

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 KATIE CANTWELL

I, KATIE CANTWELL, of [REDACTED], state as follows:

1. The following statement is provided in response to the subpoena 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 KC-0** is a copy of the relevant subpoena.

A. Background and qualifications

2. I am the Executive Officer within the ACT Office of the Director of Public Prosecutions ('ODPP'), a role I have held since March 2015. The position entails a wide range of duties, including those listed in the attached job description (**Exhibit KC-1**).
3. I was originally employed in the office as the Executive Assistant to the Director. My duties were similar to what they are now, simply more administrative. I then applied for and was successful in obtaining the role of Executive Officer.
4. As per my CV (**Exhibit KC-2**), I obtained my year 12 certificate from Hawker College in 2004 and have undertaken various other courses. More recently I obtained a Diploma of Legal Services from the College for Law Education and Training.
5. Prior to December 2022, I estimate I dealt with approximately 63 FOI matters.
6. My involvement in the FOI process with the ODPP is purely in a coordination capacity. Most, if not all, of FOI requests to the ODPP come via email to a dedicated email address: foiactoddp@act.gov.au. I manage the ODPP FOI inbox and when an FOI request arrives, I look over the request and ensure it is relating to a matter in which we have dealt with. I then forward the request through to our Chief Crown Prosecutor, Anthony Williamson SC, to look over the application and make the decision on access. Depending on timeframes, I generally send the applicant a letter acknowledging receipt of the request

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and outline the timeframe in which the office will respond with a final decision. Once Mr Williamson has made his decision regarding the request, I occasionally detail this in the decision letter if Mr Williamson has not done so himself, otherwise Mr Williamson will write the decision letter and hand everything back to me for processing. I will then record the details on our FOI Register spreadsheet and arrange for the letter to be emailed and/or postage of any documents being released. The Executive team had made a decision in April 2022 that our Policy Officer, Ms Verity Griffin, would also be available to make decisions on access for FOI requests, however, I do not believe any FOI requests have been given to her to manage as yet.

- 7. As I have not been involved in the decision on releasing documents and I purely coordinate the requests and responses, I do not have a great understanding of the considerations and obligations required prior to release.
- 8. I do not recall attending any training regarding FOI process during my employment at the ODPP or otherwise.
- 9. I attach the unredacted letter provided to Mr Knaus on Wednesday 7 December (**Exhibit KC-3**).

B. FOI request from Ms Elizabeth Lee

- 10. On Monday 5 December 2022 I was on scheduled leave and was not in the office. I monitored my emails sporadically and received an email from our Office Manager with an FOI from Ms Elizabeth Lee. I sent an email back regarding what process would be followed (**Exhibit KC-4**).
- 11. I returned to the office on Tuesday 6 December. The Director, Mr Shane Drumgold SC, sent an email that morning attaching some documents and requested that I release these to Ms Lee.
- 12. I clarified the next day, on Wednesday 7 December, if he wanted the documents assessed for release, or, if he wanted them to be released as is. He confirmed that he wanted them to be released as is (this email exchange is at **Exhibit KC-5**).

C. FOI request from Mr Christopher Knaus

- 13. On Wednesday 7 December 2022, I checked the FOI inbox and found an FOI request from Mr Christopher Knaus (**Exhibits KC-6, KC-7 and KC-8**). I forwarded the request to the Director asking what he would like done with this FOI (**Exhibit KC-9**). I did this because I considered the Director was the only person who would have had any correspondence within the scope of this request. The Director

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responded attaching the letter he had written to the Chief Police Officer on 1 November 2022 (Exhibit KC-3).

D. Responses to Lee, Knaus FOI requests

14. I left the office on the afternoon of Wednesday 7 December to attend a personal appointment. While I was at the appointment, the Director phoned me to confirm whether I had sent out responses to both Ms Lee and to Mr Knaus. I informed him over the phone that I had not, but that I had my laptop with me and that I would send out the response to Ms Lee that evening. I asked him if he wanted me to send the CPO letter to Mr Knaus, to which he said yes.
15. That evening I proceeded to prepare and send out the FOI response to Ms Lee, which was sent at 6.46pm.
16. I then sent a further email to the Director to clarify that he wanted me to send the CPO letter (Exhibit KC-3) to Mr Knaus, to which he responded that he was happy for it to go out (Exhibit KC-10).
17. I then prepared and sent the FOI decision letter and the letter to be released to Mr Knaus at 6.57pm (Exhibits KC-11, KC-12 and KC-3).
18. I did not attempt to consult with any of the persons named in the letter prior to its release as I was acting under the direction of the Director to release the letter, which was on the same evening that I became aware of the FOI application.
19. On the evening of Wednesday 7 December 2022, once I had sent the unredacted version of the letter to Mr Knaus, I received an email from him seeking clarification on whether or not this would be placed on the disclosure log (this exchange is at Exhibit KC-13). I then emailed the Director and asked him to assess this (this exchange is at Exhibit KC-14).

E. Updating disclosure logs

20. I was again on scheduled leave on Thursday 8 December 2022, and was scheduled to work from home on Friday 9 December 2022. On the afternoon of Thursday 8 December 2022, I received an email from the Director asking me to task the disclosure log as my first priority as there have been two recent FOIs (this exchange is at Exhibit KC-15). I then received a further email shortly after this asking me to hold off until I had spoken with JACS regarding the potential redactions prior to putting the document on the disclosure log (Exhibit KC-16).

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21. The next morning, I discussed the process of uploading these documents to the disclosure log with Ms Lauren [REDACTED] over the phone and emailed the Director with notes of this discussion (Exhibits KC-17 and KC-18).
22. I redacted the documents and sent them to Mr Cam [REDACTED] (our IT Manager) for uploading to the disclosure log (Exhibits KC-19 to KC-23).
23. I then emailed Mr Knaus with a redacted version of the letter (Exhibit KC-24 and KC-23).
24. I exchanged further emails regarding the process of uploading the documents to the disclosure log (Exhibits KC-25 to KC-30).
25. Late in the afternoon on Thursday 8 December 2022, I received an email via the FOI inbox from Mr Peter [REDACTED] from the AFP, seeking clarification on why the AFP had not been consulted prior to the release of the letter under FOI to Mr Knaus. I saw this email on the morning of Friday 9 December 2022 and forwarded it through to Mr Williamson for direction. Mr Williamson suggested we do not respond (Exhibit KC-31).
26. I mistakenly used the date of 19 December 2022 rather than 12 December 2022 several times when I was referring to the disclosure log, I corrected myself in an email to Mr Cam [REDACTED] (Exhibit KC-30).
27. I refer to the FOI process with Ms Lee throughout my statement as the two applications came in around the same time and I dealt with several aspects of the applications at the same time.

Affirmed before me at Canberra in the Australian Capital Territory on



Katie Cantwell



Signature of witness

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Ian Denham