

AUSTRALIAN CAPITAL TERRITORY
BOARD OF INQUIRY
CRIMINAL JUSTICE SYSTEM

In the matter of the *Inquiries Act 1991*
Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023
Board of Inquiry into the Criminal Justice System in the Australian Capital Territory

STATEMENT OF ERIN GRACE PRIESTLY

I, Erin Grace Priestly, of 20-22 London Circuit Canberra City, state as follows:

The following statement is provided in response to the subpoena (No. 2023/5/0044) I received from the Board of Inquiry into the Criminal Justice System in the Australian Capital Territory requiring me to give information in a written statement regarding my knowledge of matters set out in the Schedule attached to that subpoena. Attached and marked '**Exhibit 1**' is a copy of the relevant subpoena.

Meeting on 27 April 2022

1. My file note of the meeting on 27 April 2022 is attached at '**Exhibit 2**'.
2. To the best of my recollection, I did not receive any documents in the meeting on 27 April 2022. I understood the documents that were discussed to be internal AFP documents that included individual officers' assessment of the strengths and/or weaknesses of the case, as this was how they were described by Senior Constable Emma Frizzell. Further, based on what we were told at the meeting, I understood the documents did not introduce any new material – that is, the evidence going to the strengths and/or weaknesses of the case was already contained within the brief of evidence as disclosed.

Email to Senior Constable Frizzell dated 27 April 2022

3. Shortly after the meeting, Ms Skye Jerome and I consulted Mr Shane Drumgold (**the DPP**) regarding matters raised in the meeting. This was a verbal discussion that took place in the DPP's office. The question of whether to disclose the documents or to, instead, place them on the disclosure certificate was raised. Either myself or Ms Jerome (I cannot recall who) relayed the description of the documents, as advised during the meeting, and that they did not introduce any new material. I recall the DPP was of the view the documents were not relevant and he did not wish for them to be disclosed. This conversation was noted briefly at the end of my file note (see '**Exhibit 2**').

ERIN GRACE PRIESTLY

Witness

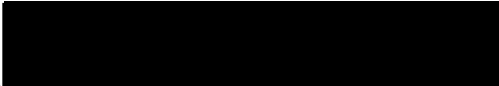
4. I communicated the DPP's position to Senior Constable Frizzell via email (see 'Exhibit 3').
5. I do not recall if I was directed to request that the documents be added to the disclosure certificate, or if I made this request on my own volition.

Meeting on 16 June 2022

6. My file note of the meeting on 16 June is attached at 'Exhibit 4'.
7. From the best of my recollection, the AFP had requested this meeting to discuss both the disclosure request from defence, which came through the ODPP, and a subpoena defence had issued to the AFP. I do not recall the entirety of what documents the subpoena sought, but do recall that it included communications between Ms Brittany Higgins and her legal representative and the AFP.
8. In relation to my reference to 'investigative review documents' in my file note, my understanding of what these documents were was informed by the documents discussed when the meeting turned to this topic. Namely, these were: the request for DPP advice and the attached spreadsheet with a summary of AFP obligations, the tactical investigative review, and the AFP media plan.
9. I do not recall that AFP Legal identified any further documents. I also do not recall AFP Legal specifically explaining what constituted the 'investigative review documents' beyond speaking about the specific documents mentioned above.
10. I recall that AFP Legal suggested that the documents be sent to the DPP for his review and consideration.

Email from Ms Stephanie McKenzie dated 20 June 2022

11. I believe that this was the first time that the documents were provided to me. I did not read the attachments at the time, rather I forwarded the email to the DPP later that night with Ms Jerome copied in (see 'Exhibit 5'). Ms Jerome and the DPP responded to that email with their views (see 'Exhibit 5' and 'Exhibit 6').


ERIN GRACE PRIESTLY
Witness

Response to Ms McKenzie dated 21 June 2022

- 12. I do not recall having any in-person conversations with the DPP between receiving Ms McKenzie’s email on 20 June 2021 and receiving the DPP’s response.
- 13. My response to Ms McKenzie was communicating the DPP and Ms Jerome’s views (see ‘Exhibit 7’).

AFFIRMED before me at Canberra in the Australian Capital Territory on 1 June 2023.


ERIN GRACE PRIESTLY


Signature of witness

Solicitor, Canberra
LISA QUILTY


ERIN GRACE PRIESTLY


Witness

AUSTRALIAN CAPITAL TERRITORY

BOARD OF INQUIRY
CRIMINAL JUSTICE SYSTEM

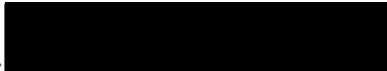
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INDEX TO EXHIBITS

No.	Description
1.	Notice 2023/S/00 – subpoena to provide written statement
2.	File note dated 27 April 2022
3.	Email chain between Ms Priestly and Senior Constable Frizzell dated 27 April 2022
4.	File note dated 16 June 2022
5.	Email chain between Ms Priestly, Ms Jerome and Mr Drumgold dated 20 – 21 June 2022
6.	Email chain between Ms Priestly, Ms Jerome and Mr Drumgold dated 20 – 21 June 2022
7.	Email chain between Ms Priestly and Ms McKenzie dated 20 – 21 June 2022



ERIN GRACE PRIESTLY



Witness