

Form 59
Rule 29.02(1)

Affidavit

No. NSD103 of 2023

Federal Court of Australia
District Registry: New South Wales
Division: General

BRUCE LEHRMANN

Applicant

NETWORK TEN PTY LIMITED (ACN 052 515 250) and another
Respondents

Affidavit of: **Kathryn Cripps**
Address: [REDACTED]
Occupation: Counsellor/Advocate
Date: 28 September 2023

I Kathryn Cripps [REDACTED],
counsellor/advocate, affirm:

1. The matters set out in this affidavit are based on my own knowledge, except where I have stated or qualified otherwise. Where I have set out my recollection of conversations in this affidavit I have included the effect of the words spoken as I recall them.
2. Brittany Higgins has consented to me providing an affidavit in this proceeding. Although Ms Higgins has not read the affidavit, she knows that it will include my observations of her during the meet and greet referred to below and our interactions thereafter, as well as the substance of some of the things that she told me during those interactions. Ms Higgins has consented to me disclosing these matters for the purpose of the proceeding.

Caroline Roberts

Kathryn Cripps

Filed on behalf of (name & role of party) First Respondent, being Network Ten Pty Limited
Prepared by (name of person/lawyer) Marlia Saunders
Law firm (if applicable) Thomson Geer
Tel 02 8248 5836 Fax _____
Email msaunders@tglaw.com.au
Address for service Level 14, 60 Martin Place, Sydney NSW 2000
(include state and postcode)

[Version 3 form approved 02/05/2019]

Background and experience

3. I have worked as a crisis counsellor/advocate and counsellor at the Canberra Rape Crisis Centre (**CRCC**) for over 18 years.
4. CRCC is a non-government, not for profit, feminist organisation working to eliminate sexual violence against women, young people, children, families and men. CRCC is staffed by specially trained workers.
5. CRCC provides:
 - (a) a 24-hour call out service available to police and forensic/medical services every day of the year;
 - (b) a crisis counselling telephone support service from 7am until 11pm, every day of the year;
 - (c) counselling and at times, group work to support survivors of sexual assault and their families and supporters, and any person affected by sexual abuse; and
 - (d) education, training and professional consultation to schools, workplaces and the community.
6. CRCC encompasses a service dedicated to supporting men, Service Assisting Male Survivors of Sexual Assault, (SAMSSA) and a dedicated Aboriginal and Torres Strait Islander community service, Nguru, that provides crisis and counselling support for the impacts and effects of recent and historical trauma.
7. CRCC is unique for the diversity of services provided within one agency. It is the only service of its kind in the Australian Capital Territory.
8. CRCC's services are free and confidential.
9. CRCC has a range of memorandums of understanding with key stakeholders including the Australian Federal Police's (**AFP**) Sexual Assault and Child Abuse Team, (**SACAT**).
10. Under the memorandum of understanding with SACAT, where a person makes an allegation of sexual assault to an officer of SACAT, SACAT will contact CRCC and ask the organisation to provide a staff member to support the complainant. The complainant has the right to decline support from CRCC.
11. The support provided by CRCC to complainants who report a sexual assault to SACAT is an advocacy role, rather than a counselling role. The CRCC staff member supports the complainant and monitors and advocates for their welfare during the complainant's contact with SACAT.



12. When I started at CRCC I worked as a crisis counsellor/advocate for several years.
13. After that I began working as a full-time counsellor at CRCC, which means I provide on-going counselling and support to clients who have pre-booked appointments.
14. However, I still choose to work as a crisis counsellor/advocate for one week out of my six-week roster at CRCC. In my role as a crisis/counsellor advocate, I am rostered on the crisis counselling telephone support service. This may result in attendance at a meeting between complainants and SACAT as an advocate for the complainant.

Confidentiality

15. CRCC take the confidentiality of the identity of its clients and their disclosures extremely seriously. Clients seeking support from CRCC can expect that information about their identity and use of the service will not be disclosed to any other person or agency without their prior knowledge and consent. Confidentiality is an extremely important part of the support relationship between CRCC and its clients.
16. In my experience, employees of CRCC always make a point of explaining the commitment of client confidentiality to their clients. Clients are told that while CRCC has arrangements with SACAT and forensic medical groups, CRCC does not share any information about clients with them without their knowledge and consent.

