

**26 March – Tuesday**

At about 11am I spoke to Bruce about him finishing up today. I asked if he had any other outstanding work matters, he said no. I checked again that everything had been returned by way of documents and equipment, he said yes. I checked again that he had shared all knowledge around his parliamentary role and prep for budget and estimates. He said yes.

I said it looked like he had nothing more to do and he didn't seem at all busy, he said everything was done and that was right so I said I was agreeable to him not coming into the office but he would remain available as per the work out period guidelines and he said yes that seemed good to him. I said I'd let the staff know and we'd have a staff afternoon tea.

He said he would like to see the Minister as they hadn't had a chance to speak and could he come to work tomorrow for that purpose. I said tomorrow was a very busy day with back to back so it would be rushed, I thought it best he call Michelle and work out a time to pop back in next week, he said he would do that.

At approx. 11.45am I received a call from Lauren Barons who told me she had something sensitive to raise. Lauren told me that 2 staffers had entered through a security checkpoint during the early hours of Saturday morning intoxicated, she told me their names were Bruce Lehrmann and Brittany Higgins. Lauren said Bruce left the office about 230am, a security guard went to check the office some time later to ensure it was secured and found Brittany naked and passed out. She was offered an ambulance and medical assistance which she declined. She said Brittany left the building at approx. 10am on Saturday. Lauren took me through the protocols and procedures which I needed to follow and advised that DPS were preparing a report.

Lauren advised that this was a WHS, duty of care, office was inappropriately accessed and to give each of them the option to explain what happened; breach of ministerial staff code of conduct and would have to be referred to PMO because of that; offer EAP; put the facts, give time to respond, offer to work from home. The point of difference for Bruce was, he wasn't renewing his contract and I had already spoken to him about not coming into the office from tomorrow unless asked.

I asked Bruce to meet with me at approx. 12noon. I prefaced it at the start as I had something serious to raise regarding his access to our MO over the weekend, I told him I had been advised that he and another person had arrived in the early hours of Saturday morning inebriated and could he please explain.

He said he didn't agree with that he was intoxicated. I asked him who he came with he said Brittany.

I asked why he attended the office at that time, he said to drink his whisky.

I said so you're telling me that came specifically to the office at 130am to drink your whisky he said yes. I asked how much he drank, he said 2 glasses.

I said you have breached the Min Wing security protocol and the ministerial staff standards and I would have to report this to the PMO. He denied this. I referred to the staff code of conduct and the secured area within which he worked. I asked him what he did whilst he was here and he said they chatted. I asked what part of the office he accessed and he said the office, I asked what else did you

do whilst in the office, he said he didn't wish to get into that. I asked if he accessed any documents, secured areas and he said no. I asked him what time he left the office, he thought about 2.15am but couldn't be sure, I asked which exit he used, he said the Min Wing basement, he'd ordered a uber to take him home.

I repeated to Bruce that he had breached the ministerial staff code of conduct and the security of the Min Wing by accessing the area for unofficial purposes which would be reported to the PMO/GSSC.

I told Bruce I was disappointed he didn't disclose the after hours access to me, he then accepted it was wrong and he apologised and said he was very young and that other offices had done this. I said I didn't know about other offices I'd be surprised if such activity occurred to come to the office at 1.30am to drink whisky.

I asked that he leave the office immediately. He asked if he could have 15mins to collect his books and things, I said yes but he must see me prior to departing for a further talk, and I wanted to walk with him to retain his security pass. After about 5-7 mins I went to check where things were at – he was gone. I rang him twice – he texted me at 1.14pm advising he left his pass at the min wing entrance security, I replied saying I had asked him to return it to me and I was disappointed he failed to follow a direct request.

At approx. 1.30pm I asked Brittany to meet me, upon sitting down I advised that I had received advice that she along with Bruce had accessed the Min Wing and office after hours early Saturday morning. I asked if she would like someone to be here with her, she said no.

I asked what time she arrived at the office, she said she didn't remember accessing the office, she said she'd been out and was inebriated, she remembered coming through the security checkpoint in the min wing basement, she remembered being woken up but didn't know which time and that she was semi-naked, she remembered waking up at about 8am on Saturday morning on the couch.

I asked if she was alright, she said yes. I asked her was there anything else she recalled she shook her head to say no, she said I am responsible for what I drink and my actions. I offered the EAP, provided her a print out off the M&PS site and explained the independent support and service the EAP provides.

