

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: Fiona Brown
Address:
Occupation: Unemployed
Date: 15 December 2023

Document number	Details	Paragraph
	Affidavit of Fiona Brown sworn on 15 December 2023	
1	Exhibit "FB-1", being typed notes of Fiona Brown dated between 26 March 2019 to 5 April 2019	12
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6	Exhibit "FB-6", being the Statement of Ministerial Staff Standards as at 2019.	37

Filed on behalf of (name & role of party) Fiona Brown, subpoenaed party
Prepared by (name of person/lawyer) Walter MacCallum
Law firm (if applicable) Russell Kennedy Lawyers
Tel 02 8987 0000 Fax 02 8987 0077
Email wmaccallum@rk.com.au (Ref: WJM:311620-00002)
Address for service Level 24, 135 King Street
(include state and postcode) Sydney, NSW 2000

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I, Fiona Brown of [address with-held] say on oath as follows:

Employment at Australian Parliament House

1. As at March 2019, I had been working at Australian Parliament House (**APH**) for approximately eight years. On 15 March 2019, I was formally appointed Chief of Staff in the office of the Hon Senator Linda Reynolds CSC who had been appointed Minister for Defence Industry on 2 March 2019. I assisted the new Minister in the week prior to my formal appointment whilst still undertaking my duties as Director of Operations in the Prime Minister's Office (**PMO**), as the incumbent Chief of Staff of the former Minister was leaving. As Director of Operations I was responsible for office management and administration within the PMO.
2. During the period I worked in the Minister's office, I worked mostly in Canberra and occasionally travelled with the Minister to other locations.
3. I finished as an active Chief of Staff for Minister Reynolds after 5 April 2019. On Monday 8 April 2019, I went to Campaign Headquarters (**CHQ**) in Brisbane for the Federal Election and I was replaced by Mr Dean Carlson as Acting Chief of Staff. I had been active in the role of Chief of Staff to Minister Reynolds for less than a month. I did not return to Minister Reynolds' office as Chief of Staff after the Federal Election, Mr Carlson continued on as Acting Chief of Staff. From 19 May 2019, I assisted the PMO during the deferral period (19 May – 30 June), then re-

commenced formally in the PMO on 1 July 2019. I ceased with the PMO on 23 May 2022.

4. I am now unemployed.

Government Staff Committee

5. It has been a long standing practice for Australian Governments to have central co-ordination of the number, classifications, salaries, recruitment and appointment processes for Ministerial staff through a 'Government Staff Committee' (**GSC**). Following a Federal Election all staff positions lapse and there is an extensive process of the allocation of staffing positions and appointment of individual personnel. This process is co-ordinated by a 'Director of Transition'.
6. I was never a member of a GSC. I provided administrative support to the Director of Transition on two occasions. The first was between approximately 14 – 30 September 2015 following the swearing in of Malcolm Turnbull MP as Prime Minister. The second was between approximately 24 August 2018 – 7 September 2018 following the swearing in of Scott Morrison MP as Prime Minister. I did not provide administrative support to the Director of Transition after the 2019 election.

Stand up of the Defence Industry Minister's Office

7. I was appointed to Minister Reynold's Office to establish the office in the short term timeframe leading into an anticipated 2019 Federal Election. When announcing the appointment of Senator Reynolds as Minister for Defence Industry, the Prime Minister had also announced that, if re-elected, Senator Reynolds would become the new Minister for Defence (**MINDEF**). I never intended to stay on with Senator Reynolds post the Federal Election if the Government was re-elected because I am not a policy person, and my view was that MINDEF required a highly experienced senior policy adviser who was well known and respected in the Defence community.
8. I had had experience in 'standing up' backbencher and Ministerial offices at short notice. This included ensuring that employment contracts are in place, statement of private interests are provided and returned to identify any conflicts of interest, distribution of the Statement of Ministerial Staff Standards, allocation of roles and

responsibilities of staff, structure within the office, position classifications, and communication streams.

9. In Minister Reynolds' Office, most of the setting up of employment contracts and job responsibilities had been done by the time I signed my new contract of employment. My role included ensuring the incoming Minister was briefed and prepared for Senate Estimates, Question Time, an early mini-budget, media appearances and other duties.
10. As a process, when a Minister loses his/her portfolio, Ministerial staff are automatically put on a 'Deferral Period', which could end in termination if they receive no other offer of employment. Some staff choose to leave because there is a severance benefit attached to the termination. Others look for employment in the new Minister's office, or another office. When Minister Reynolds was appointed to her new ministry, some staff (I believe four staff) continued on from former Defence Industry Minister Ciobo's staff. Minister Reynolds also had her own personal staff from her previous role as Assistant Minister for Home Affairs. She appeared keen to settle them in and provide stability leading up to the Federal Election.
11. During my first week assisting setting up the Minister's Office I reviewed all positions, including those of Brittany Higgins and Bruce Lehrmann.
12. My practice was to take notes, or jot down key points and quotes, during a meeting in my notebooks. I did not type up all my notes, but I did where there were human resource issues. I prepared a typed note concerning the disciplining of Mr Lehrmann and my dealings with Ms Higgins over the period 26 March 2019 to 5 April 2019. This was a Microsoft Word document, which I added to over successive days, typing up on my APH desktop, or my laptop computer, after each meeting, or by the end of the day. Exhibited and marked "FB1" is a copy of those typed notes. I last added to those notes on 5 April 2019, which was my last day in the Minister's Office. In making this affidavit, I have had reference to and relied on these notes. Where I do not have a note of a conversation or discussion, or only an incomplete note, I have provided an account to the best of my recollection.

Relationship to Brittany Higgins

13. In or around early March 2019, I met Ms Higgins. I was aware Ms Higgins had been working on reception for Mr Ciobo. She had been employed as a Secretary/Administrative Assistant. When I assessed her pay scales, as I recall, she was a Band 1, which was the lowest pay scale. By this time she had been employed in APH for about 6 months. Ms Higgins told me that she had been doing some “additional duties” in Mr Ciobo’s office relating to media research under the supervision of Mr Ben Dillaway, Senior Media Adviser to Mr Ciobo at the time. Ms Higgins said she was keen to continue doing that in a role with the Minister and asked if it was possible to be given that opportunity. I raised this with Minister Reynolds, who advised it was possible, and Ms Higgins was promoted from the entry level of the Secretary/Admin band 1 (\$49,957) classification to Secretary/Admin Band 8, (\$59,864). Her appointment at this classification was backdated to commence with the establishment of Minister Reynolds’ office on 4 March 2019.
14. Exhibited and marked “**FB-2**” is a copy of Ms Higgins’ employment contract. The contract was signed by the Minister on 18 March 2019. As part of the contract a form of certified identification was required. On 25 March 2019 Ms Higgins and I met and she provided me with a copy of her Drivers Licence which I copied and certified as a true and accurate record. Formally, Ms Higgins’ contract provided that she would continue employment until terminated. However, as a Member of Parliament staff employed under the *Member of Parliament (Staff) Act 1994 (Cth) (MOPS Act)*, her employment status after the election would depend upon its outcome. She, like all Ministerial staff, would move into a Deferral Period and their employment would be subject to the GSC process, as described above.
15. In my role as Chief of Staff, and afterwards, from time to time I exchanged messages with Ms Higgins via text and WhatsApp. Exhibited and marked “**FB-3**” are copies/printouts of those messages.

Relationship to Bruce Lehrmann

16. Mr Lehrmann was one of Senator Reynolds’ staff members before she became Defence Industry Minister. He came over with the Minister when she was promoted, but he was in his Deferral Period.

17. Mr Lehrmann had worked in APH for a few years, although I had very little dealings with him. He was classified as an Advisor at Band 3. The Senior Advisors in the Ministry were Doug Ridd and Geoff Hayes, who were both Band 5.
18. Mr Lehrmann was not, at least to my knowledge or observation, a 'favourite' of Minister Reynolds. However, Mr Lehrmann had picked one of the best positions in the new office (near the window), relocated the fridge into the already cramped office of the Departmental Liaison Officer (**DLO**) Chris Payne, and erected various flags around his corner, along with other property that I thought should have been returned to Department of Home Affairs. I observed that this conduct had created some disquiet around the office. When I asked Mr Lehrmann to return the property to Home Affairs, he appeared a bit annoyed (that is, he appeared 'miffed').
19. I understood that Mr Lehrmann was keen for a promotion or allocation of ongoing tasks which involved ASIO and security matters, however, that was not relevant to the Defence Industry portfolio. When he learnt that the job offer in the Defence Industry Minister's office was going to be straight Parliamentary and Budget with some policy, he indicated he was not interested in staying on and he said he wanted to pursue opportunities in ASIO. At some point, Mr Lehrmann told me he'd had a job interview, or was pursuing work, with ASIO. As Mr Lehrmann was in his Deferral Period (post the Ministerial reshuffle), he continued to come into the office to prepare and handover notes and files to the new staff member.

