

Subpoena Number: 2023/S/0031

Sections 18(c), 26(1) and 26(3) of the *Inquiries Act 1991*

SUBPOENA TO PROVIDE A WRITTEN STATEMENT

To: Linda Reynolds

Of: Parliament of Australia
C/- Dr Ashley Tsacalos
Clayton Utz
Level 15, 1 Bligh Street
Sydney NSW 2000

I, WALTER SOFRONOFF KC, Chairperson of the Board of Inquiry established by the Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023 (NI2023-49)¹ dated 1 February 2023 require you to give a written statement to the Board of Inquiry pursuant to sections 18(c), 26(1)(b) and 26(3)(b) of the *Inquiries Act 1991* in regard to your knowledge of the matters set out in the Schedule annexed hereto.

YOU MUST COMPLY WITH THIS REQUIREMENT BY:

Giving a written statement signed and witnessed in accordance with section 7 of the *Oaths and Affirmations Act 1984* (ACT) to the Board of Inquiry on or before **5:00 pm AEST on 19 April 2023**, by delivering it to Nara House, 3 Constitution Avenue, Canberra City ACT 2601.

A copy of the written statement must also be provided electronically by email at BOI.Notices@inquiry.act.gov.au with the subject line "Requirement for Written Statement".

If you believe that you have a reasonable excuse for not complying with this notice, you will need to satisfy me of this by the above date.

Failure to comply with this notice without lawful excuse is a Contempt of Board and you may be dealt with accordingly.

Date: 12 April 2023



Walter Sofronoff KC
Chairperson
Board of Inquiry

¹ The terms of reference of the Board of Inquiry, contained in NI2023-49 dated 1 February 2023 are set out as **Annexure A** to this subpoena.

Notes

Informal service

1. Even if this notice has not been served personally on you, you must, nevertheless, comply with its requirements, if you have actual knowledge of the notice and its requirements.

Where the addressee is a corporation or agency

2. If this notice is addressed to a corporation or agency, the corporation or agency must comply with the notice by its appropriate person or proper officer.

Objections

3. If you object to a document or thing produced in response to this notice being inspected by a party to the proceeding or anyone else, you must tell the Board of Inquiry about your objection and the grounds of your objection either orally on the return date for this notice or in writing before or after the return date.

Production of copy instead of original

4. If the notice requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
5. The copy of the document may be—
 - (a) a photocopy; or
 - (b) in PDF format; or
 - (c) in any other electronic form that the issuing party has indicated will be acceptable.

Contempt of Board of Inquiry

6. A person commits an offence if the person does something in the face, or within the hearing, of a board that would be contempt of court if the board were a court of record (see *Inquiries Act 1991*, s 36 (**Contempt of Board**)).
7. Failure to comply with a subpoena without lawful excuse is a Contempt of Board and may be dealt with accordingly.
8. Failure to comply with a subpoena may also be a criminal offence (see *Criminal Code*, s 719 (Failing to attend) and s 720 (Failing to produce document or other thing)).

Protections

9. Where a person is required to produce a document (or other thing) or answer a question to the Board of Inquiry, that person is not able to rely on the common law privileges against self-incrimination and exposure to the imposition of a civil penalty to refuse to produce the document or other thing or answer the question (see *Inquiries Act 1991*, s 19 (Privileges against self-incrimination and exposure to civil penalty)).
10. However, anything obtained because of the producing of the document or other thing, or the answering of the question, is not admissible in evidence against that person in a civil or criminal proceeding, except for an offence relating to the falsity or misleading nature of the document or other thing or answer, and for an offence against chapter 7 of the *Criminal Code* (see *Inquiries Act 1991*, s 19 (Privileges against self-incrimination and exposure to civil penalty)).

ANNEXURE A
Terms of Reference

1. The Board will inquire into:
 - (a) Whether any police officers failed to act in accordance with their duties or acted in breach of their duties:
 - (i) in their conduct of the investigation of the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann;
 - (ii) in their dealings with the Director of Public Prosecutions in relation to his duty to decide whether to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann in relation to those allegations;
 - (iii) in their dealings with the legal representatives for Mr Lehrmann before, during or after the trial in the matter of *R v Lehrmann*;
 - (iv) in their provision of information to any persons in relation to the matter of *R v Lehrmann*.
 - (b) If any police officers so acted, their reasons and motives for their actions.
 - (c) Whether the Director of Public Prosecutions failed to act in accordance with his duties or acted in breach of his duties in making his decisions to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann.
 - (d) If the Director of Public Prosecutions so acted, his reasons and motives for his actions.
 - (e) The circumstances around, and decisions which led to the public release of the ACT Director of Public Prosecutions' letter to the Chief Police Officer of ACT Policing dated 1 November 2022.
 - (f) Whether the Victims of Crime Commissioner acted in accordance with the relevant statutory framework in terms of support provided to the complainant in the matter of *R v Lehrmann*.
 - (g) Any matter reasonably incidental to any of the above matters.
2. The Board will report to the Chief Minister by 30 June 2023.

Subpoena 2023/S/0031

Schedule of Questions for Statement

Ms Linda Reynolds

Background and Professional History

1. What is your current occupation?
2. Outline your tertiary qualifications, including when and where you obtained them.
3. Outline your diploma qualifications including when and where you obtained them.
4. Attach a current CV.

First involvement in relation to allegations made by Ms Higgins

5. **Attach** a copy of your 17 June 2021 statement relating to the AFP investigation into the alleged sexual assault of Brittany Higgins.
6. **Attach** a copy of email correspondence between Fiona Brown and Lauren Barons on or around 29 March 2019 which relates to the adequacy of support that had been provided to Ms Higgins following the alleged incident on 23 March 2019 (**Lauren Barons Email**).
7. Outline when and how the Lauren Barons Email first came to your attention and whether to your knowledge, this email was provided to the Australian Federal Police (**AFP**) or to the Australian Capital Territory Office of the Director of Public Prosecutions (**ODPP**) prior to the trial of *R v Lehrmann* and if so, the basis for your knowledge that this had been provided to the AFP/ODPP.

Involvement with the DPP/ODPP pretrial

8. Outline when you first interacted with the ODPP or the Director of Public Prosecutions, Mr Shane Drumgold (**DPP**), in relation to the investigation of Ms Brittany Higgins' allegation of sexual assault against Mr Bruce Lehrmann (**Investigation**) and/or the matter of *R v Lehrmann*.

9. Outline the proofing you undertook with the ODPP on 24 May 2022 in relation to the matter of *R v Lehrmann*. Include details as to:

- (a) who was present;
- (b) broadly what was discussed; and
- (c) any matters which were not discussed or put to you during this proofing which, at the time or in retrospect, you believe should have been discussed or put to you, and the basis for any such views.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes, diary notes or trial transcripts. To the extent those communications were verbal outline the parties to the communications and the effect of the words spoken (the **usual particulars**).

10. Outline any contact you had with the DPP/ODPP subsequent to your proofing up to the commencement of the trial in the matter of *R v Lehrmann*.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. To the extent those communications were verbal provide the usual particulars.

The trial of R v Lehrmann

Communications regarding date for giving evidence

11. Outline any agreement with the ODPP and/or any communications between yourself/your legal representatives and the ODPP, regarding the date for your giving of evidence in the matter of *R v Lehrmann* (**Evidence Arrangements**).

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. To the extent those communications were verbal provide the usual particulars.

12. If representations or statements were made by the DPP/ODPP (including at court

hearings in relation to the matter of *R v Lehrmann*) relating to the date for your giving of evidence in the matter of *R v Lehrmann* or your compliance with a subpoena requiring you to give evidence in the matter, which were contrary to, or misrepresented, the Evidence Arrangements, outline these representations and/or statements and the basis upon which you say these representations/statements were contrary to, or misrepresented, the Evidence Arrangements.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes, diary notes and trial transcripts. To the extent those communications were verbal provide the usual particulars.

Text messages with Steven Whybrow

13. During the trial in the matter of *R v Lehrmann* you texted Steven Whybrow seeking copies of the transcripts in the matter of *R v Lehrmann* (**Transcripts**). Outline the reason you texted Mr Whybrow seeking copies of the Transcripts.
14. Was the basis for which you sought the Transcripts described in your response to the above paragraph ever communicated to the DPP/ODPP? If so, provide details as to when and how this was communicated.

1 November letter

15. Outline any contact you had with the DPP/ODPP regarding the release of the DPP's 1 November 2022 letter to Neil Gaughan pursuant to a freedom of information request including any consultation between yourself/your legal representatives and the DPP/ODPP regarding any redactions required to those parts of the letter which related to you.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. To the extent those communications were verbal provide the usual particulars.

16. Outline any communications that you or your legal representatives had with Christopher Knaus regarding the 1 November 2022 letter.

Attach copies of relevant communications or documents including but not limited to correspondence, emails, text messages, file notes and diary notes. To the extent those communications were verbal provide the usual particulars.

Breaches of duty/legislation

17. To the extent not addressed in response to the above paragraphs, outline any breaches of duties or legislation you believe to have been committed by the DPP, AFP or the ACT Victims of Crime Commissioner which relate to your involvement in the Investigation/matter of *R v Lehrmann*.

Board of Inquiry

18. Outline any other matters you wish to raise with respect to the Terms of Reference of the Board of Inquiry.

Statement in the AFP investigation into the alleged sexual assault of Brittany Higgins

Name Senator The Hon. Linda Reynolds

Occupation Politician/Senator

Employer Commonwealth Government

Address [REDACTED], Senate, Parliament House, CANBERRA ACT 2600

Date 17 June 2021
[REDACTED]

STATES:

Introduction

1. This Statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The Statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable for prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true. It is based on my recollection as I neither have contemporaneous notes nor access to most of the relevant official correspondence and documentation.
2. I am currently a Senator for Western Australia in the Federal Parliament. On 30 March 2021, I was appointed as the Minister for Government Services and the Minister for the National Disability Insurance Scheme in the Morrison Government.
3. From 28 August 2018 to 2 March 2019, I was the Assistant Minister for Home Affairs. From 2 March 2019 to 29 May 2019, I was the Minister for Defence Industry and the Minister for Emergency Management and North Queensland Recovery. From 29 May 2019 to 30 March 2021, I was the Minister for Defence. Accordingly, I have served as a Cabinet Minister in the Morrison Government since 2 March 2019.
4. It was as the Minister for Defence Industry and the Minister for Emergency Management and North Queensland Recovery that I came to employ, among others, Ms Brittany Higgins. Previously, when I was serving as Assistant Minister for Home Affairs, I had employed the male adviser who allegedly sexually assaulted Ms Higgins (**Male Adviser**) in an incident occurring early on the morning of 23 March 2019 (**Incident**). I was aware that the Male Adviser had worked for at least one other Minister previously.

Resignation of the Hon. Steven Ciobo MP

5. On 1 March 2019, I became aware that the Hon. Steven Ciobo MP had informed the Hon. Scott Morrison MP, Prime Minister of his intention not to seek re-election that year and, following this, he ceased to be the Minister for Defence Industry. At this time, Ms Higgins was employed in the position of Receptionist/Junior Ministerial Staffer with Mr Ciobo whilst he was Minister for Defence Industry.

[REDACTED] Witness: [REDACTED]

Statement of Senator the Hon. Linda Reynolds

6. Following the resignation of Mr Ciobo, the Prime Minister asked me to accept the Defence Industry portfolio. I was sworn in as the Minister for Defence Industry and the Minister for Emergency Management and North Queensland Recovery on 2 March 2019 in Canberra.
7. The resignation of Mr Ciobo had a direct impact on the employment of his staff. Ordinarily, the employment of Ministerial Staff, such as Ms Higgins, terminates in the event that the Minister, by whom they are employed, ceases to hold office (section 16(2) of the *Members of Parliament (Staff) Act 1984 (MOPS Act)*). However, the termination date of Ms Higgins' employment became subject to what is known as a "deferral period". A "deferral period" refers to the period during which the termination of the employment of Ministerial staff is deferred because the termination has occurred as a result of their employing Minister ceasing to hold office or death whether because the Minister has resigned or ceased to be a Senator or Member of Parliament (see sections 16(1), 16(2) and 16(5) of the MOPS Act). The Prime Minister has the power to issue a written direction specifying that the employment of staff is "deemed" not to have been terminated and to have continued (**Deferral Direction**) (section 16(5) of the MOPS Act). In practice, I understand that Deferral Directions are issued by the Special Minister of State on the Prime Minister's behalf. The employment of the Male Adviser and Ms Higgins' employment was the subject of a deferral period - the Male Adviser due to the fact that he was a member of my staff when I was Assistant Minister of Home Affairs and Ms Higgins because she was previously a member of Mr Ciobo's staff. However, as stated below in paragraph 11, I decided to employ Ms Higgins and several other staff members of Mr Ciobo.

