

Solovjev Anna

From: McNaughton Sarah
Sent: Thursday, 26 September 2019 10:19 AM
To: Pavleka Andrea; West Lisa
Subject: RE: media enquiry [SEC=OFFICIAL]

Categories: ACT/AGD corro

OFFICIAL

Yes – I agree. Thanks Andrea.

Are we going to now show James and Mark – and then AGD?

CDPP

Australia's Federal Prosecution Service

Sarah McNaughton SC

Director

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Classification: OFFICIAL

From: Pavleka Andrea <andrea.pavleka@cdpp.gov.au>

Sent: Thursday, 26 September 2019 10:18 AM

To: McNaughton Sarah <Sarah.McNaughton@cdpp.gov.au>; West Lisa <lisa.west@cdpp.gov.au>

Subject: RE: media enquiry [SEC=OFFICIAL]

OFFICIAL

Looks good.

One final suggestion might be:

Should relevant matters be referred to this office by police, they will be considered in accordance with the Prosecution Policy of the Commonwealth.

Classification: OFFICIAL

From: McNaughton Sarah

Sent: Thursday, 26 September 2019 10:13 AM

To: Pavleka Andrea <andrea.pavleka@cdpp.gov.au>; West Lisa <lisa.west@cdpp.gov.au>

Subject: RE: media enquiry [SEC=OFFICIAL]

OFFICIAL

Dear Andrea and Lisa

I've tweaked it a little as follows (more passive voice), [REDACTED] I also think it was the 20th the issue was brought to our attention...

Thank you for your enquiry.

Attached are the two letters.

The initial letter considered whether the defence in s. 313.1 of the Criminal Code would be applicable, and whether or not de-criminalising the relevant conduct would amount to an excuse or justification pursuant to s.313.1. There has not been detailed judicial consideration of this provision and its potential scope.

On 20 September 2019 a legal authority, on a provision similar to s.313.1, was brought to this office's attention by the Attorney-General's Department, which resulted in further consideration being given to the issues and prompting the second letter to Mr Glenn.

Kind regards

Sarah

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From: Pavleka Andrea <andrea.pavleka@cdpp.gov.au>
Sent: Thursday, 26 September 2019 9:57 AM
To: McNaughton Sarah <Sarah.McNaughton@cdpp.gov.au>; West Lisa <lisa.west@cdpp.gov.au>
Subject: media enquiry [SEC=OFFICIAL]

OFFICIAL

Dear Sarah and Lisa

I was thinking something like this – can you please consider.

Thank you for your enquiry.

Attached are the two letters.

The initial letter considered whether the defence in s. 313.1 of the Criminal Code would be applicable, and whether or not de-criminalising the relevant conduct would amount to an excuse or justification pursuant to s.313.1. There has not been detailed judicial consideration of this provision and its potential scope.

On 19 September 2019 a legal authority, on a provision similar to s.313.1, was brought to this office's attention by the Attorney-General's Department, which resulted in further consideration being given to the issues and prompting the second letter to Mr Glenn.

It may be that we don't include the last line.

Andrea

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