

Subpoena Number: 2023/S/0035

Sections 18(c), 26(1) and 26(3) of the *Inquiries Act 1991*

SUBPOENA TO PROVIDE A WRITTEN STATEMENT

To: Anthony Williamson SC

Of: ACT Office of the Director of Public Prosecutions
Reserve Bank Building
20-22 London Circuit
CANBERRA CITY ACT 2601

I, WALTER SOFRONOFF KC, Chairperson of the Board of Inquiry established by the Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023 (NI2023-49)¹ dated 1 February 2023 require you to give a written statement to the Board of Inquiry pursuant to sections 18(c), 26(1)(b) and 26(3)(b) of the *Inquiries Act 1991* in regard to your knowledge of the matters set out in the Schedule annexed hereto.

YOU MUST COMPLY WITH THIS REQUIREMENT BY:


Giving a written statement signed and witnessed in accordance with section 7 of the *Oaths and Affirmations Act 1984* (ACT) to the Board of Inquiry on or before **5:00 pm AEST on 28 April 2023**, by delivering it to Nara House, 3 Constitution Avenue, Canberra City ACT 2601.

A copy of the written statement must also be provided electronically by email at BOI.Notices@inquiry.act.gov.au with the subject line "Requirement for Written Statement".

If you believe that you have a reasonable excuse for not complying with this notice, you will need to satisfy me of this by the above date.

Failure to comply with this notice without lawful excuse is a Contempt of Board and you may be dealt with accordingly.

Date: 21 April 2023



Walter Sofronoff KC
Chairperson
Board of Inquiry

¹ The terms of reference of the Board of Inquiry, contained in NI2023-49 dated 1 February 2023 are set out as **Annexure A** to this subpoena.

Notes

Informal service

1. Even if this notice has not been served personally on you, you must, nevertheless, comply with its requirements, if you have actual knowledge of the notice and its requirements.

Where the addressee is a corporation or agency

2. If this notice is addressed to a corporation or agency, the corporation or agency must comply with the notice by its appropriate person or proper officer.

Objections

3. If you object to a document or thing produced in response to this notice being inspected by a party to the proceeding or anyone else, you must tell the Board of Inquiry about your objection and the grounds of your objection either orally on the return date for this notice or in writing before or after the return date.

Production of copy instead of original

4. If the notice requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
5. The copy of the document may be—
 - (a) a photocopy; or
 - (b) in PDF format; or
 - (c) in any other electronic form that the issuing party has indicated will be acceptable.

Contempt of Board of Inquiry

6. A person commits an offence if the person does something in the face, or within the hearing, of a board that would be contempt of court if the board were a court of record (see *Inquiries Act 1991*, s 36 (**Contempt of Board**)).
7. Failure to comply with a subpoena without lawful excuse is a Contempt of Board and may be dealt with accordingly.
8. Failure to comply with a subpoena may also be a criminal offence (see *Criminal Code*, s 719 (Failing to attend) and s 720 (Failing to produce document or other thing)).

Protections

9. Where a person is required to produce a document (or other thing) or answer a question to the Board of Inquiry, that person is not able to rely on the common law privileges against self-incrimination and exposure to the imposition of a civil penalty to refuse to produce the document or other thing or answer the question (see *Inquiries Act 1991*, s 19 (Privileges against self-incrimination and exposure to civil penalty)).
10. However, anything obtained because of the producing of the document or other thing, or the answering of the question, is not admissible in evidence against that person in a civil or criminal proceeding, except for an offence relating to the falsity or misleading nature of the document or other thing or answer, and for an offence against chapter 7 of the *Criminal Code* (see *Inquiries Act 1991*, s 19 (Privileges against self-incrimination and exposure to civil penalty)).

ANNEXURE A
Terms of Reference

1. The Board will inquire into:
 - (a) Whether any police officers failed to act in accordance with their duties or acted in breach of their duties:
 - (i) in their conduct of the investigation of the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann;
 - (ii) in their dealings with the Director of Public Prosecutions in relation to his duty to decide whether to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann in relation to those allegations;
 - (iii) in their dealings with the legal representatives for Mr Lehrmann before, during or after the trial in the matter of *R v Lehrmann*;
 - (iv) in their provision of information to any persons in relation to the matter of *R v Lehrmann*.
 - (b) If any police officers so acted, their reasons and motives for their actions.
 - (c) Whether the Director of Public Prosecutions failed to act in accordance with his duties or acted in breach of his duties in making his decisions to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann.
 - (d) If the Director of Public Prosecutions so acted, his reasons and motives for his actions.
 - (e) The circumstances around, and decisions which led to the public release of the ACT Director of Public Prosecutions' letter to the Chief Police Officer of ACT Policing dated 1 November 2022.
 - (f) Whether the Victims of Crime Commissioner acted in accordance with the relevant statutory framework in terms of support provided to the complainant in the matter of *R v Lehrmann*.
 - (g) Any matter reasonably incidental to any of the above matters.
2. The Board will report to the Chief Minister by 30 June 2023.

Subpoena 2023/S/0035**Schedule of Questions for Statement****Mr Anthony Williamson SC****Background and Professional History**

1. State your current position at the ODPP. In your answer, outline your role and your day-to-day responsibilities.

Attach your formal job description.

2. In chronological order, outline all previous positions you have held within the ODPP and the day-to-day responsibilities for those roles.

3. In chronological order, outline your tertiary and diploma qualifications, if any, including when and where you obtained them.

Attach a copy of your up-to-date curriculum vitae.

The Freedom of Information (FOI) framework in the ACT

4. State the number of FOI requests to the ODPP that you had dealt with before and after December 2022.

5. Detail your involvement in the procedure that is followed when an FOI request is submitted to the ODPP. If the procedure has changed, identify how it has changed, when the change/s occurred and why the change/s occurred.

6. Detail your understanding of the considerations and obligations which apply before a decision is made to release, or not, information in response to an FOI request made to the DPP. In your answer:

- (a) identify what policies, guidelines and legislative provisions you have regard to when considering and processing an FOI application;

- (b) if your understanding of the applicable considerations and obligations has changed, identify how it has changed, when it changed and why it /s occurred.

Attach any relevant ODPP policy or guideline relevant to the release of information under FOI laws.

7. In chronological order, detail any training you have received, whether during your employment at the ODPP or otherwise, about the operation of the FOI framework in the

ACT and its application by the ODPP.

Release of the unredacted version of the DPP's letter to CPO Neil Gaughan, dated 1 November 2022, to The Guardian ("the letter")

8. State when, and how, you first became aware that Mr Christopher Knaus had submitted an FOI request to the ODPP seeking the release of the letter.
9. Detail in chronological order:
 - (a) your dealings, if any, that were in relation to the release of the letter pursuant to the FOI request;
 - (b) your conversations and communications with others, if any, regarding the release of the letter pursuant to the FOI request.

In your response to this question, **address** any conversation or communication you had with persons including Mr Shane Drumgold SC, Ms Katie Cantwell, Ms Verity Griffin and Mr Christopher Knaus before and after the release of the letter.

Attach all documents, e-mails, text messages, file notes, diary notes, calendar appointments or other communications which are pertinent to any aspect of your response to this question.

10. Detail the consultation you undertook or attempted, or directed to be undertaken or attempted, with respect to any individual named in the letter. If you did not undertake or attempt any such consultation, or direct the same to occur, explain why not.

Other

11. Outline any other matters you wish to raise with respect to the Terms of Reference of the Board of Inquiry.



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

AUTHORISATIONS AND DELEGATIONS

I, **Neville Shane Drumgold, Director of Public Prosecutions, hereby –**

1. **Revoke** all previous authorisations and delegations.
2. **Authorise** under section 7(2)(b) of the *Director of Public Prosecutions Act 1990*:
 - (a) any person from time to time occupying a position specified in the First Schedule; and
 - (b) each of the persons named in the Second Schedule; and
 - (c) each of the persons named in the Third Schedule;to sign indictments for and on behalf of the Director of Public Prosecutions.
3. **Authorise**:
 - (a) any person from time to time occupying a position specified in the First Schedule; and
 - (b) each of the persons named in the Third Schedule;to sign for and on behalf of the Director of Public Prosecutions lists of additional offences referred to in section 56 of the *Crimes (Sentencing) Act 2005*.

4. **Delegate** under section 17 of the *Director of Public Prosecutions Act 1990* to any person from time to time occupying a position specified in the First Schedule the functions of the Director of Public Prosecutions –
- (a) under sections 6(1)(h) and 16A(3)(a) of that Act – to make applications for review under the *Magistrates Court Act 1930*, section 219C;
 - (b) under sections 6(1)(i) and 16A(3)(b) of that Act – to cause the proceedings mentioned in it to be brought to an end;
 - (c) under sections 6(1)(j), and 16(3)(c) of that Act – to institute and respond to appeals;
 - (d) under section 6(1)(k) of that Act – in respect of the *Crimes (Sentence Administration) Act 2005*;
 - (e) under section 6(1)(n) of that Act – in respect of –
 - (i) the *Administrative Decisions (Judicial Review) Act 1989*; and
 - (ii) section 37S of the *Supreme Court Act 1933*; and
 - (iii) the *Freedom of Information Act 1989*; and
 - (iv) the *Confiscation of Criminal Assets Act 2003*;
 - (f) under section 7(6) of that Act – to decline to proceed further in the prosecution of a person who is under commitment or has been indicted for an indictable offence;
 - (g) under section 7(7) of that Act - to sign warrants directing the discharge of persons from custody;
 - (h) under section 8 of that Act – to take over the conduct of general proceedings instituted by another person (other than the Attorney-General); and
 - (i) under sections 6(1)(a)-(c) of the Act – to provide consent to the commencement of a proceeding for an offence as required by:
 - (i) section 66B of the *Crimes Act 1900*; and
 - (ii) section 439 of the *Crimes Act 1900*; and
 - (iii) section 48 of the *Criminal Code 2002*; and
 - (iv) section 334 of the *Criminal Code 2002*; and
 - (v) section 726 of the *Criminal Code 2002*.

DATED this 11th day of April 2022



.....
Neville Shane Drumgold SC
Director of Public Prosecutions

FIRST SCHEDULE

Deputy Director

SECOND SCHEDULE



THIRD SCHEDULE



Director's Instruction No. 14.1

Review of a decision to discontinue a prosecution

Background

Under applicable instructions,¹ a decision to discontinue a prosecution or significantly amend a statement of facts must not be taken without first consulting the complainant (with child complainants, this includes the parent or guardian).

In relation to matters involving an identifiable victim, such consultations should take place unless there are compelling reasons not to do so.

It must be recognised that a decision to discontinue in particular a sexual offence is a matter of potentially great moment for a complainant. Specific rules apply therefore for discontinuing an entire proceeding involving an identifiable victim (as to which, see Director's Instruction 14.2 - Reviewable Decisions to Discontinue – Contact with Complainants, Review Processes and Auditing).

Procedure for review of a decision to discontinue

¹ Director's Instruction No. 1: Discontinuing Prosecutions and significantly amending Statements of Facts in the Supreme Court; and
Director's Instruction No. 2 - Causing prosecutions to be brought to an end and significantly amending statements of facts in the Magistrates Court.

In such cases, if a decision to discontinue is in prospect, the prosecutor must not only consult the complainant but also advise the complainant that if they are dissatisfied with a decision to discontinue a matter, they can ask that the decision be **reviewed** by the DPP.

The procedure is:

- The prosecutor consults the complainant and records their views.
- If the complainant is opposed to the discontinuation of the matter, the prosecutor is to inform the complainant that, if a decision is made to discontinue, they may ask that the decision be reconsidered by the DPP.
- The prosecutor prepares a recommendation on discontinuance to the Deputy Director or Assistant Director, which sets out all material matters including the views of the complainant.
- If a decision is made to discontinue the matter, then a record of the decision and the reason for it is made.
- If a complainant has indicated dissatisfaction with the decision, then the matter will be reviewed by the Director (this may be an automatic review or a review at request: see Director's Instruction 14.2 - Reviewable Decisions to Discontinue – Contact with Complainants, Review Processes and Auditing).
- In reviewing the decision, the Director will take into account the views of the complainant, the reason for the decision and any other material matters that are relevant including any matters relevant from the brief of evidence.

Audit of compliance

A record must be taken of each of the steps in the process on the Record of Reviewable Decisions form (RORD). At the completion of each financial year a RORD audit will be conducted in relation to each matter discontinued in that year, to establish whether the procedure set out in this instruction has been complied with.

The audit will be undertaken by an audit committee appointed by the Director. The results of the audit will be published in the annual report of the Director for the year in question.



Director's Instruction No. 14.2 Reviewable Decisions to Discontinue Contact with Complainants, Review Processes and Auditing

SUMMARY OF RORD AND REVIEW PROCESS

1. The Record of Reviewable Decision (RORD) process in relation to discontinuing certain matters has materially changed from that contained in the previous version of this Director's Instruction (dated 16/11/2021). It introduces the concept of category 1, 2 and category 3 reviewable matters. In summary:
 - a. **In relation to a category 1 reviewable matter** – where the prosecutor with carriage is considering discontinuing the matter, in the first instance they are to prepare a Record of Decision for the relevant supervising lawyer. The supervising lawyer will be the final decision maker UNLESS the complainant requests a review of the decision.¹ If such a request is made, only at that point will a RORD then be prepared for the relevant Deputy Director who will become the final decision maker. The Director, in the exercise of his discretion, may decide to review the matter however this course is not available as a 'right'.
 - b. **In relation to a category 2 reviewable matter** – A RORD must be completed for the relevant Deputy Director. The Deputy Director will be the final decision maker UNLESS a review is *requested* by the complainant, at which point the Director will become the final decision maker.
 - c. **In relation to a category 3 reviewable matter** – in all circumstances a RORD must be prepared for the relevant Deputy Director, whose decision will then *automatically* be reviewed by the Director who will be the final decision maker.

¹ The Deputy Director may decide to review the matter in the exercise of their discretion. This will not happen in the ordinary course.

A) BACKGROUND

2. The purpose of this Instruction is to ensure compliance with recommendations 40-43 of the Royal Commission into Institutional Responses to Child Sexual Abuse (*Criminal Justice Report*, Parts III to VI, 2017):

DPP complaints and oversight mechanisms

40. Each Australian Director of Public Prosecutions should:
 - a. have comprehensive written policies for decision-making and consultation with victims and police;
 - b. publish all policies online and ensure that they are publicly available; and
 - c. provide a right for complainants to seek written reasons for key decisions, without detracting from an opportunity to discuss reasons in person before written reasons are provided.
 41. Each Australian Director of Public Prosecutions should establish a robust and effective formalised complaints mechanism to allow victims to seek internal merits review of key decisions.
 42. Each Australian Director of Public Prosecutions should establish robust and effective internal audit processes to audit their compliance with policies for decision-making and consultation with victims and police.
 43. Each Australian Director of Public Prosecutions should publish the existence of their complaints mechanism and internal audit processes and data on their use and outcomes online and in their annual reports.
3. It must be recognised that the ACT DPP prosecutes all criminal offences alleged to have been committed against Territory laws. The ‘three category’ system is to recognise that a significant number of category 1 offences would not ordinarily be prosecuted by other Directors of Public Prosecutions, who tend to focus on category 2 and 3 offences.
 4. It must be recognised that a decision to discontinue in particular a sexual offence is a matter of potentially great moment for a complainant. Specific rules therefore apply for discontinuing an offence with an identifiable complainant.

Related documents and Director’s Instructions

5. This Instruction should also be read in line with:
 - **Decisions to Discontinue Prosecutions – Victims’ Right of Review Director’s Guideline** (published on ACT DPP website);
 - **The ACT DPP Prosecution Policy 2021;**
 - **Director’s Instruction No. 1:** Discontinuing prosecutions and significantly amending Statements of Facts in the Supreme Court;

- **Director's Instruction No. 2:** Causing prosecutions to be brought to an end and significantly amending statements of facts in the Magistrates Court and Children's Court;
- **Director's Instruction No.7:** Charge negotiations in the Supreme Court;
- **Director's Instruction No. 13:** Guidelines for contact with complainants in sexual offence matters;
- **Director's Instruction No.14.1:** Review of a decisions to discontinue a prosecution;
- **Internal RORD Audit Form;** and
- **Template:** email to complainant re right of review.

B) APPLICATION

6. This Instruction outlines the procedure to be followed in relation to the making of a reviewable decision.
7. A **reviewable decision** means a 'category 1 reviewable decision', a 'category 2 reviewable decision', or a 'category 3 reviewable decision'², to discontinue the entirety of a prosecution involving an identifiable complainant. This includes:
 - a decision to withdraw all charges or discontinue proceedings involving the complainant (including by filing a Notice Declining to Proceed Further in a Prosecution); and
 - a decision to offer no evidence (NETO) in proceedings involving the complainant.
8. A reviewable decision does not include:
 - a decision to significantly amend a Statement of Facts;
 - a decision to reduce a charge/s to less serious charge/s, or to a fewer number of charges, in satisfaction of an indictment or information.
9. A reviewable decision does not include a decision not to bring proceedings involving a complainant. However, where the Office has provided an opinion to an investigative agency that no charge/s are to be laid in a matter, that opinion is a reviewable decision subject to the agency requesting a review in its own right, or on behalf of a complainant.
10. For the purposes of this Instruction, a **complainant** is a complainant in a prosecution conducted by the DPP, and also includes a close family member or partner of a deceased person in homicide cases. Where appropriate the views of a child complainant should be sought directly, however if not appropriate, a parent or guardian of a child complainant.
11. After a reviewable decision has been made, there are two types of review process available:

² Category 1, 2 and 3 reviewable decisions are defined in the table at paragraph [13] of this Instruction.

- review at request; or
 - automatic review.
12. A decision that is subject to **automatic review** means that the decision will be reviewed without requiring the complainant to request a review. A decision that is subject to **review at request** will be reviewed only when a request for review is made by the complainant, in accordance with this procedure.
13. The type of review process available depends on the charge for which the prosecution will be discontinued. If a decision is made to discontinue the entirety of a prosecution where there is more than one charge, the review process available will be the one which applies to the most serious charge.

Type of prosecution	Type of review available
Homicide offence ³	Category 3 reviewable decision <ul style="list-style-type: none"> • Primary decision Deputy Director • Automatic review to Director
Sexual offence ⁴	
Serious violent offence ⁵	
Nominated offences <u>Crimes Act 1900 Offences:</u> <ul style="list-style-type: none"> • Culpable Driving of motor vehicle: s 29(4); (5) • Causing Grievous bodily harm: s 25 • Threat to inflict grievous bodily harm: s 31 • Abduction of young persons: s 37 • Driving motor vehicle at police: s 29A <u>Criminal Code 2002 Offences:</u> <ul style="list-style-type: none"> • Arson • Other property related offences with value over \$10,000 in value (excluding take / driving / riding cars) • Conspiracy Any Commonwealth charge involving a complainant Any decision based on public interest grounds ⁶	Category 2 reviewable decision <ul style="list-style-type: none"> • Primary decision Deputy Director • Review at request (to Director)

³ Homicide offences are: murder, contrary to section 12 of the *Crimes Act*; manslaughter, contrary to section 15 of the *Crimes Act*; culpable driving causing death, contrary to section 29(2) or (3) of the *Crimes Act*; and negligent driving causing death, contrary to section 6(1)(a) of the *Road Transport (Safety and Traffic Management) Act 1999*.

⁴ See definition at 41 of the *Evidence (Miscellaneous Provisions) Act 1991*.

⁵ See definition at 40 of the *Evidence (Miscellaneous Provisions) Act 1991*.

⁶ Bear in mind, as per paragraphs [7] – [8] of this instruction, that a decision is only a ‘reviewable decision’ if it involves discounting all charges. A decision to accept a negotiated plea outcomes to lesser charges on public interest grounds is not a reviewable decision, and is thus not subject to this Instruction.

All other less serious violent offence ⁷ that is not a category 2 or 3 reviewable decision	Category 1 reviewable decision <ul style="list-style-type: none"> • Primary decision Supervising Lawyer • Review at request (to Deputy Director)
Any other offence against an identifiable complainant named in the information that is not a category 2 or 3 reviewable decision	

C) RECOMMENDING A DISCONTINUANCE

Category 1 reviewable decision

14. A prosecutor with carriage of a matter may consider that a category 1 reviewable decision should be made. This can be at the prosecutor's own initiative, following defence representations, or a request by the complainant.
15. The prosecutor should prepare a **Record of Decision / Record of Reviewable Decision** minute for their supervising lawyer detailing the recommendation that the matter be discontinued, and the reason for doing so against the background of the *ACT DPP Prosecution Policy 2001*.
16. At this point, the prosecutor should contact the complainant to ascertain the complainant's views unless there are compelling reasons not to do so. If there are compelling reasons not to contact the complainant, these should be documented in the RORD.
17. Contact with the complainant may be made through the Witness Liaison Officer or the informant. A file note should be created and saved in Folder 22 on CASES, documenting contact with the complainant and recording their views. If the complainant is unable to be contacted, reasonable attempts at contacting them must be documented in the file note.
18. The prosecutor should not only consult the complainant, but also advise them that if they are dissatisfied with a decision to discontinue a matter they can ask that the decision be reconsidered by the DPP. The views of the informant and complainant should be included in the minute. If they were not contacted, the reason for this should be included in the minute.
19. The prosecutor should save all supporting documentation for the minute into Folder 22 on CASES.
20. The prosecutor should send the minute to their supervising lawyer, or -
 - a. For FV offences – FV supervising lawyer;
 - b. For sexual offences – SO supervising lawyer.
21. The supervising lawyer should then record on the **Record of Decision / Record of Reviewable Decision (ROD/RORD)** minute whether the matter should proceed or be discontinued, and provide reasons. The **ROD/RORD** minute should then be saved in Folder 22 on CASES.
22. If the decision is to proceed, the prosecutor must advise the informant and the complainant.

⁷ See definition at 39 of the *Evidence (Miscellaneous Provisions) Act 1991*.

23. If the decision is to discontinue, the prosecutor must advise the informant and the complainant of the decision. First contact with the complainant should be made by phone, and a file note should be made of this conversation. The prosecutor should explain to the complainant the reasons for the decision, as well as the right to seek a review. When giving reasons for the decision, the prosecutor should be mindful that the decision may be overturned on review. The prosecutor should ensure that any reasons given would not interfere with the conduct of a future trial, if it were to proceed.
24. Immediately after advising the complainant by phone, the prosecutor should send a follow-up email to the complainant. This email should set out the decision, the right to seek an internal review, how to apply for a review and how the review process works, including the right to seek written and oral reasons following review.
25. The file should be marked **SUBJECT TO REVIEW** on the front cover, and kept until the end of the review period. As far as possible, the prosecutor should refrain from communicating the decision to discontinue to the court or defence until the complainant has positively communicated that they will not request a review, or **7 days** have elapsed since the decision was communicated to the complainant.

Category 2 and 3 reviewable decisions

26. A prosecutor with carriage of a matter may consider that a category 2 or 3 reviewable decision should be made. This can be at the prosecutor's own initiative, following defence representations, or a request by the complainant.
27. The prosecutor should prepare a **Record of Decision / Record of Reviewable Decision (ROD/RORD)** for their supervising lawyer detailing the recommendation that the matter be discontinued, and the reason for doing so against the background of the *ACT DPP Prosecution Policy 2021*.
28. At this point, the prosecutor should contact the complainant to ascertain the complainant's views unless there are compelling reasons not to do so. If there are compelling reasons not to contact the complainant, these should be documented in the RORD.
29. Contact with the complainant may be made through the Witness Liaison Officer or the informant. A file note should be created and saved in Folder 22 on CASES, documenting contact with the complainant and recording their views. If the complainant is unable to be contacted, reasonable attempts at contacting them must be documented in the file note.
30. The prosecutor should not only consult the complainant, but also advise them that if they are dissatisfied with a decision to discontinue a matter they can ask that the decision be reconsidered by the DPP.
31. The prosecutor should save all supporting documentation for the minute into Folder 22 on CASES.
32. The prosecutor should send the RORD to their supervising lawyer, or -
 - a. For FV offences – FV supervising lawyer;
 - b. For sexual offences – SO supervising lawyer.

33. The supervising lawyer should then record on the RORD whether the matter should proceed or be discontinued, and provide reasons. The minute should then be saved in Folder 22 on CASES. The RORD should then be forwarded to:
 - a. For matters in the carriage of Crown Chambers – Deputy Director (Chief Crown Prosecutor); or
 - b. For all other matters – Deputy Director (Criminal Practice).⁸
34. The relevant Deputy Director will record on the RORD whether the matter should proceed or be discontinued, and their reasons for reaching that decision.
35. If the decision of the Deputy Director is to proceed, the prosecutor must advise the informant and the complainant.
36. If the decision is to discontinue, the prosecutor should advise the informant and complainant that the decision will be reviewed by the Director and that they can make comment/submissions in relation to that review. First contact with the complainant should be made by phone, and a file note should be made of this conversation. The prosecutor should explain to the complainant the reasons for the decision, as well as the right to seek a review. When giving reasons for the decision, the prosecutor should be mindful that the decision may be overturned on review. The prosecutor should ensure that any reasons given would not interfere with the conduct of a future trial, if it were to proceed.
37. Immediately after advising the complainant by phone, the prosecutor should send a follow-up email to the complainant. This email should set out the decision, the right to seek an internal review, how to apply for a review and how the review process works, including the right to seek written and oral reasons following review.
38. The file should be marked **SUBJECT TO REVIEW** on the front cover, and kept until the end of the review period. As far as possible, the prosecutor should refrain from communicating the decision to discontinue to the court or defence until the automatic review is completed by the Director.

D) REVIEWING A DISCONTINUANCE

Review of a category 1 & 2 reviewable decision

39. The complainant has 7 days to request a review of the decision from the time they were first informed of the decision.⁹ The complainant may request a review either over the phone or by email.
40. If the complainant requests a review of the decision, the **RORD** should be provided to the relevant reviewer (Deputy Director or Director). The RORD should be saved in CASES Folder 22.
41. The RORD will then be considered by the relevant reviewer (Deputy Director or Director). The reviewer will become the final decision maker in relation to the matter.

⁸ If the relevant Deputy Director is unavailable, the other Deputy Director may conduct the review.

⁹ Depending on the court timetable, this timeframe may be shorter. If the request is received outside of this timeframe, the prosecutor should immediately raise this with the Director for further consideration.

42. The reviewer has 7 days to review the decision (depending on the timeframe of the matter),¹⁰ having regard to the documents saved on Folder 22 in CASES (including the file note documenting the complainant's views, the RORD and supporting documents and any request for review by complainant) and the brief of evidence. The decision will be considered in accordance with the Prosecution Policy.
43. The reviewer must consider the case afresh, by examining all the evidence and the views of the complainant, and forming an independent view of the sufficiency of the evidence, the prospects of conviction and the public interest considerations, before scrutinising the approach taken by the original decision-maker, including the reason/s for the decision. The reviewer may ask police to obtain additional evidence or refer to legal authorities not considered by the original decision-maker. The reviewer must also have regard to any comments or submissions made by the complainant.
44. Once the review is complete, the reviewer should record in the RORD whether the original decision is endorsed/not endorsed and notify the prosecutor with carriage of the matter.
45. The prosecutor must then contact the complainant to explain the outcome of review. If the decision to discontinue is endorsed, the prosecutor should inform the complainant prior to informing the court, and should offer the complainant the right to both:
- a. discuss the reasons for the decision with the reviewer in person (in the presence of a Witness Liaison Officer or support person, if desired); and
 - b. receive a letter containing the reviewer's written reasons for the decision (which must be requested within **14 days** of the final decision being communicated to the complainant).¹¹
46. If written reasons are requested for the decision, the reviewer should:
- a. Provide written reasons to the complainant within **14 days**;
 - b. Consult with any allocated Witness Liaison Officer prior to providing written reasons to the complainant;
 - c. Ensure that written reasons are not provided in circumstances where:
 - i. statutory or other restrictions prohibit or limit the release of such information;
 - ii. the giving of reasons may affect a related case (for example, the prosecution of a co-offender) which is before the court.
 - d. If the circumstances in 7(c) are present at the time of the request, the request should remain under active review, so that if and when the circumstances are no longer applicable, further consideration may be given to the provision of reasons at that time.

¹⁰ If a trial is listed to commence within 7 days of a decision to discontinue, the request for review must be made as soon as possible, as the timeframe for the review process will be shorter. In some cases, it may not be possible to review the decision before notice of the decision is communicated to the court. In those circumstances, the decision will be still be reviewed by the Director, but the matter may not be able to be prosecuted.

¹¹ If the request is received outside of this timeframe, the prosecutor should immediately raise this with the Director for further consideration.

47. Following the giving of reasons for the decision, the Witness Liaison Officer should follow up with the complainant to ensure that they are referred to agencies for further support as required.

Review of a category 1 reviewable decision

48. A complainant has no 'right' to have the Director further review the decision of a Deputy Director in relation to a category 1 reviewable matter. The Director may, nonetheless, review the Deputy Director's decision in the exercise of his discretion.

Review of a category 3 reviewable decision

49. Once the Deputy Director completes the RORD process detailed at paragraphs [42] – [47] above, the Deputy Director must bring the matter to the attention of the Director¹² **as soon as possible**.

E) AUDIT OF COMPLIANCE

50. A record must be made of each of the steps in the above process on the RORD. At the completion of each financial year, an audit will be conducted in relation to reviewable decisions in that year, to establish whether the procedures set out in this Instruction have been complied with, and to target areas of non-compliance for future training and monitoring.
51. Auditing of compliance will be conducted based on the following records on CASES:
- Document: RORD (Record of Reviewable Decisions) – Discontinuing a matter involving an identifiable complainant
 - Document: File note – complainant contact re discontinuance
 - Document: Email to complainant – right to review
 - Document: Letter providing reasons for discontinuance
52. It is therefore **crucial** that each of the above documents be saved and entered into CASES by the prosecutor, the Deputy Director / Assistant Director, and the Director.
53. The audit will be undertaken by an Audit Committee appointed by the Director. The Audit Committee should meet at least 3 times per financial year for the purpose of auditing reviewable decisions and recording compliance with the procedures set out in this Instruction.
54. The results of the audit should be recorded on the 'Internal RORD Audit Form', which must be placed on the file. If, during the audit, the procedure undertaken in relation to a reviewable decision was not followed in accordance with this Instruction, the audit committee must review and consider the basis of that decision. The Audit Committee should raise any areas of persistent non-compliance with the Director as they arise.

¹² If the Director is unavailable, the matter may be reviewed by the Deputy Director who did not conduct the review of the supervising lawyer's recommendation.

55. At the end of the financial year, the Audit Committee must provide copies of all completed Internal Audit Forms to the Director. The Audit Committee must also prepare a short annual report for the Director outlining relevant information, including:

- the number of files audited;
- the types of matters audited (e.g. 'sexual offence');
- the level of compliance with the procedures in this Instruction;
- a breakdown and summary of any compliance issues, and suggested measures for addressing those issues in the Office.

The results of the audit will be published in the annual report of the Director for the year in question.

Shane Drumgold SC
August 2022

CURRICULUM VITAE – ANTHONY WILLIAMSON SC

KEY ATTRIBUTES

- Appointed as silk in 2022;
- Chief Crown Prosecutor and Deputy Director of Public Prosecutions for the Australian Capital Territory;
- The ACT's principal prosecutor appearing before the ACT Court of Appeal;
- Lead ACT prosecutor in homicide and serious and organised crime trials;
- Expert in the operation and application of the Model Criminal Code and the Uniform Evidence Acts;
- Able to relocate interstate at short notice.

NOTEABLE CASES

- *Annexure 'A'* contains a number of more prominent and notable cases in which I have appeared as primary counsel over the last few years. The table is far from exhaustive and represents only a very small portion of the matters I have appeared in.
- Approximately 190 of the matters I have appeared as counsel in have led to a published decision by either the ACT Supreme Court or ACT Court of Appeal

EDUCATION

Australian National University

- 2007 - Graduate Diploma of Legal Practice
- 2006 - Bachelor of Laws (majoring in modern history)
- 2006 - Bachelor of Arts

EMPLOYMENT HISTORY

- **Chief Crown Prosecutor and Deputy Director of Public Prosecutions - ACT Office of the Director of Public Prosecutions** (Employed at ACT DPP since 2009; Chief Crown Prosecutor and Deputy Director since August 2019 – present)

As the Chief Crown Prosecutor and Deputy Director of Public Prosecutions I manage Crown Chambers. I am responsible for all Crown Prosecutors and Senior Advocates. I am the second most senior prosecutor in the ACT, after the Director of Public Prosecutions.

- **A/g Deputy Chief Executive (temporary secondment) -ACT Legal Aid Commission** (January 2015 – June 2015)

Responsible for the day to day running of the ACT Legal Aid Commission across the criminal, family and civil law practice areas.

- **Senior Legal Policy Officer – Human Rights Unit, ACT Department of Justice and Community Safety** (February 2008 – September 2009)
- **Legal Policy Officer – Criminal Law Unit, ACT Department of Justice and Community Safety** (January 2007– February 2008)
- **Lecturer and tutor (part-time) – criminal law and evidence law – Australian National University and the University of Canberra** (2011 – 2017)

MEMBERSHIP OF PROFESSIONAL BODIES

- In 2020 I was elected as a councillor to the ACT Bar Association's Executive Council. I was appointed as Senior Counsel (SC) for the Australian Capital Territory in November 2022.
- I am an active fire-fighter with the ACT Rural Fire Service. I have been with that service for 24 years. In that time I have served on the front line in most major bushfire events in south east Australia.

REFEREES

Mr Shane Drumgold SC
 ACT Director of Public Prosecutions
 Email: **REDACTED** @act.gov.au
 Ph: **REDACTED**

Mr John **REDACTED**
 Leading Criminal Barrister in the ACT
 Email: **REDACTED**
REDACTED
 Ph: **REDACTED**

ANNEXURE A – NOTABLE CASES – A WILLIAMSON SC

Case	Summary
<i>R v Smith</i> (SCC 92 of 2022)	Jury trial concerning multiple counts of rape, inflicting grievous bodily harm, torture (waterboarding), strangulation and other physical violence against 2 victims over the course of seven years.
<i>R v Gordon</i> [2022] ACTCA 48	Crown appeal relating to the sentence imposed for causing grievous bodily harm whilst in custody. The appeal dealt with questions concerning the application of sections 64 and 72 of the <i>Crimes (Sentencing) Act 2005</i> , and the application of the High Court's decision in <i>Barbaro v The Queen</i> (2014) 253 CLR 58 applies to defence counsel.
<i>The Queen v BC</i> [2022] ACTCA 19	Crown appeal in relation to the adequacy of the sentence imposed on a child sex offender who raped a 14 year old relative and impregnated her. The appeal dealt with questions concerning the mitigation of sentence on account of hardship to third parties and the adequacy of reasons given by the judge at first instance.
<i>R v White</i> [2022] ACTSC 79	Jury trial and sentencing proceedings for a NSW police officer who committed perjury during the prosecution of his fiancé for making false rape allegations.
<i>Sidaros v The Queen</i> [2022] HCASL 58 (decision not published) <i>Sidaros v The Queen (No 3)</i> [2021] ACTCA 31	High Court special leave application (decided 'on the papers'), and preceding Court of Appeal proceedings. The questions on appeal were: (a) did the trial miscarry because of excessive intervention of the trial judge; (b) was expert opinion evidence relating to ballistics evidence admissible; and (c) were the verdicts unreasonable. The offender was an OMCG member charged with attempted murder, arson and aggravated burglary.
<i>R v Taufua</i> [2021] ACTSC 298	Sentencing proceeding for murder. The offender stabbed the Commander of the Comanchero OMCG in a night club and killed him.
<i>ACT DPP v (Name Suppressed)</i> (SCC 110 of 2021) (No published judgment)	This was a proceeding under the <i>Confiscation of Criminal Assets Act 2003</i> . It involved the use of coercive powers under that Act. It related to an illegal prostitution enterprise operating multiple illegal brothels in the ACT, NSW, and QLD. The matter was ultimately settled between the parties through negotiation. To date, this matter represents the single biggest seizure/penalty order obtained by the Territory under proceeds of crime legislation.
<i>R v Kourpanidis</i> [2021] ACTSC 112	Sentencing proceeding for manslaughter. The offender attacked the victim without warning at the Kingston Hotel, causing catastrophic brain injury, after the victim made inappropriate comments to the offender's daughter.
<i>R v Millington (No 2)</i> [2022] ACTSC 9; <i>R v Langi (No 2)</i> [2021] ACTSC 239;	Jury trial for co-accused who were OMCG members, and related sentencing proceedings. The accused went to the victim's house and committed a violent home invasion whereby they discharged a firearm at the victim whilst he was barricaded in the bathroom with his girlfriend (also a victim). They then poured petrol through the house and set it on fire whilst the victims were inside. Pre-trial application made by the defence concerning the admissibility of an expert report, pursuant to section 70 of the <i>Evidence Act 2011</i> , from an intelligence officer in the NSW Police Force concerning the structure and modus operandi of the Comanchero OMCG.
<i>Sidaros v R</i> [2020] ACTCA 11	Interlocutory appeal to the Court of Appeal dealing with: (a) the nature of interlocutory appeals and when they can be brought; (b) the admissibility of expert ballistics evidence; and (c) the admissibility of covertly obtained police evidence through trickery when an accused is in custody.
<i>Sirl v R; R v Sirl</i> [2020] ACTCA 37	Appeal in the Court of Appeal from a finding of guilty by a jury concerning extremely serious sexual offending. The appellant was alleged to have raped a lady in a caravan park and caused her grievous bodily harm. The accused was alleged to have inserted a bladed instrument into the victim's vagina and lacerating her uterus, causing her to almost bleed to death. The Crown cross-appealed the adequacy of the sentence which included other convictions for maintaining sexual relationships with minors. The appeal involved questions of the test on appeal following the High Court's decision in <i>Pell v R</i> [2020] 12.
<i>R v Guarini</i> (SCC 208 of 2019) (no reasons published)	This was the only jury trial in Australia to sit through the height of the COVID-19 pandemic. It was the first jury trial to utilise social distancing measures in the Court room to protect the jury. The accused was tried for stabbing another male in the back causing multiple life-threatening injuries over a dispute between neighbours.
<i>R v Pikula-Carroll (No 2)</i> [2021] ACTSC 347; <i>R v Forster-Jones</i> [2019] ACTSC 286	Jury trial and related sentencing proceedings for murder, aggravated robbery, aggravated burglary and causing grievous bodily harm. The case involved complex voir-dires on the admissibility of tendency and hearsay evidence.
<i>R v Featherstone</i> [2019] ACTSC 218; <i>R v Bloxsome</i> [2019] ACTSC 217	Jury trial and related sentencing proceedings for two accused charged with committing a drug induced crime spree during which they were alleged to have shot, stabbed, raped and unlawfully confined a number of people over a number of days, as well as committing an aggravated robbery and an aggravated burglary. The trial involved several complex voir-dires on matters including joinder, severing counts from the indictment, and admissions.
<i>ACT DPP v Nikro</i> [2017] ACTSC 15	The seminal case in the ACT on the operation of the <i>Confiscation of Criminal Assets Act</i> , the constitutionality of that Act and its compatibility with the <i>Human Rights Act 2004</i> , and the nature and operation of the restraining and penalty order regimes provided for under the Act.
<i>R v Ivanisevic</i> (SCC 75 of 2016) (no reasons published)	Jury trial. The accused was charged with the attempted murder of her elderly and disabled mother. The Crown case was that the accused stabbed her mother in the chest, collapsing a lung, in a fit of rage. The defence case was that the mother attempted to take her own life. The trial involved the complex application of the law on tendency evidence, admissions and alibi evidence.

From: Williamson, Anthony
Sent: Fri, 6 Aug 2021 13:08:46 +1000
To: Drumgold, Shane
Cc: SVC_DPPCases
Subject: POLICE v BRUCE LEHRMAN (CC2021/8143) - 202113941
Attachments: M202113941_BS - LEHRMANN, Bruce CC2021-8143.pdf, M202113941_SOF - LEHRMANN, Bruce CC2021-8143.pdf

OFFICIAL: Sensitive - Legal Privilege

Boss,

As discussed, please find **attached** the charge sheets and statement of facts for the above matter.

Given the sensitive nature of the matter, I can confirm I will now delete these files from my computer and instruct Cam to lock down this job so that it is only accessible by yourself and Skye.

Kind regards



Anthony Williamson

Deputy Director – Head of Crown Chambers
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399

E: **REDACTED** @act.gov.au

W: www.dpp.act.gov.au

For a full range of victims rights, please go to www.dpp.act.gov.au and follow the Witnesses and Victims link.

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From: [Williamson, Anthony](#)
To: [REDACTED], Cam
Cc: [Drumgold, Shane](#); [Jerome, Skye](#); [SVC DPPCases](#)
Subject: POLICE v BRUCE LEHRMAN (CC2021/8143) - 202113941
Date: Friday, 6 August 2021 1:11:55 PM
Attachments: [image001.png](#)
Importance: High

OFFICIAL: Sensitive

Hi Cam,

We have just received the AFP file for the above matter. It is the matter concerning Brittany Higgins. Can you please lock the job down on CASES so that only the Director and Skye have access to it.

Kind regards



Anthony Williamson

Deputy Director – Head of Crown Chambers
Office of the Director of Public Prosecutions (ACT)
GPO Box 595, Canberra ACT 2601 (DX 5725)

T: (02) 6207 5399

E: [REDACTED]@act.gov.au

W: www.dpp.act.gov.au

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Freedom of Information

Freedom of Information

Note: If you do not understand some words in this document, you can find the meanings on the DPP website under 'Commonly Used Terms'. Please click the Easy Read/Plain English version.

See information

Everyone has a right to see information from the ACT government. You can get access to:

- Personal details about you
- Documents about government rules and laws
- Details about government programs
- Ways the government spends money
- Information on how agencies work
- Research that was used in making choices in government

Open access

There is a government document called the 'Freedom of Information Act 2016'. This document means that places like the DPP have to give you information if you ask for it. These places are called government agencies.

Sometimes information you are looking for is already public. This means you do not have to ask for it. You can check if it is already public on the [Open Access Website \(https://www.act.gov.au/open-access\)](https://www.act.gov.au/open-access).

Ask for access

If you would like information on a case, instead of doing a formal 'Freedom of Information Request', please contact our office first. Most of the time it is easier and quicker if you do it this way.

You can contact us through these ways:

Mail address: FOI Contact Officer, GPO Box 595, Canberra City, ACT 2601

Email: foiactdpp@act.gov.au (mailto:foiactdpp@act.gov.au)

Phone: 02 6207 5399

Fax: 02 6207 5428

Formal Freedom of Information (FOI) request

If you have contacted the DPP and you still can't find what you need, you can ask in writing for information. This is called a formal request.

You need to have these things in your letter:

- Clear details about the information you need
- An email or postal address so we can contact you back
- Proof of ID if you are asking for personal information. This could be something like a driver's licence or proof of age card.

If you have hired a lawyer or someone to represent you to ask for this information, please also send us these details. You will have to tell us they are representing you.

You can send this request to the email or postal address above.

When we get your request, we will have a look at it. If we have all the information we need and it is a reasonable request, we will start working on it. We will let you know if we need more information.

Working on your request

Once we get your formal request, we will let you know in writing within 10 weekdays (Monday – Friday).

We will let you know within 20 weekdays if we are saying yes or no to the request.

Please know that we might need more time for some requests. These could be things like:

- If the information you are wanting has details about someone else in it. We will need to ask them if we can give it to you first.
- If your request is complicated

When we work on your request, we might:

- Give you all the document/s you asked for
- Give you some of the document/s you asked for
- Give you none of the document/s you asked for
- Ask another agency to get these documents if we do not have them.

Outcome

After we have worked on your request, we will send you a letter telling you the outcome and the reasons for this outcome. This letter will tell you what documents we *will* or *will not* give to you and why we could not give them to you. If you have any questions, you can contact us.

This letter will also tell you:

- Any money you will have to pay for the request
- That the request and the outcome will be on our records and can be seen by the public
- Your rights if you want to have the request looked at again

Costs

You do not have to pay any money if you are writing a Freedom of Information request. You also do not have to pay if you are asking for documents that are about you. You might need to pay some money if the information you want is about other people or more than just your personal information. We will let you know if you need to pay any money.

These are some things you might need to pay for:

The item:	The cost:
Every page of information that is over 50 pages	\$0.35c per page
If the information is posted to you in the mail	The cost of posting it (stamps etc)

For a printed copy of what information was given to you	The cost of printing it (this could vary)
If the information is given to you on a USB or CD	The cost of the USB or CD
Information which has been written down from a sound recording	The cost that someone charges for writing down information from sound recordings
Information that is not written down and needs special tools to give to you	The cost that someone charges for giving this information to you with the special tools

Getting rid of costs

You can ask for these costs to go away if you do not have enough money, or if you think the information would be useful to the public. You will need to tell us why you would like the costs to go away and might need to give us some proof of this.

Our office *has to* get rid of the cost if:

- The information you wanted was public but it is now private
- The information would be very helpful to the public
- The person asking for the information has a concession card and shows they are connected to the information
- The person asking for the information is from a company that is not-for-profit (does not make money) and the request is about this company
- The person asking for the information is a member of Parliament

Changing personal information

If you think the details that we have about you are not right or old details, you can ask us to change this for you.

Please send us an email or letter with this information:

- Enough detail so we know *what* information needs to be changed
- *How* it is wrong or old
- *How* we can change it
- An email or postal address so we can contact you back

If you would like your details changed we will work on this within 20 weekdays. If we say no to your request, we will contact you and ask if you can give us more information. Then we will choose yes or no for the last time. You can send your request by email to foiactdpp@act.gov.au (<mailto:foiactdpp@act.gov.au>) or the postal address which is on page 1 of this document.

When we choose yes or no to changing your details, we will send you a letter saying why we chose this and give you some information if you want to ask us again.

Review/Appeal

If you are not happy with this outcome, you can ask the ACT Ombudsman to look into our choice. This is called a review or appeal. The Ombudsman is an office that looks into complaints about government agencies. You will have to write to ACT Ombudsman within 20 weekdays after the choice is shown on the DPP website. It will be shown on the normal webpage under 'Freedom of Information' in the 'Disclosure Log'.

Disclosure Log

The DPP has to keep a record of which information is given to people through the Freedom of Information requests. This is the law and is mentioned in a document called the 'Freedom of Information Act 2016'.

Information given to people through a request is put in this disclosure record between 3 and 10 weekdays after we have made our choice and after you have been told of this choice.

The record, which is called a 'disclosure log', needs to have:

- The document you have written to ask for the information. This is called the FOI application.
- The letter we have given you letting you know our choice. This is called the decision notice.
- The information you requested, that we have now given you.

If the information you ask for is personal details about you, we will not put this on the record on our website.

[Contact us \(https://www.dpp.act.gov.au/contact_us\)](https://www.dpp.act.gov.au/contact_us) [Jobs \(http://www.jobs.act.gov.au\)](http://www.jobs.act.gov.au)

[Emergency Services \(http://www.esa.act.gov.au\)](http://www.esa.act.gov.au)

[Accessibility \(https://www.dpp.act.gov.au/functions/accessibility\)](https://www.dpp.act.gov.au/functions/accessibility)

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[\(https://www.yoursay.act.gov.au/\)](https://www.yoursay.act.gov.au/)

[\(https://www.accesscanberra.act.gov.au\)](https://www.accesscanberra.act.gov.au)



[\(https://www.act.gov.au\)](https://www.act.gov.au)

From: Williamson, Anthony
Sent: Fri, 9 Dec 2022 15:46:57 +1100
To: DPP, FOI
Subject: RE: Release by DPP of correspondence between the ACT DPP and the Chief Police Officer of the ACT [SEC=OFFICIAL]

UNOFFICIAL

Sorry mate been in a trial...My suggestion would be not to respond for now... they'll see the redacted version on the register soon. If the AFP make further requests its probably best to see what Shane wants to do given he was the original decision maker.



Anthony Williamson SC
 Chief Crown Prosecutor for the ACT
 Deputy Director of Public Prosecutions
 Office of the ACT Director of Public Prosecutions
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: (02) 6207 5399
 E: **REDACTED** @act.gov.au
 W: www.dpp.act.gov.au

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From: DPP, FOI <**REDACTED**@act.gov.au>
Sent: Friday, 9 December 2022 1:03 PM
To: Williamson, Anthony <**REDACTED**@act.gov.au>
Subject: FW: Release by DPP of correspondence between the ACT DPP and the Chief Police Officer of the ACT [SEC=OFFICIAL]
Importance: High

UNOFFICIAL

Hi Anthony,

I am about to go on leave for a week but do we need to deal with this? Given the decision was already made and the document went out. I have now redacted and provided the redacted version to the Guardian. He has assured me the previous version has not gone anywhere. The redacted version will be uploaded to our public disclosure log on Monday 19 December as it cannot be done until after three working days.

I have no doubt that they have already referred this to the Ombudsman to look into. Should we just await that process?

Katie



Katie Cantwell
 Executive Officer
 Office of the Director of Public Prosecutions (ACT)
 GPO Box 595, Canberra ACT 2601 (DX 5725)
 T: (02) 6207 5399 (Reception)
 E: **REDACTED**@act.gov.au
 W: www.dpp.act.gov.au

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From: **REDACTED**, Peter <**REDACTED**@afp.gov.au>
Sent: Thursday, 8 December 2022 4:27 PM
To: DPP, FOI <**REDACTED**@act.gov.au>
Subject: Release by DPP of correspondence between the ACT DPP and the Chief Police Officer of the ACT [SEC=OFFICIAL]
Importance: High

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OFFICIAL

Good Afternoon

I am writing seeking your assistance in relation to the letter which The Guardian has reported on this afternoon from the ACT DPP on 1 November 2022 in which the DPP outlines a number of concerns about the investigation and prosecution known as *R v LEHRMANN - sec 264 OF 2021*.

I am concerned that as the AFP was not consulted about this FOI request, there may be information that was released to the applicant which the AFP would have raised concerns about and sought redactions under the *Freedom of Information Act 2016 (ACT)*.

I am not very familiar with the ACT legislation but I expect at some stage you would need to consider to upload this release on your FOI disclosure log. I ask that the AFP be consulted before that happens.

Could you please provide me with a copy of the original request, your decision letter and the information that was released that formed the basis of this article?

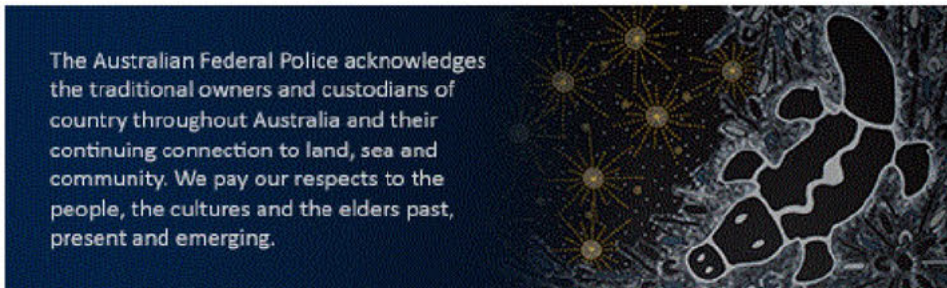
I would be very happy to talk this over with the appropriate officer in the DPP.

PW

PETER [REDACTED]
EXECUTIVE GENERAL MANAGER CORPORATE
ACT POLICING
Tel: [REDACTED] Ext: [REDA] Mob: [REDACTED]
www.afp.gov.au



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A SAFER AUSTRALIA



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