2 March Altercation

8. On 2 March 2019, I was sworn in as the Minister for Defence Industry and the Minister for Emergency Management and North Queensland Recovery. Following this, I attended a lunch with some of my family and friends, as well as some of my staff.
9. After the lunch on 2 March 2019, three of my staff, namely, [REDACTED] (also known as [REDACTED] and the Male Adviser, proceeded to the Kingston Hotel in Canberra for drinks. I understand that the Male Adviser contacted Ms Higgins from the Kingston Hotel and asked her to join them. I understand that, at some point during the evening, Ms Higgins joined the Male Adviser, [REDACTED] at the Kingston Hotel [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] it was as a result of this that I realised there was a prior association or friendship between the Male Adviser and Ms Higgins, when I discussed the Incident with Ms Higgins on 1 April 2019.

Employment of Mr Ciobo's former staff

10. On or around Tuesday 5 March 2019, I spoke to former staff members of Mr Ciobo (including Ms Higgins) to ascertain their wishes to either take up employment with me, find employment in another Ministerial office or to leave and receive a payout.
11. Shortly after these meetings, I offered a number of existing staff employment, including Ms Higgins. Ms Higgins was employed under the MOPS Act in the position of

Witness:.....

Secretary/Administrative Assistant. Her employment was deemed to have officially commenced on 2 March 2019.

- 12. On 11 March 2019, Ms Fiona Brown, my new Chief of Staff, sent me an email containing a draft letter for my approval to be sent to Dr John Kunkel, the Prime Minister's Chief of Staff (**Draft Appointment Letter**). The Draft Appointment Letter to Dr Kunkel sought confirmation of the employment of a number of my existing staff as well as staff from Mr Ciobo's office, including Ms Higgins. In the Draft Appointment Letter, I requested that Ms Higgins' employment with me be deemed to have commenced on 2 March 2019. I do not recall what date the Draft Appointment Letter was sent. However, I anticipate that it occurred on or around 11 or 12 March 2019. Accordingly, I employed Ms Higgins under the MOPS Act, in the position of Secretary/Administrative Assistant.
- 13. The Male Adviser was included in the list of staff in the Draft Appointment Letter. However, a proposed commencement date was not included against his name. I recall the reason for this was that, at around this time, I had become aware of one or more alleged security breaches by the Male Adviser which I discuss below and I recall that my Chief of Staff, Ms Fiona Brown, was investigating this matter further. My recollection was that the investigation took some time and, as a result, the Male Adviser remained in the "deferral period". During the deferral period, the standard practice is for all employees to attend the office to assist with relevant tasks or be given leave to pursue other employment options.

Events preceding the Incident

- 14. My last day in Canberra prior to the Incident was Tuesday, 5 March 2019. I did not return to Canberra until the evening of Tuesday, 26 March 2019.
- 15. At the time of the Incident, the Male Adviser remained on the "deferral period" as a result of me ceasing to be the Assistant Minister for Home Affairs on 2 March 2019. I had not appointed him to my new staff when I became the Minister for Defence Industry and the Minister for Emergency Management and North Queensland Recovery. At that time, I was still in the process of considering whether to retain him on my staff at all.
- 16. One of the reasons, I was still considering whether to retain him on my staff and I did not seek approval to confirm the employment of the Male Adviser in the Draft Appointment Letter was due to the fact that I understood [REDACTED]
- 17. At the time of the Incident, the practice in relation to securing my Ministerial office was as follows:
 - (a) [REDACTED]
 - (b) [REDACTED];
 - (c) [REDACTED]
 - (d) [REDACTED]

Witness:.....

Statement of Senator the Hon. Linda Reynolds

18. The working relationship between myself and Ms Brown involved regular and frequent communication throughout the day. For example, I would communicate with Ms Brown on numerous occasions throughout the day by telephone - both verbally and by text message. At this time, Ms Brown and I were working closely to ensure a quick, smooth and efficient transition of the not insignificant responsibilities of the Defence Industry portfolio to me and to establish the necessary staffing arrangements for my office as soon as possible given the imminent Federal Election.

Monday, 25 March 2019

19. On Monday, 25 March 2019, as far as I am aware, both Ms Higgins and the Male Adviser attended the office as normal and did not mention the Incident to my Chief of Staff or myself. If it had been mentioned, I would have expected that my Chief of Staff would have advised me.

Tuesday, 26 March 2019

20. On Tuesday, 26 March 2019, I was in Brisbane and flew to Canberra in the evening.
21. During Tuesday, 26 March 2019, whilst in Brisbane, I was in communication throughout the day and recall receiving telephone calls from Ms Brown in relation to this matter. As a result of these communications with Ms Brown, I recall that she informed me that:
- (a) she had been contacted by the Department of Finance or Department of Parliamentary Services (DPS) who informed her that Ms Higgins and the Male Adviser had accessed my Ministerial Suite in the early hours of Saturday, 23 March 2019;
 - (b) she met with Ms Higgins and the Male Adviser, separately, to request an account of their after-hours access to my Ministerial Suite. Both staff confirmed to her that they had accessed the Ministerial Suite and my personal office after being out socialising and drinking together;
 - (c) she asked the Male Adviser, who was still in the deferral period and had not yet been re-employed by me, to leave the office permanently and, to the best of my knowledge, he never physically returned; and
 - (d) she engaged with the Department of Finance to provide advice in relation to the appropriate method for disciplining staff regarding the unauthorised after-hours access to my Ministerial Suite.
22. However, due to the effluxion of time, I do not have a direct recollection as to the precise times or conversations in which Ms Brown conveyed the above information to me.
23. I was not consulted, or involved, in relation to the decision by the DPS to clean my office over the weekend of 23 to 24 March 2019. I learnt that this had occurred at some later time.

Wednesday, 27 March 2019

24. On Wednesday, 27 March 2019, I spent the day in Canberra and flew to Perth in the evening.

Witness:.....

Statement of Senator the Hon. Linda Reynolds

25. I do not recall seeing or speaking to Ms Higgins when I was in Canberra on that day.
26. On or about Wednesday, 27 March 2019, I recall seeing or being made aware of a written report prepared by DPS in relation to the after-hours access to my Ministerial Suite and office (**DPS Report**). I do not have a copy of the DPS Report and I have not been able to review it for the purposes of preparing this Statement.
27. I recall that the DPS Report referred to the circumstances of two staff members accessing my Ministerial Suite and office after hours and without my authorisation which was a serious matter. However, there was nothing that I can recall reading in the DPS Report or being told about in relation to the DPS Report which stood out to me as suggesting that the circumstances of the unauthorised access of my Ministerial Suite by my two staff members might involve anything more serious, such as a sexual assault.
28. On the basis of numerous conversations between myself and Ms Brown, I am aware that, on 27 March 2019 or 28 March 2019, Ms Brown met with Ms Higgins for a second time, to discuss the events of 23 March 2019.
29. On Tuesday, 26 March 2019 or Wednesday, 27 March 2019, I understand that Ms Brown reported the security breach involving Ms Higgins and the Male Adviser accessing my Ministerial Suite in the early hours of Saturday, 23 March 2019 to the Prime Minister's Office (**PMO**).

Thursday, 28 March 2019

30. On Thursday, 28 March 2019, I was in Perth.
31. On Thursday, 28 March 2019, whilst I was in Perth, Ms Brown provided me with regular updates of her conversations and interactions with Ms Higgins throughout the day. I recall Ms Brown telling me that she had become concerned by aspects of Ms Higgins' behaviour. I cannot recall the specific words used by Ms Brown, however, I recall that she had developed a concern that there may have been something more serious in relation to the events surrounding the after-hours access to my Ministerial Suite on 23 March 2019 as a result of Ms Higgins' lack of recollection of the events of that night and her increasing distress levels.
32. During one of our communications throughout the day, I recall Ms Brown reporting to me that Ms Higgins was becoming increasingly distressed during her conversations with her. I recall Ms Brown informing me that Ms Higgins had told her that she was feeling unwell and had indicated that she needed to go to the doctor. Ms Brown had agreed with Ms Higgins that she should take whatever time needed to seek any necessary medical attention and I was supportive of this.
33. I recall that, by Thursday, 28 March 2019, Ms Brown had informed me that she had asked Ministerial and Parliamentary Services (**MAPS**) at the Department of Finance to provide her with information in relation to staff welfare including the availability of counselling services.
34. In one of my conversations with Ms Brown, I recall that we discussed Ms Higgins' present living arrangements so as to understand if she lived alone. As a result, Ms Brown and I discussed whether Ms Higgins might require family support if she did not presently have any family support in Canberra.

[REDACTED]

[REDACTED]

Witness:..... [REDACTED]

[REDACTED]

[REDACTED]

Statement of Senator the Hon. Linda Reynolds

35. Following this, I recall that Ms Brown advised me that she had spoken with Ms Higgins and confirmed that Ms Higgins' father was travelling from the Gold Coast to Canberra to support her.

Friday, 29 March 2019 – Sunday, 31 March 2019

36. Due to the numerous conversations I had with Ms Brown between 26 and 28 March 2019 in which Ms Brown relayed to me the substance of some of her conversations with Ms Higgins as well as the increasing levels of distress that Ms Higgins seemed to be experiencing (as observed by Ms Brown), I was eager to catch up with Ms Higgins in person when I was next in Canberra to better understand how she was feeling from a wellbeing and welfare perspective.
37. Between Friday, 29 March 2019 and Sunday, 31 March 2019, I liaised with Ms Brown in relation to organising for Ms Higgins to meet with Ms Brown and I on Monday, 1 April 2019. I recall Ms Brown advising me at some point during this period that such a meeting had been arranged.
38. In the evening of Sunday, 31 March 2019, I flew from Perth to Canberra. This was the first time I was in Canberra since I left on 27 March 2019.

Monday, 1 April 2019

39. I recall that, before my meeting with Ms Higgins and Ms Brown on Monday, 1 April 2019 (**Meeting**), I had been working in my Ministerial office with the door open which is my usual practice. At around the time that Ms Brown and Ms Higgins were ready to meet, they both came to my door and *entered my office for the purpose of commencing the meeting*.
40. At no point during the course of the Meeting (or prior to the Meeting) do I recall anyone, including Ms Higgins, raising with me that my office might not be an appropriate venue for the meeting. Ms Higgins was aware of the proposed location of the Meeting, as arranged by Ms Brown and, as far as I am aware, she raised no objection to the location.
41. At this time, I was not aware that any incident other than the unauthorised after-hours access of my Ministerial Suite and office that had taken place in the early hours of the morning of 23 March 2019.
42. At the commencement of the Meeting, I indicated to Ms Higgins that I wanted to catch up in relation to the after-hours access to my office that occurred on 23 March 2019 and that I had been liaising with Ms Brown in relation to this but I expressed that I wanted to hear Ms Higgins' perspective.
43. I recall that Ms Higgins was extremely apologetic during the Meeting. She described her actions in relation to accessing my Ministerial Suite on the morning of 23 March 2019 as unprofessional. Ms Higgins stated that she did not want to lose her job.
44. During the Meeting, I recall Ms Higgins becoming increasingly distressed and visibly upset as she was attempting to recollect the events of the evening of 22 March 2019 and the morning of 23 March 2019. However, at no time do I recall Ms Higgins actually crying.

Witness:.....