Security incident of 19 March 2019

20. On about 19 or 20 March 2019, I was advised by the DLO Chris Payne that on 19 March 2019 Mr Lehrmann had "mishandled" a Top Secret Code Word Classified document which caused Mr Payne great concern. I was provided with a copy of the Security Incident Report, a copy of which is exhibited and marked "**FB-4**".
21. Mr Payne told me that Mr Lehrmann had been asked about the handling of the document but that he did not acknowledge initially that the document was mishandled. I had 'NV2' clearance and I did not have 'Top Secret' clearance, so I was not able to be told more than that it was mishandled and how it was mishandled. I understood from Mr Payne that the document was not sealed; it was left and anyone could have read it; it should have been put in some sort of double envelope and sealed. My understanding was that was not done and it was handed back and that meant anyone could have read it.

22. After I received the Security Incident Report, I met with a DLO from the Department of Home Affairs. I told the DLO about my concern that Mr Lehrmann seemed to have an “unusual” interest and “fascination” in ASIO and Home Affairs and would regularly be “name-dropping the first names” of the ASIO Director-General and his Chief of Staff, which I considered was “inappropriate”.
23. I sought the Home Affairs DLO's advice as to how to deal with Mr Lehrmann in his remaining days in the Minister's Office, as he was not renewing his contract. The DLO's advice was to ask him in a "low key" way if he could check before he left the office permanently, if he had "any other" documents or assets at home or in his possession, and to then give him a few days to check back in with me.
24. A decision was made to conduct a Whole of Office Document Audit of the Defence Industry Minister's Office to be performed by Mr Payne to ensure all classified documents were identified.
25. During the course of our discussion, the DLO [REDACTED] stated that Mr Lehrmann's actions would be a "sackable offence [REDACTED] This was important information to me [REDACTED] indicated to me that [REDACTED] wanted to emphasise the importance of the opinion [REDACTED] had expressed, and for me to follow [REDACTED] advice in handling Mr Lehrmann.
26. I informed the Minister about the nature and provider of the advice I had received, and I then met with and counselled Mr Lehrmann about the security breach. I said to him I had been advised by Mr Payne that he had “mishandled” a Top Secret document and that it was a “serious matter”. Mr Lehrmann said words to the effect that he had secured the document and returned it to the agency DLO. I asked him to “check” if he had “any other” documents or assets at home or in his possession, and “check back in with me”.
27. I was starting to form the opinion that Mr Lehrmann was too immature to hold such highly classified material. I did not give Mr Lehrmann access to the Security Incident Report nor was a security breach notice issued, as he had already decided not to continue as a MOPS employee. If I had not received the advice to give Mr Lehrmann a few days to check if he had any documents/assets in his possession, I believe I would

have confirmed he could finish sooner, having assisted the Minister sufficiently during the transition to her new office and he would have been able to enjoy his time off during the remainder of his Deferral Period. However, because of the advice to give him time to check his documents and assets, and the plan to conduct a Whole of Office Document Audit, I did not confirm he could finish sooner.

28. In my role as Chief of Staff, from time to time I exchanged messages with Mr Lehrmann via text and WhatsApp. Exhibited and marked “**FB-5**” are those messages.

Monday 25 March 2019

29. On Monday 25 March 2019, I observed cleaners with a cleaning trolley undertaking a detailed clean of the Minister's private office. The cleaning only occurred in the private office, not in the remainder of the Ministerial suite. The Minister was not in Canberra at the time. I did not think anything more of it at that time.
30. I only learnt of the after-hours access the following day, when I received a telephone call from Ms Lauren Barons, Assistant Secretary, Advice and Support Branch of the Ministerial and Parliamentary Services (**M&PS**) division of the Department of Finance and Administration (**DOFA**).
31. The M&PS administered the employment framework for staff of parliamentarians and provided a number of human resources (**HR**) and support services. In particular, it provided HR services for MOPS Act employees including advice on general employment matters and work health and safety. M&PS also provided the Employee Assistance Program (**EAP**), which is an independent counselling service provided by an external service provider with a network of associated registered psychologists and social workers across Australia.

Tuesday 26 March 2019

32. On Tuesday 26 March 2019, I met with Mr Lehrmann, in person, on two occasions and once with Ms Higgins. I met with Ms Higgins after my second meeting with Mr Lehrmann. There was no reference in either meeting to an alleged sexual assault (or rape or any other consensual or non-consensual sexual conduct). In between my two meetings with Mr Lehrmann, I received a call from Ms Barons, who

advised me of an incident in the Minister's Office on the weekend of 22/23 March 2019 and the procedures DOFA advised me to adopt with the two staff members involved.

First meeting with Mr Lehrmann

33. On Tuesday 26 March 2019, at around 11:00am, I had a meeting with Mr Lehrmann about finishing up in the Minister's office that day.
34. He confirmed he did not have any outstanding work matters, had returned all documents and equipment and had shared all knowledge regarding his Parliamentary role and preparation for Budget and Estimates. When he confirmed everything was done, I advised him that we (being the Minister and I) were agreeable to him not coming into the Ministerial Office but that he should remain available as per the work out Deferral Period guidelines, to which he agreed. I told him we would have an afternoon tea for him with the staff. The meeting went for approximately ten minutes.
35. Mr Lehrmann requested to come into the Ministerial Office the following day to see the Minister. I told Mr Lehrmann that the Minister had a busy day and suggested he make a time in her diary for the following week, which he agreed to do.

Phone call with Lauren Barons from DOFA

36. Ministerial staff, consultants and Ministers' electorate officers employed under the MOPS Act must comply with the Ministerial Staff Code of Conduct. In 2019, this required that they act in certain ways, including:
 - Behave honestly and with integrity in the course of their employment.
 - Treat with respect and courtesy all those with whom they have contact in the course of their employment.
 - Use Commonwealth resources for the effective conduct of public business in a proper manner.
 - Not knowingly or intentionally provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.

- Comply with any authorised and reasonable direction received in the course of their employment.
- Comply with all applicable Australian laws.
- Familiarise themselves with the Code of Conduct upon the commencement of their employment.

37. Breaches of the Ministerial Staff Code of Conduct were usually referred to the PMO for consideration by the GSC. Exhibited and marked “**FB-6**” is a copy of the Statement of Ministerial Staff Standards from 2019. Implementation of this Statement of Standards was the responsibility of the PMO and the GSC.

38. At around 11:45am on Tuesday 26 March 2019, I received a telephone call from Ms Lauren Barons of DOFA. She told me there had been an “*incident*” over the weekend and she had something “*sensitive*” to raise. I got up and shut my door. She told me to the following effect:

- Two staffers had entered through a security checkpoint in the early hours of Saturday morning 23 March 2019 while they were inebriated.
- Their names were Bruce Lehrmann and Brittany Higgins.
- The staff members had told Security that they were there “*for urgent work business*”. (My reaction was that this was untrue).
- The Ministerial Suite had therefore been “*inappropriately accessed*”.
- Mr Lehrmann had left APH at around 2:30am.
- A security guard went to check the Ministerial Suite later to ensure it was secured, as was standard practice in APH.
- The security guard found Ms Higgins “*naked and passed out*”.
- Ms Higgins was “*offered an ambulance and medical assistance*” which she “*declined*”.
- Ms Higgins left the building at approximately 10:00am on the Saturday.

39. Ms Barons told me these were “*serious*” security breaches and outlined the procedures that we needed to follow, including workplace health and safety, duty of care, Ministerial Staff Code of Conduct and security protocols. She told me that the Department of Parliamentary Services (**DPS**) was preparing a report. Ms Barons

advised me that this is a WHS/duty of care issue – the Ministerial Office was “*inappropriately accessed after hours for non-work purposes*” and she advised me to give each of them the option to explain what happened. She said that this was a “*breach of the Ministerial Staff Code of Conduct*” and would have to be referred to the GSC because of that. She said I should “*offer*” the EAP; to “*put the facts*” to each of them, to give each of them “*time to respond*”, and to extend an “*offer to work from home*”. There was a point of difference for Mr Lehrmann, in that because he was not renewing his contract and I had already spoken to him about not coming into the office from the next day unless asked. There was no point, in my mind, in offering him the option to work from home.

Second meeting with Mr Lehrmann

40. I prepared the relevant materials and at about 12pm Mr Lehrmann came back into my office at my request. Having been told that Mr Lehrmann and Ms Higgins had together accessed the Ministerial Office after-hours and were there into the early morning, and that Ms Higgins had been seen naked, I thought it was possible that Mr Lehrmann and Ms Higgins had had sex, but I had no idea of their relationship. When I met with each of them, I therefore tried to use neutral, non-leading questions, as advised by Ms Barons. Ms Barons had been very clear to me that I was not to put things in an accusatory tone, but to let them tell me what had happened.
41. I prefaced my conversation with Mr Lehrmann at the start with words to the following effect: “*I have something serious to raise regarding your access to our Ministerial Office over the weekend*”. I told him: “*I have been advised that you and another person had arrived in the early hours of Saturday morning inebriated. Can you please explain?*”.
42. He said ‘*I don’t agree I was intoxicated*’. I asked him who did he come with and he said “*Brittany*”. I asked why he attended the office at that time, he said “*to drink my whisky*”. I said ‘*so you’re telling me that you came specifically to the office at 1.30am to drink your whisky*’ he said ‘*yes*’. I asked “*how much did you drink ?*”, and he replied “*2 glasses*”.
43. I said “*you have breached the Ministerial Wing Security Protocol and the Ministerial Staff standards. I will have to report this to the GSC*”. He denied this was a breach. I referred him to the Staff Code of Conduct and the secured area within which he worked.

