



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2023-272

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Yes
5. Fees	N/A
6. Processing time (in working days)	45
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [BARR Reception](#)
To: [CMTEDD FOI](#)
Cc: [Cook, Michael](#); [Wright, Robert](#); [Mison, Matt](#); [ODonoghue, Yersheena](#)
Subject: FW: FOI request
Date: Monday, 7 August 2023 11:07:46 AM
Attachments: [image001.png](#)

Good morning,

Following on from discussions, I am providing the below for referral.

CMTEDD FOI has agreed to handle the administrative side of the FOI, including any required third-party consultation.

Our office will provide all documentation we believe to be in scope.

I believe that a final decision on the designation of the decision maker is yet to be made and will be decided through this process.

Let me know if you have any questions.

Kind regards,
Rhys

Rhys Thompson
Office Manager | Office of Andrew Barr MLA

Chief Minister
Treasurer
Minister for Climate Action
Minister for Economic Development
Minister for Tourism
Member for Kurrajong



From: [REDACTED]
Sent: Friday, 4 August 2023 12:06 PM
To: BARR Reception <BARR@act.gov.au>
Subject: FOI request

You don't often get email from [REDACTED] [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Dear Mr Barr,

I'm writing to request, under the provisions of the Freedom of Information Act 2016, the following material:

- correspondence between your office and the board of inquiry and its staff between 2 June 2023 and 4 August 2023;
- correspondence, either direct or indirect, between your office and Mr Walter Sofronoff KC between 1 December 2022 and 4 August 2023; and,
- please exclude the report, including final copies and drafts, of the board of inquiry that might otherwise be captured in the scope of this request.

Yours sincerely,





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2023-272

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), sent to the Office of the Chief Minister Andrew Barr MLA on 4 August 2023. Your application was transferred to and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 7 August 2023 under section 57(2) of the Act, in which you sought access to documents related to the Board of Inquiry– Criminal Justice System. Specifically, you are seeking:

- *correspondence between your office [Chief Minister Andrew Barr MLA] and the board of inquiry and its staff between 2 June 2023 and 4 August 2023;*
- *correspondence, either direct or indirect, between your office [Chief Minister Andrew Barr MLA] and Mr Walter Sofronoff KC between 1 December 2022 and 4 August 2023; and,*
- *please exclude the report, including final copies and drafts, of the board of inquiry that might otherwise be captured in the scope of this request.*

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 18 September 2023. On 13 September 2023 you were advised that third party consultation was required, and an additional 15 working days as per section 40 had been added to the timeframe with a response due to you by 10 October 2023.

Decision on access

Searches were completed for relevant documents and 20 documents were identified that fall within the scope of your request, not already available to you. Please see further information below.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents. My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

I have decided to grant access in full to 13 documents relevant to your request. I have decided to refuse access to one document, and have granted partial access to six documents as I consider them to contain:

- contrary to the public interest information under schedule 1; or
- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act;
- *Inquiries Act 1991*
- *The Human Rights Act 2004*;
- *Hogan v Hinch* [2011] 243 CLR 506;
- Your requested scope of information;
- *Non-publication order 26 – Board of Inquiry – Criminal Justice System*;
- the content of the documents that fall within the scope of your request;
- ACT Ombudsman’s Guidelines - Freedom of Information; and
- the *Information Privacy Act 2014*.

Government information is defined in section 14 of the Act to include information held by an agency or Minister. Under section 14(b) of the Act it does not include information relating to a Minister’s personal or political activities or information created or received by a Minister in their capacity as a member of the Legislative Assembly. ‘Held’ is also defined in section 14 to be information contained in a record held by the agency or Minister or contained in a record that the agency or Minister is entitled to access.

As your requested information relates to the Board of Inquiry, this has been interpreted to refer to the Board of Inquiry – Criminal Justice System, under the *Inquiries Act 1991*. The Board of Inquiry is an agency under section 15(1)(k) of the Act. Accordingly, I find the Act applies to Board of Inquiry documents.

Exemption claimed

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act, and

- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in Schedule 2.

I have determined that some of the information within the scope of your application contains information that is taken to be contrary to the public interest to disclose under Schedule 1 of the Act.

1.1 Information disclosure of which would be contempt of court or Legislative Assembly

Information the disclosure of which would, apart from this Act and any immunity of the Crown—

(b) be contrary to an order made or direction given by a tribunal or other entity having power to take evidence on oath.

I note that [Non-publication order 26 – Board of Inquiry – Criminal Justice System](#) states that:

All information in the possession of, or created by, the Board of Inquiry and staff which has not been approved for publication, shall not be published by the Directorate with responsibility for the Inquiries Act 1991, unless it is of an administrative nature.

Schedule 1, 1.1 of the FOI Act specifically uses board of inquiry under the *Inquiries Act 1991*, as a relevant example of this provision. Document 17 is not administrative in nature and as such, cannot be released.