Statement of Senator the Hon. Linda Reynolds

45. I recall that Ms Higgins had stated that she had been out on the evening of 22 March 2019 and had drunk too much. I recall that Ms Higgins could not clearly explain why she came into Parliament House or my Ministerial Suite on 23 March 2019. I recall Ms Higgins stating, words to the effect, that she had no recollection of what happened other than that she woke up in the morning, got dressed and left.
46. As I recall, the fact that Ms Higgins could not recall the events of the evening of 22 March 2019 and the morning of 23 March 2019 and that she recalled waking up not fully dressed, as well as my recollection of the events of 2 March 2019, prompted in my mind, during the Meeting, the possibility that Ms Higgins may have been concerned that a sexual act had occurred while she and the Male Adviser were in my office.
47. However, I do not recall that at any point during the Meeting Ms Higgins indicating that she had been raped or sexually assaulted in any way. I distinctly remember that she did not use the words "rape", or "sexual assault", or any other language alleging that any such offences had taken place. I am certain that these words were not used by Ms Higgins as I believe they would have resonated strongly with me and caused me great concern. I know, from previous experiences, that such words would have had an emotional impact on me as I have previously been told, in other contexts, by women that they had been raped. I still remember the effect they had on me at the time. I recollect no such emotions being evoked during my conversation with Ms Higgins on 1 April 2019.
48. During the Meeting, I recall Ms Higgins telling me that she had obtained information about the availability of the Employee Assistance Program (EAP) for counselling through Ms Brown and may have said that she did access the counselling through EAP.
49. During the Meeting, I also recall feeling uncomfortable having such a sensitive and personal discussion with Ms Higgins such that I considered others may be better placed to have these discussions with her and that it was more appropriate that they do so.
50. In light of the above and given that Ms Higgins was concerned that she was unable to recall the events of the night and was visibly distressed, I indicated to Ms Higgins that, if she was open to the idea, she could consider talking to the Australian Federal Police (AFP) regarding the events of the evening of 22 March 2019. I was Chief of Staff to the Justice Minister, Chris Ellison, between 2001 and 2003 and had deep knowledge of the AFP. I told Ms Higgins that I understood that the AFP had expertise in handling sensitive personal matters, and could also provide her with access to the appropriate support services. I thought they would be better placed than me to provide advice on these matters as they have people with the necessary expertise and could provide access to other services. I recall saying words to the effect that, if Ms Higgins wished, Fiona and I could seek to facilitate a private meeting with the ACT AFP to get their advice, and then she could make her own informed decisions about her options and what she wanted to do.
51. I recall that, in the Meeting, Ms Higgins was initially reluctant to speak with the AFP but did agree to do so. It was agreed that Ms Brown would contact the AFP presence in Parliament House to facilitate a meeting between the local ACT AFP Policing and Ms Higgins – without specifically mentioning her name to the AFP in Parliament House.
52. My recollection is that the Meeting went for approximately 30 minutes.

Witness:.....

Statement of Senator the Hon. Linda Reynolds

- 53. To the best of my knowledge, I understand that Ms Brown contacted the AFP soon after the Meeting and may have accompanied Ms Higgins to her meeting with the AFP on the same day.
- 54. I recall talking to Ms Higgins upon her return from her meeting with the AFP. Ms Higgins said words to the effect that the meeting was very helpful but she did not want to take it any further.
- 55. I recall replying to Ms Higgins with words to the effect that I understood and if she needed any further assistance to let me know.
- 56. At no time did I suggest to Ms Higgins that she should not pursue all avenues for support or for the purposes of investigating any aspect of the Incident, nor did I discourage in any way the reporting of, or investigation into, any aspect of the Incident.
- 57. I do not recall specifically discussing with Ms Higgins her interactions with the AFP after this.

Tuesday, 2 April 2019

- 58. I recall Tuesday, 2 April 2019 being a busy day as the Government was handing down the Federal Budget that evening.

Thursday, 4 April 2019

- 59. I recall that AFP Assistant Commissioner Leanne Close had made an appointment to see me in my office on Thursday, 4 April 2019, whilst I was in Canberra.
- 60. Assistant Commissioner Close came by to make, what she described as a "courtesy call". I recall that I may have met with Assistant Commissioner Close by myself initially and, a short time later, I requested that Ms Brown join us for the meeting after Assistant Commissioner Close advised me that the purpose of the meeting was to discuss the Incident.
- 61. Although I do not recall the precise language used by Assistant Commissioner Close, however, I recall that she informed Ms Brown and I that Ms Higgins intended to progress a complaint, or make a report, against the Male Adviser in relation to the Incident.
- 62. I recall asking Assistant Commissioner Close how Ms Brown and I could best support Ms Higgins in this respect. Assistant Commissioner Close responded with words to the effect that I was doing the right things and should continue to do so. She provided Ms Brown and I with advice that we should take our cues from Ms Higgins at all times as to how she would prefer to respond to the Incident.
- 63. I recall that Assistant Commissioner Close spent around 10 to 15 minutes in my office at this time.

[Redacted]

- 64. [Redacted]

[Redacted]

Witness:..... [Redacted]

Statement of Senator the Hon. Linda Reynolds

[REDACTED]

65. [REDACTED]

66. [REDACTED]

67. [REDACTED]

68. [REDACTED]

69. [REDACTED]

70. [REDACTED]

71. [REDACTED]

72. [REDACTED]

73. [REDACTED]

74. [REDACTED]

[REDACTED]

Witness:..... [REDACTED]

[REDACTED]

Statement of Senator the Hon. Linda Reynolds

75. [Redacted]

76. [Redacted]

Week beginning Monday, 8 April 2019

77. At some point in the week beginning Monday, 8 April 2019, I recall that the President of the Senate, Senator the Hon. Scott Ryan, informed me, as a matter of courtesy, that the AFP had requested CCTV footage in the possession of DPS for the evening and morning of the Incident from Parliament House relating to the unauthorised after-hours access by the Male Adviser and Ms Higgins on the morning of 23 March 2019. I recall agreeing to the CCTV footage being viewed, and indicated at the time that I had not seen any footage. I still have not seen any CCTV footage in relation to the Incident.

78. I remained in Canberra during this week until flying to Perth on Wednesday, 10 April 2019.

79. On Thursday, 11 April 2019, the Prime Minister announced that a General Election would take place on Saturday, 18 May 2019.

2019 Election Campaign

80. In the weeks prior to the Federal Election being called, Ms Brown and I had discussed with my staff the arrangements that would be put in place for the Election campaign period. This included, for example, which staff would potentially be sent to campaign headquarters in Canberra, who might come to Perth to campaign (given I was going to be there), or do a combination of both.

81. After the Federal Election was called, I believe ^{Co}my Ms Brown provided Ms Higgins with the option of staying in Canberra, returning to [Redacted] so as to be with family whilst remaining working remotely, or alternatively, assisting me by campaigning in Perth.

82. I recall Ms Higgins was keen to join my team in Perth to campaign and was there between 14 April 2019 and 3 May 2019 and then again between 6 May 2019 and 19 May 2019. I understand that, in the intervening periods, Ms Higgins was spending time in Canberra.

83. Whilst she was in Perth campaigning, Ms Higgins was staying at the same hotel as other members of my staff who were not from Western Australia. Based on my observations from time to time, Ms Higgins appeared to me to be enthusiastically participating in campaign events without difficulty or concern and, based on my discussions with her at the end of campaign social events, she appeared to have enjoyed the experience. However, I was also campaigning and so was not with Ms Higgins all of the time.

[Redacted]

Witness:.....

[Redacted]

[Redacted]

Statement of Senator the Hon. Linda Reynolds

84. I do recall Ms Higgins attending a pre-election function at the Pan Pacific in Perth on 15 May 2019 as I sat next to her. I also recall Ms Higgins attending a post-election gathering at my home on Sunday 19 May 2019.

Staffing discussions following the 2019 Federal Election

85. After it became clear that the Coalition had won the Federal Election on 18 May 2019, I had conversations with staff to see what they wanted to do. That is, whether they wanted to stay with me in a new portfolio, work for another Minister or do something different altogether in the deferral period as described above.
86. I was sworn in as Minister for Defence on 29 May 2019.
87. Not all of my staff prior to the Federal Election were retained in my new office as Minister for Defence following the Federal Election.
88. I do recall asking Ms Higgins if she wanted to continue working for me and advised her that there was a job for her if she wanted. I recall that Ms Higgins advised me that she had applied for roles with other Ministers and had been offered a role in the office of Senator Hon. Michaelia Cash and therefore she was going to accept this role. She thanked me for my support and I recall she said words to the effect that she wanted to stay working at Parliament House but wanted a fresh start.
89. I said words to the effect that I understand her decision. I also recall discussing with Ms Higgins her position in relation to the Incident. From her response, it was clear that Ms Higgins' position remained unchanged, namely, that she did not want anyone else at Parliament House to know about the Incident or surrounding circumstances. Consequently, I did not tell her new employer, the Minister for Employment, Senator the Hon. Michaelia Cash, about the Incident.
90. On or about 4 June 2019, I provided Ms Higgins with a letter dated 4 June 2019 thanking her for her assistance throughout the Federal Election campaign.
91. Ms Higgins' last day in my office was around Friday 7 June 2019 at which time she presented me with flowers to thank me for, in her words, my understanding, kindness and support. I was in Canberra that day and I flew to Sydney that evening.

Canberra Times story

92. In October 2019, my office was contacted about a story that was going to be run in the *Canberra Times* that might have touched on circumstances relating to the Incident. To the best of my knowledge, the proposed story focussed on issues between DPS and security guards working at Parliament House. However, I understood from the information provided that the after-hours access of my Ministerial Suite and office by two staff on 23 March 2019 would be mentioned.

Witness:.....

Statement of Senator the Hon. Linda Reynolds

93. I made the decision to contact Senator Cash's Chief of Staff to advise him that there may be a story in the *Canberra Times*, possibly even the next day, which may mention Ms Higgins. I did not say what the story involved but I indicated it may mention Ms Higgins in an historical context and that I did not want her to read about it first in the papers. I asked him to mention the prospect of the story to Ms Higgins and to ensure she knew that, if the story proceeded, we would provide any support she may need.

Further Communications

94. In the time that Ms Higgins worked for Senator Cash, I had only brief and intermittent contact with her in and around Parliament House. I do not recall discussing this Incident with Ms Higgins or anyone else during the time that Ms Higgins was employed by Senator Cash.

95. The next time I recall any reference to the Incident was when Senator Kitching raised it with me in Parliament House on 2 February 2021.

Senator The Hon. Linda Reynolds

Signature of witness

Name of witness

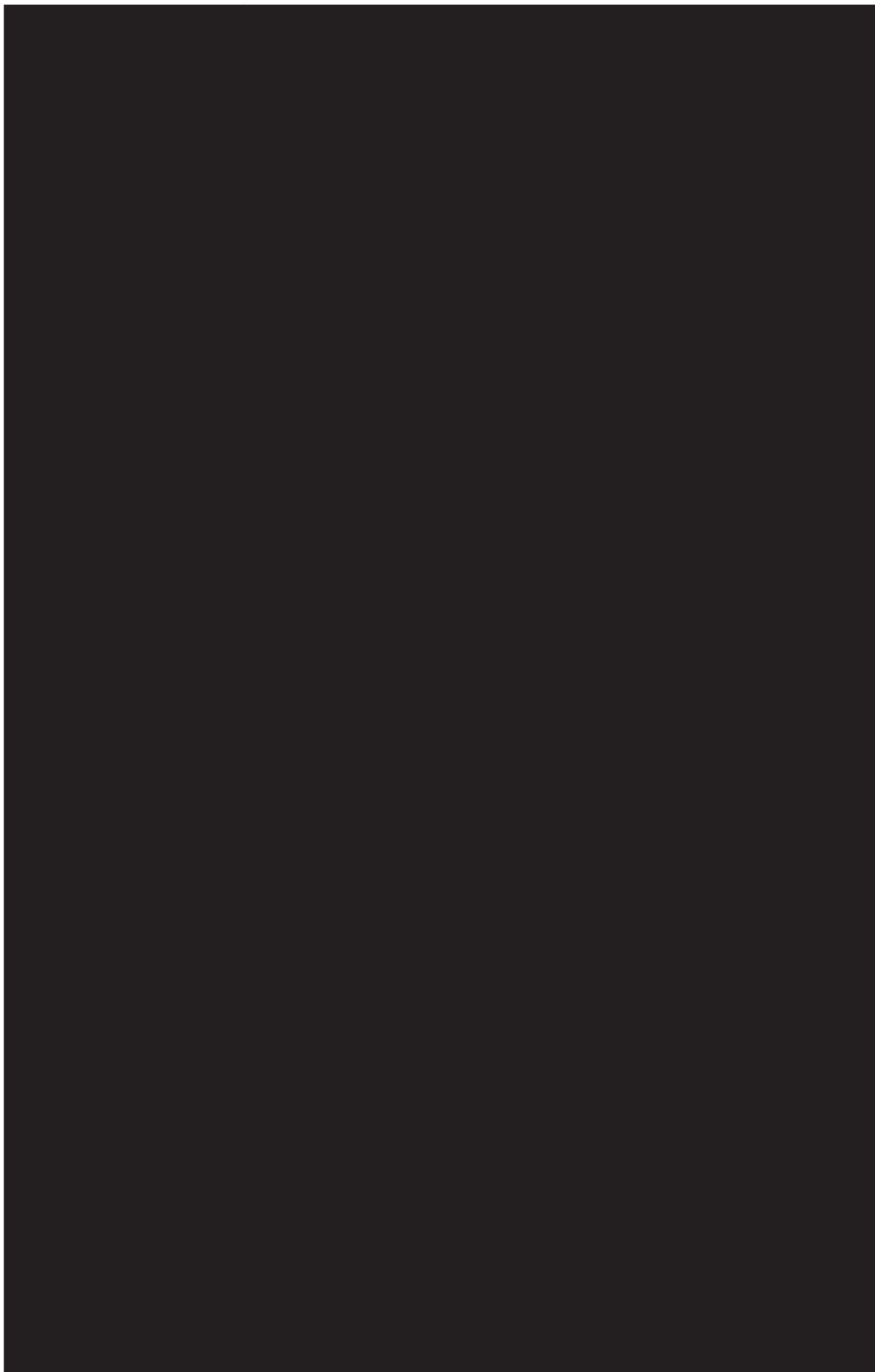
Witnessed by me at (time) 9:58 am/pm on (date) 17/6/21 at (place) Parliament House