44. I asked him "*what did you do whilst you were here?*" and he said "*we chatted*".
45. I asked "*what part of the office did you access?*" and he said "*the office*", which I took to mean the general office area where his desk was located, not the Minister's personal office.
46. I asked "*what else did you do whilst in the office?*". He said "*I don't wish to get into that*".
47. I asked "*did you access any documents, any secured areas?*" and he said "*no*". I was wanting to know what document and secured areas he'd accessed because my thought processes were "*have you returned documents, have you taken documents, is it on a USB*" based on the mishandling of the classified document.
48. I asked "*what time did you leave the office?*", he said "*I think about 2.15am but I can't be sure*". I asked "*which exit did you use*", he said "*the Ministerial Wing basement, I ordered an Uber to take me home*".
49. I repeated to Mr Lehrmann that he had breached the Ministerial Staff Code of Conduct and the security of the Ministerial Wing by accessing the area for unofficial purposes which would be reported to the PMO/GSC.
50. I told him "*I am disappointed you didn't disclose the after-hours access to me*". He then accepted it was wrong and he apologised and said he "*I am very young and other offices have done this*". I did not know his age but assumed he was in his mid to late 20s. I said "*I don't know about other offices I'd be surprised if such activity occurred to come to the office at 1.30 am to drink whisky*".
51. Due to the first security breach and my first meeting on this day with Mr Lehrmann, I could see no workplace reason why Mr Lehrmann needed to remain in the Ministerial Office just to attend a morning tea the next day, so I said he could leave the office "*immediately*". I told him that he could access the EAP and seek advice from M&PS. He asked if he could have "*15 minutes to collect my books and things*", I said "*yes but you must see me prior to departing for a further talk, and I want to walk with you to retain your security pass*". I wanted to walk him out because of the previous security incident and observe that he did not take anything with him.
52. If Mr Lehrmann had told me that he had accessed Commonwealth protected documents and information (such as by accessing Question Time briefs) during his after-hours access to the Ministerial Office I would have been alarmed, regarded

this as a further security breach, and I would have raised this with the Minister, the GSC and DOFA for advice/direction.

Calls and texts to Mr Lehrmann following meeting

53. [REDACTED]

54. After about 5-7 minutes I went to check where things were at – and he was gone. This surprised me. I rang him twice. He texted me at 1.14pm advising he left his pass at the Ministerial Wing entrance security. I was annoyed and replied saying *“Bruce I asked you to return it to me, disappointed you’ve failed to follow a direct request”*.

Meeting with Ms Higgins

55. I then readied myself to meet with Ms Higgins. At or about 1:30pm, I asked Ms Higgins to meet me in my office. Ms Higgins' demeanour at the start of the meeting was happy. I noticed her demeanour change slightly when she saw some paperwork on my desk. I thought she realised something was afoot, because the paperwork she saw on my desk was EAP material and a copy of the Ministerial Staff Code of Conduct.

56. Upon sitting down, I said words to the effect *“I have received advice that you along with Bruce accessed the Ministerial Wing and office after hours early Saturday morning”*. I asked her *“would you like someone to be here with you?”*, she said *“no”*. I asked *“what time did you arrive at the office?”*, she said *“I don’t remember accessing the office”*. She said *“I’d been out and was drunk”, “I remember coming through the security checkpoint in the Ministerial Wing basement”, “I remember being woken up but I don’t know which time and that I was semi-naked”, “I also remember waking up at about 8am on Saturday morning on the couch”*.

57. I asked *“are you alright?”*, she said *“yes”*. I asked her *“is there anything else you recall?”*. She shook her head to say *“no”*, she said *“I am responsible for what I drink and my actions”*.

[REDACTED]

58. I recall I said, 'I was told that there was an ambulance requested – that they asked you if you wanted an ambulance or a doctor.' She did not seem to recollect that. I asked her again "Can I do anything, is everything okay?" She said, "Yes".
59. I provided her a print-out off the M&PS site with details of the EAP and explained the independent support and service the EAP provides and she could make a complaint about anything through M&PS at any time.
60. I explained to Ms Higgins that entering the Ministerial Wing for non-work purposes, already inebriated, was a security breach along with a breach of the Staff Code of Conduct. I said I would need to advise the PMO/GSSC of this, she shook her head to say "yes" and said "*I understand*". I had been advised by DOFA that I should remind her of the Code of Conduct because in Ms Higgins' case she was an ongoing employee, as opposed to Mr Lehrmann who was winding up his Deferral Period. I recall I took Ms Higgins through the Code and explained what that was. I told her she needed to remind herself of her responsibilities. I gave her a copy of the Ministerial Staff Code of Conduct.
61. I asked her again "*are you alright?*" and she said "yes". I said "*I think it is best if you go home for the afternoon*" and suggested she take "*a few days off or work from home*", and "*all you need to do is let me know*". She said "ok". I said "*you can also take a few days off to return to the Gold Coast to see your family*". I asked her "*is there anything else I can do to help?*" She said "*no, I spoke to dad on the weekend and he is coming down on the weekend to see me*". I said "*I'm available any time should you wish to talk*".
62. I asked Ms Higgins where she was at with her work, as she had been working on some time sensitive matters. Ms Higgins said it was on her hard drive. I gave her a USB and asked if she could copy it across in case she decided to take time off and she needed to reassign it. Ms Higgins said she would do that. I reiterated our support. She took the Code of Conduct document away with her to read and sign.
63. The meeting lasted about ten minutes.
64. At no point during this meeting did Ms Higgins tell me or disclose or indicate in any way that she had been raped, sexually assaulted, or suffered any other kind of assault or inappropriate conduct.

65.

[REDACTED]

Telephone calls with and texts to Ms Higgins following meeting

66. I went back out into the main office area about 45 minutes later and noticed Ms Higgins was gone and the USB had not been left behind. I called her on her mobile and she sounded upset. I asked "where are you?". Ms Higgins said "I'm

[REDACTED]

sitting in my car. I've been crying". I offered to come down and see her. Ms Higgins declined. I asked if she had friends and someone she could be with. Ms Higgins said she had flatmates and that was fine. I said "OK *but don't hesitate to call me*". I asked whether Ms Higgins had left the USB somewhere. Ms Higgins said "no" and offered to come back. I said "*no that's fine. I will arrange to collect the USB if you don't come in tomorrow. I will call you again to see how you are later in the day*".

67. At about 5:05pm, I phoned Ms Higgins but it went to voicemail. At 5:10pm, we had the following text message exchange:

Me: *Hi Brittany checking in to see how you are? I'm here if you need anything. Happy for you to work from home tomorrow or come into the office, let me know what you'd like to do. Best, Fiona*

Ms Higgins: *Hi Fiona,*

Sorry I missed your call.

I'm doing fine, just vocalising things in such a way is quite confronting. I'll be in office tomorrow – honestly I enjoy being busy. Plus there is plenty of work to be done for campaign prep and a front desk that needs to be covered. Kind Regards, Brittany

Me: *Hi Brittany - I understand completely. See you tomorrow !! Call if you need to talk, kind regards Fiona*

68. When I read Ms Higgins say 'just vocalizing things in such a way is quite confronting', I took that to be the part of our conversation about her being found naked in the Minister's suite.

Telephone call and meeting with MinWing Support

69. Either on the afternoon of 26 or day of 27 March 2019, and now knowing that there had been unauthorised after-hours access to the Defence Industry Minister's Office by Mr Lehrmann and Ms Higgins over the previous weekend, I recalled that the Minister's office has been cleaned on Monday, 25 March. I had noticed the cleaner's trolley in the outside corridor a few offices away and had assumed at the time that there was a general 'spit and polish' of Ministerial Offices. At the time it had not caused me concern. However, after having received Tuesday's phone call from Lauren Barons, I called MinWing Support to enquire why and who had asked for the offices to be cleaned. I was advised it was "*standard after moving offices*".
70. Stephen Frost, part of the Min Wing Support, came to see me. I asked him who had asked to have the Minister' office cleaned. Mr Frost asked me if I meant who asked to have the office cleaned on the weekend. I said "*no, I mean the clean that was*

done on Monday". During this conversation, I discovered the Ministerial Office had also been cleaned on the Saturday. I was concerned by this as I did not know this had happened. Mr Frost advised me that it was standard procedure for an office to be cleaned following after-hours access, he said that there have been incidences across all parties over many years where offices had been left in a mess.

