

Present: SD, SJ, EP, Callum [REDACTED], Emma Frizzell, Trent Madders, Stephanie [REDACTED], Shelley [REDACTED] and Helen [REDACTED] (AFP Legal)

- Meeting requested by AFP re: request for disclosure and subpoena received
- Celebrite report Higgins mobile phone
 - 2 reports for 2 phones – DPP confirms expect relates to her confidential information that cannot be disclosed, personal information/contacts etc.
 - DPP – redactions stuff that can't be disclosed, would be breach of 14F of VoC Act
 - DPP drew AFP attention to disclosure policy
- iCloud data and Google drive data
 - Excel spreadsheet only for google drive data– Celebrite can't be created
 - Would need expert to explain
 - iCloud can produce a PDF type document
 - DPP – put pause on iCloud and Google – have asked them to narrow it and are yet to hear back
- Investigative Review documents - two issues with investigative documents
 - DPP request for advice + attached spreadsheet with summary of AFP obligations – seems to be subject to LPP
 - AFP identified another internal document – tactical investigative review done June 2021 to identify what material outstanding etc.
 - AFP identified AFP media plan
 - AFP proposed sending those documents over to get DPP view on disclosability – DPP to have a look
 - AFP proposed providing overview of case log so defence can determine which items they are interested in
 - Defence have declined to narrow disclosure request for PROMIS records – DPP said will have to decline disclosure request
 - **DPP to action – unless they can narrow what they are after will not be able to comply**

- DPP position – volume of google, iCloud, AFP records too significant to disclose, not all of it may be relevant
- Memoir, Sharaz phone, Gatjens – don't hold records in relation to that
 - DPP confirmed can ignore this request
 - Relevant portion book disclosed by Higgins' lawyer
- AFP travelling to Victoria Monday to obtain pre-recording meeting with Wilkinson and Higgins
- DPP – mention of two Cellebrite reports of Higgins' phone – we are only aware of one Cellebrite report – AFP clarified two reports mean redacted/unredacted

From: [REDACTED] Stephanie
To: Priestly, Erin
Cc: [REDACTED] Shelley; [REDACTED] Helen; [REDACTED] Callum; Frizzell, Emma; Madders, Trent
Subject: R v Lehmann - Operation Covina - Disclosure request [SEC=OFFICIAL:Sensitive] [AFP-L.FID51138]
Date: Thursday, 16 June 2022 6:22:22 PM
Attachments: [Requests for Disclosure 220609.docx](#)

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. [Learn why this is important](#)

OFFICIAL:Sensitive

Dear Erin

Thank you for your time this afternoon and please pass along our thanks to the Director and Skye.

I have attached a list of the items that defence have asked to be disclosed. Based on our conversation, we understand the DPP will resist the disclosure of the categories below on the basis that they are currently too broadly framed, with a view to the defence then narrowing the scope of any request for disclosure of items falling within these categories:

- *Full report of Ms Higgins iCloud and Google drive cloud-based data*
- *All PROMIS 6831473 investigation files – INCLUDING the 'Investigative Review Documents' referred to in the Disclosure Statement.*

We understand the DPP is content for the AFP to pause its review of documents responsive to these requested items until we hear further from you.

The AFP will continue to collate and review the other documents sought in the disclosure request, and provide these to the DPP as soon as possible. As mentioned, there are some items for which the AFP does not hold records.

Also, as mentioned, we will shortly provide you with copies of the two additional 'Investigative Review Documents' referred to in our teleconference for your assessment as to whether they may be disclosable.

We will also review the celebrite report and consider whether there is material, in addition to that redacted for victim privacy, that does not need to be disclosed and keep you informed of progress.