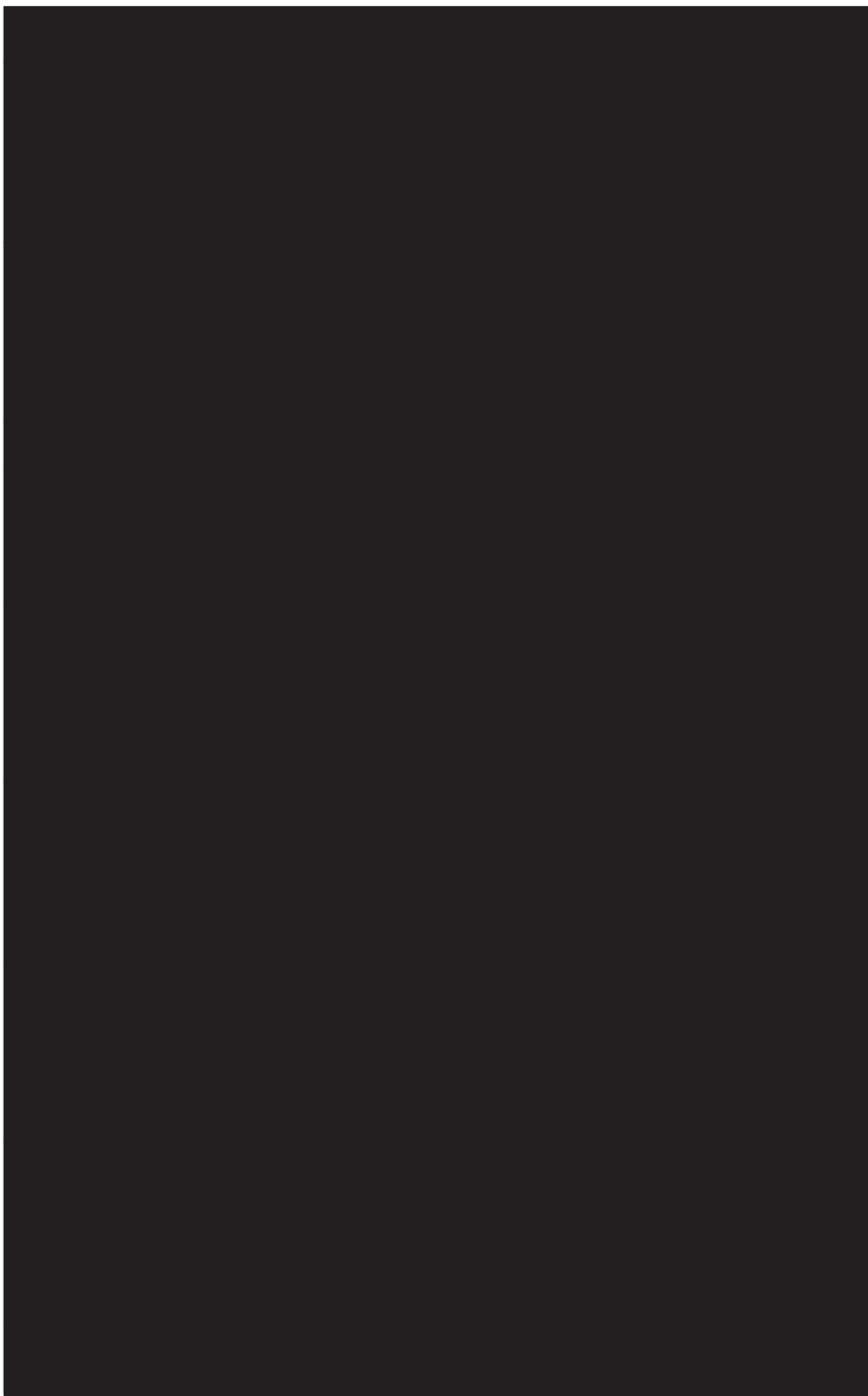
LR-1





LR-2





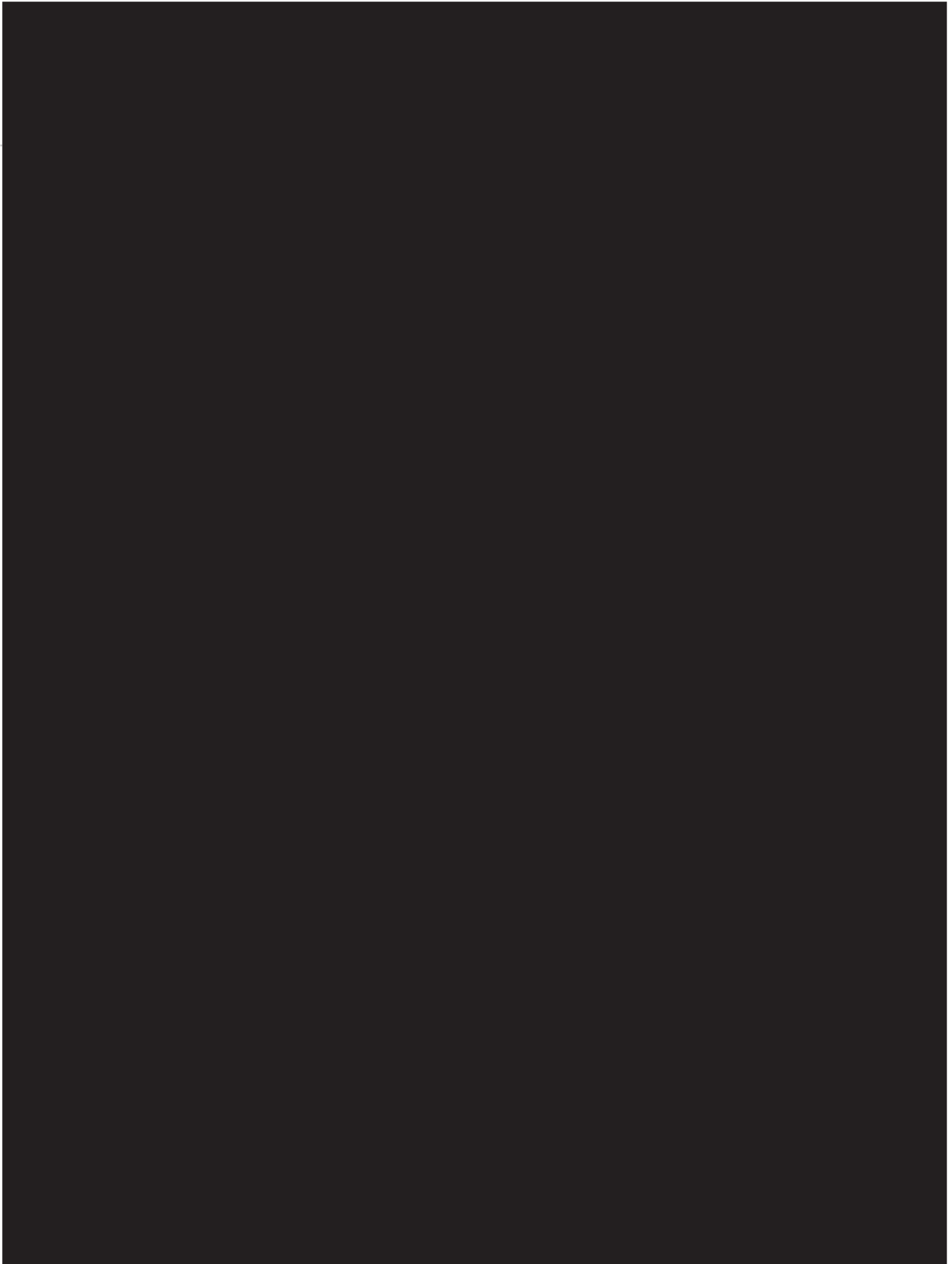




LR-3



LR-4





Brown, Fiona (Sen L. Reynolds)

From: [REDACTED]
Sent: Friday, 29 March 2019 6:05 PM
To: Brown, Fiona (Sen L. Reynolds)
Subject: Support for employee [DLM=Sensitive:Personal]

~~Sensitive:Personal~~

Dear Fiona

Following our discussions, I understand that you have taken the following actions in relation in discussions with the staff member in your office:

- Made her aware of the Employee Assistance Program (EAP) and other support services available. If you haven't already you may wish to ensure the staff member is aware of 1800Respect.org.au
- Notified her that, should she choose to, she is able to pursue a complaint, including a complaint made to the police, and that to do so would be within her rights.
- You have made it very clear to her that if she requires assistance in making a complaint, you would be willing to support her.
- In addition, I understand you have discussed with her on several occasions that if she does choose to pursue a complaint, either now or at a later date, she would have the full and ongoing support of yourself and the Minister.
- You have provided the employee with the opportunity to come to you for further assistance, support or guidance at any time.
- You have encouraged the employee to access to the EAP provider as soon as possible, and on days she was not in the office, you have checked in with her to make sure she is OK and has support at home.
- You have provided the employee with the leave required to attend medical and EAP appointments.

I consider that the steps you have taken are appropriate, taking into account guidance material available including from the Human Rights Commission (see links under Section E of the [Workplace Bullying and Harassment Policy](#)).

Ultimately any decision as to whether to lodge a police report or pursue any other form of complaint relating to this matter would be a personal choice of the person involved. I note the 1800Respect website recommends the person should have 'as much control as possible over what to do next' and that a person 'may decide not to report to police, or not to have a medical or examination.... This is their choice and must be respected'. For a referral to be made on her behalf or without her consent or against her wishes could be harmful to her.

We acknowledge that there is also an obligation to ensure a safe working environment. It may be the case that should further information come to light, or there is a concern about the employees ongoing safety in the office, an alternate approach may need to be considered.

I would encourage you to continue to show your support and provide her with the assistance she requires to make a decision on whether she does want to take this further.

As we discussed, while all MOP(S) staff have access to three counselling sessions under the EAP, this can be extended where required and I am happy to approve additional sessions that may be needed in this instance.

Please let me know if you would like to discuss this further or if there is any additional support we can provide to the office. I also remind you that you are able to access EAP as well.

Regards,

Lauren

From: [Tsacalos, Ashley](#)
To: [REDACTED]
Subject: Query [CU-Legal.FID3238183]
Date: Monday, 14 February 2022 12:40:22 PM

Dear Erin

Thank you for your voice mail on Friday afternoon in response to my phone call earlier in the day. I tried ringing a short time ago but it rang out without any ability to leave a message.

When you are available, can you give me a call on [REDACTED]

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: [Tsacalos, Ashley](#)
To: [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]
Date: Monday, 28 February 2022 8:18:02 AM

Dear Erin

I refer to our conversation earlier this month.

Can you advise when we can expect to receive the Subpoena we discussed.