Wednesday 27 March 2019

71. On Wednesday 27 March 2019, I briefed Daniel Wong, who worked in the PMO in relation to the GSC about the after-hours access. This was as per the advice from DOFA based on the requirements of the Ministerial Staff Code of Conduct.

Telephone call from DPS Secretary

72. Mr Rob Stefanic, Secretary of DPS called to arrange a time to meet with the Minister. He told me he had a document to hand to the Minister in person, it was "*for her eyes only*". I informed the Minister and she told me she wanted me to attend the meeting also.

Meeting with Minister and DPS Secretary

73. I attended the meeting with the Secretary and the Minister. The Secretary handed a DPS issued report to the Minister in a white envelope marked in handwriting "*Minister Reynolds*". She read through it and the Secretary agreed I could look at it, which I did. The report was headed "*Executive Summary of events*". Exhibited and marked "**FB-7**" is the DPS report dated 27 March 2019 (**DPS Report**).

74. During the meeting, the Minister and I raised our concerns about the length of time it had taken from the entry to the MinWing and Minister's office after hours by two staff after they were observed drunk, allowed them access to a highly sensitive office, left the office unsecured, and took almost three days to advise that they had been there, as it should have been escalated to the Minister immediately.

75. The Minister raised her concerns about her office being cleaned after the incident, and I said "*it is lucky it wasn't a crime scene*". I said those words because in my mind, it hadn't been a crime scene. We also queried why security guards were allowing staff to enter after hours if their view was that they were drunk. The Secretary said words to the effect that this was "*not their job, if a staff member turns*

up and says they are there for urgent or work purposes, the security guards aren't going to question that". We expressed our disagreement with that approach. The Minister was adamant and asked for this be looked into and changes made. The Secretary accepted and understood these concerns and said he would be reviewing these practices.

76. I also asked Mr Stefanic to raise an internal flag in the DPS system to prevent Mr Lehrmann from accessing APH in the future due to security concerns.
77. After the meeting, the Secretary asked me if I had any issues with him disclosing this to the President of the Senate, I said "*no, you should do what you believe is right*". He said "*thanks*". The DPS supports the Australian Parliament and reports to the Presiding Officers of the Parliament, being the President of the Senate and the Speaker of the House of Representatives.

Second meeting with Ms Higgins

78. I was concerned by what the DPS Report had disclosed about Mr Lehrmann and Ms Higgins. I asked Ms Higgins to pop into my office and see me, so I could check how she was and if she wanted any more time off work. I asked how she was. Ms Higgins said "fine". I said "*I'm available if you want to talk and I'll be supportive if you want time off work*". Understanding that she had been found naked, I told her that, "*whilst I'm unaware of exactly what occurred at the office, if something happened to you that you aren't happy with or feel wasn't right or had upset you, you have every right to lodge a complaint or report through the appropriate channels such as the AFP and M&PS*". Ms Higgins said "*no I don't want to do that. I don't want to be any trouble*". I said "*no trouble will be caused, you should know you are supported and within your rights to lodge any report or complaint*". I then said "*If you feel aggrieved you are supported to follow whatever path you choose*". She said "*thanks*".
79. I was curious and was trying to pull together what had happened. As the day progressed, I checked on her, and again she said "*I'm fine*".

Communications with ASIO Director General

80. On or around this day, on the Minister's instructions, I phoned the ASIO Director-General Duncan Lewis to inform him about Mr Lehrmann's breach of document handling, unauthorised after-hours access and lying about why he came into the

office, as they related to breaches not only of the Ministerial Staff Code of Conduct but also breaches by a holder of an Australian Government Security Vetting Agency (**AGSVA**) clearance, which should be noted for follow up should future employment be sought, and to consider revocation of his security clearance should Mr Lehrmann ever be looking for a job with ASIO.

81. I had rung earlier in the day, and I left a message with the Director-General's office. He called me back later in the evening. Our conversation was brief. I informed him that the Minister had asked me to contact him about Bruce Lehrmann as it was our understanding that Mr Lehrmann was in the process of getting a job with ASIO. Mr Lewis told me he did not recall Mr Lehrmann and asked me to spell his name. He advised that he was not aware of him being in the process of getting a job with ASIO. I told him about Mr Lehrmann's breach of document handling, his subsequent unauthorised after-hours access and his account to me about why he came into the office. I told him that the Minister asked that he consider revocation of his security clearance should Mr Lehrmann ever be looking for a job with ASIO. I subsequently informed the Minister of my conversation with the Director-General.

Thursday 28 March 2019

82. On Thursday 29 March 2019, I noted that I had not yet received Ms Higgins' signed Statement of Private Interest ('**SOPI**') and her signed Statement of Ministerial Staff Standards under her new contract with the Minister.
83. I had no training or experience in these disciplinary matters and so I kept talking to DOFA as the employee/employer adviser for MOPS staff. I understood that DOFA was well resourced, and had a whole department and various branches with qualified staff to support and advise in these situations. I had another conversation with Ms Barons, who advised me that day that since there had been no complaint or allegation forthcoming from Ms Higgins, it was time to "close" the matter out, the primary concern being so that Ms Higgins would not misconstrue any time we spoke may be in relation to her after-hours access and state of undress in which she was found.

Third meeting with Ms Higgins

84. I was continuing to take steps to establish the office. I asked Ms Higgins to come in.
85. She came into my office and, the door to my office remained open. I said I was following up the Statement of Private Interests and Staff Code of Conduct that she was given at the time of contract. I already had her signed contract with Minister Reynolds. I said no doubt these had been provided to her in her previous job but I liked to get new ones done for each new office, I had also been following up other staff. I gave her another copy and referred to our previous discussion a few days ago where we discussed the breach of the Staff Code of Conduct, she understood the concern and took away everything to read. I asked her "*how was yesterday?*" and she said "*good*", she took the documents and returned them to me shortly after, signed and dated that day.
86. When she returned to my office, she was standing in front of my desk and handed the signed Statement to me. I said "*thanks. By the way, remember if you're unhappy with something, you have our continued support*" I said "*as far as I am concerned I won't raise it with you again, as I don't want you to feel every time we speak I will raise the incident*". She said "*that's good*". I was conscious Ms Higgins might feel awkward or embarrassed in the absence of any other information. She said "*I am taking up the counselling*" (which I took to be the EAP service). I replied "*good, I am pleased to see you are accessing it*".
87. As Ms Higgins got up to leave, she turned away and then turned back to me and said: "*I remember him being on top of me.*"
88. I felt shocked when she said these words. It came out of the blue, and I didn't know what to say at first. I did not know what she meant by that. I got up from my desk and walked over and asked whether she wanted to sit down and if I could get her a cup of tea or a glass of water.
89. I said "*if this is something that you had not wanted then you should think about reporting it*". I offered our continued support. I asked if she was OK. She said "*my dad is coming down to Canberra on the weekend.*" From this I expected that, once she had talked it over with her counsellor and her father, I would get a call from her father if something had happened. I asked "*had you drunk a lot on the night*".

Ms Higgins said she had drunk a reasonable amount but was “*unsure*”. I asked if Ms Higgins wanted to go home and Ms Higgins said “*no*”. I asked her if she changed her mind to let me know. I did not feel it was appropriate to push her for any further details.

90. By the end of this third meeting with Ms Higgins, she had not told me she had been “*raped on Minister Reynold’s couch in her private office*” as she later alleged in *The Project* broadcast. I did become concerned during the meeting that something inappropriate may have happened.

91. That evening from 7:53pm, we had the following text message exchange:

Ms Higgins: *Hello Fiona,*

I just wanted to see if it would be okay if I took tomorrow off to go to a doctors appointment? I'm currently on top of the campaign state packs and if approved will happily still do the media monitoring throughout the day too. Kind regards,

Brittany

Me: *Hi Brittany of course that's fine! And yes happy for you to do the monitoring if that's what you'd like. Don't hesitate to reach out if I can help in any way. Best wishes Fiona*

Would you like me to say your [sic] working from home or away sick for the day?

Ms Higgins: *Thank you so much! Working from home would be great.*

I'll have my mobile on me at all times regardless in case anything pressing happens

Me: *Done! See you Monday*

92. I caught a plane home that evening, as the Minister was heading to WA. Either that evening or the following day I advised the Minister and/or Mr Carlson (who was travelling with the Minister) what Ms Higgins' had said to me.

93. At approximately 10.24pm, after I got off my flight that evening, I had a conversation with Nicky Hamer, a media adviser in the Minister' office, and asked Ms Hamer if she would be willing to be a role model and work with Ms Higgins in the election in WA. She was excited and readily agreed.

