

The Saturday Paper
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New details of the alleged sexual assault of Brittany Higgins continue to emerge, as calls grow for an independent inquiry into Attorney-General Christian Porter over a separate rape allegation.

Time lines will tell

Karen Middleton
is *The Saturday Paper's* chief political
correspondent.

The ministerial office in which former Liberal staffer Brittany Higgins was allegedly raped in 2019 was due to be cleaned the following day but was cleaned immediately by special order, *The Saturday Paper* has learnt.

The Department of Parliamentary Services (DPS) has confirmed the office of minister Linda Reynolds was due to be cleaned on Sunday, March 23, 2019, but the cleaning was brought forward at the request of the Department of Finance.

That request, which Finance has also confirmed, followed what has been described as a "security breach" involving after-hours entry to the office by two of Reynolds' staff, Higgins and the male staffer she has accused of sexual assault.

Details of the sequence of events around the Higgins case continue to emerge as allegations of sexual assault plague the Morrison government, with two ministers absent from parliament on stress leave related to alleged incidents.

Higgins revealed last month that she and a more senior male colleague had gone to Reynolds' office, where they both worked, late on Friday, March 22, 2019, after a night out.

The pair were authorised to enter but did not have keys with them, so a security guard let them in. Inebriated, Higgins says she passed out on the minister's couch, where she alleges her colleague raped her.

A female security guard checked on Higgins after the man was seen leaving the building alone. The young staffer was found

unconscious and partially undressed.

Guards checked on her during the night before she woke and left about 10am on Saturday, March 23. The guards reported the office entry to the DPS, which reported it to Finance, the department that oversees administration in the ministerial wing.

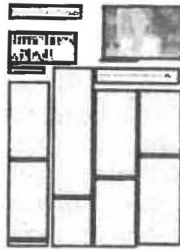
More information has now emerged about what followed. Finance confirms it ordered an "additional clean" of then Defence Industry minister Reynolds' office on the Saturday, after learning of the after-hours access. The department also notified the office of the then special minister of state, Alex Hawke.

"Finance advised the then Special Minister of State's (SMOS) office that there had been a potential security breach involving after-hours access because the SMOS has shared responsibility with the Presiding Officers regarding the control and management of the Ministerial Wing of Parliament House," the department said in response to *The Saturday Paper's* questions.

"At that time, Finance had no information suggesting that an alleged assault may have occurred in the office."

The department confirmed it "requested an additional clean of the office to take place that weekend".

"Finance fully co-operated with subsequent police enquiries regarding the after-hours access of Minister Reynolds' office and the subsequent clean," the department said. Finance said Hawke's office did not have any role in ordering the additional cleaning



and directed questions about the regular cleaning schedule to DPS. DPS confirmed its cleaners conducted "a routine office clean" late on that Saturday afternoon at Finance's request.

"This was not a 'steam clean' as some media outlets have incorrectly reported," it said. "Any questions in regard to the reason for the request for the cleaning should be directed to the Department of Finance."

What has not been disclosed until now is that the office was due to be cleaned before staff returned to work anyway but that this was brought forward.

Finance insists it knew nothing of the alleged assault when it ordered the extra cleaning. But it declined to say why it decided urgent cleaning was required.

Police are now investigating Higgins' allegation, and there are several other inquiries under way into parliamentary culture, workplace arrangements and complaint-handling processes, the most significant and far-reaching being led by Sex Discrimination Commissioner Kate Jenkins.

Prime Minister Scott Morrison is refusing calls for an independent inquiry into a separate and unrelated 33-year-old rape allegation against Attorney-General Christian Porter.

Porter denies the allegation and has taken mental health leave. Reynolds, his West Australian colleague, is also on health leave after pressure over how she handled the Higgins allegations exacerbated an existing condition.

Public anger over the handling of both sets of allegations has sparked a national debate about sexual assault and the attitudes that contribute to it, with women planning protest rallies at Parliament House and around the country next week.

Higgins says she felt she would be risking her job if she reported the alleged assault. She only formalised her rape allegation with police in February this year, after she left the government's employ.

Commissioner Jenkins will now examine whether anything about the political culture and employment arrangements fosters harassment, bullying or worse.

The head of the prime minister's department, Phil Gaetjens, is examining any communications involving the prime minister's office in relation to the Higgins allegation and one of his deputies, Stephanie Foster, is reviewing the wider processes around reporting such incidents.

But none of the inquiries will focus on the specific sequence of events involving other ministerial offices or departmental

officials after Higgins' alleged attack.

Morrison has said he was not made aware of the allegation until the day it became public, and that his staff were notified only three days earlier via questions from a journalist. Home Affairs Minister Peter Dutton was notified a day before Morrison's staff, when police told him that Higgins intended to make a formal statement. It seems none of them, including Reynolds and Employment Minister Michaelia Cash, who later employed Higgins, told the prime minister.

Morrison also insists he was unaware of the historical rape allegation levelled at Christian Porter, which became public last week.