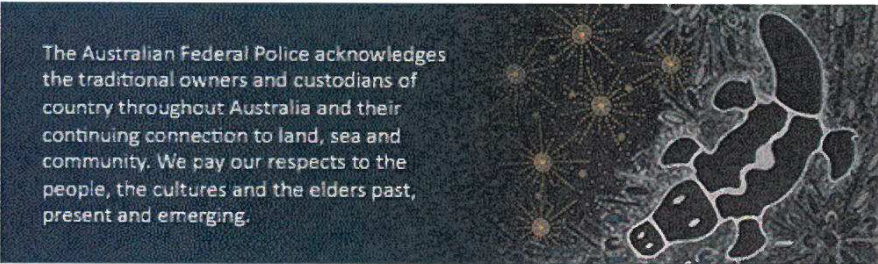
Kind regards
Stephanie

STEPHANIE [REDACTED]
LAWYER – AFP LEGAL
CHIEF LEGAL COUNSEL

REDACTED
www.afp.gov.au



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A SAFER AUSTRALIA



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


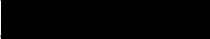

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AFP Web site: <http://www.afp.gov.au>

THE QUEEN and BRUCE LEHRMANN

REQUEST FOR DISCLOSURE

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

All notebooks, diary entries or PROMIS entries related to Detective Inspector Matthew [REDACTED] and Superintendent Greg [REDACTED] regarding conversations with civilian witnesses on the 'security breach' and 'cleaning' of the Ministerial Suite.	Persons who did not provide a statement
All contemporaneous notes or documents from Sergeant Paul [REDACTED] relating to meeting with Linda Reynolds and Fiona Brown in April 2019	Persons who did not provide a statement
ALL communications with AFP and [REDACTED] including copies of any emails, letters or other forms of correspondence, including any PROMIS and/or notebook entries relating to such communications	Persons who did not provide a statement
ALL PROMIS 6831473 investigation files – INCLUDING the 'Investigative Review Documents' referred to in the Disclosure Statement	
ALL communications with Philip Gaetjens or his delegates with Brittany Higgins including copies of any emails, letters or other forms of correspondence including briefings, emails, notebook or any other form of contemporaneous note taking or recordings	
ALL communications with Philip Gaetjens or his delegates with anyone interviewed or spoken to in relation to the inquiry being conducted at the request of the former Prime Minister, including copies of any emails, letters or other forms of correspondence including any notebook entries or contemporaneous notes or recordings	
Proofing notes of all Crown witnesses	

From: [Jerome, Skye](#)
To: [Priestly, Erin](#); [Drumgold, Shane](#)
Cc: [Greig, Mitchell](#)
Subject: Re: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]
Date: Tuesday, 21 June 2022 5:15:09 AM

OFFICIAL

OFFICIAL

Hi everyone

I think these documents are not disclosable. It is someone's opinion on the weaknesses of the case.

Kind regards

Skye

Get [Outlook for iOS](#)

From: Priestly, Erin <[\[REDACTED\]@act.gov.au](#)>
Sent: Monday, June 20, 2022 8:19:13 PM
To: Drumgold, Shane <[\[REDACTED\]@act.gov.au](#)>
Cc: Jerome, Skye <[\[REDACTED\]@act.gov.au](#)>; Greig, Mitchell <[\[REDACTED\]@act.gov.au](#)>
Subject: Fwd: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

OFFICIAL

OFFICIAL

Hi Shane

Please see below request for advice and attached documents.

Further, I understand the AFP will not be taking any steps to obtain documents not in their possession- which I understand is a full Cellebrite download of SHARAZ' phone and a draft of the HIGGINS memoir. Are you content with this approach? If so, I will advise defence.

Thanks
Erin

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From: [\[REDACTED\] Stephanie](#) <[\[REDACTED\]@afp.gov.au](#)>
Sent: Monday, June 20, 2022 7:10 pm

To: Priestly, Erin <REDACTED@act.gov.au>
Cc: ██████████ Shelley <██████████@afp.gov.au>; ██████████ Helen <██████████@afp.gov.au>;
 Hughes, Callum <██████████@afp.gov.au>; Frizzell, Emma
 <██████████@afp.gov.au>; Madders, Trent <██████████@afp.gov.au>; Fleming,
 David <██████████@afp.gov.au>
Subject: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive,
 ACCESS=Legal-Privilege] [AFP-L.FID51138]