I explained that entering the Min Wing inebriated was a security breach along with a breach of the staff code of conduct and I would need to advise the PMO/GSSC of this, she shook her head to say yes and said I understand.

I asked her again was she alright and she said yes. I said it was best she went home for the afternoon and suggested she take a few days off or work from home, all she needed to do was let me know. She said ok. I said she could also take a few days off to return to the Gold Coast to see the family, I asked her if there was anything else I could do to help which she said no, she'd spoken to her dad on the weekend and he was coming down on the weekend to see her. I said I was available any time should she wish to talk, I offered our support.

I asked her where she was at with her work, as she'd been working on some time sensitive matters, she 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, I needed to reassign it, she said she would do that.

She went back to her desk. I went back out about 45 mins later and noticed she was gone and the USB had not been left behind. I called her and she sounded upset, I asked where she was, she said sitting in the car, she had been crying, I offered to come down and see her, she declined, I asked did she have friends and someone she could be with she said she had flatmates and that was fine. I said ok but don't hesitate to call me. I asked if she had left the USB somewhere she said no, and offered to come back, I said no that was fine, if she wasn't coming in tomorrow then I'd arrange to collect it, the purpose only was to ensure that there was continuity of the work. I said I would call her again to see how she was later in the day.

At approx. 505pm I called Brittany it went to vmail, I texted her to say I was checking on her welfare and was happy for her to decide if she wanted to take time off or work from home, to let me know, she replied saying she would prefer to come to work, she liked being busy, I said that was fine.

#### **Wednesday 27 March**

I asked Brittany to pop in and see me. I asked how she was, she said fine. I offered to be available if she wanted to talk and was supportive if she wanted time off work, I said whilst I was unaware of exactly what occurred at the office, that if something had happened that she wasn't happy with or felt wasn't right or had upset her, she had every right to lodge a complaint or report through the appropriate channels. She said no she didn't want to do that, I said she had our support if she wanted to, she said she didn't want to be any trouble, I said no trouble would be caused, she should know she was supported and within her rights to lodge any report or complaint, all I could say was if she felt aggrieved she was supported to follow whatever path she chose, she said thanks.

As the day progressed, I checked on her, she said she was fine.

#### **Thursday 28 March**

I asked Brittany to come into the office, I said I was following up the SOPI and staff code of conduct that she was given at the time of contract, and no doubt 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 yesterday was and she said good, she took the documents and returned them to me shortly after.

I said thanks, by the way, remember if you're unhappy with something you had our continued support, I said as far as I was concerned I wouldn't raise it with her again, as I didn't want her to feel every time we spoke I would raise the incident, she said she was taking up the counselling to which I replied good, I was pleased to see she was accessing it, and then she said, I recall him being on top of me. I was shocked. I didn't know what to say at first. I said if this was something that she had not wanted then she should think about reporting it, I offered our continued support, I asked if she was ok, she said her Dad would be down on the weekend, I asked her had she drunk a lot on the night

and she said a reasonable amount but was unsure. I asked her if she wanted to go home, she said no. I said if she changed her mind to let me know.

At 7.53pm I received a text from Brittany to say she had arranged a Dr's appointment and she would like not to come to work tomorrow. I said that was fine, I asked if she would like me to say she was working from home or off sick, she said working from home.

At approx. 1024pm (after I got off my flight)I called Nicky and spoke to her about being a role model for Brittany and working with her in the election in WA, she was excited and readily agreed.

### **Friday 29 March**

At approx. 405pm I called Brittany to check on her welfare and asked her to call me back, she did so at 4.09pm. I said I had been thinking about what she said to me yesterday and I was worried about her. I said I had never dealt with a matter like this before and I wasn't sure what to do next. I asked her would she like me to make a report on what she told me the day before, she said a report? Like the other one? I said 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 no this was different, this was a report to the police.

She said no, I don't want that. I want to see my Dad and talk to him and my family over the weekend. I said of course, it was her decision, it was just in light of what she said yesterday, I thought I should enquire as I didn't know exactly what happened at the time.

I called the Minister to update her, she asked me to call Brittany back and offer her support and asked me to arrange a time for them to meet on Monday morning.

I did that at about 4.14pm, I made the offer, she said that would be daunting, I reassured her Linda was supportive and lovely and wanted to see if she was ok, she was concerned. She said ok.