The prime minister says he'd heard "rumours" involving "a member" of parliament prior to the ABC's Louise Milligan reporting a rape allegation against an unnamed cabinet minister on Friday,

February 26. But Morrison says he did not know to whom they referred nor any details, and did not seek to find out. The allegation that someone who was now a cabinet minister had raped a then 16-year-old girl in Sydney in early 1988 has been graphically outlined in the weeks since.

On Wednesday, March 3, Porter held a news conference in Perth, revealing himself to be the minister accused, denying the allegations and declaring he was "just a boy" of 17 at the time. He has been on leave since.

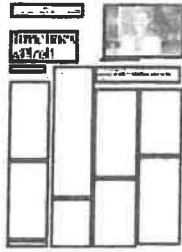
This week, Porter's leave was extended to cover next week's parliamentary sitting. Reynolds will also miss next week and the week after, during which she was due to appear before senate estimates hearings to face questions on the Higgins issue and portfolio matters. Porter says he will neither quit nor stand aside.

Calls continue for an independent inquiry to determine whether he is a fit and proper person to continue to serve as the nation's first law officer.

Former solicitor-general Justin Gleeson - who quit that post in 2016 after a clash with Porter's predecessor George Brandis - said this week that the government should have asked the current solicitor-general, as the country's second law officer, whether a legally proper inquiry could be held.

Morrison has declined to do so and endorsed Porter staying in his role.

"He's a fine attorney-general and a fine minister for Industrial Relations, and he is an innocent man under our law," Morrison said on Wednesday. "And to suggest that there should be some different treatment applied to



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him, based on what have been allegations that the police have closed the matter on – I think that would be grossly inappropriate ... There's no basis for doing that at law at all."

Gleeson said it could be "a circuit-breaker". "This matter should have been referred directly to the second law officer, the solicitor-general, who could have provided advice on a couple of key legal questions," Gleeson told the ABC.

"The key one of those questions would have been: is the material sufficiently credible to justify an executive inquiry being instituted? Can that occur consistently with our constitution and our rule of law? And, if so, what form might that inquiry take?"

Police have determined they cannot proceed with a criminal investigation into the allegation against Porter because the woman who made it died last year.

What is uncontested is that the sequence of events that led to the allegations being levelled publicly against Porter are tragic. In February last year, a 49-year-old woman contacted the New South Wales Police Force to allege Porter had raped her at the World Universities' Debating Championship in the early hours of January 10, 1988, when she was 16.

Police had planned to fly to Adelaide, where she lived, to interview her in March last year, but the Covid-19 pandemic prevented it. They confirm they had contact with her at least five more times over the following three months but had not been able to take a sworn statement.

In May, the woman checked herself into a treatment facility in Melbourne, having battled mental illness for some years. Returning to Adelaide she entered two weeks' home quarantine on June 19. On June 23, she emailed the NSW Police Force and told them she no longer wanted to proceed with her complaint. She cut her hair in the style she had worn at the time of the alleged offence and the next day, on June 24, she took her own life.

After taking legal advice in the wake of her death, NSW Police then closed their investigation, codenamed Operation Wyndarra, saying without a living complainant who could be cross-examined, or any sworn statement, there was too little admissible evidence to prosecute.

The woman's allegations had swirled as rumours in political circles late last year.

They emerged publicly in the wake of the Higgins allegations, when unidentified friends sent a copy of her detailed unsworn statement with a lengthy covering letter to several federal parliamentarians including

Prime Minister Morrison. Morrison says he forwarded the dossier to police without reading it and that he still has not read it.

Christian Porter also said at last week's news conference that nobody had shown him the dossier nor put allegations directly to him prior to them being made public – an assertion that has been disputed.

In a detailed written statement prepared in February last year, the woman alleged that at the tournament in Sydney in January 1988, she attended a dinner with fellow member of the national debating team Christian Porter.

She alleged they went out afterwards to Kings Cross and he walked her back to her room. Her statement alleged Porter forced her to perform oral sex on him, washed her, put her to bed and then raped her anally.

Porter says: "It did not happen."

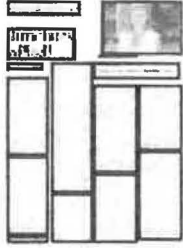
He said some of the woman's recollections may be correct – that she may have ironed a shirt for him during the tournament, they may have gone out and he may have walked her home. Initially, he said he had not seen her since the 1988 tournament.

When her friends challenged that recollection, he said through a spokesman that it was "not impossible" he had seen her again.

But Porter remains firm in his denial of the woman's core allegation.

"Just imagine for a second that it is not true," he pleaded with journalists at his press conference last week.

Unless the South Australian coroner decides to pursue an investigation into the woman's death – and even if he does – neither that assertion nor the accusation she levelled against him can ever be proved beyond reasonable doubt. ●



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Brittany Higgins at Parliament House. Supplied