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OFFICIAL: Sensitive
Legal privilege

Dear Erin

Further to our meeting last week, please find attached the following documents which we are advised by ACT Policing fall within the description of “investigative review documents” in the disclosure request received from the defence in this matter. We are providing these to you for the purpose of advice as to whether they should be disclosed in the proceedings. The documents are as follows:

- 4 June 2021 – minute from Marcus Boorman to DCPO-R titled “Op Covina Direction/ Decision – Alleged sexual assault Australian Parliament House 23 March 2019”
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- 2 August 2021 – investigation review conducted by Cmdr Smith.
- Undated - document titled “identified discrepancies”; and
- Undated - document titled “review doc”.

We understand the Director has previously received the documents dated 4 June 2021 and 7 June 2021 in the context of being asked to provide advice and considers in that context the documents are subject to LPP. We would be grateful if you could confirm that these are the same documents and that the Director’s position is that they are privileged.

Assuming at this stage the Director’s position is that the first two documents should not be disclosed because they are subject to LPP, we note that if disclosure of the documents is pressed by the defence, there is a potential argument that other copies of the documents in the hands of the AFP are not privileged. The argument would be that prior to being provided to the Director, these documents were documents prepared for the purpose of internal AFP briefing and guidance, and that copies of the documents held by the AFP are not privileged because they did not involve communications with a legal advisor and were not made for the dominant purpose of obtaining legal advice or for use in, or for the purposes of litigation proceedings. Grateful if you could advise whether you consider this relevant in the current circumstances.

We do not believe you have previously been provided with the third, fourth or fifth documents, in the context of a request for advice or otherwise, and it appears to us that the documents

would be disclosable, but will defer to your office's view on this.

Please note some documents have legal professional privilege claims marked up. However, to enable you to see the LPP content, we have not applied these redactions. Should the documents be disclosed to defence, please apply the LPP redactions to the following documents:

- *Investigation reviewed conducted by Cmdr Smith dated 2 August 2021*
- *Higgins brief response by DCRO*

As detailed in Emma Frizzell's email, ACT Policing will provide you with the other documents captured by the disclosure request.

Aside from the above, as mentioned in our teleconference on Thursday, ACT Policing will not be taking any steps to source material sought in the disclosure request which is not currently in our possession.

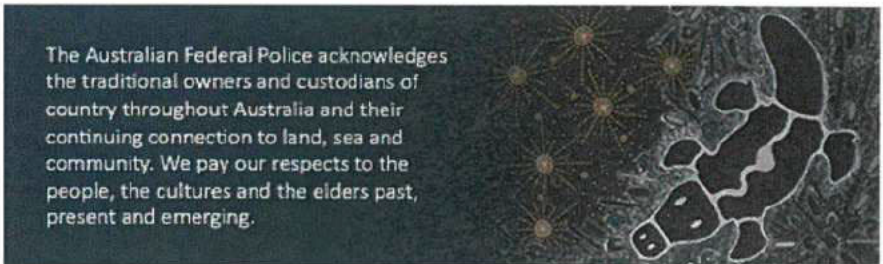
Kind regards
Stephanie

STEPHANIE [REDACTED]
LAWYER – AFP LEGAL
CHIEF LEGAL COUNSEL

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

From: [Drumgold, Shane](#)
To: [Priestly, Erin](#)
Cc: [Jerome, Skye](#); [Greig, Mitchell](#)
Subject: RE: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]
Date: Tuesday, 21 June 2022 8:28:24 AM
Attachments: [image003.png](#)
[image004.png](#)

OFFICIAL

I believe these documents are preparatory to confidential communications between DPP and AFP for the dominant purpose of providing legal advice, and are not disclosable pursuant to s118 Evidence Act 2011.