Friday 29 March 2019

94. I was working from home on Friday 29 March 2019, and participated in a large number of phone calls during the day, including phone calls from the Minister who was in Perth at this time (and so was in a different time zone).
95. In the morning I received calls from Mr Wong (at 9.43am and 10.32am). I do not recall what we discussed and I did not make a note of it.
96. At 11.33am I received a call from Ms Barons from DOFA, who called to see how Ms Higgins was. I believe I told her that Ms Higgins had said to me: "*I remember him on top of me*".
97. At 1.44pm Mr Chamberlain called. He told me the SMOS was speaking with Minister Reynolds and was wanting her to report the incident to the Police.
98. At 2.59pm the Minister called me from an event in WA. She instructed me to go to the police station to report the incident and to do so 'low key'. I was reluctant to follow this instruction as:
- (a) Ms Higgins had not made any specific allegations of sexual assault or rape so I didn't know what to report; I had asked Ms Higgins if anything had happened she didn't want to happen, she shook her head to communicate 'no'.
 - (b) I assumed it would have to be the alleged victim who would make any report. I was concerned that if I carried out the direction, it would inadvertently take away the rights of Ms Higgins;
 - (c) I was concerned this instruction would put Ms Higgins' welfare at risk as it would remove her power to make choices;
 - (d) I couldn't accuse a young man of a criminal offence without the female telling me she was raped.
99. At 3.04 pm Ms Barons from the Department of Finance called me. I told her about the Minister's direction to make a police report without the permission of Ms Higgins. Ms Barons agreed with my view and said I could not do that, that I had "*to give the woman agency*" and "*it is her right to make a police report*".
100. At 3.10pm I called Mr Carlson. He was with the Minister in Perth (at an event). I ran him through the issues and he agreed with me that I could not report.

101. At 3.13pm Ms Barons called me again and said to the effect that she shared my concern re push to report to the AFP without Ms Higgins consent.
102. At 3.14pm I took a call from the Minister. She directed me to go to the AFP and report the incident on her behalf. I refused. We discussed it further, she again insisted and I refused. I said "*you can't, it is morally and ethically wrong. It is up to the person*". I said it was "*disempowering*". The discussion was heated.
103. At 3.16pm Ms Barons called again. I recall telling Ms Barons "*I might have to come and talk to you about my termination*". I said this because in my mind the Minister was within her rights to sack me for disobeying a direction. Minister Reynolds never said or did anything to suggest she would take such action, it was my opinion that it could happen, and I was willing to take that risk. Ms Barons told me that it was the Department's practice to stay separate from any police investigation and allow it to proceed independently with no suggestion of interference. I agreed with that practice and adopted it. Ms Barons told me that she would speak with a legal officer in the Department. She indicated she would not be able to provide 'formal' legal advice but would get as much advice as she could about what can be done and send me an email. I eventually received that email, but not until 6.05pm.
104. At 3.20pm Mr Chamberlain (Chief of Staff to the Special Minister of State, known as the '**SMOS**') called me to say the SMOS wanted the matter reported to the AFP, as Ministers are the lawmakers. I took from this that the SMOS and the Minister had spoken. I refused and said it was Ms Higgins' choice, no-one else's. Mr Chamberlain understood and agreed with me seeking formal advice from DOFA. Mr Carlson rang again at 3.25pm and supported my position. I received further calls from Mr Chamberlain at 3.39pm and 3.59pm to reiterate the view of his Minister.
105. At 3.57pm the Minister called again and insisted I report. I refused based on the reasons I have previously given her (above). She understood, then suggested a compromise, that I call Ms Higgins and ask her if she would like me to lodge a report with the AFP. I agreed to do this.
106. At or about 4:05pm, I phoned Ms Higgins to check on her welfare and asked her to call me back.
107. At or about 4:09pm, Ms Higgins called me back. I said "*I have never dealt with a matter like this and I'm not sure what to do next. Would you like me to report on*

what you had told me the day before". Ms Higgins said to me "a report? What kind of report? Like the other one?" I said "no, that was a report about accessing the building and office after hours in an unfit state for non-work purposes which was a breach of security, that report was an access and exit report of times and what the security guards observed". I said "this is different, this is a report to the police". Ms Higgins said "no", she did "not want that". She said she wanted to "talk to [her] Dad when he comes down on the weekend". I said "that's fine, it is your decision. We support whatever you want to do". In light of what she had said yesterday, I thought I should enquire as I did not know exactly what had happened at the time. I said multiple times: "I don't know what has happened", and was hinting that I wanted to find out without being intrusive, but Ms Higgins was not forthcoming with any more information. I understood she wanted to stay in control.

108. I then phoned the Minister to update her. I advised her that Ms Higgins had said 'no' to giving an incident report to the AFP by me. The Minister instructed me to call Ms Higgins back and offer her support. She asked me to arrange a time to meet on Monday morning. She noted she had not spoken to Ms Higgins about what happened, she wanted to offer her support, to let her know what her rights were and to reassure her. I agreed.
109. The Minister suggested the meeting should be on Monday, 1 April early in the morning as the office would be quieter at that time. I understood the Minister was keen to talk with her in person and check on her welfare and offer in person support to her, it was the first time she would be in Canberra since the week of 25 March 2019.
110. At or about 4:14pm, I phoned Ms Higgins back and made the offer on behalf of the Minister to meet with her on the following Monday morning. Ms Higgins said that would be daunting. She felt nervous. I reassured her, saying that the Minister was supportive and lovely and just wanted to see if she was OK because she was concerned. The Minister wanted to offer her support and to ensure she knew what options she had available to her. Ms Higgins said "OK".
111. I phoned the Minister back and advised her Ms Higgins did not wish to report the incident and that she was wanting to talk to her father who was coming down on the weekend and that she accepted the Senator's invitation to meet on Monday morning. The Minister said she understood and reiterated her support and concern.

112. At 4.15pm I called Mr Carlson to update him, and then at 4.17pm called Mr Chamberlain to update him, and he said he was happy with the outcome.
113. At 6:05pm I finally received the foreshadowed email from the Assistant Secretary of M&PS at DOFA confirming our discussions and the Department's advice. Exhibited and marked "FB-8" is the email from DOFA dated 29 March 2019. I understood based on our earlier discussions that this reflected the advice of the Department's legal branch. The section of the email which I understood to be the advice, stated:

"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".

Sunday 31 March 2019

114. On the evening of Sunday 31 March 2019, Ms Higgins and I had the following text message exchanges:

Me: *Hi Brittany, hope you've had a nice weekend with your dad, I'm not sure how long he's down for but if you'd like to bring him with you to talk to Linda in the morning let me know and no worries if not! Kind regards Fiona*

Me again, just clarifying because I didn't want you to misunderstand anything, it's as we discussed Friday. Linda just wants to catch up with you to see how you are as you've not caught up, look forward to seeing you, a busy week ahead!!!!

Best, Fiona

Ms Higgins: *Hello Fiona,
No problems at all.*

I will see you both in the morning.

Yes – very busy indeed!

Kind Regards, Brittany

Me: *Hi Brittany see you tomorrow! Best Fiona*

Monday 1 April 2019

Meeting with Minister and Ms Higgins

115. At or about 8:40am on Monday 1 April 2019, Ms Higgins, the Minister and I met in the Minister's office to discuss the events from the previous week. The meeting proceeded, in substance, as follows:

- (a) the Minister said we were there to check on Ms Higgins' welfare. She said “*I don't know exactly what happened but something doesn't seem right*” and “*what you choose to do we will support*”. The Minister suggested counselling and talking to the EAP.
- (b) Ms Higgins indicated she was doing that.
- (c) I reiterated that the EAP was an independent process and support available to her.
- (d) The Minister suggested Ms Higgins speak to an AFP liaison officer to discuss what happened and thereby be able to make informed decisions about what actions she may wish to consider. She said the AFP could provide Ms Higgins advice that she wasn't in a position to do. The Minister referred to times in her own life where she had repressed things that had happened to her, and they popped back again later on in her life. She said the AFP could quietly look into things and provide Ms Higgins with options. She continually reiterated that first and foremost was Ms Higgins' welfare. She said it was important that Ms Higgins was in control, took control back and found constructive ways to follow her path, find out what her options are and make decisions about how she wanted to handle it.
- (e) Ms Higgins said she was a bit overwhelmed, but being busy was a good thing. She said I had been “*fantastic*”, and had gone “*over and above to support*” her. She said that I had been “*caring*” and “*amazing*”.

- (f) Ms Higgins said “*I’m worried the impact this event could have on my career prospects*”. In referring to “this event” I understood her to be referring to her after-hours access and being unable to explain what had happened to her.
- (g) The Minister said Ms Higgins’ welfare was her primary concern and that Ms Higgins had her unconditional support. She said it was important that Ms Higgins take control today, talk to the AFP and know what her options were. She said there was no impact on Ms Higgins’ career.
- (h) I said this place (i.e. APH) always gossips, and it was important not to engage in it.
- (i) The Minister said she would let Ms Higgins think about what she would like to do re the AFP.
- (j) Ms Higgins said she would like to talk to the AFP. The Minister asked me to make contact with the AFP to arrange a meeting with Ms Higgins.