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* [2011] 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest under schedule 2, section 2.1 of the Act:

(a) disclosure of the information could reasonably be expected to do any of the following:

(i) promote open discussion of public affairs and enhance the government’s accountability;

- (ii) contribute to positive and informed debate on important issues or matters of public interest;*
- (iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;*
- (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.*

Having considered the factors identified as relevant in this matter, I consider that release of the information within the scope of the request may promote open discussion of public affairs and enhance the government's accountability. The release of the documents identified will provide contextual information to the public regarding Board of Inquiry - Criminal Justice System's communications with the media and the public.

I am satisfied that these factors favouring disclosure carry considerable weight. Noting that the public interest test does not apply to information that is subject to schedule 1, as this information is already taken to not be in the public interest to release. I identified the following factor for non-release.

Factors favouring nondisclosure in the public interest under schedule 2, Section 2.2 of the Act:

- (a) disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for home and work purposes, this information is redacted, as it could or would reasonably be expected to prejudice an individual's right to privacy under the *Human Rights Act 2004*.

Where public servants' personal information is included in a document because of their usual duties or responsibilities, it would not be unreasonable to disclose unless special circumstances existed. This is because the information would reveal only that the public servant was performing their public duties.

Job titles of staff and suppliers

I have examined the emails which refer to employees and Board of Inquiry Members and or Counsel Assisting. Regardless of their level within the organisation, it is clear that these people, including employees are dealing with the ACT Government in their professional capacity, not in a personal or private capacity. Therefore, I do not accept that disclosing their names or job titles could reasonably prejudice their right to privacy.

Documents 3, 6-8, 15 and 18 contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Information Already Available to the Applicant

On 9 October 2023 you were provided with a Notice of Decision for access application CMTEDDFOI 2023-270, which will be published on the CMTEDD 2023 Disclosure Log under reference number CMTEDDFOI 2023-270. The CMTEDD Disclosure Log 2023 is available here: <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

Material within the scope of your requested information overlaps with material provided to you in response to that application. Accordingly, I refuse to deal with part of your application under section 43(1)(d) of the Act where the information is already available to you under section 45(c) of the Act.

Additional documents that may be considered within scope of your request have now been published on the CMTEDD 2023 disclosure log and are available here:

https://www.cmtedd.act.gov.au/data/assets/pdf_file/0011/2291384/2023-283-and-290.pdf

These include a letter attachment from the Chief Minister and Attorney General dated 3 August 2023 to Mr Sofronoff and his letter in response to that correspondence, emailed on his behalf on 3 August 2023. Accordingly, I refuse to deal with parts of the request for information where material is publicly available under section 43(1)(d) and section 45(a) of the Act.

Therefore, I refuse to deal with part of your application under sections 43(1)(d) and 45(a) where information is publicly available and or provided to you.

Duplicates

The documents being released are copies under s47(1)(a) of the Act. Where exact duplicates have been identified, the duplicate copies have been removed from the provided documents, and not listed in the attached Schedule. Duplicate copies of emails in an email chain have been redacted. In accordance with the ACT Ombudsman guidelines, the Act requires the provision of information and copies may be excluded.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Processing charges are not applicable for this request because the documents being released to you are less than 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 13 October 2023. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the CMTEDD FOI team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



Emma Hotham
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

10 October 2023



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

CMTEDDFOI 2023-272

- *correspondence between your office [Chief Minister Andrew Barr MLA] and the board of inquiry and its staff between 2 June 2023 and 4 August 2023;*
- *correspondence, either direct or indirect, between your office [Chief Minister Andrew Barr MLA] and Mr Walter Sofronoff KC between 1 December 2022 and 4 August 2023; and,*
- *please exclude the report, including final copies and drafts, of the board of inquiry that might otherwise be captured in the scope of this request.*

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Unsigned Letter to the Chief Minister – Subject: “Board of Inquiry”	17/02/2023	Full		Yes
2	3	Email chain: Subject: “Board of Inquiry”	17/02/2023- 20/02/2023	Full		Yes
3	4	Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry”	22/02/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
4	5	Letter – Subject “Board of Inquiry”	22/02/2023	Full		Yes
5	6	Email chain: Subject: “Board of Inquiry”	22/02/2023	Full		Yes
6	7-9	Email: Subject: “Correspondence from Walter Sofronoff KC - Delegate functions of Board of Inquiry”	22/02/2023- 23/02/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
7	10	Email: Subject: “Correspondence from the Chief Minister - Delegate Functions for Board of Inquiry”	23/02/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
8	11	Email chain: Subject: “Urgent - Outgoing Corro – Sofronoff – Board of Inquiry- Delegate functions”	23/02/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
9	12	Email: Subject: “Correspondence from the Chief Minister “	23/02/2023	Full		Yes
10	13-14	Letter from Chief Minister to Mr Sofronoff KC – Delegate Functions for Board	23/02/2023	Full		Yes
11	15	Email chain: “Correspondence from Walter Sofronoff KC - Delegate functions of Board of Inquiry”	23/2/2023- 15/03/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
12	16	Letter from Chair of Board of Inquiry to Chief Minister	10/03/2023	Full		Yes