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**

M: **REDACTED**

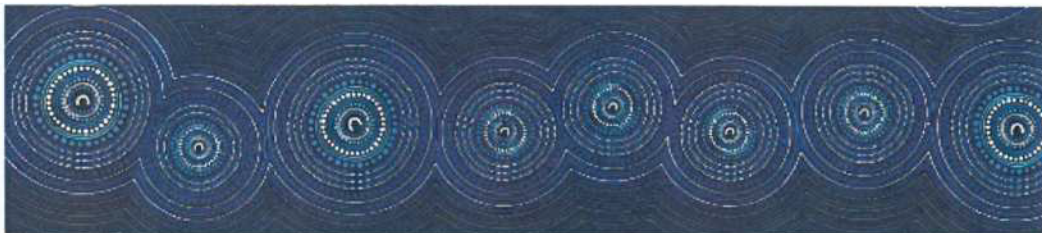
E: REDACTED@act.gov.au

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

W: www.dpp.act.gov.au

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

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

Artwork by Ngarrindjeri artist Jordan Lovegrove

From: Priestly, Erin <REDACTED@act.gov.au>
Sent: Monday, 20 June 2022 8:19 PM
To: Drumgold, Shane <REDACTED@act.gov.au>
Cc: Jerome, Skye <REDACTED@act.gov.au>; Greig, Mitchell <REDACTED@act.gov.au>
Subject: Fwd: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

OFFICIAL

OFFICIAL

Hi Shane

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Thanks
Erin

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From: [REDACTED] Stephanie <[REDACTED]@afp.gov.au>
Sent: Monday, June 20, 2022 7:10 pm
To: Priestly, Erin <[REDACTED]@act.gov.au>
Cc: [REDACTED] Shelley <[REDACTED]@afp.gov.au>; [REDACTED] Helen <[REDACTED]@afp.gov.au>; Hughes, Callum <[REDACTED]@afp.gov.au>; Frizzell, Emma <[REDACTED]@afp.gov.au>; Madders, Trent <[REDACTED]@afp.gov.au>; Fleming, David <[REDACTED]@afp.gov.au>
Subject: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

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**OFFICIAL:Sensitive
Legal privilege**

Dear Erin

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- Undated - document titled "identified discrepancies"; and

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We understand the Director has previously received the documents dated 4 June 2021 and 7 June 2021 in the context of being asked to provide advice and considers in that context the documents are subject to LPP. We would be grateful if you could confirm that these are the same documents and that the Director's position is that they are privileged.

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We do not believe you have previously been provided with the third, fourth or fifth documents, in the context of a request for advice or otherwise, and it appears to us that the documents would be disclosable, but will defer to your office's view on this.

Please note some documents have legal professional privilege claims marked up. However, to enable you to see the LPP content, we have not applied these redactions. Should the documents be disclosed to defence, please apply the LPP redactions to the following documents:

Investigation reviewed conducted by Cmdr Smith dated 2 August 2021

Higgins brief response by DCRO

As detailed in Emma Frizzell's email, ACT Policing will provide you with the other documents captured by the disclosure request.

Aside from the above, as mentioned in our teleconference on Thursday, ACT Policing will not be taking any steps to source material sought in the disclosure request which is not currently in our possession.

Kind regards

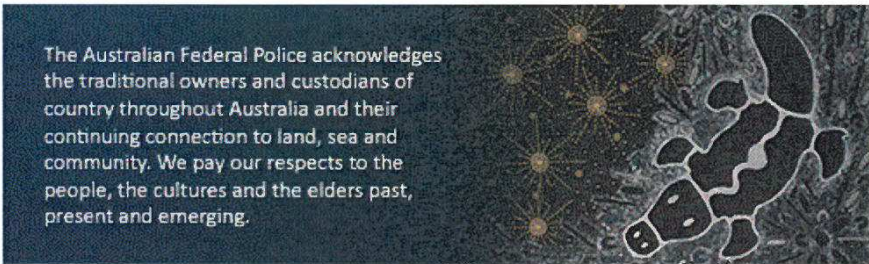
Stephanie

STEPHANIE [REDACTED]
LAWYER - AFP LEGAL
CHIEF LEGAL COUNSEL

REDACTED
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From: [Priestly, Erin](#)
To: [REDACTED] [Stephanie](#)
Cc: [REDACTED] [Shelley](#); [REDACTED] [Helen](#); [Hughes, Callum](#); [Frizzell, Emma](#); [Madders, Trent](#); [Fleming, David](#); [Greig, Mitchell](#); [SVC_DPPCases](#)
Subject: RE: Operation COVINA - Investigative review documents - 202113941 [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]
Date: Tuesday, 21 June 2022 10:45:00 AM
Attachments: [image003.png](#)

OFFICIAL

Dear Stephanie

Thank you for your email.

