



Form 17
Rule 8.05(1)(a)

Statement of Claim

No. of 2023

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

Bruce Lehmann

Applicant

News Life Media Pty Limited and another

Respondents

The Applicant relies on the following facts and assertions:

PARTIES

- 1 The First Respondent is and was at all material times:
 - (a) a corporation liable to be sued in its own corporate name and style;
 - (b) the publisher of material on the website located at the URL address www.news.com.au (the News website).
- 2 The Second Respondent is a journalist employed by the First Respondent or one of its related corporations for whose conduct the First Respondent is and was vicariously liable.

FIRST MATTER COMPLAINED OF

- 3 On or about 15 February 2021 and thereafter, the Respondents published of and concerning the Applicant on the News website an article entitled "*Young staffer Brittany Higgins says she was raped at Parliament House*" (the first matter complained of), a copy and/or transcript of which is set out in Annexure "A" hereto:

Filed on behalf of (name & role of party)	<u>Bruce Lehmann, Applicant</u>		
Prepared by (name of person/lawyer)	<u>Paul Svilans</u>		
Law firm (if applicable)	<u>Mark O'Brien Legal</u>		
Tel	<u>+61 2 9216 9830</u>	Fax	<u>-</u>
Email	<u>paul.svilans@markobrienlegal.com.au</u>		
Address for service (include state and postcode)	<u>Level 19, 68 Pitt Street, Sydney NSW 2000</u>		

- (a) the first matter complained of was published by the First Respondent by uploading to and/or causing the uploading to, and thereby making the publication available and/or causing the publication to be made available for download to a large number of users of the News website in the Australian Capital Territory, and in the other States and Territory of Australia;
- (b) the first matter complained of was authored by the Second Respondent;
- (c) the News website is a mass media website which attracts tens of thousands of readers daily throughout Australia;
- (d) the first matter complained of was made available for download on 15 February 2021 and thereafter at the web address:
[https://www.news.com.au/national/politics/parliament-house-rocked-by-brittany-higgins-alleged-rape/news-story/fb02a5e95767ac306c51894fe2d63635;](https://www.news.com.au/national/politics/parliament-house-rocked-by-brittany-higgins-alleged-rape/news-story/fb02a5e95767ac306c51894fe2d63635)
- (e) the first matter complained of was in fact downloaded and read in each State and Territory of Australia and, by reason of the large numbers of readers of the website, it is to be inferred that the first matter complained of was published to a substantial number of readers in the Australian Capital Territory and in the other States and Territory of Australia;
- (f) further particulars of publication and republication (including grapevine effect) of the second matter complained of will be supplied following discovery and interrogatories.

4 The first matter complained of, in its natural and ordinary meaning, was defamatory of the Applicant and carried the following defamatory imputations of and concerning him:

- (a) *The Applicant raped Brittany Higgins in Defence Minister Linda Reynolds' office in 2019.*
- (b) *The Applicant signed Brittany Higgins, who was drunk and did not have her security pass, into Parliament House so he could rape her.*
- (c) *The Applicant continued to rape Brittany Higgins after she woke up mid-rape, told him to stop, and was crying.*
- (d) *The Applicant, whilst raping Brittany Higgins, crushed himself against her leg so forcefully that he bruised her.*

- (e) *After the Applicant finished raping Brittany Higgins, he left her on a couch in a state of undress with her dress up around her waist.*

Particulars of parts of the first matter complained of

The Applicant relies on the whole of the first matter complained of as giving rise to each of the imputations pleaded. In particular, the Applicant relies on the following parts of the first matter complained of, adopting the paragraph numbering in Annexure "A":

- (a) Imputation 4(a): 1, 2, 3, 5, 9, 10, 11, 20, 21, 22, 23, 26, 27, 28, 36, 37, 40, 49, 50, 57, 59, 63, 64, 65, 70, 86, 103 and 104;
- (b) Imputation 4(b): 1, 2, 3, 5, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28, 36, 37, 40, 49, 50, 57, 59, 63, 64, 65, 70, 86, 103 and 104;
- (c) Imputation 4(c): 1, 2, 3, 5, 9, 10, 11, 20, 21, 22, 23, 26, 27, 28, 36, 37, 40, 49, 50, 57, 59, 63, 64, 65, 70, 86, 103 and 104;
- (d) Imputation 4(d): 1, 2, 3, 5, 9, 10, 11, 20, 21, 22, 23, 24, 25, 26, 27, 28, 36, 37, 40, 49, 50, 57, 59, 63, 64, 65, 70, 86, 103 and 104;
- (e) Imputation 4(e): 1, 2, 3, 5, 9, 10, 11, 20, 21, 22, 23, 26, 27, 28, 29, 36, 37, 40, 49, 50, 57, 59, 63, 64, 65, 70, 86, 103 and 104.