I called the Minister back and advised Brittany did not wish to report the incident, she was wanting to talk to her father and family over the weekend, the Minister said she understood and again reiterated her support and concern.

### **1 April – Monday**

Approx. 840am, Minister and I met with Brittany to discuss the events from last week. Minister prefaced the meeting with we were here to check on Brittany's welfare; don't know exactly what happened, but something doesn't seem right, what 'you choose to do we will support'; Minister suggested counselling and talking to the EAP, Brittany indicated she was doing that, I reiterated that was an independent process and support; Minister suggested there was an AFP liaison officer Brittany could meet to discuss what happened and thereby be able to make informed decisions about what actions she may wish to consider. Minister said the AFP would be able to provide advice that she wasn't in a position to do; Minister referred to times in life when she repressed things that had happened to her and they had popped up back again the future; she said the AFP could quietly look into things and provide Brittany with options. Minister continually reiterated that first and foremost was Brittany's welfare; important she 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.

Brittany said she was a bit overwhelmed but being busy was a good thing. Brittany told the Minister that I had been fantastic, and had gone over and above to support her, I had been caring and amazing.

She said her concern was the impact this event could have on her career prospects, the Minister immediately said Brittany's welfare was our primary concern, said B had her unconditional support, important to take control today, talk to the AFP and know what her options were. Minister said there was no impact on Brittany's career.

I said this place always gossips, and it was important not to engage in it. At one time or another we all had been the subject of nonsense. Minister said she would let Brittany think about what she'd like to do re. AFP. Brittany said she would like to talk to them and said I would provide the contact details.

After the meeting, I called Reg C and asked him for the details of the AFP liaison officers based at APH. I was provided with the names of Federal Agent Paul Sherring [REDACTED] and Rebecca Cleaves [REDACTED]. I called Rebecca and arranged a meeting at 12noon in our offices. When they came up the meeting room wasn't available and they took me to the basement where their APH office was located, I then returned and took Brittany there at approx.. 12.15pm I didn't stay with her, I said her meeting was private and I left.

About 1.5 hours later I saw Brittany back in the office, I understand she arrived back much sooner, but it was a busy day. I asked how she went and she said it was a good talk, she discussed her options and she had decided not to pursue anything and I asked her was there anything else she would like me to do, she said no. I asked her were there any reports she'd like me to lodge, she said no.

I received a call and visit from Reg and Daniel – the GSSC was meeting at 7pm and I was asked to come up. I advised the meeting that there had been 2 security breaches both had been reported, at the Minister's direction I asked them to consider termination of Bruce.

Other phone calls today were:-

11.21 am Daniel W – I didn't have time to return until 2.47pm (checking in and mentioned staff ctee)

12.25pm Lauren B – checking how things were going, I provided the morning update and asked if there was anything else I needed to do – no.

5.28pm Daniel W – staff ctee

6.16/6.20pm – staff ctee and approval to recommend termination of Bruce

7pm - I attended the staff ctee meeting in SMOS office – I provided a brief statement of 2 security breaches (document handling (skif level) that had been reported to Home Affairs DLO) and their advice about managing him out for security reasons (noting he had already decided not to renew his contract) the second being entering the APH after hours and lying about his reasons.

**Wednesday 3 April****Thursday 4 April**

At approx. 7.15pm Dr Kunkel and Daniel met with the Minister and I to advise us of the GSC deliberations, termination of Bruce was supported.

At approx. 7.51pm I emailed Bruce a letter from the Minister.

**Friday 5 April**

At approx. 9.28am I received a reply from Bruce to the Minister's letter the night before.

Throughout the course of the morning, I sought advice from SMOS, Daniel, Lauren and AFP.

At 1.25pm I called Leanne Close [REDACTED] AFP Asst Commissioner, to enquire if there was any problem if I spoke to Bruce regarding his employment and what happened on the early hours of Saturday morning. My concern was the AFP were looking into the matter and I wanted to be sure I didn't impede their processes. Leanne said there was no problem with me speaking to Bruce.

After that call, the Minister advised me that prior to me joining the AFP meeting @ 830am on Thursday, Leanne Close had advised her that Brittany had made an allegation of sexual assault against Bruce.

I sent Bruce a text message at approx. 1.41pm to advise him that I sent him a response to his email this morning, received at approx. 930am. 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 him, he replied immediately to say thank you.

I called Reg at 1.43pm and went to see him to let him know Bruce had responded.