The Director has reviewed this material and is of the view that the documents are preparatory to confidential communications between DPP and AFP for the dominant purpose of providing legal advice, and are not disclosable pursuant to s 118 of the *Evidence Act 2011*. Further, where the documents amount to inadmissible opinion evidence, it would not seem to be relevant or possibly relevant to an issue in the case.

Kind regards



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

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

Please consider the environment before printing this e-mail

From: [REDACTED] [Stephanie](#) <[REDACTED]@afp.gov.au>
Sent: Monday, 20 June 2022 7:09 PM
To: [Priestly, Erin](#) <[REDACTED]@act.gov.au>
Cc: [REDACTED] [Shelley](#) <[REDACTED]@afp.gov.au>; [REDACTED] [Helen](#) <[REDACTED]@afp.gov.au>; [Hughes, Callum](#) <[REDACTED]@afp.gov.au>; [Frizzell, Emma](#) <[REDACTED]@afp.gov.au>; [Madders, Trent](#) <[REDACTED]@afp.gov.au>; [Fleming, David](#) <[REDACTED]@afp.gov.au>
Subject: Operation COVINA - Investigative review documents [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege] [AFP-L.FID51138]

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OFFICIAL: Sensitive
Legal privilege

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Aside from the above, as mentioned in our teleconference on Thursday, ACT Policing will not be

taking any steps to source material sought in the disclosure request which is not currently in our possession.

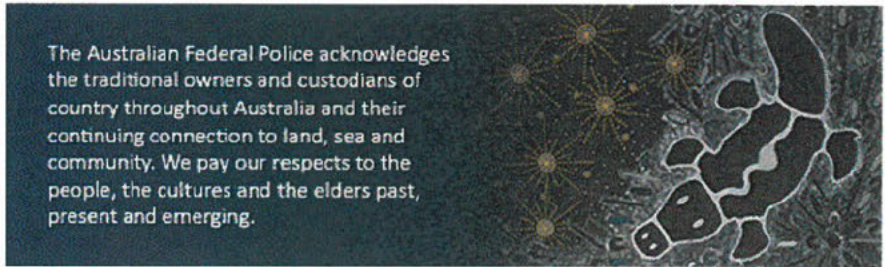
Kind regards
Stephanie

STEPHANIE [REDACTED]
LAWYER - AFP LEGAL
CHIEF LEGAL COUNSEL

REDACTED
www.afp.gov.au



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

From: [Jerome, Skye](#)
To: [Frizzell, Emma](#); [Priestly, Erin](#)
Cc: [Moller, Scott](#); [Rose, Robert](#); [Madders, Trent](#); [REDACTED] [Damien](#)
Subject: RE: Meeting - Police v Lehrmann [SEC=UNOFFICIAL]
Date: Wednesday, 29 September 2021 11:34:58 AM
Attachments: [image003.png](#)
[image004.png](#)

OFFICIAL

Hi Emma

I can do 9:30 on Friday 8th.

Thanks



Skye Jerome

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

T: [REDACTED] (Direct line)

E: [REDACTED]@act.gov.au

W: www.dpp.act.gov.au

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



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

Artwork by Ngarrindjeri artist Jordan Lovegrove

Please consider the environment before printing this e-mail

From: Frizzell, Emma [REDACTED]@afp.gov.au>
Sent: Wednesday, 29 September 2021 11:28 AM
To: Priestly, Erin <[REDACTED]@act.gov.au>; Jerome, Skye <[REDACTED]@act.gov.au>
Cc: Moller, Scott [REDACTED]@afp.gov.au>; Rose, Robert [REDACTED]@afp.gov.au>; Madders,
 Trent [REDACTED]@afp.gov.au>; [REDACTED] Damien [REDACTED]@afp.gov.au>
Subject: Meeting - Police v Lehrmann [SEC=UNOFFICIAL]

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UNOFFICIAL

Good morning Erin and Skye,

We are seeking a meeting with yourselves to discuss the disclosure certificate and remainder of the brief.