Particulars of identification

- (a) the Applicant was a colleague of Ms Higgins who worked in the same office at Parliament House, a Liberal staffer, and was regarded as "a rising star" of the Liberal Party;
- (b) The Applicant had been drinking with Ms Brittany Higgins and other colleagues;
- (c) The Applicant returned to work in Parliament House on the following Monday, and had agreed to resign on the following Tuesday;
- (d) The Applicant was the person alleged by Ms Higgins to have sexually assaulted her;
- (e) Readers of the first matter complained of, or some of them, were aware of the matters set out in paragraphs (a) – (d) above;

- (f) By reason of the matters set out in paragraphs (a) – (e) above, the Applicant was identifiable and identified in the first matter complained of, and such identification was reasonable in the circumstances;
- (g) Further, and/or in the alternative to the above, the Applicant was identified by the following persons who read the first matter complained of at the time of its publication and reasonably identified the Applicant:
- (i) Commonwealth politicians, political assistants and staffers, journalists and other persons who worked at Parliament House Canberra;
 - (ii) Family, friends and acquaintances of the Applicant;
- (h) Further, and/or in the alternative to the above, the first matter complained of invited readers to speculate about the identity of the person accused by Ms Higgins of sexually assaulting her from the time of first publication, and such readers had already read and/or subsequently read social media posts and articles published on the Internet which named the Applicant as being the person accused by Ms Higgins of sexually assaulting her, including:
- (i) <https://kangarocourtofaustralia.com/2021/02/27/were-young-women-sexually-assaulted-when-bruce-lehrmann-the-alleged-parliament-house-rapist-was-an-official-at-the-anu-un-conference/>
 - (ii) <https://twitter.com/blakandblack/status/1363106005404549121?lang=en>
 - (iii) <https://blotreport.com/2021/02/17/did-morrison-almost-tell-the-truth/>
 - (iv) <https://twitter.com/PeterWMurphy1/status/1362759012719026177>
 - (v) <https://www.clownworldau.com/story/brittany-higgins/>
 - (vi) <https://twitter.com/peakhourimages/status/1363960533964128256?lang=en>
 - (vii) <https://www.clownworldau.com/story/bruce-lehrmann-david-sharaz/>
 - (viii) <https://www.youtube.com/watch?v=xqUjBWw1q9c>
 - (ix) <https://www.townsvillemagpie.com.au/unfriendly-fire-the-real-reason-behind-the-facebook-ban-morrisons-lip-service-to-stiffen-ruperts-business-end/> .

- (i) Since the Applicant was first publicly named by the mass media on or about 7 August 2021 and thereafter as being the person charged with sexually assaulting Ms Higgins (including the First Respondent in an article headed "*'Distressed' Brittany Higgins accused Bruce Lehrmann denies allegations*" published on August 2021 which contains an assertion that "*News.com.au broke the story on February 15, 2021*"), it has become a matter of notoriety to readers of the first matter complained of that it is the Applicant who is the person accused by Ms Higgins as having sexually assaulted her. Further, since 7 August 2021 the Respondents, at the same time as continuing to publish the first matter complained of, have repeatedly published articles which name the Applicant as the person accused of sexually assaulting Ms Higgins.

Second Matter Complained Of

- 5 On or about 15 February 2021 and thereafter, the Respondents published of and concerning the Applicant on the News website an article entitled "*Parliament House alleged rape: How Brittany Higgins horror night unfolded*" (**the second matter complained of**), a copy and/or transcript of which is set out in Annexure "B" hereto:
- (a) the second matter complained of was published by the First Respondent by uploading to and/or causing the uploading to, and thereby making the publication available and/or causing the publication to be made available for download to a large number of users of the News website in the Australian Capital Territory, and in the other States and Territory of Australia;
- (b) the second matter complained of was authored by the Second Respondent;
- (c) the News website is a mass media website which attracts tens of thousands of readers daily throughout Australia;
- (d) the second matter complained of was made available for download on 15 February 2021 and thereafter at the web address:
<https://www.news.com.au/national/politics/parliament-house-alleged-rape-how-brittany-higgins-horror-night-unfolded/news-story/c51454dbf5cb7da229957b0268e93d85>;
- (e) the second matter complained of was in fact downloaded and read in each State and Territory of Australia and, by reason of the large numbers of readers of the website, it is to be inferred that the second matter complained of was published

to a substantial number of readers in the Australian Capital Territory and in the other States and Territory of Australia;

- (f) further particulars of publication and republication (including grapevine effect) of the second matter complained of will be supplied following discovery and interrogatories.

