

## Solovjev Anna

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**From:** McNaughton Sarah  
**Sent:** Sunday, 22 September 2019 7:48 PM  
**To:** Pavleka Andrea  
**Subject:** RE: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

### OFFICIAL

Thanks Andrea.



Sarah McNaughton SC  
Director  
Commonwealth Director of Public Prosecutions

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**From:** Pavleka Andrea <[andrea.pavleka@cdpp.gov.au](mailto:andrea.pavleka@cdpp.gov.au)>  
**Sent:** Sunday, 22 September 2019 7:38 PM  
**To:** McNaughton Sarah <[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)>  
**Subject:** Re: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

Will do Sarah

  
We will attend to this first thing tomorrow

Andrea

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**From:** McNaughton Sarah [[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)]  
**Sent:** 22 September 2019 at 3:11:07 pm  
**To:** Pavleka Andrea  
**Subject:** RE: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

Hello again Andrea.

I attach a letter with the content suggested by you.

If you're content with it, could you please pass it on to Lisa to send first thing.

Kind regards

Sarah



Australia's Federal Prosecution Service

Sarah McNaughton SC

Director  
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**From:** McNaughton Sarah

**Sent:** Friday, 20 September 2019 6:37 PM

**To:** Pavleka Andrea <[andrea.pavleka@cdpp.gov.au](mailto:andrea.pavleka@cdpp.gov.au)>

**Subject:** RE: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

**OFFICIAL**

Hi Andrea

I've now read the advice. I think your proposed response is a good one. [REDACTED]  
[REDACTED] I also think that unless we are strongly of the view we were absolutely correct (which I'm not now) we should respond in the way suggested by you.

If we can do that promptly on Monday morning, that would be great.

Kind regards

Sarah



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**From:** Pavleka Andrea <[andrea.pavleka@cdpp.gov.au](mailto:andrea.pavleka@cdpp.gov.au)>

**Sent:** Friday, 20 September 2019 4:57 PM

**To:** McNaughton Sarah <[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)>

**Subject:** RE: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

**OFFICIAL**

Yes, I think something along those lines could be good. Wasn't sure if we needed to formally withdraw the letter, or whether that sounded a bit like legalese.

Perhaps:

I refer to my previous letter. This office has since given the matter some further consideration. It is now apparent that the issues you raise are attended by legal complexities that we had not initially appreciated in formulating our response. On that basis, I have concluded that it would not be appropriate to provide a view on the proposed legislation. I apologise for any inconvenience caused.

I've had a quick look at their advice, and appreciate the point they are making.

I have to head off now, but will give it further thought on the weekend, and we can settle a position on Monday. Have a nice weekend.

Andrea

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**From:** McNaughton Sarah

**Sent:** Friday, 20 September 2019 4:31 PM

**To:** Pavleka Andrea <[andrea.pavleka@cdpp.gov.au](mailto:andrea.pavleka@cdpp.gov.au)>

**Subject:** Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

**OFFICIAL**

Andrea – a potential approach:

We refer to our previous letter. We have since given the matter further consideration. It is now apparent that the issue is more legally controversial than we first appreciated, and on reflection we withdraw our previous letter. We decline to provide any definitive view at this stage. I apologise for any inconvenience caused.

Kind regards

Sarah

**CDPP**  
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