

ACTFOI

From: David [REDACTED]
Sent: Friday, 9 December 2022 12:15 PM
To: Iain [REDACTED]; Penny [REDACTED]; Abby [REDACTED]
Cc: Erin [REDACTED]; Patrick [REDACTED]; Min [REDACTED]; ACTFOI
Subject: FW: DPP FOI in Lehrmann matter [SEC=OFFICIAL:Sensitive]

Importance: High

OFFICIAL: Sensitive

Iain
Penny

FOR INFO

Per below, we've received a complaint of the kind anticipated in today's media reporting re the police union's criticism of the ACT DPP's decision to release under FOI its letter to ACT Police concerning the Lehrmann trial (see [Bruce Lehrmann case: police union condemns 'smears' against investigators and backs calls for judicial inquiry | Australia news | The Guardian](#)).

Under s.64(1)(g) of the ACT FOI Act, one of the ACT Ombudsman's functions is investigating complaints made under s.69 of the ACT FOI Act. I think we would take this as a complaint under s.69 of the ACT FOI Act. Erin's ACT FOI team will work with Patrick's team on investigation of the complaint.

This info is relevant to our response to today's Crikey's media inquiry (which I understand will come to you for clearance, if it hasn't already via @Abby [REDACTED] and team). I don't think we'd usually comment publicly on an individual complaint, but I thought you should at least be aware we've received one.

David
[REDACTED]

From: Patrick [REDACTED] <[REDACTED]@ombudsman.gov.au>
Sent: Friday, 9 December 2022 12:00 PM
To: David [REDACTED] <[REDACTED]@ombudsman.gov.au>
Subject: RE: DPP FOI in Lehrmann matter

Further information has come through on the complaint which was not seen before. The complaint **IS** infact from the AFPA. Please see details below:

Given name
: Troy

Middle name (if any)
:

Family name
: [REDACTED]

Have you been known by another name?

: No

This information may help us gather information about your complaint from other agencies

Date of birth

: [REDACTED]

Current address

: [REDACTED]

Suburb / Town

: Barton

State

: Australian Capital Territory

Postcode

: 2600

Phone number

: [REDACTED]

Email address

: [REDACTED]@afpa.org.au

From: Patrick [REDACTED]
Sent: Friday, 9 December 2022 11:53 AM
To: David [REDACTED] <[REDACTED]@ombudsman.gov.au>
Subject: DPP FOI in Lehrmann matter

Hi David,

Please see below complaint webform received from an anonymous complainant.

Details of the complaint

The ACT Director of Public Prosecutions recently released an FOI to The Guardian (journalist Chris Knaus) that contained material relating to the Bruce Lehrmann trial. The article can be found via: <https://www.theguardian.com/australia-news/2022/dec/08/bruce-lehrmann-trial-brittany-higgins-dpp-director-public-prosecution-shane-drumgold-act-police> The FOI that The Guardian received did not redact any names and personal details of ACT Policing members, nor was ACT Policing consulted on the information released by the ACT DPP. I would appear that the FOI didn't undergo a diligent FOI process.

Desired outcome

That the Director of Public Prosecutions and DPP staff received remedial training on FOI procedures and make a public acknowledgement that they breached FOI guidelines.

Consent to transfer

Yes

Staff actions

Name of agency being complained about

Director of Public Prosecutions

Have you complained to the agency

No

Special reasons why you have not

Yes. The FOI process has already commenced, and the information has already been provided to the community and media. The DPP can't retract the information that they shouldn't have released under FOI guidelines, and they didn't undertake the appropriate consultation.

Whether the complainant identifies as Indigenous

No

There is a disability to be mindful of

No

Thanks,
Pat

Patrick [REDACTED]
Director, ACT & Commonwealth Investigations
Investigations Branch

COMMONWEALTH OMBUDSMAN

P: [REDACTED]
M: [REDACTED]
W: ombudsman.gov.au



The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present