Could you please advise of your availability between 9.30a and 2.30p on Friday 8 October?

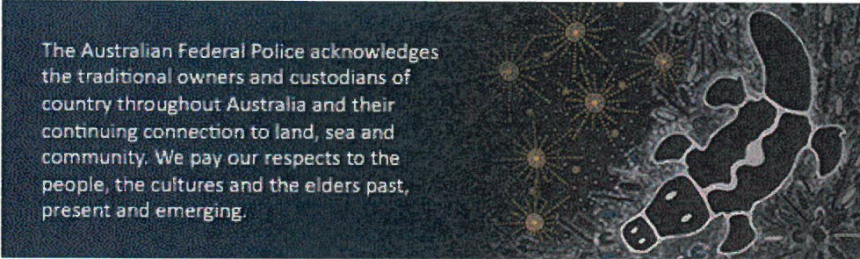
Kind regards,

Em

A/SERGEANT EMMA FRIZZELL
 CRIMINAL INVESTIGATIONS - SACAT TEAM 1
 ACT POLICING
 [REDACTED]
www.afp.gov.au



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

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



FILE NOTE		
Matter: 202113941 - LEHRMANN.B		
Author: Erin Priestly	Date: 8 October 2021	Time:
<input type="checkbox"/> Court attendance <input type="checkbox"/> telephone attendance <input type="checkbox"/> conference		
Further action required:		
<input type="checkbox"/> yes <input type="checkbox"/> no		

Present: Skye Jerome, Erin Priestly, Scott Moller, Trent Madders, David Fleming, Emma Frizzell

- AFP seeking advice on disclosure and internal documentation
- EF – have internal briefings for matters such as these, after advice as to whether they are disclosable and whether they are not.
- SJ – almost impossible when do not know contents of document
- EF – initial advice brief to DPP and covering letter for that
- SJ – what was the date of that communication and what are other documents
- EF – internal briefing, administrative correspondence, direction of investigation and different people spoken to about investigation
- Male – all the documents that have gone up through management that we are unaware of in relation to this matter
- SJ – does not assist with advice, need to identify documents
- SM – briefings to Minister, briefings to Senate Estimates etc – advice in relation to that
- SJ – do not know what is in them, need to see them
- SM – we will compile those documents and send them through for advice
- SJ – first thought would be covered by LPP, but you will get back to us about these documents?
- SM – AFP Legal will have to put them together and send them in
- SJ – not sure why AFP Legal cannot give us advice
- SM – they sent us to you
- SJ – can't give advice on something have not seen
- EF – will put something together and get across to you
- Expected turn around for 2-3 weeks
- TM – organizing unavailable dates
- SJ – need outstanding material as soon as possible in order to prepare committal documents – explained short turn around once in Supreme Court
- SM – John Kunkel in isolation so difficulty in that statement
- SM – try to get material to you by 14 October
- EP to organize link for police to watch mention/committal on 14 October 2021

From: [Jerome, Skye](#)
To: [Moller, Scott](#); [Frizzell, Emma](#); [Madders, Trent](#); [Fleming, David](#)
Cc: [Priestly, Erin](#)
Subject: RE: R v Lehrmann, Bruce [SEC=OFFICIAL]
Date: Friday, 8 October 2021 2:09:30 PM
Attachments: [image003.png](#)
[image004.png](#)

Dear Scott

I confirm that AFP Legal is responsible for determining whether to waive the LPP attached to legal advice provided by DPP to AFP.

I further confirm that we require statement/s to address the issues outlined below numbered 1 to 6. Can you please advise when this material will be available?

Kind regards

Skye



Skye Jerome

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

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



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

Artwork by Ngarrindjeri artist Jordan Lovegrove

Please consider the environment before printing this e-mail

From: Moller, Scott **REDACTED**@afp.gov.au>
Sent: Friday, 8 October 2021 12:36 PM
To: Jerome, Skye <**REDACTED**@act.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 [SEC=OFFICIAL]

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OFFICIAL

Skye,

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

CRIMINAL INVESTIGATIONS

ACT POLICING

REDACTED

www.afp.gov.au



POLICING FOR
A SAFER AUSTRALIA

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



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

Sent: 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)

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Artwork by Ngarrindjeri artist Jordan Lovegrove

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



FILE NOTE		
Matter: 202113941 - LEHRMANN.B		
Author: Erin Priestly	Date:25 November 2021	Time:
<input type="checkbox"/> Court attendance <input type="checkbox"/> telephone attendance <input type="checkbox"/> conference Further action required: <input type="checkbox"/> yes <input type="checkbox"/> no		

Present: Skye Jerome, Erin Priestly, Trent Madders (phone)

- SJ: statement 19/2/2021, [31] – [REDACTED] – folder of documents from [REDACTED] – what are the documents?
- TM: the ones that are titled 'APH documents' in brief, 35 documents in there
- SJ: [44] talk about [REDACTED] she provided a statement to NSW police?
- TM: wasn't statement, went into front office and member did their version PROMIS entry
- SJ: have you seen that entry?
- TM: No
- SJ: can we get that
- TM: will chase up with NSW
- TM: she told me literally what I've written in the hearsay there, but I'll follow it up with NSW
- SJ: [50] 'I was provided with documents, audio files that [REDACTED] had collected...' – what's that?
- TM: will get back to you on that one
- SJ: [63] statement from him?
- TM: didn't in the end, now on deployment somewhere in the world – said he was getting deployed in...sometime
- SJ: [90] – confirming images with PM and Reynolds
- TM: yes
- SJ: in regards to the cameras, in brief evidence there were [REDACTED]
[REDACTED]
- TM: [REDACTED]
[REDACTED]
- SJ: [REDACTED]
- TM: [REDACTED]

- SJ: when you interviewed complainant second time – do you have a record of what footage you actually showed her?
- TM: yes, we have the disc we played for her
- SJ: do you have the documents that she signed?
- TM: yeah, should have – will send them through
- SJ: have you gone through the Cellebrite?
- TM: yeah, went through whole messages, still redacting full Cellebrite download if needed
- SJ: with telephone messages, can we access deleted messages?
- TM: no
- SJ: iCloud account for complainant – does that include her email account dating back to 23 March 2019?
- TM: will grab Em, went through iCloud
- SJ: interested in iCloud account for complainant and whether dates back to 23 March 2019
- EF: pushing memory, all of them go back that far, would be dependent on what looking for
- SJ: looking for defendant's email to complainant's personal email account
- EF: would have to sit down and go through it – but from memory, nothing in there with the email. We had to go to defence and seek from them emails, had to do with defence accounts – still chasing particular person at defence
- SJ: sent to her personal email account
- EF: from his defence account – we were never able to contain content, we weren't able to pull them and defence weren't either. We are trying to get a statement and what records defence do have. Few days ago escalated it to try and chase down this statement
- EF: will speak to Dave Fleming today about chasing defence
- SJ: what do you mean by there were meetings
- EF: Marcus had meeting with defence about this email and whether they had records and whether they could retrieve content of this email. That's subsequently the statement we're getting from defence
- SJ: were you aware of d's strong interest in comp's whereabouts
- EF: no, have to ask Trent he went through his phone
- TM: knowing whereabouts? No, can't recall anything of that
- TM: Paul recalls he picked up the logs, that's what he's fairly certain he picked up for us – but I'll look into it more, it was organised through McDevitt



FILE NOTE		
Matter: 202113941 - LEHRMANN.B		
Author: Erin Priestly	Date:10 February 2022	Time:
<input type="checkbox"/> Court attendance <input type="checkbox"/> telephone attendance <input type="checkbox"/> conference Further action required: <input type="checkbox"/> yes <input type="checkbox"/> no		

Meeting with AFP

Present: Skye Jerome, Erin Priestly, David Fleming, Emma Frizzell

- AFP are Awaiting confirmation from 'sensitive investigation' – legal team, internal AFP process
 - o Sensitive b/c happened in PH – political criteria
- DF: regardless of what has happened previously, we have had no control over that, b/c of people higher up the food chain
- EF confirmed following outstanding material
 - o ██████████ - stat dec, forgot part in statement once read transcript
 - o Transcript of ROC ██████████
 - o Email correspondence with ██████████ (where witness provides exhibit)
 - o Email correspondence with ██████████ where witness provides exhibit)
 - o ROC and transcript – ██████████
 - o Statement ██████████
 - Trent and her travelling to Qld in two weeks
 - Disclosure witness – April 2019
 - May be some text messages
 - o ██████████ contact Trent towards end of last year – created own statement (hard copy provided)
 - Outlines that since 2015, known Bruce and had several interactions and in hindsight few incidents stuck out in his mind – accused would engage in SI with women when in relationship and when drunk
 - AFP going to speak with him further
 - Not committed to providing statement
 - AFP trying to reach out to girls involved in this
 - SJ to run past DPP
 - o ██████████ – obtaining Uber records and provided brief to Mr Korn (hard copy provided)
 - o Appendix to Peter digital forensics statement

- Edited version of Project
- Annexure to a Stat Dec that BH signed in regards to The Project
- Four Corners television segment – [REDACTED] – video (already have transcript)
- Medical records – redacted medical records of Ochre, Medicare records
- [REDACTED]
- Swipe records for all of APH
- Full map of APH
- Floor plans for ministerial wing
- BH USB – own timeline etc
- Recorded phone call with COS
 - SJ confirmed would like it, given BH disclosed it to AFP
- Additional search warrant not executed
- CCR/reverse CCR/data between time frames
- BL provided two emails sent after ROI – AFP unable to identify source
 - Cannot identify IP – missing digits
- Audio ROSW
- PSR
- AFP inquired as to whether BoE service fact in issue – SJ said not at this stage, need statements to make decision as to whether feature in trial
- EF: in regards to counselling notes, are they to be utilised in the trial
 - SJ: list on disclosure certificate, we have to have leave from court
- AFP still waiting for response in regards to [REDACTED]
 - [REDACTED]
- SJ asked for more clarity in what happened
 - [REDACTED]
- SJ flagged expert for telephone records – re data use BL inside suite
- AFP provided draft disclosure certificate – DPP to confirm who would like statements from before March
 - Including AFP members who looked at security breach only
 - Matthew [REDACTED] – liaising with ongoing preservation of CCTV, involvement more as his position liaising with [REDACTED]
 - SACAT members who have just done basic inquiries
 - Video ops members who collated all of CCTV
 - Samantha Maiden – BH mentioned in EICI or before/after about being told things by SM, not sure if it's what she remembered or what SM told her
 - **DPP to follow up with AFP**
 - [REDACTED] did not want to engage with AFP, reached out multiple times
 - [REDACTED] been in touch, willing to have a conversation
- EF: conversation with [REDACTED] originally declined Cellebrite. Will not consent to entire phone download
 - **DPP to check with Shane whether would like video recording of scrolling through phone**
 - Cellebrite won't pick up if things deleted
- Witnesses contacting about being required for Court – EP provided direct contact line for AFP to provide to witnesses

- Full Celebrite reports of both Brittany/Bruce
 - o **DPP to confirm**
- EICI – eventually requests for redactions – DPP will try to be proactive about this
- Have defence contacted about viewing EICIs? No, served notice on them, but no response
- Proofing will be two weeks out from trial
- AFP drafting warrants for financial records
- 28 Feb expected date for full brief
 - o Will not necessarily include statements regarding service of brief
 - o AFP want to make sure on same page about what missing
 - Need Moller/Cheu
- **DPP to get to AFP in a week with responses**