I look forward to hearing from you.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley
Sent: Monday, 14 February 2022 12:40 PM
To: [REDACTED]
Subject: Query [CU-Legal.FID3238183]

Dear Erin

Thank you for your voice mail on Friday afternoon in response to my phone call earlier in the day. I tried ringing a short time ago but it rang out without any ability to leave a message.

When you are available, can you give me a call on [REDACTED]

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: [Priestly, Erin](#)
To: [Tsacalos, Ashley](#)
Subject: RE: Query [CU-Legal.FID3442261]
Date: Monday, 28 February 2022 3:20:42 PM
Attachments: [image001.png](#)

External Email

OFFICIAL

Dear Dr Tsacalos

My apologies for the delay in getting back to you.

I have made enquiries about whether we would be able to proceed by way of substituted service through you – unfortunately, we cannot. I understand the subpoena must be personally served on Senator Reynolds.

Would it be preferable for this to occur next time Senator Reynolds is in Canberra, or for service to be effected in Western Australia?

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

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: Tsacalos, Ashley [REDACTED]
Sent: Monday, 28 February 2022 12:19 AM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

I refer to our conversation earlier this month.

Can you advise when we can expect to receive the Subpoena we discussed.

I look forward to hearing from you.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley
Sent: Monday, 14 February 2022 12:40 PM
To: [REDACTED]
Subject: Query [CU-Legal.FID3238183]

Dear Erin

Thank you for your voice mail on Friday afternoon in response to my phone call earlier in the day. I tried ringing a short time ago but it rang out without any ability to leave a message.

When you are available, can you give me a call on [REDACTED]

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Tsacalos, Ashley](#)
To: ["Priestly, Erin"](#)
Subject: RE: Query [CU-Legal.FID3442261]
Date: Tuesday, 8 March 2022 12:36:28 PM
Attachments: [image001.png](#)

Dear Erin

Thank you for your email.

It is not substituted service but rather service on the legal representative of the addressee of the Subpoena. This occurs all the time. Are you able to stress test this and, if the answer remains the same, I can let you know when the Senator is in Canberra.

Kind regards

**Dr Ashley Tsacalos, Partner
Clayton Utz**

[Redacted]

Please consider the environment before printing this e-mail

From: Priestly, Erin [Redacted]
Sent: Monday, 28 February 2022 3:21 PM
To: Tsacalos, Ashley [Redacted]
Subject: RE: Query [CU-Legal.FID3442261]

External Email

OFFICIAL

Dear Dr Tsacalos

My apologies for the delay in getting back to you.

I have made enquiries about whether we would be able to proceed by way of substituted service through you – unfortunately, we cannot. I understand the subpoena must be personally served on Senator Reynolds.

Would it be preferable for this to occur next time Senator Reynolds is in Canberra, or for service to be effected in Western Australia?

Kind regards

Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

[Redacted]



W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley [REDACTED]
Sent: Monday, 28 February 2022 12:19 AM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

I refer to our conversation earlier this month.

Can you advise when we can expect to receive the Subpoena we discussed.

I look forward to hearing from you.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley
Sent: Monday, 14 February 2022 12:40 PM
To: [REDACTED]
Subject: Query [CU-Legal.FID3238183]

Dear Erin

Thank you for your voice mail on Friday afternoon in response to my phone call earlier in the day. I tried ringing a short time ago but it rang out without any ability to leave a message.

When you are available, can you give me a call on [REDACTED]

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz



Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Priestly, Erin](#)
To: [Tsacalos, Ashley](#)
Subject: RE: Query [CU-Legal.FID3442261]
Date: Tuesday, 8 March 2022 3:57:11 PM
Attachments: [image001.png](#)

External Email

OFFICIAL

Dear Dr Tsacalos

I have confirmed with the Director that, unfortunately, personal service must be effected (rule 6605 of the Court Procedure Rules). Service on a solicitor is only valid if the addressee is a party to the proceedings (rule 6481). I apologise for the difficulty.

I am happy to make arrangements to effect service tomorrow. I understand that a police officer will attend the DPP office in order to serve Senator Reynolds. Would any time after 12pm be suitable for Senator Reynolds?

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

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: Tsacalos, Ashley [REDACTED]
Sent: Tuesday, 8 March 2022 1:02 PM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

Further to my email below, the Senator is in Canberra until Thursday morning. If you are unable to serve it on me, can you let me know a range of times where she can pick it up from your office say tomorrow or where (and what range of times) someone could meet her elsewhere tomorrow for the purposes of serving her with a copy of the Subpoena.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley
Sent: Tuesday, 8 March 2022 12:36 PM
To: 'Priestly, Erin' [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

Dear Erin

Thank you for your email.

It is not substituted service but rather service on the legal representative of the addressee of the Subpoena. This occurs all the time. Are you able to stress test this and, if the answer remains the same, I can let you know when the Senator is in Canberra.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]
Sent: Monday, 28 February 2022 3:21 PM
To: Tsacalos, Ashley [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

External Email

OFFICIAL

Dear Dr Tsacalos

My apologies for the delay in getting back to you.

I have made enquiries about whether we would be able to proceed by way of substituted service through you – unfortunately, we cannot. I understand the subpoena must be personally served on Senator Reynolds.

Would it be preferable for this to occur next time Senator Reynolds is in Canberra, or for service to be effected in Western Australia?

Kind regards

Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)



[REDACTED]

W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley [REDACTED]
Sent: Monday, 28 February 2022 12:19 AM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

I refer to our conversation earlier this month.

Can you advise when we can expect to receive the Subpoena we discussed.

I look forward to hearing from you.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley
Sent: Monday, 14 February 2022 12:40 PM
To: [REDACTED]
Subject: Query [CU-Legal.FID3238183]

Dear Erin

Thank you for your voice mail on Friday afternoon in response to my phone call earlier in the day. I tried ringing a short time ago but it rang out without any ability to leave a message.

When you are available, can you give me a call on [REDACTED].

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Priestly, Erin](#)
To: [Tsacalos, Ashley](#)
Subject: RE: Query [CU-Legal.FID3442261]
Date: Wednesday, 9 March 2022 10:10:08 AM
Attachments: [image001.png](#)

External Email

OFFICIAL

Dear Dr Tsacalos

Thank you – our reception will likely be closed at that stage. Could you please provide the Senator with my direct line ([REDACTED]) to call when she is here?

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)



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: Tsacalos, Ashley [REDACTED]
Sent: Wednesday, 9 March 2022 10:00 AM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

Thank you for sending through these details which I have passed on to the Senator. The Senator advises that she is likely to be at the DPP Office closer to 1pm.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz



Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]

Sent: Wednesday, 9 March 2022 7:47 AM
To: Tsacalos, Ashley [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

External Email

OFFICIAL

Dear Dr Tsacalos

Thank you for letting me know.

The address is [REDACTED]. The Senator should ask for [REDACTED].

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)



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: Tsacalos, Ashley [REDACTED]
Sent: Wednesday, 9 March 2022 12:54 AM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

I am advised that the Senator will attend your office at 12.30pm to receive the Subpoena. Can you provide me with your address and who she should ask for when she arrives.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz



Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]

Sent: Tuesday, 8 March 2022 5:52 PM
To: Tsacalos, Ashley [REDACTED]
Subject: Re: Query [CU-Legal.FID3442261]

External Email

OFFICIAL

Dear Dr Tsacalos

I will get back to you in the morning and confirm.

The officer I had arranged is working within the DPP office tomorrow and was available to serve Senator Reynolds there. However, I will speak to the Service and Processing Team in the morning and see if they have any members available to attend Parliament House.

Kind regards

Erin Priestly

From: Tsacalos, Ashley [REDACTED]
Sent: Tuesday, March 8, 2022 4:58 pm
To: Priestly, Erin
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

Are you able to serve the Subpoena on Senator Reynolds at Parliament House at 12.30pm tomorrow?

Kind regards

**Dr Ashley Tsacalos, Partner
Clayton Utz**

[REDACTED]

Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]
Sent: Tuesday, 8 March 2022 3:57 PM
To: Tsacalos, Ashley [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

External Email

OFFICIAL

Dear Dr Tsacalos

I have confirmed with the Director that, unfortunately, personal service must be effected (rule 6605 of the Court Procedure Rules). Service on a solicitor is only valid if the addressee is a party to the proceedings (rule 6481). I apologise for the difficulty.

I am happy to make arrangements to effect service tomorrow. I understand that a police officer will attend the DPP office in order to serve Senator Reynolds. Would any time after 12pm be suitable for Senator Reynolds?

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)



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: Tsacalos, Ashley [REDACTED]
Sent: Tuesday, 8 March 2022 1:02 PM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

Further to my email below, the Senator is in Canberra until Thursday morning. If you are unable to serve it on me, can you let me know a range of times where she can pick it up from your office say tomorrow or where (and what range of times) someone could meet her elsewhere tomorrow for the purposes of serving her with a copy of the Subpoena.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz



Please consider the environment before printing this e-mail

From: Tsacalos, Ashley
Sent: Tuesday, 8 March 2022 12:36 PM
To: 'Priestly, Erin' [REDACTED]

Subject: RE: Query [CU-Legal.FID3442261]

Dear Erin

Thank you for your email.

It is not substituted service but rather service on the legal representative of the addressee of the Subpoena. This occurs all the time. Are you able to stress test this and, if the answer remains the same, I can let you know when the Senator is in Canberra.

Kind regards

Dr Ashley Tscalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]
Sent: Monday, 28 February 2022 3:21 PM
To: Tscalos, Ashley [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

External Email

OFFICIAL

Dear Dr Tscalos

My apologies for the delay in getting back to you.

I have made enquiries about whether we would be able to proceed by way of substituted service through you – unfortunately, we cannot. I understand the subpoena must be personally served on Senator Reynolds.

Would it be preferable for this to occur next time Senator Reynolds is in Canberra, or for service to be effected in Western Australia?

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

[REDACTED]

W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley [REDACTED]
Sent: Monday, 28 February 2022 12:19 AM
To: Priestly, Erin [REDACTED]
Subject: RE: Query [CU-Legal.FID3442261]

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.

Dear Erin

I refer to our conversation earlier this month.

Can you advise when we can expect to receive the Subpoena we discussed.

I look forward to hearing from you.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley
Sent: Monday, 14 February 2022 12:40 PM
To: [REDACTED]
Subject: Query [CU-Legal.FID3238183]

Dear Erin

Thank you for your voice mail on Friday afternoon in response to my phone call earlier in the day. I tried ringing a short time ago but it rang out without any ability to leave a message.

When you are available, can you give me a call on [REDACTED]

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission

along with any attachments immediately. You should not copy or use it for any purpose,
nor disclose its contents to any other person.

From: [Priestly, Erin](#)
To: [Tsacalos, Ashley](#)
Subject: R v Lehmann: Witness Proofing
Date: Tuesday, 3 May 2022 4:25:43 PM
Attachments: [image001.png](#)

External Email

OFFICIAL

Dear Dr Tsacalos

I write in relation to the above matter, which is listed for trial on 6 June 2022. Senator Reynolds will be called as a prosecution witness.

I am hoping to arrange a time to proof Senator Reynolds. I understand this is an exceptionally busy time, but was wondering if she might be available at all the week of 23 May? We can arrange for it to occur over AVL. You are welcome to attend also.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Priestly, Erin](#)
To: [Tsacalos, Ashley](#)
Subject: RE: R v Lehmann: Witness Proofing [CU-Legal.FID3442261]
Date: Tuesday, 10 May 2022 11:48:13 AM
Attachments: [image001.png](#)

External Email

OFFICIAL

Good morning

11.00am on 24 May 2022 would work well. I will send you a calendar invite.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

[Redacted contact information]

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: Tsacalos, Ashley [Redacted]
Sent: Tuesday, 10 May 2022 1:43 AM
To: Priestly, Erin [Redacted]
Subject: RE: R v Lehmann: Witness Proofing [CU-Legal.FID3442261]

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](#)

Dear Erin

Thank you for your email.

Both the Minister and I can be in Canberra on Tuesday 24 May 2022. Is a time around say 10 or 11am suitable?

Kind regards

Dr Ashley Tscalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]
Sent: Tuesday, 3 May 2022 4:26 PM
To: Tscalos, Ashley [REDACTED]
Subject: R v Lehrmann: Witness Proofing

External Email

OFFICIAL

Dear Dr Tscalos

I write in relation to the above matter, which is listed for trial on 6 June 2022. Senator Reynolds will be called as a prosecution witness.