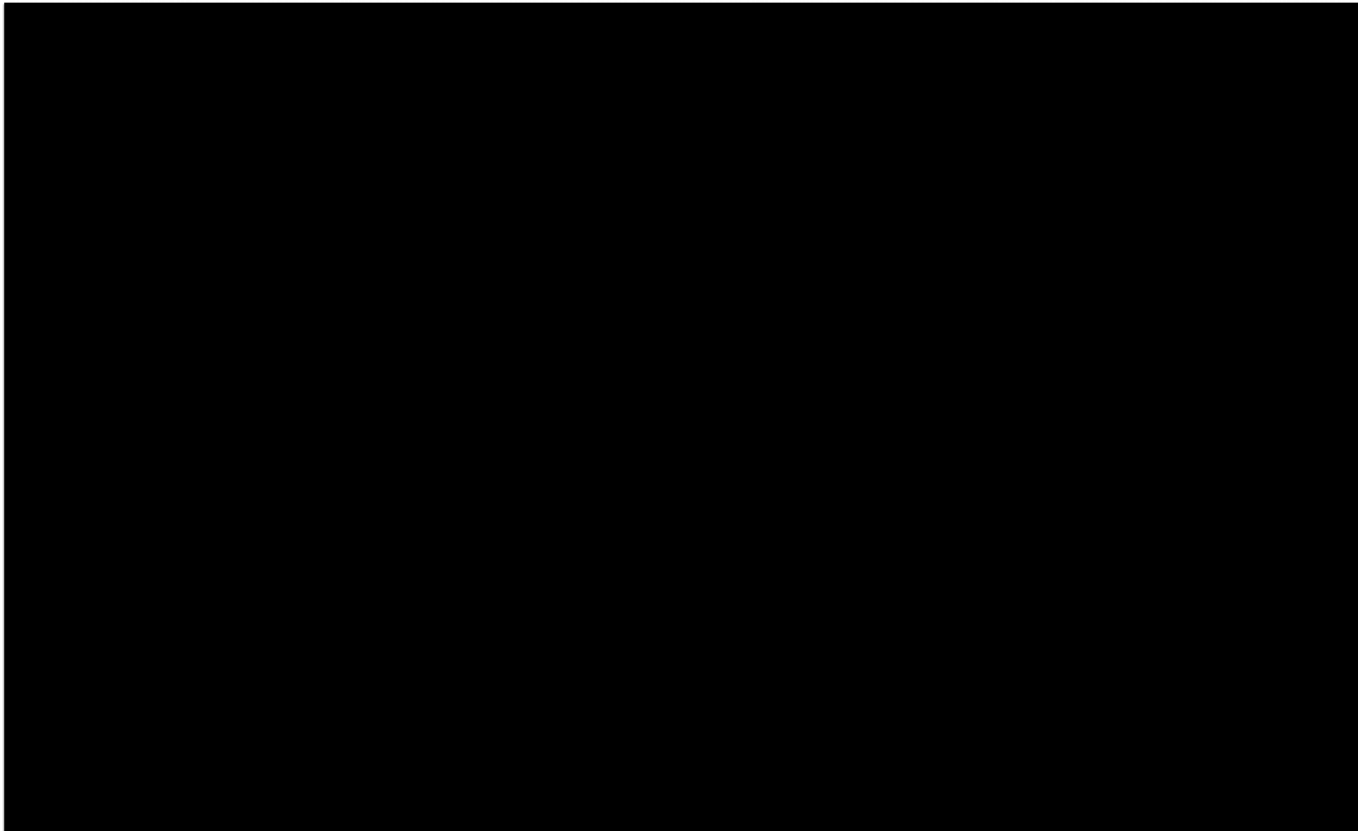
General observations

17. In my experience, people who disclose a sexual assault, including in the course of meeting with SACAT, will exhibit some degree of distress. Distress can manifest itself differently in different people. Some survivors can be really quiet and locked down, while others can be very obviously distressed. Overall, people who have been sexually assaulted are very traumatised. Trauma can exhibit as tears, silence, anger, confusion or fear.

Meet and greet – 8 April 2019

18. Prior to 4:30pm on the 8 April 2019, I had a conversation with Chrystina Stanford, CEO of CRCC, during which she referred to a request received from SACAT for an employee of CRCC to attend a "meet and greet" with a person who had made an allegation of sexual assault. Ms Stanford said words to the effect of "*Can you please do this one?*" and I agreed. This has occurred at other times where the police have requested a CRCC staff member with greater experience because of something they perceive as more complex about the specific report.
19. A meet and greet is an informal meeting between a complainant and SACAT officers.

20. Sometimes complainants wish to make their recorded police statement straight away, other times they are not sure. A meet and greet allows complainants to speak to SACAT officers without being recorded and see how they feel. The SACAT officers usually explain what happens in an investigation. A complainant may choose to make their recorded police interview immediately after this meet and greet, but it is not unusual if they do not.
21. In addition, the SACAT officers present may not be able to conduct the recorded interview immediately after the meet and greet so may schedule the recorded interview for another time.
22. At a meet and greet, my role is to act as an advocate for the complainant. I support the complainant during the meet and greet and observe how he or she is coping. I will step in and put appropriate measures in place to protect the complainant's welfare if I consider it necessary, for example by requesting that the complainant have a break. I am focused on observing what is happening to the complainant. I am less interested in the details of the complainant's story and focused on looking after their welfare.
23. My practice is to offer to speak privately to the complainant before and/or after the meet and greet. After a meet and greet I may need to provide immediate crisis counselling. Information about the services CRCC can provide are also given to the complainant.