6 The second matter complained of, in its natural and ordinary meaning, was defamatory of the Applicant and carried the following defamatory imputations of and concerning him:

- (a) *The Applicant raped Brittany Higgins in Defence Minister Linda Reynolds' office in 2019.*
- (b) *The Applicant signed Brittany Higgins, who was drunk and did not have her security pass, into Parliament House so he could rape her.*
- (c) *The Applicant continued to rape Brittany Higgins after she woke up and was crying.*
- (d) *After the Applicant finished raping Brittany Higgins, he left her on a couch half dressed.*

Particulars of parts of the second matter complained of

The Applicant relies on the whole of the second matter complained of as giving rise to each of the imputations pleaded. In particular, the Applicant relies on the following parts of the second matter complained of, adopting the paragraph numbering in Annexure "B":

- (a) Imputation 4(a): 1, 2, 17, 23, 24, 25, 47, 56, 57 and 58;
- (b) Imputation 4(b); , 2, 6, 7, 8, 10, 13, 14, 15, 17, 23, 24, 25, 47, 56, 57 and 58;
- (c) Imputation 4(c): , 2, 17, 23, 24, 25, 47, 56, 57 and 58;
- (d) Imputation 4(d): , 2, 17, 23, 24, 25, 47, 56, 57 and 58;
- (e) Imputation 4(e): , 2, 5, 17, 23, 24, 25, 28, 29, 47, 56, 57 and 58 .

Particulars of identification

- (a) The Applicant was a colleague of Ms Brittany Higgins who worked in the same office at Parliament House;
- (b) The Applicant had been drinking with Ms Higgins and other colleagues at a pub on the Kingston foreshore called The Dock and a bar called 88mph on the evening prior to the alleged sexual assault of Ms Higgins;
- (c) The Applicant was the person alleged by Ms Higgins to have sexually assaulted her;
- (d) Readers of the second matter complained of, or some of them, were aware of the matters set out in paragraphs (a) – (c) above;
- (e) By reason of the matters set out in paragraphs (a) – (d) above, the Applicant was identifiable and identified in the second matter complained of, and such identification was reasonable in the circumstances;
- (f) Further, and/or in the alternative to the above, the Applicant was identified by the following persons who read the second matter complained of at the time of its publication and reasonably identified the Applicant:
 - (i) Commonwealth politicians, political assistants and staffers, journalists and other persons who worked at Parliament House Canberra;
 - (ii) Family, friends and acquaintances of the Applicant;
- (g) Further, and/or in the alternative to the above, the second matter complained of invited readers to speculate about the identity of the person accused by Ms Higgins of sexually assaulting her from the time of first publication, and such readers had already read and/or subsequently read social media posts and articles published on the Internet which named the Applicant as being the person accused by Ms Higgins of sexually assaulting her, including:
 - (i) <https://kangarocourtsofaustralia.com/2021/02/27/were-young-women-sexually-assaulted-when-bruce-lehrmann-the-alleged-parliament-house-rapist-was-an-official-at-the-anu-un-conference/>
 - (ii) <https://twitter.com/blakandblack/status/1363106005404549121?lang=en>
 - (iii) <https://blotreport.com/2021/02/17/did-morrison-almost-tell-the-truth/>

- (iv) <https://twitter.com/PeterWMurphy1/status/1362759012719026177>
- (v) <https://www.clownworldau.com/story/brittany-higgins/>
- (vi) <https://twitter.com/peakhourimages/status/1363960533964128256?lang=en>
- (vii) <https://www.clownworldau.com/story/bruce-lehrmann-david-sharaz/>
- (viii) <https://www.youtube.com/watch?v=xqUjBWw1q9c>
- (ix) <https://www.townsvillemagpie.com.au/unfriendly-fire-the-real-reason-behind-the-facebook-ban-morrison-s-lip-service-to-stiffen-rupert-s-business-end/> .

- (h) Since the Applicant was first publicly named by the mass media on or about 7 August 2021 and thereafter as being the person charged with sexually assaulting Ms Higgins (including the First Respondent in an article headed "*Distressed' Brittany Higgins accused Bruce Lehrmann denies allegations*" published on August 2021 which contains an assertion that "*News.com.au broke the story on February 15, 2021*"), it has become a matter of notoriety to readers of the second matter complained of that it is the Applicant who is the person accused by Ms Higgins as having sexually assaulted her. Further, since 7 August 2021 the Respondents, at the same time as continuing to publish the second matter complained of, have repeatedly published articles which name the Applicant as the person accused of sexually assaulting Ms Higgins.