116. The morning meeting was held in the Minister’s private office around a small table, not far from a leather 3 seater couch. The Minister’s personal office was private and my office was not as private. I had not appreciated that Ms Higgins’ statement “*I remember him on top of me*” could have been a reference to them being on the Minister’s couch.⁸ If I had done so I would have arranged the meeting to be somewhere else private.

117. I did not feel “uncomfortable” during the meeting and do not believe I gave any impression that I felt “uncomfortable”.⁹ I observed the Minister to be supportive not “apologetic” in her tone and demeanour towards Ms Higgins.¹⁰

Meeting with AFP

118. After the meeting, I spoke to Mr Chamberlain and asked him for the details of the AFP liaison officers based at APH. Mr Chamberlain provided details for Federal Agents Paul Sherring and Rebecca Cleaves.

119. I spoke to Federal Agent Cleaves and arranged a meeting for Ms Higgins at 12:00pm in our offices. When the officers came up at the agreed time, I observed they looked like cops and formed the view that due to the location of the meeting

⁸ Cf Project Broadcast, items 96 to 98.

⁹ Cf Project Broadcast, item 99.

¹⁰ Cf Project Broadcast, item 99.

room opposite the reception desk, a main thoroughfare of the office, that it would be better for Ms Higgins' privacy to relocate the meeting to the AFP offices in the basement of APH. I asked if I could accompany them there and return to get Ms Higgins to minimise any potential stress of wandering around lost down there. They agreed and took me to the basement where their APH office was located. Getting to their location was like a rabbit warren and difficult to find with ease.

120. At or about 12:15pm, I returned to the office and offered to walk with Ms Higgins to the APH basement where the liaison officers were located because it was really hard to find. She agreed. When we arrived, I offered to attend the meeting with her, Ms Higgins declined, I offered to wait and walk back with her, Ms Higgins declined. I offered to return to pick her up, Ms Higgins declined. I asked Ms Higgins to let me know when she was back in the office so I knew she was OK. I noted the AFP meeting was private and I left.
121. When I met the two AFP officers at 12noon, they gave me their business cards. I subsequently stapled the two business cards to the front of a manila folder which I had started the previous week (on Wednesday, 27 March 2019) after being asked to hold on to the DPS Report. Exhibited and marked "FB-9" is a copy of those stapled business cards.
122. At about 12.25pm I received a call from Ms Barons who was checking how things were going. I provided an update as to what had occurred and asked if there was anything else I needed to do. She said no.
123. After about an hour and a half, it was a busy day, but I realised Ms Higgins had not let me know that she had returned and I became panicky as to where she was and whether she was alright. I walked out of my office to look for Ms Higgins, noticed she was at her desk. I asked how she was. Ms Higgins replied, in substance, that it was good to talk, she discussed her options and had decided not to pursue anything with the police. I asked Ms Higgins whether there was anything else she would like me to do. Ms Higgins said "no". I asked if there were any reports Ms Higgins wanted me to lodge on her behalf. Ms Higgins said "no". I felt comforted that Ms Higgins had gone to the police.

Family Base for Brittany Higgins on Gold Coast

124. In the afternoon of 4 April 2019 I noted that Ms Higgins was not in the office. At 3:14pm , I sent a text message to Ms Higgins which said:

Hi Brittany checking you're ok, I haven't seen you around the office for a while this arvo?

125. I did not receive a reply. I subsequently learnt in media reports covering the ACT criminal trial that Ms Higgins was at a farewell event for her former boss, Mr Ciobo this afternoon.

126. I wanted to arrange approval of a work base for Ms Higgins on the Gold Coast, where her family was located, in case she wanted to work from there. As we may have been going into 'caretaker mode' shortly, I was unsure whether an alternative work base could be approved during caretaker mode or if it was best to obtain 'in principle' approval prior to that.

127. I spoke (either that day or the day prior) with Ms Barons about the steps to take to establish this. She informed me that a 'prospective' approval could be given and exercised at any time that Ms Higgins wished. She advised me to email Dr Kunkel, copied to Mr Wong, as Mr Wong was in charge of the government staffing process and he would be the one to formally action.

128. It was a very busy day, and it was not until 7.33pm that I sent the email to Dr Kunkel, copied to Mr Wong, seeking prospective approval of a non-standard base for Ms Higgins on the Gold Coast, noting that she was currently based in Canberra however for personal and family reasons may wish to seek a non-standard work base with her family on the Gold Coast. I received confirmation of that at some point shortly after. Exhibited and marked "FB-10" is a copy of my email.

Termination of Mr Lehrmann

129. Late on Monday 1 April 2023, I spoke to the Minister, who was of the view that Mr Lehrmann's employment should be terminated based on his two prior security breaches. This would have to go to the GSC (due to the guidelines of the Ministerial Statement of Standards), and there were subsequently calls with Mr Wong, and I

received a call and visit from Mr Chamberlain and Mr Wong ahead of the GSC meeting at 7pm that night and asked me to attend.

130. I sent a text message at 7.04pm:

Me: *Hi Bruce I need to have a chat to you ASAP, have left you a message as well a few hours ago, can you please call me? Thanks Fiona*

Mr Lehrmann: *Hi Fiona, please email me at [redacted]*

131. That evening, I attended the GSC meeting in the SMOS office. I provided a brief statement that there had been two security breaches (document handling reported to the Home Affairs DLO) and their advice about managing him out for security reasons, noting he had already decided not to renew his contract, and the second being entering the APH after hours and lying about his reasons. At the Minister's direction I asked them to consider the termination of Mr Lehrmann. The Committee recommended Mr Lehrmann's employment be terminated on these grounds.

132. Following a process, Mr Lehrmann was formally terminated by Minister Reynolds on 5 April 2019. I have had no contact with him since his termination. My role in the termination process of Mr Lehrmann was:

- to liaise with, and to receive advice from, M&PS in DOFA
- to relay advice from M&PS to, and take instructions and directions from, the Minister
- to report to the GSC on the Minister's behalf on 1 April 2019
- to contact and communicate with the employee, on behalf of the Minister, as part of the show cause process, on 3, 4 and 5 April 2019.

133. On 3 April 2019, I sent a text message to Mr Lehrmann telling him "*I need to have a chat to you ASAP, have left you a message as well a few hours ago can you please call me*". He responded asking me to email him at his Hotmail address. I then responded by text: "*Hi Bruce, can you please attend a meeting with me tomorrow as we need to discuss your employment status as you left without seeing me as we agreed at our meeting on Tuesday 26 March, I prefer you to come in at 10am but if another time tomorrow suits please let me know. However it does need to occur tomorrow*". Prior to sending this message I had sought and received advice from

Ms Barons and Mr Wong as to the proper procedure for terminating an employee, which included giving the employee an opportunity to respond.

134. As I had not received a response to my message from the previous evening, at 8.23 am on Thursday 4 April 2019, I sent another text message to Mr Lehrmann asking him “*can you please confirm your attendance this morning at 10am? Can you call me on your arrival so I can sign you in?*” I did not want him to return to the Ministerial Office, so I gave him the location of the meeting as “*suite M1 52*”. I received an immediate response:

Hi Fiona, unfortunately I'm not in Canberra as I'm dealing with a sensitive family issue. I am also not in the best head space right now. I'd appreciate if this can please be dealt with via exchange of text and/or email

135. At 12.22pm on 4 April 2019, I received an email from Ms Barons confirming her advice for the procedure for termination of Mr Lehrmann, including proposed correspondence to him.
136. At approximately 7.15pm Dr Kunkel and Mr Wong briefly met with the Minister and me to advise us of the GSC deliberations. They confirmed that termination of Mr Lehrmann was supported.
137. I attempted to set up a time for Mr Lehrmann, the Minister and me to speak in person as I believed it was inappropriate to email Mr Lehrmann's unsecured email account to discuss a security breach. I phoned and left a voicemail but there was no answer.
138. At approximately 7.51pm, I sent an email to Mr Lehrmann at his Hotmail address attaching a letter from the Minister regarding the potential termination of his employment. I then sent a text message to him informing him that I had communicated via his email address.
139. Friday 5 April was 2019 was a non-sitting day. Throughout the course of the morning, I proceeded to seek advice from the SMO's office, the Department of Finance and the AFP concerning Mr Lehrmann.
140. At 9:28am on Friday 5 April 2019, I received an email from Mr Lehrmann replying to the Minister's letter from the night before. The email from Mr Lehrmann stated, in substance he was that he was sorry about the after-hours access. He defended his actions in relation to both security breaches. Mr Lehrmann:

- (a) refuted the claim that he had informed security his access to APH was for official purposes, stating: "*I certainly did not make that inference*";
- (b) characterised the document handling breach as a minor and commonplace error in which he left a document on a DLO's desk for a short time instead of waiting for her to return; and
- (c) stated: "*the start of this year has been particularly difficult in a personal sense for me*".

