



Our ref. 23000715

27 March 2023

Solicitor Assisting the Board of Inquiry
ACT Board of Inquiry into Criminal Justice System

By email: BOI.notices@inquiry.act.gov.au

Dear Office of the Solicitor Assisting

**R v Lehrmann – ACT Board of Inquiry – Voluntary production of documents –
Fourth tranche**

1. We refer to the subpoena served on 6 February 2023 and our previous correspondence about the AFP's voluntary cooperation with the Inquiry, notwithstanding the Commonwealth's position that it is not subject to the compulsory powers set out in the *Inquiries Act 1991* (ACT).

Voluntary production of requested documents

2. We **enclose** documents comprising the fourth tranche of documents from the AFP, along with a list of documents now produced. This tranche relates to categories 1 3, 8 and 9 of the 6 February subpoena. The zip file password is agsLTS3000

Personal information

3. In the previous three production tranches, we applied redactions to the contact details of AFP members, consistent with the AFP's usual approach in responding to subpoenas and other document disclosure processes. As we noted in our letter of 28 February 2023, this is based on real concern and experience that publication of individual employee details may lead to their being inappropriately contacted.
4. To minimise delay, we have generally not applied redactions to personal information in this fourth tranche of voluntary production. Please note some redactions to personal information have been applied inconsistently throughout the documents. This has occurred as the redactions were applied before we determined we would, in the interests of time, proceed to produce the documents without the application of these redactions. To avoid any further delays in production, we have not removed these redactions at this time
5. In the event the Board intends to remove the non-publication order, we respectfully request an opportunity to review the documents to identify any redactions to personal information that may be required. **We would be grateful for the Board's indication of its agreement to that step.**

Material relevant to other investigations

6. In this tranche, we have applied redactions to material which is relevant only to other AFP investigations – that is, outside the Board’s terms of reference. Those investigations may be ongoing or otherwise sensitive.
7. Before any publication of the documents occurs, we respectfully request that the AFP be granted another opportunity to perform a further comprehensive sweep to redact that information accordingly. **We would again be grateful for the Board’s indication of its agreement to that step.**

Material provided by Department of Parliamentary Services

8. In our letter dated 28 February 2023, we advised that we had withheld material responsive to category 1 of the 6 February subpoena that had been provided by the Department of Parliamentary Services to the AFP for the purpose of criminal investigations only.
9. The Department of Parliamentary Services has consented to release that material to you. That material is included in this fourth tranche.

Material the AFP is unable to voluntarily disclose

10. A small amount of the information gathered during the investigation was obtained under legislation authorising the collection and use of information via warrants and other means, and which limit the further use and disclosure of that information to limited prescribed circumstances. The relevant legislative prohibitions include provisions located in the *Telecommunications (Interception and Access) Act 1979* (Cth), the *Crimes Act 1914* (Cth), the *Crimes Act 1900* (ACT), *National Health Act 1951* (Cth), the *Health Insurance Act 1973* (Cth) and the *Taxation Administration Act 1953* (Cth), among others. The AFP considers that such information cannot be disclosed to the Board. We have withheld or, where appropriate redacted, information obtained under these Acts. The **enclosed** document list indicates which documents are redacted under the ‘legislative restriction’ coding.
11. The AFP also considers that certain information provided to it by consent from Ms Higgins for the limited purpose of use in the investigation cannot be provided to the Board voluntarily under s 60A(2)(f). This includes Ms Higgins’ iCloud records and Ms Higgins’ counselling records which have been redacted as personal information.

There are pre-existing redactions in some documents

12. A small number of the documents have pre-existing redactions which were rendered onto the documents before the documents were identified and reviewed for the purposes of this Inquiry. These redactions cannot be removed as they exist in the native form of the documents.

13. Please do not hesitate to contact me if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Giugni', with a stylized flourish at the end.

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