Caroline Doherty *William Doherty*

37. Ms Higgins attended CRCC 'face to face' counselling sessions on the following dates:

- (a) 17 January 2020;
- (b) 24 January 2020; and
- (c) 3 February 2021

38. Ms Higgins had phone counselling sessions on the following dates:

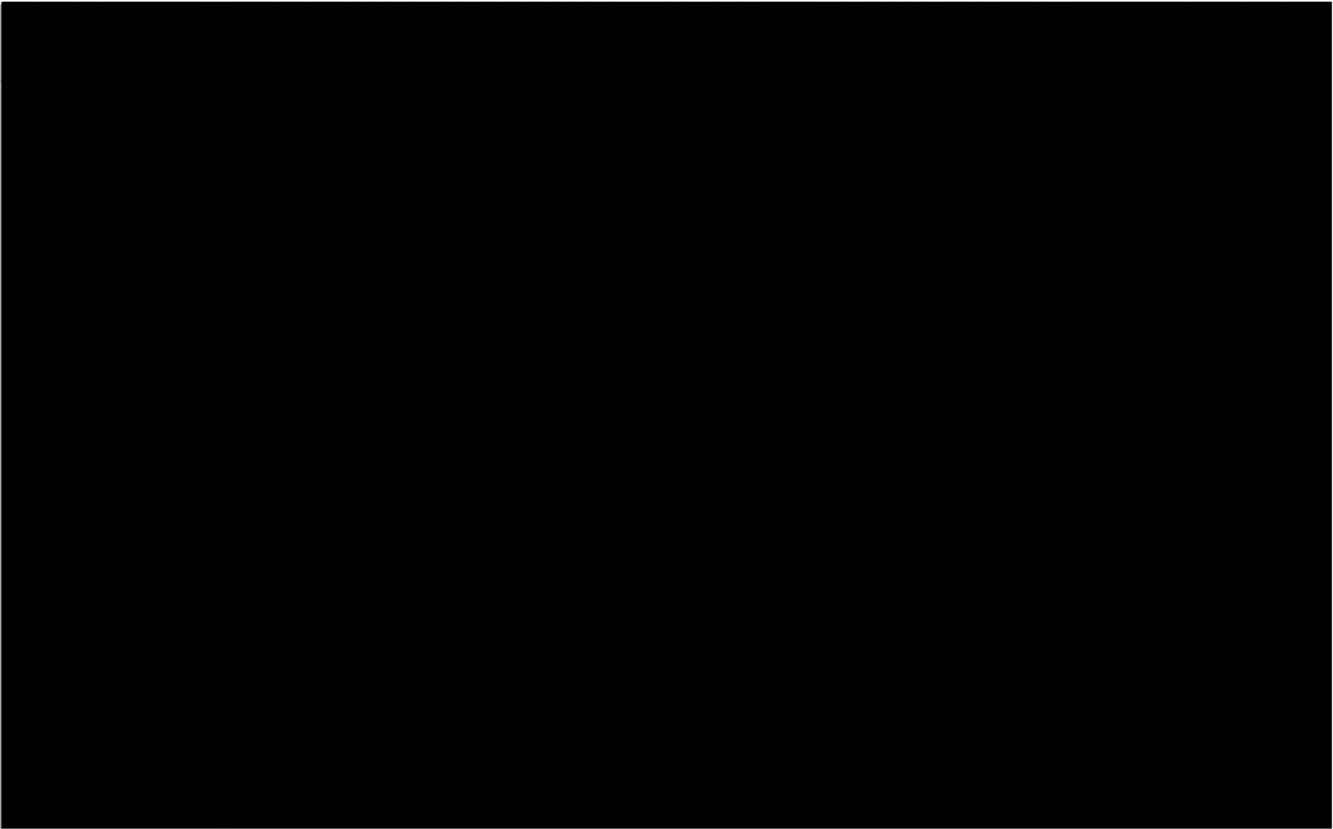
- (a) 6 May 2020; and
- (b) 29 January 2021.

39. I also had some email contact and phone contact with Ms Higgins.

40. My overall understanding of Ms Higgins' position from these interactions was that she had chosen not to report the sexual assault because she had wanted to continue with her career. Ms Higgins told me that she wanted to become a Member of Parliament.

41. Ms Higgins also told me that others at Parliament House had seen footage of her that night and that no one would let her see it. I observed that Ms Higgins became distressed when she told me that.





Affirmed by the deponent
at Canberra
in the Australian Capital Territory
on 28 September 2023

)
)
)
)
)


Signature of deponent

Before me:


Signature of witness

Caroline Doherty
Solicitor
Level 4, 15 Moore Street, Canberra ACT 2601
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law