Response to Show Cause by Mr Lehrmann

141. On Friday 5 April 2019 at 9.29am Mr Lehrmann texted a reply to text from the previous day:

Hi Fiona I have responded to you and the Minister. I want to take this opportunity to thank you for giving me the chance to respond and wish you all the best for a tough few weeks ahead. I do hope you become to CoS to the Minister for Defence! Kind Regards, Bruce

142. At 1.41pm I emailed to Mr Lehrmann a further letter from the Minister.

143. I then sent Mr Lehrmann a text message to advise him that I had sent him a response to his email received at approximately 9.30am. He texted me back within minutes and asked if I was available to speak with now. I replied within minutes to advise yes but to give me a few minutes to call, he replied immediately to say thank you.

144. I called the SMOS Chief of Staff Reg Chamberlain at 1.43pm and went to see him to let him know Mr Lehrmann had responded. I called Mr Lehrmann at approximately 1.49pm from Mr Chamberlain's office, with Mr Chamberlain present. When Mr Lehrmann answered I thanked him for responding to me and agreeing to the call. I advised him that Mr Chamberlain from the SMOS office was on the phone with me and he said "ok". I thanked Mr Lehrmann for agreeing to the call and noted his email response. I reiterated the need for speaking with him over the phone rather than via email, as any reference on an unsecured email discussing the handling of secure classified material and matters was a breach of the security. I said the concern of Workplace Health & Safety had not been addressed, I said "*specifically my understanding is that you entered Parliament House with Brittany and left without her, and she was in an intoxicated state*", I asked him "*can you explain to me what*

happened?". Mr Lehrmann said "my view is that neither me or Brittany were in an intoxicated state, or that she needed assistance". I asked him "is there anything else you wish to add", he said "no". He said "my view at the time was I needed to get home". I asked "what did you do whilst at the office", he said "we had a whisky". I asked "what state was Brittany in when you left?", he said "she was happy". He said "I had to go home and she said bye see you next week and I said yes". He said "I had to get home". I asked "is there anything else you wanted to say?" he said "no". I said "thanks, we'll be in touch".

Decision to Terminate Mr Lehrmann

145. I then updated the Minister. I confirmed we had consulted the SMOS office, DOFA and Daniel Wong (for the PMO), on the basis of the DPS report (which only the Minister and I had seen), the recounted discussions to her that I had with Ms Higgins and Mr Lehrmann (separately), the discussion she had with Ms Higgins and the correspondence between herself and Mr Lehrmann, the advice from Ms Barons, SMOS, GSC and the discussions and advice from the AFP.
146. The Minister reached the conclusion that Mr Lehrmann had committed a serious misconduct breach and had breached the Ministerial staff standards. The decision was made to terminate his employment that day.
147. At 4.26pm I sent by email to Mr Lehrmann a letter from the Minister giving him formal notification that his employment would be terminated effective that day for serious misconduct. A termination advice was also sent to Ms Barons at DOFA for processing. I am not aware of Mr Lehrmann receiving any termination payout. This was my last communication with Mr Lehrmann. I did not provide an employment reference for him.

Police investigation and CCTV Footage

Meeting with Assistant AFP Commissioner

148. At around 8:30am on Thursday 4 April 2019, before Senate Estimates, I attended the end of a meeting between the Minister and Assistant AFP Commissioner Leanne Close. I recall they were meeting privately at the start. We exchanged details so I could make contact if necessary. Exhibited and marked "FB-11" is the post-it note of a phone message taken by the office receptionist.

149. At 1:25pm on 5 April 2019 I phoned Assistant Commissioner Close to ask whether it was OK if I spoke to Mr Lehrmann about his employment and what had happened in the early hours of the Saturday morning. I was concerned because the AFP were looking into the matter and I didn't want to impede their processes. Assistant Commissioner Close said it was OK for me to speak to Mr Lehrmann.
150. After that call, the Minister advised me that Assistant Commissioner Close had told her during the meeting the previous day that Ms Higgins had made an allegation of sexual assault against Mr Lehrmann. This was the first time it had been advised to me that Ms Higgins had made an allegation of sexual assault.

Telephone call from Australian Federal Police

151. At approx. 4.05pm on 5 April 2019, AFP agent Rebecca Cleaves called me to advise that Ms Higgins had an appointment with the Sexual Assault Team on Monday 8 April 2019 at 5pm.
152. FA Cleaves advised me that:
- (a) Ms Higgins had made an appointment with ACT Police's sexual assault team on Monday, 8 April 2019 at 5pm;
 - (b) the AFP were conducting an administrative investigation which included looking at evidence like CCTV and access times and it did not include interviews of people;
 - (c) she could keep me up to date and told me to call if I had questions at any time.
153. From that stage, I understood responsibility for the matter was in the hands of the police.
154. I said I would like to know if anything was happening that could impact anyone involved, for example knowing Ms Higgins had the appointment on Monday meant I understood why she would leave work early and if she wasn't up to coming in the next day then I would understand why.
155. Agent Cleaves gave me her personal mobile number and said I could call her any time if I had any additional questions.
156. I was never aware of there being any issue with respect to the Police accessing the CCTV footage, prior to the allegations in media reports in 2021. I had never seen CCTV footage of Ms Higgins and Mr Lehrmann entering or leaving the Parliament

or Ministerial Offices. I had never asked to see the CCTV footage, nor had I been asked to obtain it or view it.

157. Ms Higgins and I never discussed access to CCTV footage. I deny Ms Higgins ever asked me to “see the CCTV footage” of her. Ms Higgins did not ask me “at least half a dozen times to see that CCTV”, I did not “always [say] no”. She never asked and I never had occasion to say no. I had never seen the CCTV footage, and never said to Ms Higgins I had “seen it”. At no time did I ever view, was asked to view, or was asked by anyone to arrange viewing of the CCTV footage. Even if I had been asked, I did not know how I would get it.
158. Subsequently I let Mr Wong of the GSC know that Ms Higgins had made an appointment with ACT Police’s sexual assault team for 8 April 2019.

Relocation and Federal Election Campaign

159. On Sunday 7 April 2019 I was getting ready to relocate to Brisbane for the upcoming Federal Election.
160. Over the course of the previous week, I had been discussing with Dean Carlson providing options to staff and clarity to them as to what their travel commitments and locations would be for the upcoming election. To the best of my recollection there had been no final decisions made by the Minister. Two Canberra based staff would be definitely based out of WA – Dean Carlson and Drew Burland, the rest was still to be decided.
161. Ms Higgins had told me her preference was to work at Campaign Headquarters in Brisbane. She wanted to work with Ben Dillaway in the media team. I explained to her that the staff allocation was settled many months prior to the election, and that I had no involvement in those decisions. She said she was ‘disappointed’ and her tone towards me changed after that.
162. Ms Higgins was not given only two choices on how to proceed. I gave Ms Higgins a choice of being based in Canberra and work out of APH, or work in WA, or work from home, or her family home on the Gold Coast, and return to Canberra post the election. Mr Carlson would be in charge of the office as the Acting Chief of Staff. I understood it would be her decision as to where she wanted to go and she would be supported in that decision. I left this with Mr Carlson to be decided as I was

shifting my focus to my upcoming role in the campaign headquarters. I had already arranged approval for Ms Higgin to have a non-standard home base at the Gold Coast to be with her family, any time prior, during or after the election (during the Deferral Period).

163. On 7 April 2019 at or about 12:14pm, I sent the following text message to Ms Higgins, Mr Carlson and The Minister' advisor Drew Burland:

Hi Drew and Brittany, hope you're having a good weekend! Given the election announcement hasn't occurred, I think it best if travel to WA is determined after its called. Given I'm going to be in CHQ I'll hand over to Dean to advise you when to make plans. Any problems please let us know, thanks Fiona

164. Late Sunday, 7 April, at 7.46pm I sent Ms Higgins a text message to confirm that Mr Carlson may coordinate but if something did not work for her she should make sure to let me know and that she would find Mr Carlson good to work with, and that I was only a call away. She replied that she really appreciated it and would definitely keep that in mind if there are any major issues:

Me: *Hi Brittany, hope you've had a good weekend! I thought I should clarify my message earlier which I sent to you, Drew and Dean. As we discussed the other day you can let me know if something doesn't work for you eg, a time to go to WA etc*

In my comms I didn't want to leave you off the CBR WA staff who were travelling.

Dean may coordinate but if something doesn't work for you make sure you let me know. You'll also find Dean good to work with. I'm only a call away!

Best, Fiona

Ms Higgins: *Hi Fiona,*

Absolutely, thank-you for the message. Yes, I figured as much and really appreciate it. I definitely will keep that in mind if there are any major issues. Enjoy CHQ!

165. On Monday 8 April 2019 I replied to her message with a 'thumbs up'.
166. On 8 April 2019, I relocated to CHQ in Brisbane in the lead-up to the Federal Election. My colleague Dean Carlson become acting Chief of Staff for the remaining period.

