

## Solovjev Anna

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**From:** Pavleka Andrea  
**Sent:** Thursday, 26 September 2019 10:27 AM  
**To:** McNaughton Sarah; West Lisa  
**Subject:** RE: media enquiry [SEC=OFFICIAL]

**Categories:** ACT/AGD corro

### OFFICIAL

Yes indeed.

I've had a quick chat with James to pre-heat him, and will circulate this now.

And from there, on to AGD.

Andrea

Classification: OFFICIAL

**From:** McNaughton Sarah  
**Sent:** Thursday, 26 September 2019 10:19 AM  
**To:** Pavleka Andrea <andrea.pavleka@cdpp.gov.au>; West Lisa <lisa.west@cdpp.gov.au>  
**Subject:** RE: media enquiry [SEC=OFFICIAL]

### OFFICIAL

Yes – I agree. Thanks Andrea.

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

**CDPP**  
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Sarah McNaughton SC  
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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](mailto:andrea.pavleka@cdpp.gov.au)>; West Lisa <[lisa.west@cdpp.gov.au](mailto: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 20<sup>th</sup> 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

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

**Sent:** Thursday, 26 September 2019 9:57 AM

**To:** McNaughton Sarah <[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)>; West Lisa <[lisa.west@cdpp.gov.au](mailto: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

**CDPP**  
*Australia's Federal Prosecution Service*

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*Solicitor for Public Prosecutions*

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