DAMAGES

- 7 By reason of publication of the matters complained of, the Applicant has been greatly injured in his personal and professional reputation and has been and will be brought into public disrepute, odium, ridicule and contempt.
- 8 The Applicant's hurt and harm occasioned by the publication of the matters complained of was aggravated by his knowledge of the following:
- (a) The Respondents were recklessly indifferent to the truth or falsity of the imputations carried by the matters complained of in publishing the assertions and allegations giving rise to the imputations without giving the Applicant an opportunity to respond;

- (b) The continued publication of the first and second matters complained of online during the period that the ACT criminal proceedings brought against the Applicant over the alleged sexual assault of Ms Higgins were taking place, in an apparent contemptuous attempt to prejudice the Jury before whom the proceedings were being heard as against the Applicant;
- (c) The evidence of Ms Brittany Higgins in the said ACT criminal proceedings to the effect that the Second Respondent was “fighting” with Ms Lisa Wilkinson of Channel Ten over exclusive publication of Ms Higgins’ claims of sexual assault for the purpose of winning a Walkley award, from which it is to be inferred that the Second Respondent was seeking to exploit the false allegations of sexual assault as made by Ms Higgins for her own personal and professional gain;
- (d) The continued publication of the first and second matters complained of online despite the Respondents being aware that the said ACT criminal proceedings in relation to the alleged assault of Ms Higgins had been dropped;
- (e) The continued publication of the first and second matters complained of online despite the Respondents being put on notice as to the defamatory nature of the matters complained of by way of letter from the Applicant’s solicitor dated 16 December 2022 addressed to the Editor-in-Chief of news.com.au and the Second Respondent ;
- (f) The encouragement by the First and Second Respondents for readers to read and/or share by social media the first and second matters complained of;
- (g) The conduct of the First and Second Respondents in presenting the publication of the matters complained of in an over-sensationalised manner indicating intent to injure the Applicant;
- (h) Further particulars of aggravated damages will be provided in due course.

Date: 7 February 2023

A handwritten signature in black ink, appearing to read 'Paul Svilans', positioned above a horizontal line.

Signed by Paul Svilans

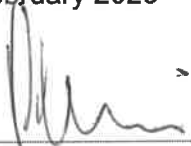
Lawyer for the Applicant

This pleading was prepared by Mark O'Brien and Paul Svilans, solicitors and Matthew Richardson SC and Steven Whybrow SC

Certificate of lawyer

I, Paul Svilans, certify to the Court that, in relation to the Statement of Claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 7 February 2023

A handwritten signature in black ink, appearing to read 'Paul Svilans', is written above a horizontal line.

Signed by Paul Svilans
Lawyer for the Applicant

① Young staffer Brittany Higgins says she was raped at Parliament House

② A young Liberal Party staffer alleges she was raped at Parliament House and claims she felt forced to choose between reporting it to the police or keeping her job.



[Samantha Maiden](#)

@samanthamaiden
10 min read
February 15, 2021 - 8:00AM

③ A Liberal Party staffer has alleged she was raped at Parliament House in Defence Minister Linda Reynolds' ministerial office by a colleague, and claims she felt forced to choose between reporting it to the police or keeping her job.

④ In explosive allegations detailing the Morrison Government's handling of the incident, media adviser Brittany Higgins has told news.com.au that she spent the last two years "internalising the trauma".

⑤ She has also revealed that she was brought to a formal employment meeting about the incident in the room where she was allegedly raped — [a decision the Morrison Government has now accepted was an error by the then Defence Industry Minister Linda Reynolds](#).

⑥ Ms Higgins was just 24 at the time of the incident and only months into her "dream job" of working at parliament.

⑦ She said the horror night quickly emerged as a crisis to be managed by her successive chiefs of staff, cabinet ministers and even staff in the Prime Minister's office.

8



9

Brittany Higgins claims she was raped by a colleague in Parliament House.

10

The alleged sexual assault occurred in the early hours of March 23, 2019, just weeks before Prime Minister Scott Morrison called the election on April 10, 2019.

11

After a night of drinking with colleagues, Ms Higgins alleges she was assaulted in her own office by another Liberal staffer who she says was regarded as a "rising star" in the party.

12

She remembers the man buying "lots of rounds of drinks" at the event before it was suggested he lived in the same direction and his taxi could drop her home on the way.

13

Instead, he took her to Parliament House.

14

"I didn't have a pass. I was in a cocktail dress," she said.

15

"At that point I was very intoxicated. I thought, 'Well, I am well and truly done. I need to go.' And so there were only four of us left. We were going the same way."

16

Ms Higgins said she was so affected by alcohol and did not have her security pass that the Liberal staffer needed to sign her in with security officers.

17

From that moment, CCTV vision tracked the pair's every move in Parliament House towards Senator Reynolds' office.

Jan 2019 Mar 2019 May 2019 Jul 2019 Sep 2019 Nov 2019 Jan 2020 Mar 2020 May 2020 Jul 2020 Sep 2020 Nov 2020 Jan 2021 Mar 2021 Mar 3, 2019

Mar 3, 2019

(18)

Brittany Higgins officially employed by Defence Industry Minister Linda Reynolds

(19)

After arriving at the office, Ms Higgins said she remembers sitting on a window ledge that overlooked the Prime Minister's courtyard.

(20)

She began to feel unwell and lay down on the couch. It was then she woke up to the Liberal staffer having sex with her.

(21)

"All of sudden he was on top of me and I physically couldn't get him off of me," she said.

(22)

"I woke up mid-rape. I told him to stop. I was crying. He wasn't even looking at me. It felt like I was sort of a body that was there. It didn't feel like it was anything about me."

(23)

Ms Higgins said it felt like there was pressure on her leg during the alleged assault, and has photographs of a bruise on her leg that she says was from that pressure.

(24)



(25)

Brittany Higgins took this photograph of her bruised leg while in the Parliament House bathroom.

(26)

"The first thing I remember was being in pain. My leg was being crushed."

(27)

Ms Higgins said the man who was having sex with her did not speak to her during the incident.

(28)

"And I was crying. And then it was just happening. I couldn't get him off and I couldn't stop it. I remember just being stuck inside my body. As it was happening," she said.

29

She says the man got up, leaving her on the couch in a state of undress with her cocktail dress “up around my waist” and left the building.

30

The next morning, Ms Higgins said she was discovered by a parliamentary security guard.

31

“I was in shock,” she said.

32

She was still wearing the cocktail dress she had been wearing the night before and tried to slip out of the building to an Uber.

33

But the security guards and the Australian Federal Police stationed at Parliament House had noticed the young woman.

34



35

Brittany Higgins has made explosive allegations detailing the Morrison Government’s handling of the incident.

36

When she returned to work on the Monday she ran into the Liberal staffer she said assaulted her but he did not make eye contact. He never contacted her or spoke to her again.

37

"I didn't process, 'You had sex, You didn't consent. You were crying'," she told news.com.au.

38

"It's kind of like the impact of a car crash and the whole world goes fuzzy. I felt like that whole day I just wasn't connected to what I was doing."

39

Within days of the incident, the Department of Finance reported to Senator Reynolds' office that Ms Higgins had been found half-dressed in the office after entering the building on the Friday night, a matter that was regarded as a serious security breach in an office that contains highly classified information.

40

The office was also informed that an ambulance had been offered to Ms Higgins. But at that stage Senator Reynolds' office said they still did not regard it as a potential sexual assault.

41



42

Brittany Higgins with Scott Morrison.

43



44

Brittany Higgins and Linda Reynolds at a Liberal Party event.

45

On the Tuesday, Ms Higgins was brought to a formal employment meeting about the security breach from her acting chief of staff, a senior Coalition staffer who now works in Prime Minister Scott Morrison's office.

46

Ms Higgins learned from the chief of staff that the Liberal staffer who had signed her into parliament that night, had agreed to resign that day, on the spot.

47

This related purely to the security breach and being in the office after hours.

48

"She sat me down. She said, 'I know there was an incident that occurred on the weekend.' She said she knew it occurred after hours. The tone of it was like a disciplinary meeting. I knew I was about to be in trouble. She had a copy of the code of conduct," Ms Higgins said.

49

It was in a second meeting that the chief of staff says Ms Higgins disclosed an alleged assault.

50

"I said that he was on top of me. I think for the longest time I was really weird about actually saying it was rape. I don't know why. I was very delicate about it. I think from our exchange she understood the inference," Ms Higgins told news.com.au.

51

Despite reporting the incident to the Australian Federal Police within days of it occurring, Ms Higgins ultimately chose not to make a formal complaint, a decision she said was driven by her desire at the time to protect the Liberal party and her "dream job" on the eve of the election.

52

"It was just about my job. If it had happened on a street corner away from parliament there was no doubt in my mind. Of course. Of course," Ms Higgins said.

53



54

Brittany Higgins and Linda Reynolds at a work function.

55



56

Brittany, pictured with Julie Bishop, said she was in her 'dream job'.

57

By the Friday, Senator Reynolds' chief of staff had outlined her concerns it was an alleged sexual assault to the Department of Finance and received advice on whether or not they should go to police themselves. The advice suggested this should be left in Ms Higgins control.

58

It also included a checklist of things that needed to be done such as offering to expand the number of EAP sessions Ms Higgins could access — something Ms Higgins insists never happened.

59

The advice also suggests that the chief of staff and Senator Reynolds had repeatedly encouraged her to go to police, something that did not occur until several days later.

60

Senator Reynolds' chief of staff contacted Ms Higgins to set up an opportunity to discuss the matter in her office. This meeting was conducted in the room where Ms Higgins says she was raped.

61

A spokesman for the Morrison Government conceded this was a mistake.

62

"The Government takes all matters of workplace safety very seriously. No one should feel unsafe in a workplace," a spokesman said.

63

"On Tuesday, March 26, senior staff in Minister Reynolds' office became aware of an incident that occurred in the Minister's office outside of work hours. This incident involved two staff. It was initially treated as a breach of the Statement of Standards for Ministerial Staff.

64

"After further consultation with one of the staff members over the following days, it became clear to senior staff that there were elements of the incident that may be of a more serious nature.

65

"The staff member was notified that should they choose to, they were able to pursue a complaint, including a complaint made to the police, and that to do so was within their rights. They were informed that they would be assisted and supported through that process.

66

"During this process, the Minister and a senior staff member met with the staff member in the Minister's office. Given the seriousness of the incident, the meeting should have been conducted elsewhere."

67

"The Minister encouraged the staff member to speak with the police in order to assess the options available to them. At this meeting, the staff member indicated they would like to speak to the Australian Federal Police, which the Minister supported and the office facilitated."

68



69

Brittany Higgins on her first day at work at Parliament House.

70

During the meeting, Ms Higgins says that Senator Reynolds expressed her horror at what had happened but also wanted to be clear whether she intended to go to the police or not.

71

"Standard lines. She said 'I felt physically ill,' All that sort of thing. And then it kind of turned to, 'As women, this is something we go through,'" Ms Higgins said.

72 "She said, 'If you choose to go to the police we will support you in that process, but we just need to know ahead of time. We need to know now'."

73 Ms Higgins had worked for Senator Reynolds for all of four weeks.

74 "So she didn't know me. I was just this sudden problem for her. That's what I felt like.

75 "I felt like they were ticking a box. That they had to have this conversation with me in order to say on the record 'We told her she could go to the police'."

76 Senator Reynolds is based in Perth as a WA Senator and the option was to essentially work out of Western Australia for the duration of the election.

77 "But as soon as Linda Reynolds had that meeting, she never brought it up with me again. And then everyone else (in the office) just started kind of going, 'Well, you can go to the Gold Coast? You can go home. You can take a payout and go home or you can come with us to WA'," Ms Higgins said.

78



79 Brittany moved to Michaelia Cash's office after the election.

80



81

Brittany with Employment Minister Michaelia Cash.

82

With an election looming the pressure was building to make a decision. Ms Higgins said she felt those decisions were to go back to the Gold Coast where they would continue to pay her until the election or stay and keep her job.

83

"And I asked them. I said, 'Well if I got to the Gold Coast, opposition or we win, what happens then?' They said, 'You won't come back'.

84

"You just don't question it. Everyone is kind of broadly your boss. You know how easy it is to get rid of you."

85

After the election, Ms Higgins went to work for Employment Minister Michaelia Cash who also learned of the incident after concerns a journalist had lodged questions about the incident.

86

Despite several meetings over this and how to handle it, Senator Cash says she never knew it was a sexual assault until recently.

87

"The Minister and chief of staff (COS) were not aware of any alleged staff incident occurring in Ms Higgins' previous employment," a spokesman for Senator Cash said.

88

"In October 2019, a journalist made a media inquiry that involved Ms Higgins and her previous employment.

(82)

"The Minister and COS said that they would respect Ms Higgins wishes for privacy but if she needed anything she should come to them. The COS and Ms Higgins discussed the Employee Assistance Program and Ms Higgins confirmed she accessed it."

(83)

Ms Higgins has confirmed to news.com.au that she never accessed it.

(84)

At the end of January this year, Ms Higgins advised the Morrison Government she could no longer deal with the emotional fallout from the alleged assault and she wished to resign and leave Canberra.

(85)

Dear Daniel,

Please accept this letter as a formal notice of my resignation from my position as Assistant Media Adviser to the Minister for Employment, Skills, Small and Family Business.

Due to ongoing matters pertaining to my role in the former Minister for Defence Industry's office I believe it is appropriate to resign at this time. Thank-you for the opportunity to work in this position since the 2019 federal election.

I'll help as much as possible in the transition including moving all of the media releases, speeches, photos and other items to the office share drive.

Sincerely,

Brittany Higgins

(83)

Brittany Higgins resignation letter dated January 29.

(84)

"Both the Minister and COS advised that they wished for Ms Higgins to stay on in her role as she was good at it and they would do whatever they could to support her including relocating her job to Queensland, if she wished. Ms Higgins was grateful for the offer but declined," Senator Cash's spokesman said.

(85)

Ms Higgins said she hoped telling her story would drive change in the parliamentary work culture.

(86)

"I was ashamed before. I kind of internalised it," she said. "I felt like I wanted to leave parliament. It's not a place I want to stay."

(87)

"I don't think what happened to be is remarkable. It happens all the time. It is devastating and soul destroying and I think about it everyday but the only thing that I know made people care about it was where it happened and who it was connected to. They didn't care about me. They cared about the party."

(88)

The ACT Police have revealed they have an "open" investigation into an alleged rape in Defence Minister Linda Reynold's office.

(99) Despite the decision of Liberal staffer Brittany Higgins not to pursue the matter after Prime Minister Scott Morrison called the 2019 election, police say the investigation can be reopened at any time.

(100) "Policing received a report in April 2019 in relation to an alleged assault at Parliament House. ACT Policing investigators subsequently spoke to the complainant who chose not to proceed with making a formal complaint," a spokeswoman said.

(101) "ACT Policing's investigation remains open but did not progress at that time as a result. As part of initial enquiries, ACT Policing also liaised with Department of Parliamentary Services.

(102) "Victims always have a say in how far a police investigation goes, can determine that a matter not proceed to prosecution, and can withdraw from the process at any time. It is not uncommon for an investigation to halt, not proceed to prosecution, or to be recommenced at a later time, at the request of a victim.

(103) "ACT Policing has continued to engage with the victim throughout the investigation and also provided details of support services such as Canberra Rape Crisis Centre. If the victim wishes to proceed, ACT Policing will assess the case and make a decision about whether there is sufficient evidence. This is done in accordance with the ACT Director of Public Prosecutions guidelines and often in consultation with the Office of the ACT Director of Public Prosecutions."

(104) If you or someone you know is experiencing sexual abuse or family violence contact:

- National Sexual Assault, Domestic Violence Counselling Service 24-hour helpline **1800 RESPECT** on **1800 737 732**
- 24-hour Emergency Accommodation helpline on **1800 800 588**
- Safe At Home helpline on **1800 633 937**
- National Violence and Abuse Trauma Counselling and Recovery Service on **1800 FULLSTOP (1800 385 578)**. They also have a specific line for the LGBTIQ+ community called the Rainbow Sexual, Domestic and Family Violence Helpline on **1800 497 212**
- SHE (free and confidential counselling and support) on **6278 9090**
- Sexual Assault Support Services on **6231 1811**, or after hours **6231 1817**
- Family Violence Crisis and Support Service on **1800 608 122**
- Bravehearts – Sexual Assault Support for Children on **1800 BRAVE 1**

- Kids Helpline is for young people aged 5 to 25 on **1800 551 800**

Don't go it alone. Please reach out for help by contacting Lifeline on **13 11 14**

- Men who have anger, relationship or parenting issues, should contact the Men's Referral Service on **1300 766 491** or the Don't Become That Man helpline on **1300 243 413**

"B"

① Parliament House alleged rape: How Brittany Higgins' horror night unfolded

② Brittany Higgins alleges she was raped at Parliament House by a Liberal colleague. This is how her horror night unfolded.



[Samantha Maiden](#)

@samanthamaiden

5 min read

February 15, 2021 - 10:04PM

This is a modal window.

Video not found

This video was not found

③ **Trigger warning: This article contains information which may be triggering to some readers**

④ **A security guard patrolling Parliament House in the early hours of Saturday morning found her.**

⑤ **Half dressed, [Brittany Higgins had been left on the couch of the Defence Minister Linda Reynolds' ministerial suite by a man she barely knew and only as a colleague.](#)**

⑥ **It had been his suggestion to come past Parliament House to pick up something after a long night of drinking with colleagues.**

⑦ **They had started at a pub on the Kingston foreshore called The Dock. A smaller group had ended up at a bar called 88mph. He had kept buying rounds and she realised she was very drunk. So drunk, she had fallen over and been helped up by the Liberal staffer.**

⑧ **"At that point I was very intoxicated. I thought, 'Well, I am well and truly done. I need to go,'" she said. "And so there were only four of us left. We were going the same way."**

⑨ **With hindsight, Ms Higgins thought his suggestion they go past Parliament House on the way home was odd.**

⑩ **"He wanted to stop by Parliament for some reason. I was really drunk and I thought it was weird I guess," she said.**

- ⑪ Even after midnight, the ministerial entrance is a blaze of bright lights and security guards.
- ⑫ "It sounds so stupid. But you just think, this is Parliament, this is work. There are security guards everywhere. And you just naturally assume it's OK.
- ⑬ "I remember getting into the cab and I remember him shushing me at the security guards because I was super drunk. He had to get me through security so he was just like 'Shh, you need to be quiet'."
- ⑭ She had no parliamentary security pass. Why would she? She had never planned to end up back at work on a Friday night.
- ⑮ She could barely sign her own name. He signed her in. Shortly afterwards, they were walking through the deserted ministerial wing where every move is tracked by CCTV and monitored 24 hours a day by security guards and the Australian Federal Police.

⑯



⑰

Brittany alleges she was raped at Parliament House by a colleague.

18



19

Brittany claims she felt she had to choose between going to the police and keeping her job.

20

RELATED: [Shock decision after alleged rape in Parliament House](#)

21

Then, she remembers being in her own office — Senator Reynolds' ministerial suite — where she had worked for just a few weeks.

22

"I remember sitting on the ledge for a little while. These little window ledges that face into the Prime Minister's courtyard. And then I remember feeling very tired."

23

She decided to lie down on the couch. When she woke up, he was on top of her.

24

"All of sudden he was on top of me and I physically couldn't get him off of me," she told news.com.au.

25

"And I was crying. And then it was just happening. I couldn't get him off and I couldn't stop it. I remember just being stuck inside my body. As it was happening.

(26)

"And then the next day it was morning and I remember a security guard yelling into the office. And that is sort of all I have."

(27)

The security guard had been coming in intermittently to try and yell out and wake her up.

(28)

The Department of Finance would later inform Senator Reynolds' chief of staff that Ms Higgins was found undressed and was offered medical assistance or an ambulance which she declined. Ms Higgins does not recall this.

(29)

"I had half my dress on. It was a lady who called in. They just sort of yelled into the front office. I was in the ministerial suite, on the couch.

(30)

"I think I just yelled out, 'I'm fine!'. It was just that instant panic thing. It was protectionist mode."

(31)

She was still wearing the cocktail dress she had been wearing the night before.

(32)

Senator Reynolds had left a bag of old Carla Zampatti jackets and coats on the desk she planned to give to charity.

(33)

Ms Higgins tried to find something that would cover up what she was wearing and let her slip out of the building relatively unnoticed and into an Uber. She still has the receipt.

(34)

"So I left. I pulled myself together," she said.

(35)

But the security guards and the Australian Federal Police stationed at Parliament House had definitely noticed her.

(36)

It had already been escalated up the command chain of those watching the building.

(37)

"Fundamentally, things had already moved beyond the point that they could not involve the police. There was a trigger mechanism because there was a security breach," she said.

(38)

"And then when that security breach was reported it went to the AFP. There's an AFP unit in Parliament House."

39



- 40 Brittany Higgins was just 24 years old when she was allegedly raped.
- 41 Much later, a Defence Department staffer seconded into Senator Reynolds office disclosed to her that she had been discovered in a routine check of the office.
- 42 "He said that someone had 'found me' at one point during the night," she said
- 43 "Because they do these checks to find out if confidential material has been left out. They do these 'breaches'. At one point during the night I was found and they didn't know what to do."
- 44 The next day was Monday. On autopilot, she returned to Parliament House. It wasn't long before she ran into her alleged attacker.
- 45 "Yes. We didn't talk. We didn't look at each other," she said.
- 46 "It was obviously very tense. But I still was in that shocked space. The first thing I was immediately stressed about was if I was pregnant.
- 47 "I didn't process 'You had sex, You didn't consent. You were crying'. So I was just really concerned: 'Am I pregnant? Am I going to lose my job?'
- 48 "It's kind of like the impact of a car crash and the whole world goes fuzzy. I felt like that whole day I just wasn't connected to what I was doing."

49



50

Brittany Higgins on her first day at work at Parliament House

51

Ms Higgins did speak to the Australian Federal Police and her chief of staff in the days that followed.

52

But she ultimately asked the police to halt the investigation on Saturday, April 13, just two days after the Prime Minister called the election.

53

"It's just not the right decision for me personally, especially in light of my workplace demands," she wrote.

54

ACT Policing confirm they received a report in April 2019 in relation to an alleged assault at Parliament House.

55

The ACT Policing's investigation remains open but did not progress at that time as a result.

56

"Victims always have a say in how far a police investigation goes, can determine that a matter not proceed to prosecution, and can withdraw from the process at any time," a spokeswoman said.

57

"It is not uncommon for an investigation to halt, not proceed to prosecution, or to be recommenced at a later time, at the request of a victim."



If you or someone you know is experiencing sexual abuse or family violence contact:

- National Sexual Assault, Domestic Violence Counselling Service 24-hour helpline **1800 RESPECT** on **1800 737 732**
- 24-hour Emergency Accommodation helpline on **1800 800 588**
- Safe At Home helpline on **1800 633 937**
- National Violence and Abuse Trauma Counselling and Recovery Service on **1800 FULLSTOP (1800 385 578)**. They also have a specific line for the LGBTIQ+ community called the Rainbow Sexual, Domestic and Family Violence Helpline on **1800 497 212**
- SHE (free and confidential counselling and support) on **6278 9090**
- Sexual Assault Support Services on **6231 1811**, or after hours **6231 1817**
- Family Violence Crisis and Support Service on **1800 608 122**
- Bravehearts – Sexual Assault Support for Children on **1800 BRAVE 1**
- Kids Helpline is for young people aged 5 to 25 on **1800 551 800**

Don't go it alone. Please reach out for help by contacting **Lifeline** on **13 11 14**

- Men who have anger, relationship or parenting issues, should contact the **Men's Referral Service** on **1300 766 491** or the **Don't Become That Man** helpline on **1300 243 413**

NOTICE OF FILING

Details of Filing

Document Lodged: Statement of Claim - Form 17 - Rule 8.06(1)(a)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 7/02/2023 3:41:12 PM AEDT
Date Accepted for Filing: 7/02/2023 4:31:18 PM AEDT
File Number: NSD104/2023
File Title: BRUCE LEHRMANN v NEWS LIFE MEDIA PTY LTD & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.