167. I was in Brisbane ahead of the election announcement. On 10 April 2019 Ms Higgins and I had the following exchange via WhatsApp:

Ms Higgins: *Good morning Fiona,
Hope you are enjoying CHQ.
Just letting you know that I will not be in the office today as I've got a couple of appointments scheduled. Kind Regards, Britt*

Me: *Hi Brittany thanks getting into the groove up here! No worries about today. Would you like me to let Canberra staff know or have you done that?*

She did not reply.

168. In the days that followed I was based in Brisbane, where I continued until 17 May 2019. On Thursday 11 April 2019, the Prime Minister called the 2019 election for 18 May 2019. On that day, I also sent a message to Ms Higgins via WhatsApp which said:

Me: *Hi Brittany I heard from Chris you're off sick today. Can you also let Dean and I know when you're away? Dean was going to touch base to discuss WA travel.
Hope you're feeling better soon, don't hesitate to contact me if I can assist in any way, take care, Fiona*

Ms Higgins did not respond.

169. I am aware that, on or about 13 April 2019, Ms Higgins chose to take up the offer to work on the election campaign in Perth and travelled there for that purpose.

170. On 18 April 2019 at 10.22am Ms Higgins sent me a text message to which I replied:

Ms Higgins: *Hi Fiona,
Hope you are well.
As requested, I just wanted to let you know that I am out sick today. I'll be going to the doctors so I will send through a medical certificate for your reference too.
Kind regards,
Brittany*

Me: *Hi Brittany, no worries, have you let someone in the Perth office know you won't be there? Or would you prefer me to? Kind rgds
Fiona*

Ms Higgins did not respond.

171. I did not receive a leave form, or medical certificate but I assumed she had provided these forms to the acting Chief of Staff.

172. I was not aware at any time that Ms Higgins felt that it was hard for her to raise anything with me. I never felt uncomfortable speaking to Ms Higgins and don't understand why she would think that was the case.
173. I continued to check with Mr Carlson on how Ms Higgins was from time to time and was not advised of any concerns. There had been a lot of advice and support provided and I believed she knew we were always there now and in the future, if she wanted to reach out.
174. In the first couple of weeks of the Federal Election campaign I received a call from someone from the AFP informing me Ms Higgins was not pursuing her complaint with the police. I was not told why. I cannot locate a note of that call. I passed on this information to Mr Wong of the GSC.

Post-Election

175. After the Federal Election campaign was over, I returned to the PMO. I was not involved in the government staff appointment process, administrative support was provided by another staffer. I had no input into Ms Higgins subsequent employment with Senator Cash or the terms or salary of her appointment.
176. Post the Federal Election, Mr Burland from the Ministerial Office staff who had been in WA during the Federal Election told me he knew "*what had happened*" because Ms Higgins had told them. I was surprised by the comment. I said words to the effect of "*it's not my place to discuss staffing matters*".
177. On 7 June 2019, Ms Higgins and I had the following WhatsApp exchange:
- Ms Higgins: *Hi Fiona, I just wanted to let you know that there is lemon meringue cheesecake and champagne in the fridge for Chris' last da! Is there and particular time this afternoon that would be appropriate to get the team together by chance?*
- Me: *Hi Brittany – sounds amazing@ I'm not back this arvo, can you check with Dean? Enjoy the cake!!*
- Ms Higgins: *Absolutely – I'll ask Dean, Oh no that's such a shame.*
- Ms Higgins: *Well my other question: is there anything else I need to do from a HR perspective to formalise my office transition?*
- Me: *I didn't know you'd made a decision – when are you planning on the move?*
- You will need to return all your IT, can you see dean ?*

Ms Higgins: *Of course – I'll speak to Dean! I don't have any defence assets.*

Me: *All the best with your new gig*

Ms Higgins: *Thank you!*

I wanted to say this in person but – I cannot overstate how much I've valued your support and advice throughout this period. You've been absolutely incredible and I'm so appreciative.

Me: *Thanks Brittany !!*

Ms Higgins: *FYSA [for your situational awareness] Chris' farewell*

178. During the time when Ms Higgins was working for Senator Michaelia Cash, Ms Higgins and I would occasionally see each other around APH and exchange pleasantries. I saw her very occasionally around Parliament House, it was always friendly (smiles and waves) and she said she was enjoying her new job with Senator Cash.
179. After the election when I rejoined the PMO, I did not tell any other PMO staffer of the alleged sexual assault (and that includes the whole of the Deferral Period). I did not discuss any of the matters concerning Ms Higgins (or Mr Lehrmann) with the Prime Minister at any time prior to The Project TV broadcast.
180. Ms Higgins had never disclosed an allegation of rape or sexual assault to me. Because Ms Higgins had withdrawn from providing the Police with a statement alleging a sexual assault had occurred, I took that to mean she decided there wasn't one. In my mind, due to all the support provided to Ms Higgins by Minister Reynolds, myself, the Police, the counselling services she had told me she had undertaken, that there could be no other reason for her not to pursue her complaint unless she had decided there wasn't one. I sought to respect Ms Higgins' privacy and dignity. Based on the advice from DOFA, I believed I was doing the right thing.
181. I was never aware that Ms Higgins did not feel supported. Because I had left the door open to her, I felt if she needed anything she would contact me. I felt it would be intrusive to continually be recalling the matter and possibly detrimental to her welfare. There had been a lot of advice and support provided, and I believed she knew we were always there now, and in the future, if she wanted to reach out. I never had any approaches from her.
182. I did not have any further communications with Ms Higgins about the incident.

The Project Broadcast

183. [REDACTED]
184. On Friday 12 February 2021, at 2.53pm I was at home when I received a message from Angus Llewellyn, who identified himself as a producer for TEN's The Project. The questions were confronting. Exhibited and marked "FB-12" is a copy of that message.
185. Shortly after I received a call from Dr John Kunkel, the Chief of Staff to the Prime Minister, who asked me to explain what had happened at the time, and instructed me to come to Canberra, to access my files, and to explain. I sent a copy of the text from Mr Llewellyn to the Prime Minister's Press Secretary, Andrew Carswell. Mr Carswell informed me that Ms Higgins had given an interview to News (Samantha Maiden). This was the first occasion that I learnt that Ms Higgins had given interviews to the media.
186. On Saturday 13 February 2021, I was now at APH and accessed my files I had retained from Minister Reynold's Office, which I had not touched since 2019. On Sunday 14 February 2021 I also identified on my phone that I still had all my text and WhatsApp messages with Mr Lehrmann and Ms Higgins.
187. As a government staffer, I was not permitted to respond personally to media requests, so I did not do so. I shared my account of events, including my contemporaneous notes, the text and WhatsApp messages and the email from Ms Barons, with Andrew Carswell, John Kunkel and John Harris (the Director of Parliament and Government). I was not told if responses were made on my behalf to News or Ten.
188. On Monday 15 February 2021 I joined my colleagues in the press office at APH to watch The Project broadcast on the Monday evening.

[REDACTED]

193. I was not aware that Ms Higgins was “pretty suicidal ... at the time”. It was never disclosed to me by Ms Higgins or anyone else that Ms Higgins had felt “suicidal” at the time. If I had known she was feeling suicidal I would have sought to help her.

194. Contrary to the concluding comments of the presenter on The Project, there was no statement from me on The Project’s website. I did not provide a statement to The Project and did not authorise a statement on my behalf.

Aftermath of The Project broadcast

195. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

199. On 22 March 2021, I participated in a voluntary recorded interview with the AFP in relation to the allegation of sexual assault by Ms Higgins.

200. On 8 February 2022 the Prime Minister gave a national apology in the House of Representatives for bullying and harassment experienced by Ministerial and parliamentary staff, including a personal apology to Ms Higgins as to the handling of her grievance. I had no prior warning of his statements concerning Ms Higgins, and was excluded from conversations and consultations concerning it.

201. On 18 May 2022 I attended a pre-trial proofing with the ACT DPP. During that conference I advised Mr Drumgold of my concern that the upcoming broadcast of the Logie Awards (on 19 June 2022) with a potential award for The Project broadcast could damage the criminal trial.

202. [REDACTED]

203. After the criminal trial had been delayed, then subsequently aborted and there was to be no re-trial, I felt free to finally start to talk publicly about what had happened to me along the way including my mental health struggles in the aftermath of The

[Redacted]

(f) [Redacted]

[Redacted]

[Redacted]

[Redacted]

(j) As to **particular 3.22**: Ms Higgins did not raise with me ‘the issue of leave for her mental health’ or ‘needing time off work to assist the AFP in its investigation’ ‘at about’ 11 April 2019 or otherwise. I was no longer an active Chief of Staff on 11 April 2019.

(k) [Redacted]

[Redacted]

Sworn by the deponent
at Sydney

in New South Wales
on 15 December 2023
Before me:

)
.....
) Signature of deponent
)
)

Signature of witness
Name of witness:

