

## 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 VERITY KATE GRIFFIN**

I, Verity Kate Griffin, of 20-22 London Circuit, Canberra City, ACT, state as follows:

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 VG-1**' is a copy of the relevant subpoena.

**Background and Professional History**

*Question 1: Current role*

1. I am employed by the Office of the ACT Director of Public Prosecutions (**ODPP**) as a Senior Lawyer/Prosecutor (Grade 3) in the Confiscation of Criminal Assets (**COCA**) Unit (**current role**). I commenced in my current role in March 2023.
2. My duties include liaison with investigating bodies in relation to matters which may form the basis of confiscation proceedings; maintain carriage of and conducting confiscation proceedings on behalf of the Director of Public Prosecutions; assisting the Supervising Lawyer of the COCA Unit with his duties and in more complex matters; and supervising and mentoring more junior staff within the COCA Unit.
3. Attached and marked **Exhibit VG-2** is a copy of the selection criteria for my current role, inclusive of job description.

*Question 2: Previous roles*

4. I commenced employment at the ODPP in October 2021. I have held two roles prior to my current role: Prosecutor and Policy Officer, described below.

*Prosecutor Grade 1 (from October 2021)*

5. From October 2021, I was employed in the role of Prosecutor (Grade 1-2) in a general criminal team. My day-to-day responsibilities were to maintain carriage and conduct of criminal matters allocated to me. A 'full load' would range between 30 to 50 files.
6. Most files allocated to me concerned charges for minor criminal offences such as theft, speeding, possession of items (stolen property, illicit substances) or driving offences.

7. My day-to-day duties involved performing the following tasks in accordance with the Prosecution Policy of the Australian Capital Territory (2021) (**Prosecution Policy**):
- a. review of files to consider whether the charges were correct; the information was properly worded; there were reasonable prospects of securing a conviction; and maintenance of a prosecution was in the public interest;
  - b. consideration of representations received by defence in relation to the future conduct of proceedings;
  - c. liaison with the relevant informant in relation to the preparation of the brief of evidence and identification of witnesses to be subpoenaed;
  - d. liaison with witnesses who were also ‘victims’ for the purposes of discharging obligations under the *Victims of Crimes Act 1994* (ACT);
  - e. preparation for and appearances at mentions, bail applications and sentencing hearings;
  - f. preparation for and appearances in general criminal lists, such as the bail list or Galambany Court sentencing list;
  - g. preparation for and appearance at contested final hearings or interlocutory proceedings, including research, witness proofing and drafting of speaking notes, written submissions and court documents, as necessary;
  - h. file management and record keeping of work performed in respect of matters in accordance with obligations under the *Territory Records Act 2002* (ACT).
8. Some files in my carriage were for more complex proceedings, colloquially referred to as ‘major’ or ‘early allocation’ matters. Additional duties relevant to these matters included preparation for committal to the ACT Supreme Court and drafting of committal documents (prosecution case statement and indictment).
9. Around January 2022, I was moved from the general criminal practice to commence in the Family Violence Unit. All new matters allocated to me involved allegations of ‘family violence’ within the meaning of the *Family Violence Act 2016* (ACT). My day-to-day duties were the same as those described in paragraph [7] above, though the majority of the workload centred around contested family violence hearings and appearance in the family violence list.

*Policy Officer (from October 2022)*

---



VERITY KATE GRIFFIN



Witness

10. In late October 2022, I assumed the role of Policy Officer at the ODPP.
11. The role is classified as Senior Prosecutor (Grade 3) position and I acted in this role on higher duties. The role is performed as a split role, where the prosecutor maintains a lighter load of court matters in order to perform the policy work.
12. My day-to-day duties in the policy role involved:

*Internally-focused duties*

- a. Acting as a central contact person for staff within the office to raise law reform or policy issues they have identified as affecting the operation of the ODPP or the execution of prosecutorial functions from matters in their carriage;
- b. Drafting correspondence on behalf of the ODPP or the Director in relation to matters of policy or law reform;
- c. Co-ordination and preparation of the ODPP's internal Continuing Legal Education programme;
- d. Research and/or drafting of internal offices policies as and when required, for review and approval by the Director;
- e. Assisting the Director, the human resources personnel or other office Executives as and when required;

*Externally-focused duties*

- f. Review of all Cabinet Submissions received by the ODPP;
- g. Drafting proposed responses to Cabinet Submissions on behalf of the ODPP in consultation with the Director;
- h. Liaising with external stakeholders in relation to the work of the ODPP and the functions of the Director. This essentially meant acting as a contact person, action officer and point person for any external stakeholder who had relating to the work of the office or whether current or proposed laws operated in a manner consistent with effective discharge of the ODPP's functions;
- i. Representing the Director or the ODPP at meetings or working groups in relation to government initiatives or law reform proposals;

.....  
 VERITY KATE GRIFFIN

.....  
 Witness



- j. Monitoring central ODPP email accounts as and when directed, including the DPP Feedback email account and the DPP FOI email account.
13. In practice, most of my time is accounted for in reviewing and responding to Cabinet Submissions. The next most time-intensive duty is the research, drafting and liaison relating to law reform, either in response to a government proposal or at the initiation of the ODPP.
14. Despite commencing my current role, I continue to perform work in this role. I will continue to slowly transition out as I train up and supervise my replacement. My replacement commenced in April 2023.
15. Relevant to the questions raised in the subpoena, after commencing in this role in October 2022, I nonetheless maintained my entire family violence practice for the first 6-8 weeks. I had a large number of hearings listed in October-early December and, accordingly, I performed only the essential duties in the policy role during this time.
16. The last of my contested hearing matters resolved on 8 December 2022, after which I was able to focus the policy role.

*Question 3: Qualifications*

17. I hold a Bachelor of Laws (Hons I) from the Australian National University, awarded in 2015.
18. I hold a Graduate Diploma of Legal Practice from the Australian National University Legal Workshop, awarded in 2016.
19. Attached and marked **Exhibit VG-3** is a copy my most recent curriculum vitae.

**The Freedom of Information (FOI) framework in the ACT**

*Question 4: State the number of FOI requests to the ODPP that I have dealt with before and after December 2022*

20. Save for my involvement as described below, I have dealt with no FOI requests in my time with the ODPP.

*Questions 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*

.....  


VERITY KATE GRIFFIN

.....  


Witness

21. I understand that all FOI requests received by the ODPP are dealt with at first instance by the Executive Officer, Ms Katie Cantwell.
22. I do not know how FOI requests are processed, or whether this process has changed at any time, or why.
23. At times when Ms Cantwell has been on leave, and after I had commenced in the policy role, it has been my ad hoc duty to monitor the FOI inbox. I did not understand that it was my duty to also process FOI requests received in that inbox. Rather, I understood I was to escalate anything of note to the Director, for further direction if necessary.
24. I recall having this duty on two occasions: 12-16 December 2022; and around 20 January – 3 February 2023.
25. On 9 December 2022 at 12:42PM, Katie Cantwell emailed me to indicate she would be on leave the following week and she would put me as her out of office contact for that period. Attached and marked **Exhibit VG-4** is a copy of the email from Katie Cantwell to me dated 9 December 2022 titled 'My leave next week'.
26. On 9 December 2022 at 1:13PM, Ms Cantwell sent me another email, relevantly:
 

We have a lot of FOI applications at the moment. Shane has asked that you be given access to the FOI inbox as well. Cam will come and show you how to access it. I apologise that I didn't go through this with you before leaving the office. Please discuss with Shane if you have any questions.
27. Attached and marked **Exhibit VG-5** is a copy of the email from Katie Cantwell to me dated 9 December 2022 titled 'FOI inbox'.
28. On 9 December 2022 at 1:47PM, I replied to Ms Cantwell's first email and said: "Hi Katie – all good. Enjoy your leave. VG". Attached and marked **Exhibit VG-6** is a copy of the reply email from me to Katie Cantwell dated 9 December 2022 titled 'RE: My leave next week'.
29. I do not recall precisely when I was granted access to the FOI inbox. I recall checking to see what was in the inbox and looking at how the emails were sorted, actioned, or categorised so I could understand how they were typically processed.
30. I saw that in the inbox was a mixture of emails that could be categorised as 'spam' and emails that appeared to be FOI requests from Samantha Maiden, described below.
31. On 13 December 2022 at 12:38PM, I sent an email to the Director, stating relevantly:

.....  
  
 VERITY KATE GRIFFIN

.....  
  
 Witness

I now have access to the FOI inbox. There are a flurry of emails from Samantha Maiden yesterday, summarised below. I'll review the FOI Act after lunch (presuming I will respond to these in the interim while Katie's away?) and then for discussion when you have time.

*[Summary of 7 FOI requests follows].*

32. Attached and marked **Exhibit VG-7** is a copy of the email I sent to the Director dated 13 December 2022 titled 'FOI requests'.
33. On 13 December 2022 at 12:42PM, I received a reply, relevantly:
- No need to move on this yet – we will deal with it next week when Katie gets back. It should be easy to retrieve and review the material, which I will do over the coming days.
34. Attached and marked **Exhibit VG-8** is a copy of the email I received from the Director dated 13 December 2022 titled 'RE: FOI requests'.
35. I nonetheless reviewed the FOI Act to remind myself what statutory timeframes applied. I satisfied myself there would be sufficient time for Ms Cantwell to respond to the FOI requests on her return.
36. I took no further action in relation to the above requests by Ms Maiden.
37. I do not recall taking any action in relation to any other requests received.
38. I vaguely recall 'cleaning up' the FOI inbox at times I have monitored it, meaning I would move spam emails out of the inbox.

*Question 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*

39. As I do not process FOI requests, I do not know precisely 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 ODPP. I can only presume this is done in accordance with the FOI Act.
40. As I do not process FOI requests, I do not know whether any specific policies or guidelines are utilised by the ODPP, apart from the obligations under the FOI Act.

*Question 7: Training in relation to the FOI framework in the ACT*

.....  
  
 VERITY KATE GRIFFIN

.....  
  
 Witness



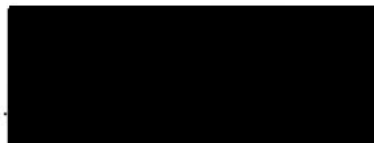
41. I received no training in relation to FOI requests, or the FOI framework more broadly, at the ODPP.
42. This did not concern me, primarily because I understood that it was not my duty to process FOI requests. Rather, I was to monitor the inbox and if I saw something of note, raise it with the Director to discuss next steps, including an indication of whether or not I should process the FOI request. Were I asked to do so, at that juncture, I would have raised the issue of training.
43. Further, I felt I had a sufficient working knowledge of the FOI framework applicable in the Territory from my previous work with the ACT Government Solicitor's office (ACTGS).
44. I was employed with ACTGS from August 2018 until my transfer to the ODPP in October 2021. I held roles, variously, as Solicitor, Senior Solicitor, Solicitor Assisting the Solicitor-General, and A/g Principal Solicitor. In these roles, one of my duties from time to time was to provide written and verbal legal advice to government clients on the operation of laws applicable in the Territory concerning information, privacy and access. I advised variously on the operation of the *Information Privacy Act 2014*, the *Freedom of Information Act 2016 (FOI Act)*, the privacy principles in the *Privacy Act 1988 (Cth)*, and the *Health Records (Privacy and Access) Act 1997*. I recall drafting a handful of advices dealing directly with release of records in response to freedom of information requests. Further, I recall attending in-office training in 2018 on the introduction of the FOI Act, as the Act only commenced that year.
45. In December 2022, while I did not recall the operation of the provisions of these enactments in detail, I felt I had a sufficient working knowledge of information and access law in the Territory to know how to begin processing a request, were I asked to do so.

*Question 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*

46. I do not recall when, or how, I first became aware the Mr Christopher Knaus had submitted an FOI request to the ODPP seeking release of the letter.
47. I did not deal with that request in the course of my duties.
48. I rarely watch or read the news.

.....  


VERITY KATE GRIFFIN

.....  


Witness

49. I gleaned an understanding of what had happened through informal discussions with colleagues in the office. I cannot recall any specifics of who or when these discussions were had. It would have been not long after the news article was published.

*Question 9: Detail my dealing with the release of the letter and communications about the same*

50. I had no dealings in relation to the release of the letter.
51. I monitored the FOI inbox from around 12 or 13 December to 16 December 2022, and saw several emails about the release of the letter and/or the Lehrmann trial. None of them required action.
52. I recall that from about the time I had started in the policy role, the Director was in trial in Lehrmann and I was busy with my family violence hearing practice. I recall a handful of conversations with the Director about his day, and to the extent that he was in trial, his answers sometimes related to the trial.
53. I recall no discussion of the letter at any point before its release.
54. I recall the Director mentioning on one occasion the fact that the letter had been released in a conversation we had some time after the news article was published. I recall thinking to myself as he was speaking that I really needed to go and read up on everything that has been happening in the Lehrmann matter because I did not know what letter he was talking about. To the best of my recollection, his comments referenced the fact that the letter was released and that the media storm was continuing.

*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.*

55. I had no involvement in respect of the letter.

---

.....  
 VERITY KATE GRIFFIN

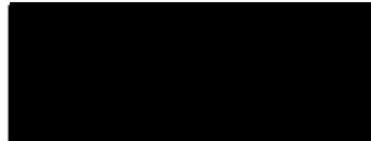
.....  
 Witness



**SWORN** before me at Canberra in the Australian Capital Territory on 8 May 2023.



.....  
VERITY KATE GRIFFIN



.....  
Signature of witness

*Marcus Dyason*  
.....  
**NAME OF WITNESS**