I called Bruce at approx. 1.49pm from Reg's office, when he answered I thanked him for responding to me and agreeing to the call. I advised him that Reg from the SMOS office was on the phone with me and he said ok.

I thanked Bruce 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 PH with Brittany and left without her, and she was in an intoxicated state, I asked him if he could explain to me what happened.

Bruce said my view is that neither he or Brittany were in an intoxicated state, or that she needed assistance. He said I understand from 'my perspective that neither were intoxicated'. I asked him if there was anything else he wished to add, he said no. He said 'my view at the time was I needed to get home'. I asked what did they do whilst at the office, he said they had a whisky. I asked what state

was Brittany in when he left, he said she was happy. He said he had to go home and she said bye see you next week and he said ye. He said he had to get home.

I asked was anything else he wanted to say, he said no. I said thanks, we'll be in touch.

I updated the Minister, we had consulted SMOS office, Lauren Barons and Daniel Wong, on the basis of the DPS report (which only the Minister and I had seen), the recounted discussions to her that I had with Brittany and Bruce (separately), the discussion she had with Brittany and the correspondence between herself and Bruce, the advice from Lauren, SMOS, GSC and the discussions and advice from the AFP, the Minister reached the conclusion that Bruce had serious misconduct breach and had breached the ministerial statement of standards. The decision was made to terminate his employment today. A letter was emailed to Bruce and a termination advice sent to Lauren Barons for processing.

At approx. 4.05pm AFP agent Rebecca Cleaves [REDACTED] called me to advise that Brittany had an appointment with the Sexual Assault Team on Monday 8/4 @ 5pm. She advised me that the AFP were conducting an administrative investigation, this was an investigation that looked at evidence such as CCTV, access times etc. It did not include interviews with people. She offered to keep me up to date and that I could call her anytime if I had any questions. I said thank you, I was happy for the process to run however it should, all I would like to know was anything that would be happening that could impact anyone involved, for eg. knowing Brittany had the appointment on Monday meant that 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. Rebecca gave me her personal mobile number and said I could call her any time if I had any additional questions.

## Other calls Friday 29/3

- 943 DW called to see how things were
- 1032 DW called again
- 1133 Lauren called to see how Brittany was
- 1344 Reg called re. SMOS hot to trot
- 1459 Linda called – go to AFP in her name, report the incident, low key
- 1504 Lauren called – we spoke about reporting incident without permission by B
- 1510 I called Dean – he was with Linda, ran him through the issues, he agreed with me can't report
- 1513 Lauren called – she shared my concern re. push to report to AFP without B consent
- 1514 Linda called – directed me to go to AFP and report the incident on her behalf, I refused. We discussed, she insisted, I refused. I said you can't, it is morally and ethically wrong. It is up to the person/victim, disempowering etc. Heated.
- 1516 Lauren called – she could provide informal legal advice to support my position
- 1520 Dean called – he agreed with me
- 1520 Reg called – SMOS Minister wants the matter reported to AFP, as Ministers they are lawmakers, I refused and said it was B's choice no-one else
- 1525 Dean called – continued support for my position
- 1539 Reg called – continued pressure, I continued to refuse along the same lines (can't disempower/emotional reaction unknown and could be catastrophic etc)
- 1549 Reg called – continued pressure, I continued to refuse
- 1557 Linda called – insisted I report – I refused. Heated. She suggested a compromise, that I call B and ask her if she would like me to lodge a report with the AFP. I said I would call B.
- 1605 I called Brittany – went to voicemail – I asked her to call me back
- 1609 Brittany called me back. I asked how she was, 'would you like me to report the incident to the AFP in Canberra', she said 'no. I want to talk to my Dad about everything when he comes down on the weekend'. I said 'ok, that was fine, it was her decision and we supported whatever she wanted to do.'
- 1611 I called Linda to advise I had spoken to Brittany who had said 'no' to the incident report to the AFP by me. Linda instructed me to call B back and arrange a time on Monday morning, to meet with her. She hadn't spoken to her about what happened, she wanted to offer her support, let her know what her rights were, and to reassure her. I agreed.
- 1614 I called Brittany back and arranged a time Monday morning, she felt nervous, I reassured her everything would be fine, the Minister wanted to offer her support and to ensure she knew what options she had available to her
- 1615 I called Dean to update him
- 1617 I called Reg to update him – he was happy with the outcome