I am hoping to arrange a time to proof Senator Reynolds. I understand this is an exceptionally busy time, but was wondering if she might be available at all the week of 23 May? We can arrange for it to occur over AVL. You are welcome to attend also.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)
[REDACTED]
[REDACTED]
[REDACTED]
W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Tsacalos, Ashley](#)
To: ["Priestly, Erin"](#)
Subject: RE: R v Lehmann - new trial start date [CU-Legal.FID3442261]
Date: Wednesday, 15 June 2022 7:53:22 AM
Attachments: [image001.png](#)

Dear Erin

Thank you for letting me know.

Would it be possible for Senator Reynolds to give evidence on Tuesday 5 July?

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[Redacted]

Please consider the environment before printing this e-mail

From: Priestly, Erin [Redacted]
Sent: Wednesday, 8 June 2022 10:08 AM
To: Tsacalos, Ashley [Redacted]
Subject: R v Lehmann - new trial start date

External Email

OFFICIAL

Dear Dr Tsacalos

This trial has been given a new start date of 27 June 2022. We anticipate Senator Reynolds will be called towards the end of that week (likely 1 July), pending any unavailability the Senator may have.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

[Redacted]
[Redacted]
[Redacted]

W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Priestly, Erin](#)
To: [Tscalos, Ashley](#)
Subject: RE: R v Lehmann - new trial start date [CU-Legal.FID3442261]
Date: Wednesday, 15 June 2022 1:39:27 PM
Attachments: [image001.png](#)

External Email

OFFICIAL

Good afternoon

Yes, we will organise the witness list so the Senator will give evidence on 5 July 2022.

We are in the process of organising flights and accommodation for our witnesses. Are you able to please confirm whether the Senator will be flying out of Perth?

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

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: Tscalos, Ashley [REDACTED]
Sent: Wednesday, 15 June 2022 1:54 AM
To: Priestly, Erin [REDACTED]
Subject: RE: R v Lehmann - new trial start date [CU-Legal.FID3442261]

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](#)

Dear Erin

Thank you for letting me know.

Would it be possible for Senator Reynolds to give evidence on Tuesday 5 July?

Kind regards

Dr Ashley Tsacalos, Partner

Clayton Utz

[Redacted]

Please consider the environment before printing this e-mail

From: Priestly, Erin [Redacted]

Sent: Wednesday, 8 June 2022 10:08 AM

To: Tsacalos, Ashley [Redacted]

Subject: R v Lehrmann - new trial start date

External Email

OFFICIAL

Dear Dr Tsacalos

This trial has been given a new start date of 27 June 2022. We anticipate Senator Reynolds will be called towards the end of that week (likely 1 July), pending any unavailability the Senator may have.

Kind regards



Erin Priestly

Senior Prosecutor

Office of the Director of Public Prosecutions (ACT)

[Redacted]

W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

Case Title: R v Lehrmann (No 3)

Citation: [2022] ACTSC 145

Hearing Dates: 20 – 21 June 2022

Decision Date: 21 June 2022

Before: McCallum CJ

Decision: (1) Vacate the trial date of 27 June 2022;
(2) Stand the matter over for mention before McCallum CJ on 23 June 2022 at 9:30am.

Catchwords: CRIMINAL PROCEDURE – Stay of proceedings – Application for temporary stay of criminal proceedings– Significant pre-trial publicity – Whether of such a nature as to prevent a fair trial – Where application for temporary stay has been previously refused – Whether there has been a significant change in circumstances – Where pre-trial publicity concerns the character of the complainant – Whether steps able to be taken by the trial judge in the conduct of the trial to relieve against its unfair consequences - Where pre-trial publicity is of such intensity and proximity to trial, and had such capacity to obliterate distinction between untested allegation and a fact accepted by jury, that prejudice cannot be remedied

CRIME – Accused facing trial for sexual intercourse without consent – Significant pre-trial publicity and commentary including speech by witness on live television endorsing the complainant’s credibility and claimed status as a victim – Whether possible to empanel an impartial jury – Whether prejudice able to be addressed by directions by the trial judge

Legislation Cited: *Court Procedures Rules 2006* (ACT), r 4750(3)
Crimes Act 1900 (ACT), s 54(1)

Cases Cited: *R v Lehrmann (No 2)* [2022] ACTSC 92

Parties: The Queen (Crown)
Bruce Lehrmann (Accused)

Representation: **Counsel**
S Drumgold SC, S Jerome (Crown)
S Whybrow, K Musgrove, B Jullienne (Accused)

Solicitors
ACT Director of Public Prosecutions (Crown)
Kamy Saeedi Law (Accused)

File Number(s): SCC 264 of 2021

McCallum CJ:

1. The accused in these proceedings is charged with an offence of engaging in sexual intercourse without consent, contrary to s 54(1) of the *Crimes Act 1900* (ACT). The allegation is of a kind not unfamiliar to the courts, save for the fact that the place where the offence is alleged to have occurred is on the couch in the office of a Senator in Australian Parliament House.
2. The case has, accordingly, attracted a level of attention in the media and among prominent Australian personalities that, while not unprecedented (even within my own judicial experience), is certainly extreme. Extensive media reporting of allegations of criminal conduct is not a mischief in itself. On the contrary, it is appropriate to recognise that the media play an important role in drawing attention to allegations of criminal or other misconduct and any shortcomings in the treatment of such allegations.
3. What is a potential mischief is the capacity for media reporting of such issues to spread in such a way as to interfere with the fair and proper determination of any related matter before the Court. That danger is particularly acute in the case of pending criminal proceedings.
4. It is trite, but apparently requires restatement at this point in this case, that the constitutional process for determining whether a person is guilty or not guilty of a serious criminal offence is for the allegation to be tested in a trial conducted in open court according to law.
5. The requirement to conduct a trial according to law is one of rich and variable content according to the circumstances of the case. But the overriding principle, one that is fundamental to the very notion of a criminal trial, and so cannot be dispensed with, is the requirement that the trial be fair.
6. The entitlement to a fair trial is one enjoyed by the Crown and the accused alike. However, because the consequence of a finding of guilt is to enliven the authority of the State to punish, including by detaining a person in prison, it is rightly recognised that a trial that was unfair to the accused was no trial at all and must be held again.
7. Earlier this year, the accused in the present matter applied to have his trial either permanently or temporarily stayed because he said he could not possibly have a fair trial in light of the extensive media reporting and public commentary by prominent personalities about the complainant's allegations.
8. At that time, and in light of the evidence then brought forward, I was not persuaded of the impossibility of a fair trial then some two months away.

9. Yesterday, the accused brought forward a further application, made orally outside normal sitting hours, for a temporary stay of his trial, which is currently due to commence next Monday. His right to bring the application is circumscribed by r 4750(3) of the *Court Procedures Rules 2006* (ACT) which provides that, the previous application having been dismissed, a further application may be made only if:
 - (a) There has been a significant change of circumstances; and
 - (b) The application is limited to the change of circumstances.
10. That limitation does not, however, require the Court to disregard what has gone before.
11. The first application was determined in a written judgment made publicly available only in redacted form. I limited the publication of my reasons in that way because recent jurisprudence, including decisions of the High Court, commends a cautious approach to the publication of the matters alleged to have compromised the court's capacity to ensure that the trial of an accused person will be fair, lest a court's judgment itself should contribute to the prejudice.
12. In light of the events that have given rise to the present application, and the circumstances in which it is brought, I consider it appropriate to give an unexpurgated version of the basis for the accused's contention that recent publicity has temporarily prejudiced his right to a fair trial.
13. It is appropriate to place the relevant facts in their chronological context. The offence with which the accused is charged is alleged to have been committed in the early hours of 23 March 2019. The complainant made a statement to police shortly thereafter, on 1 April 2019. However, following the announcement of a federal election, the complainant informed police that, in light of her workplace demands, she did not wish to proceed further with the complaint. The Crown case at trial will be that the decision not to proceed with the complaint at that time was prompted by the complainant's consideration of her duties to her employer in the delicate period leading up to the federal election.
14. In early January 2021, almost two years having passed, the complainant decided that she wished to proceed with the complaint. To that end she considered it appropriate to resign from her employment, then with Michaelia Cash, and proffered her resignation. The Crown case will be that, with a view to forestalling the mudslinging she anticipated would flow from that decision, she also decided to go public with her allegation against the accused and, separately, with her concerns as to the manner in which her initial complaint had been handled within Parliament House.

15. To that end, the complainant participated in a preliminary interview with Ms Lisa Wilkinson, a well-known journalist, on 27 January 2021. On 2 February 2021, Ms Wilkinson recorded an interview with the complainant which, in due course, became the basis for a program hosted by her. On 4 February 2021, the complainant contacted police to communicate her resumed interest in proceeding with a criminal complaint. On 15 February 2021, the program prepared by Ms Wilkinson was broadcast on The Project.
16. Some days after that, the complainant participated in a recorded interview with police (that is, after the airing of the program on The Project). As noted by Mr Whybrow, who appears for the accused, had those events occurred in reverse order, it is possible that the commencement of criminal proceedings would have intervened, with the result that the interview could not have been published without attracting the risk of contempt proceedings against the journalists. In any event, in due course, on 5 August 2021 the accused was summonsed to appear in Court in September 2021 to face the present charge.
17. The circumstances which gave rise to the first stay application and the reasons for refusing that application are published in *R v Lehmann (No 2)* [2022] ACTSC 92. As already indicated, that judgment is presently available only in redacted form.
18. The changed circumstances giving rise to the further application are as follows. Last Sunday, 19 June 2022, the Australian television industry held what until the interference of the COVID-19 pandemic were its annual awards for excellence in Australian television, known as The Logie Awards. The name of those awards evidently comes from the name of John Logie Baird, a Scottish electrical engineer and inventor credited with demonstrating the world's first live working television (that is not a matter in evidence in the proceedings, but comes from my own research).
19. Ms Wilkinson received a silver Logie for her interview broadcast on The Project. This was not entirely unexpected by her, nor did the award come at a time when she was unaware of the pending trial of the accused. Indeed, Ms Wilkinson may be taken to be aware that she is to be called as a Crown witness in the trial.
20. That is the inference that can be drawn from the content of a file note in evidence before me which records that, on 15 June 2022, some days before the Logie awards, Ms Wilkinson participated in a conference with the Director of Public Prosecutions and those appearing with him and instructing him in the trial to discuss the evidence she would give.

21. Ms Wilkinson's anticipated evidence concerns her interviews with the complainant and may be admissible in the trial as evidence of complaint. A note of the meeting tendered by the accused, without objection on the present application, concludes as follows:

"At conclusion Lisa was asked if she had any questions:

- I am nominated for a Gold Logie for the Brittany Higgins interview
- I don't think I will get it because it is managed by a rival network
- I have, however, prepared a speech in case
- Lisa read the first line and stopped by the director who said
 - o We are not speech editors
 - o We have no power to approve or prohibit any public comment that is the role of the court
 - o Can advise, however, that defence can reinstitute a stay application in the event of publicity"

22. Notwithstanding that clear and appropriate warning, upon receiving the award, Ms Wilkinson gave a speech in which she openly referred to and praised the complainant in the present trial. Unsurprisingly, the award and the content of the speech have been the subject of extensive further commentary.

23. The recent commentary includes remarks made on the popular morning radio program, "Jonesy and Amanda". The relevant segment from that program in evidence on the present application opened as follows:

"Amanda: But there were some really lovely moments last night. One of which was the award that Lisa Wilkinson and The Project picked up for the story they did on Brittany Higgins. They just – it was a phone call that came to Lisa. She answered Brittany Higgins' phone call. Brittany had – the back story here, I'm sure you remember, was raped in Parliament House."

24. The transcript attributes to "Jonesy" his assent to that recollection. He later refers to the fact that, "...the whole story was dreadful. Absolutely dreadful", adding, "[j]ust the very fact that she had to have a meeting in the very room that she was raped with her superiors and then her career was virtually finished." And so on.

25. In case it is not clear, my purpose in quoting those remarks is the fact that each of the radio presenters assumed the guilt of the accused. The evidence before me on the present application also includes other social commentary including a copy of the complainant's own post effectively repeating remarks made by Ms Wilkinson in her speech. In other words, as was put in argument before me this morning, the combination of the speech and the posts amounted to Ms Wilkinson endorsing the credibility of the complainant who, in turn, celebrated Ms Wilkinson's endorsement of the complainant's credibility.

26. Then, this morning, there was a further spate of comments on social media reacting to the fact of the application made yesterday. Two were anodyne: one under the assumed tag “Sociable Socialist” remarks that, “[p]eople in the public sphere need to refrain from making comments about this case.” I can only agree and thought I had made that tolerably clear to a broader audience on a number of occasions during these proceedings.
27. The other appearing under what I understand to be his real name, “Jeremy Gans” is sensibly confined to a bland but accurate specification of the circumstance in which the present application is brought. But today’s comments otherwise almost universally assume the guilt of the accused and speculate, without any foundation, that his motives for bringing the application are improper.
28. I do not, of course, make the mistake of assuming that individual comments on social media reflect the views or mindset of the broader public, still less, of the likely pool of ACT jurors. But they do exemplify possible responses to the recent publicity. When the same assumption of guilt as is being made widely on social media is made and widely broadcast by popular breakfast radio hosts such as Amanda Keller and Brendan Jones, it may safely be inferred that the impact of the recent publicity is large and that its full impact cannot be known.
29. What can be known is that, somewhere in this debate, the distinction between an untested allegation and the fact of guilt has been lost. The Crown accepted that the Logie awards acceptance speech was unfortunate for that reason. He also accepted that Ms Wilkinson’s status as a respected journalist is such as to lend credence to the representation of the complainant as a woman of courage whose story must be believed.
30. The prejudice of such representations so widely reported so close to the date of empanelment of the jury cannot be overstated. The trial of the allegation against the accused has occurred, not in the constitutionally established forum in which it must, as a matter of law, but in the media. The law of contempt, which has as its object the protection of the integrity of the court but which, incidentally, operates to protect freedom of speech and freedom of the press, has proved ineffective in this case. The public at large has been given to believe that guilt is established. The importance of the rule of law has been set at nil.
31. The Crown submitted that the vaccine for the vice of pre-judgment is to empower the jury by giving appropriate directions reminding them that they are uniquely placed to

determine the case and directing them to disregard the views of others, who will not have heard all of the evidence.

32. No doubt that can be done in many cases. The present case is different because the author of the impugned remarks will be a key witness in the trial. The central issue in the trial, it is now clear, will be the credibility of the complainant and whether her allegation of sexual assault can be believed. It is not uncommon in such matters for the defence to explore in cross-examination the way in which a complaint unfolded as the central basis for making submissions to the jury as to whether the complaint should be believed.
33. The irony in all of this is that the important debate as to whether there are shortcomings in the way in which the courts are able to deliver justice in sexual assault cases, to complainants and accused persons alike, has evolved into a form of discussion which, at this moment in time, is the single biggest impediment to achieving just that.
34. The delay of the present trial will not serve the interests of anyone. Contrary to popular assumption, it does not serve the interests of the accused, for whom the prospect of conviction and sentence must weigh heavily as an immobilising force in his life. He has said through his lawyer in the present application that he has no interest in delaying the trial but he wants it to be a fair trial, and I accept that that is the case.
35. Nor does delay serve the interests of the Crown or the complainant. Delay has a corrosive effect on evidence. It is expensive. No doubt significant costs funded both publicly and privately have been incurred in preparation to date in the present trial, including in the bringing of the present application.
36. Delay of the trial at this stage wastes the valuable resources of the Court, not least among which in the horrifying prospect that a judge of the Court should find herself idle for four weeks during the time set aside for this trial at the expense of other accused persons. A new jury panel would have to be summoned if the trial is delayed.
37. Unfortunately, however, the recent publicity does, in my view, change the landscape because of its immediacy, its intensity and its capacity to obliterate the important distinction between an allegation that remains untested at law and one that has been accepted by a jury giving a true verdict according to the evidence in accordance with their respective oaths or affirmations.
38. I am not satisfied that any directions to the jury panel prior to empanelment or, in due course, to the jury can adequately address that prejudice. For those reasons, regrettably and with gritted teeth, I have concluded that the trial date of 27 June towards which the parties have been carefully steering must be vacated.

39. I make the following orders:

- (1) Vacate the trial date of 27 June 2022;
- (2) Stand the matter over for mention before McCallum CJ on 23 June 2022 at 9:30am.

I certify that the preceding thirty-nine [39] numbered paragraphs are a true copy of the Reasons for Judgment of her Honour Chief Justice McCallum

Associate:

Date: 22 June 2022

From: [Priestly, Erin](#)
To: [Tsacalos, Ashley](#)
Cc: [SVC DPPCases](#)
Subject: R v Lehmann - Formal Notice of New Trial Date - 202113941
Date: Wednesday, 13 July 2022 10:46:05 AM
Attachments: [image001.png](#)
[LWITNEWTD_202113941_06Jul2022_155538.doc.docx](#)

External Email

OFFICIAL

Dear Dr Tsacalos

Please see attached letter regarding the new trial date in this matter.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)
[Redacted]
[Redacted]
[Redacted]
W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



ACT Office of the Director of Public Prosecutions

Our Reference: 202113941

6 July 2022

SENATOR LINDA REYNOLDS
C/O Dr Ashley Tsacalos

By email only: [REDACTED]

Dear Ms L REYNOLDS

BRUCE EMERY LEHRMANN
SCC 264 of 2021

Date of Supreme Court Trial: Tuesday, 4 October 2022

No. of days of Trial: 24

Instructing Prosecutor: Erin Priestly

I refer to the above matter for which you have previously received a subpoena to attend Court.

I write to give you notice that the trial date has now been moved.

The trial will now commence on Tuesday, 4 October 2022 and is estimated to finish on Friday 4 November 2022.

I write to give you notice pursuant to rule 6603A of the *Court Procedures Rules* that you are required to attend the trial during the period Tuesday, 4 October 2022 to Friday 4 November 2022.

The effect of this notice is that the subpoena that you have previously received applies as if the date and time for attendance on that subpoena were Tuesday, 4 October 2022 to Friday 4 November 2022.

Reserve Bank Building 20-22 London Circuit CANBERRA CITY 2601
Phone +61 2 6207 5399 | Fax + 61 2 6207 5428 | GPO Box 595 CANBERRA CITY ACT 2601 | DX: 5725

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

You will not be required to attend for the full 24 days of trial. The instructing prosecutor Erin Priestly will be in touch with you closer to the trial date and will indicate when you are required to attend the trial to give evidence. If you do not attend at the time and date stated by the instructing prosecutor, a warrant may be issued for your arrest and attendance at Court.

The previous subpoena included conduct money which was provided to assist you in attending Court. Whilst no further conduct money will be provided, any additional out of pocket expenses can be claimed by reimbursement after the Court hearing is completed. Details of how to claim and the relevant forms are available on the DPP website: <http://www.dpp.act.gov.au/> to assist you.

If you have any questions, please contact Erin Priestly as listed above prior to the trial date.

Yours faithfully,

Erin Priestly
for
Shane Drumgold SC
Director

From: [Priestly, Erin](#)
To: [Tsacalos, Ashley](#)
Subject: RE: R v Lehmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]
Date: Thursday, 18 August 2022 4:06:43 PM
Attachments: [image001.png](#)

External Email

OFFICIAL

Dear Dr Tsacalos

Either date is possible – I will make a note that the Senator is to give evidence on one of those dates.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)
[Redacted]
[Redacted]
[Redacted]
W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley [Redacted]
Sent: Thursday, 18 August 2022 9:30 AM
To: Priestly, Erin [Redacted]
Subject: RE: R v Lehmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]

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](#)

Dear Erin

In relation to the new trial date, is it possible to schedule the evidence of Senator Reynolds for Monday 10 October or Tuesday 11 October 2022?

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley [REDACTED]
Sent: Thursday, 14 July 2022 4:16 AM
To: 'Priestly, Erin' [REDACTED]
Cc: SVC_DPPCases [REDACTED]
Subject: RE: R v Lehrmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]

Thanks Erin.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]
Sent: Wednesday, 13 July 2022 10:35 AM
To: Tsacalos, Ashley [REDACTED]
Cc: SVC_DPPCases [REDACTED]
Subject: R v Lehrmann - Formal Notice of New Trial Date - 202113941

External Email

OFFICIAL

Dear Dr Tsacalos

Please see attached letter regarding the new trial date in this matter.

Kind regards

Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

[REDACTED]

E: erin.priestly@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

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Tsacalos, Ashley](#)
To: ["Priestly, Erin"](#)
Subject: RE: R v Lehmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]
Date: Tuesday, 6 September 2022 4:03:20 PM
Attachments: [image001.png](#)

Dear Erin

There has been a slight change to the Senator's plans. She is now travelling to [REDACTED] between 7 and 17 October.

Is it possible to schedule her to give evidence on Monday 24 October otherwise Friday 21 October?

I look forward to hearing from you and apologies for any inconvenience caused.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley [REDACTED]
Sent: Friday, 19 August 2022 1:23 AM
To: 'Priestly, Erin' [REDACTED]
Subject: RE: R v Lehmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]

Thanks Erin.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Priestly, Erin [REDACTED]
Sent: Thursday, 18 August 2022 4:07 PM
To: Tsacalos, Ashley [REDACTED]
Subject: RE: R v Lehmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]

External Email

OFFICIAL

Dear Dr Tsacalos

Either date is possible – I will make a note that the Senator is to give evidence on one of those dates.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)

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: Tsacalos, Ashley [REDACTED]
Sent: Thursday, 18 August 2022 9:30 AM
To: Priestly, Erin [REDACTED]
Subject: RE: R v Lehmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]

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](#)

Dear Erin

In relation to the new trial date, is it possible to schedule the evidence of Senator Reynolds for Monday 10 October or Tuesday 11 October 2022?

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

Please consider the environment before printing this e-mail

From: Tsacalos, Ashley [REDACTED]
Sent: Thursday, 14 July 2022 4:16 AM
To: 'Priestly, Erin' [REDACTED]
Cc: SVC_DPPCases [REDACTED]
Subject: RE: R v Lehmann - Formal Notice of New Trial Date - 202113941 [CU-Legal.FID3442261]

Thanks Erin.

Kind regards

Dr Ashley Tsacalos, Partner

Clayton Utz
[Redacted]

Please consider the environment before printing this e-mail

From: Priestly, Erin [Redacted]
Sent: Wednesday, 13 July 2022 10:35 AM
To: Tsacalos, Ashley [Redacted]
Cc: SVC_DPPCases [Redacted]
Subject: R v Lehrmann - Formal Notice of New Trial Date - 202113941

External Email

OFFICIAL

Dear Dr Tsacalos

Please see attached letter regarding the new trial date in this matter.

Kind regards



Erin Priestly
Senior Prosecutor
Office of the Director of Public Prosecutions (ACT)
[Redacted]
[Redacted]
[Redacted]
W: www.dpp.act.gov.au

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

Please consider the environment before printing this e-mail

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Tsacalos, Ashley [REDACTED]
Sent: Monday, 26 September 2022 4:33 PM
To: Pitney, Sarah [REDACTED]
Cc: Greig, Mitchell [REDACTED] SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - Arrangements for attending court [202113941] [CU-Legal.FID3442261]

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](#)

Dear Sarah

Thank you for your email.

I previously sent an email to Erin Priestly of your office to advise that Senator Reynolds is travelling to [REDACTED] between 7 and 17 October. As a result, is it possible to schedule her to give evidence on Friday 21 October otherwise Monday 24 October? (see attached).

I can also confirm that Senator Reynolds would like to enter via the Vernon Circle back entrance as previously discussed with Ms Priestly. Please advise what the arrangements are for Senator Reynolds to do so, including whether we can arrange a car to come in via the rear entrance. I will come back to you on whether Senator Reynolds will arrange her own flights and accommodation or requires your Office to do so.

I look forward to hearing from you in relation to the revised date for Senator's Reynolds to attend to give evidence.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

Please consider the environment before printing this e-mail

From: Pitney, Sarah [REDACTED]
Sent: Monday, 26 September 2022 2:38 PM
To: Tsacalos, Ashley [REDACTED]
Cc: Greig, Mitchell [REDACTED] SVC_DPPCases [REDACTED]
Subject: DPP v Lehrmann - Arrangements for attending court [202113941]

External Email

OFFICIAL

Dear Dr Tsacalos

I understand that you act for Senator Reynolds.

Could I please confirm that Senator Reynolds is available to give evidence on **11 October 2022**?

If this date is suitable, could I please also confirm whether Senator Reynolds requires our Office to arrange flights and accommodation or will make her own arrangements? Please note that if witnesses

make their own arrangements, these are not able to be reimbursed by our Office. I have **attached** an interstate witness fact sheet that outlines expenses that may be claimed.

In relation to entry to the court building, I confirm that security will permit Senator Reynolds to enter via the Vernon Circle back entrance. Could I please confirm that Senator Reynolds would prefer to enter through the back entrance (as opposed to the main entrance on Knowles Place)?

Kind regards

Sarah



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)



W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Pitney, Sarah](#)
To: [Tsacalos, Ashley](#)
Cc: [Greig, Mitchell](#); [SVC_DPPCases](#)
Subject: RE: DPP v Lehrmann - Arrangements for attending court [202113941] [CU-Legal.FID3442261]
Date: Tuesday, 27 September 2022 8:14:41 AM
Attachments: [image001.png](#)
[Vernon circle.PNG](#)

External Email

OFFICIAL

Dear Dr Tsacalos

I apologise that you did not receive a response to your email to Ms Priestly – unfortunately she has had a personal matter arise and did not set an out of office.

I have confirmed with counsel that **Friday 21 October 2022** would be suitable.

In relation to entry via Vernon Circle, Court Security has advised that due to construction activity (the gutter lane is marked off with cones), it will likely be possible for a vehicle to briefly pull over to facilitate a drop off right near the entrance.

Alternatively, I would recommend parking in the new underground secure carpark located at the opposite end of Knowles Place to the Court. Vernon Circle can then be accessed via the pathway shown in the attached photograph from Google Maps. One of our staff can escort Senator Reynolds from the carpark to the entrance if this would assist.

I will wait to hear from you in relation to whether flights and accommodation are required.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)

W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Tsacalos, Ashley [REDACTED]
Sent: Monday, 26 September 2022 4:33 PM
To: Pitney, Sarah [REDACTED]
Cc: Greig, Mitchell [REDACTED] SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - Arrangements for attending court [202113941] [CU-

Legal.FID3442261]

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](#)

Dear Sarah

Thank you for your email.

I previously sent an email to Erin Priestly of your office to advise that Senator Reynolds is travelling to [REDACTED] between 7 and 17 October. As a result, is it possible to schedule her to give evidence on Friday 21 October otherwise Monday 24 October? (see **attached**).

I can also confirm that Senator Reynolds would like to enter via the Vernon Circle back entrance as previously discussed with Ms Priestly. Please advise what the arrangements are for Senator Reynolds to do so, including whether we can arrange a car to come in via the rear entrance. I will come back to you on whether Senator Reynolds will arrange her own flights and accommodation or requires your Office to do so.

I look forward to hearing from you in relation to the revised date for Senator's Reynolds to attend to give evidence.

Kind regards

**Dr Ashley Tsacalos, Partner
Clayton Utz**

Please consider the environment before printing this e-mail

From: Pitney, Sarah [REDACTED]
Sent: Monday, 26 September 2022 2:38 PM
To: Tsacalos, Ashley [REDACTED]
Cc: Greig, Mitchell [REDACTED] SVC_DPPCases [REDACTED]
Subject: DPP v Lehrmann - Arrangements for attending court [202113941]

External Email

OFFICIAL

Dear Dr Tsacalos

I understand that you act for Senator Reynolds.

Could I please confirm that Senator Reynolds is available to give evidence on **11 October 2022**?

If this date is suitable, could I please also confirm whether Senator Reynolds requires our Office to arrange flights and accommodation or will make her own arrangements? Please note that if witnesses make their own arrangements, these are not able to be reimbursed by our Office. I

have **attached** an interstate witness fact sheet that outlines expenses that may be claimed.

In relation to entry to the court building, I confirm that security will permit Senator Reynolds to enter via the Vernon Circle back entrance. Could I please confirm that Senator Reynolds would prefer to enter through the back entrance (as opposed to the main entrance on Knowles Place)?

Kind regards

Sarah



Sarah Pitney

Prosecutor

Office of the Director of Public Prosecutions (ACT)

[Redacted contact information]

W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Pitney, Sarah [REDACTED]
Sent: Wednesday, 12 October 2022 8:51 AM
To: Tsacalos, Ashley [REDACTED]
Cc: Greig, Mitchell [REDACTED]; SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3550938]

External Email

OFFICIAL

Good morning

That is correct.

In relation to Senator Reynolds, could I please confirm whether she could make herself available to give evidence via AVL from her office on 18 October 2022 prior to Parliament sitting? At this stage, the prosecution case is likely to be closed before 21 October 2022 and we may therefore be unable to leave her evidence to this date. We do not anticipate that her evidence will take very long.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)

[REDACTED]

W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Tsacalos, Ashley [REDACTED]
Sent: Wednesday, 12 October 2022 1:50 AM
To: Pitney, Sarah [REDACTED]
Cc: Greig, Mitchell [REDACTED]; SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3550938]

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](#)

Dear Sarah

I assume this means that [REDACTED] has been excused from complying with the Summons.

Regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Pitney, Sarah [REDACTED]
Sent: Tuesday, 11 October 2022 12:56 PM
To: Tsacalos, Ashley [REDACTED]
Cc: Greig, Mitchell [REDACTED] SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3550938]

External Email

OFFICIAL

Good afternoon

Further to the below, the parties have agreed that [REDACTED] is not required to give evidence.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)



W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Tsacalos, Ashley [REDACTED]
Sent: Monday, 10 October 2022 2:15 PM
To: Pitney, Sarah [REDACTED]
Cc: Greig, Mitchell [REDACTED] SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3550938]

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](#)

Dear Sarah

Yes please contact [REDACTED] directly on her mobile with 1 hours' notice and she can get to Court. Her mobile number is: [REDACTED]

Given the developments today, when do you expect that [REDACTED] will need to give evidence?

Regards

Dr Ashley Tsacalos, Partner
Clayton Utz



Please consider the environment before printing this e-mail

From: Pitney, Sarah [REDACTED]
Sent: Thursday, 6 October 2022 12:47 PM
To: Tsacalos, Ashley [REDACTED]
Cc: Greig, Mitchell [REDACTED]; SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

External Email

OFFICIAL

Good afternoon

In response to your questions:

1. We can provide 1 hours' notice to attend. Should we provide this notice to you and then you will communicate with [REDACTED]? Noting the time difference and ACT Supreme Court sitting hours, I can indicate that [REDACTED] will only be required between 8:30am-1pm WST.
2. [REDACTED] will not be permitted to have her statement in front of her while giving evidence. If either counsel wish to take [REDACTED] to any part of her statement, it will be shown to her on the screen.
3. The Court has already received numerous requests to watch the trial by AVL and has indicated that no AVL links will be provided, so unfortunately you will be unable to watch unless you attend in person.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)



W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Tsacalos, Ashley [REDACTED]
Sent: Thursday, 6 October 2022 1:51 AM
To: Pitney, Sarah [REDACTED]
Cc: Greig, Mitchell [REDACTED]; SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

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](#)

Dear Sarah

I note the contents of your email.

I have three questions arising:

1. is it possible for [REDACTED] to be on standby and be given 1 hours' notice to attend the Supreme Court of WA on either Monday 10 October 2022 or Tuesday 11 October 2022 rather than attend from 8.30am on Monday?
2. will [REDACTED] be able to have her Police Statement in front of her in the witness box?
3. is there provision for me to watch her evidence remotely given I am in Sydney and she will be in Perth?

I look forward to hearing from you.

Regards

Dr Ashley Tsacalos, Partner
Clayton Utz

[REDACTED]

Please consider the environment before printing this e-mail

From: Pitney, Sarah [REDACTED]
Sent: Wednesday, 5 October 2022 3:05 PM
To: Tsacalos, Ashley [REDACTED]
Cc: Greig, Mitchell [REDACTED]; SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

External Email

OFFICIAL

Good afternoon

I confirm that [REDACTED] will be called to give evidence.

As outlined below, a remote room has been booked for [REDACTED] to give her evidence by AVL at the Supreme Court of Western Australia on 10 October 2022.

We have extended the booking to 11 October 2022 in the event that we do not reach or complete Ms [REDACTED] evidence on 10 October 2022.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)

[REDACTED]

W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Tsacalos, Ashley [REDACTED]
Sent: Wednesday, 5 October 2022 3:00 PM
To: Pitney, Sarah [REDACTED]
Cc: Greig, Mitchell [REDACTED]
Subject: FW: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

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](#)

Dear Sarah

I refer to your email below.

As per my email to Ms Priestly (see emails attached), I have been asked to assist [REDACTED] from the Senator's Office in terms of her preparation to give evidence. Therefore, please direct any future correspondence for [REDACTED] in this matter to me.

When I last spoke with Ms Priestly, she indicated that consideration was being given as to whether Ms [REDACTED] was even required to give evidence. Can you confirm that she is still required to do so? On the face of it, her evidence seems to be of little probative value in the scheme of things (at least from an outsider's perspective).

I look forward to hearing from you.

Kind regards

Dr Ashley Tsacalos, Partner
Clayton Utz

Please consider the environment before printing this e-mail

From: Pitney, Sarah [REDACTED]
Sent: Friday, 23 September 2022 11:39 AM
To: [REDACTED] (Sen L. Reynolds) [REDACTED]
Cc: Greig, Mitchell [REDACTED] SVC_DPPCases [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

OFFICIAL

Dear [REDACTED]

Thank you for your email.

I understand that the application for your evidence to be given remotely will not be opposed, so we anticipate the court will grant the application.

I have booked a remote witness room at the Supreme Court of Western Australia for **Monday 10 October 2022**. As there will be a 3 hour time difference between Perth and Sydney, could you please arrive as promptly as possible when the Court building opens at 8:30am?

The Supreme Court of Western Australia has provided the following information:

The witnesses will need to attend [REDACTED] and call the Courts Technology Officer number upon arrival [REDACTED]. I will show them into the witness room where they will await the dial-in from ACT Supreme Court.

The witness room is located within a secure area and bathrooms are available to the witness. There aren't any drink fountains in this area, however they are welcome to bring a bottle of water or other drink with them.

If you have any questions, please let me know.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)



W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: [REDACTED] (Sen L. Reynolds) [REDACTED]
Sent: Thursday, 22 September 2022 5:05 PM
To: Pitney, Sarah [REDACTED]
Subject: RE: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

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](#)

Hi Sarah

Thanks for your email.

Confirming I do prefer to give my evidence remotely from Perth due to work commitments.

Kind regards

[REDACTED]
Office of Senator the Hon Linda Reynolds csc
[REDACTED]

From: Pitney, Sarah [REDACTED]
Sent: Wednesday, 21 September 2022 3:13 PM

To [REDACTED] (Sen L. Reynolds) [REDACTED]
Cc: SVC_DPPCases [REDACTED]
Subject: FW: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

OFFICIAL

Dear [REDACTED]

DPP v Lehrmann

I refer to the above matter that is listed for trial commencing 4 October 2022.

I am forwarding the below on to you directly as we need to file an application for you to give your evidence remotely by Friday.

Could I please urgently confirm:

- that you would prefer to give your evidence from Perth?
- if there are any particular reasons why it would be more convenient for you to give your evidence from Perth, what those reasons are?

Please feel free to give me a call if you would like to discuss.

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)

W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

From: Pitney, Sarah
Sent: Wednesday, 21 September 2022 10:19 AM
To: Tscalos, Ashley [REDACTED]
Cc: SVC_DPPCases [REDACTED]
Subject: DPP v Lehrmann - 202113941 [CU-Legal.FID3537073]

OFFICIAL

Good morning

DPP v Lehrmann

I refer to the above matter that is listed for trial commencing 4 October 2022.

I understand from my colleague Erin Priestly that [REDACTED] has previously requested to give her evidence remotely from Perth.

Could I please urgently confirm:

- that your client would prefer to give her evidence from Perth?
- if there are any particular reasons why it would be more convenient for [REDACTED] to give her evidence from Perth, what those reasons are?

Kind regards



Sarah Pitney
Prosecutor
Office of the Director of Public Prosecutions (ACT)



W: www.dpp.act.gov.au

Please note that I do not work Thursday mornings or Fridays.

Please consider the environment before printing this e-mail

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

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.