13	17	Email chain: "Correspondence from Walter Sofronoff KC - Delegate functions of Board of Inquiry"	23/2/2023-15/03/2023	Full		Yes
14	18	Email chain: "Correspondence from Walter Sofronoff KC - Delegate functions of Board of Inquiry"	23/2/2023-15/03/2023	Full	Duplicate	Yes
15	19	Email: Subject: "Correspondence from the Chief Minister"	24/03/2023	Full		Yes
16	20	Letter from Chief Minister to Mr Sofronoff KC – Additional Counsel	24/03/2023	Full		Yes
17	21-22	Letter from Board of Inquiry chair to Chief Minister and Attorney- General	16/04/2023	Not released	Sch 1, 1.1	No
18	23	Email chain - Subject: - "Board of Inquiry - Criminal Justice System"	16/04/2023-17/04/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
19	24	Email – Subject: "Correspondence from the Chief Minister and Minister Rattenbury" – Sent to Mr Sofronoff KC at 11:44am Note: letter attachment is not provided as it is excluded under section 43(1)(d) and 45(a) – publicly available	03/08/2023	Full		Yes
20	25	Email chain: Subject: "Media statement"	03/08/2023	Full		Yes
Total No of Docs						
20						

AUSTRALIAN CAPITAL TERRITORY

BOARD OF INQUIRY CRIMINAL JUSTICE SYSTEM

1

17 February 2023

Mr Andrew Barr MLA
Chief Minister
GPO Box 1020
CANBERRA ACT 2601

By email: Barr@act.gov.au

Dear Chief Minister,

Board of Inquiry

It is necessary for this inquiry to interview numerous people. For the reasons explained below, I seek your written consent pursuant to s 37 of the *Inquiries Act 1991* to delegate my function to preside at hearings those lawyers assisting me.

Section 21 of the *Inquiries Act 1991* provides for "hearings" to be held. Section 23 provides that the procedure at a hearing "may be decided by the board" and s 18(c) provides that the board "may do whatever it considers necessary or convenient for the fair and prompt conduct of the inquiry". Section 22 provides that the chairperson "must preside at a hearing".

In the first instance, I wish to proceed by issuing a subpoena to prospective witnesses to attend a "hearing". That initial hearing will take the form of an informal interview conducted to determine the nature and scope of the evidence that the person might give. The second step will be to take a formal proof of evidence from that person. While I am free to ask my staff to conduct informal interviews with people, without a subpoena such people will not have the advantage of the protections afforded by the Act - to limit the use that can be made of the information in proceedings against them and to protect them against breaches of duties of confidence. Such an interview conducted as a "hearing" confers such protections but I would have to "preside".

There will be numerous witnesses who must be interviewed and, for practical reasons, it is desirable that the counsel and solicitors assisting me have delegated to them the power to preside at hearings of this kind. It would be very inefficient for me to be present at the interview of every single witness.

For that reason I seek your written consent under s 37 to delegate my function under s 22 from time to time to any of counsel or solicitors assisting me. The consent would take the following form:

Pursuant to s 37 of the Inquiries Act 1991, I consent to Walter Sofronoff's delegation, from time to time, of his function of presiding at hearings of the board of inquiry to which he has been appointed to such of the counsel or solicitors assisting him as he sees fit and upon such conditions as he determines.

Yours sincerely,

Walter Sofronoff KC
Chair
Board of Inquiry – Criminal Justice System

Per

Genevieve Cuddihy

Genevieve Cuddihy
Senior Solicitor Assisting
Board of Inquiry – Criminal Justice System

From: [BARR Reception](#)
To: [BOI Information](#)
Subject: RE: Board of Inquiry
Date: Monday, 20 February 2023 12:01:00 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Good morning,

I would like to acknowledge receipt of your correspondence and note that it is currently receiving attention in our office.

Kind regards

Rhys Thompson

Office Manager | Office of Andrew Barr MLA

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong



From: BOI Information <BOI.Information@inquiry.act.gov.au>

Sent: Friday, 17 February 2023 6:22 PM

To: BARR Reception <BARR@act.gov.au>

Subject: Board of Inquiry

Importance: High

OFFICIAL: Sensitive

Dear Chief Minister

Please see **attached** correspondence.

Kind regards

Board of Inquiry - Criminal Justice System

e: BOI.Information@inquiry.gov.au

w: www.cjsinquiry.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [BOI Information](#)
To: [CMCD DLO](#)
Subject: RE: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry
Date: Wednesday, 22 February 2023 4:49:00 PM

OFFICIAL: Sensitive

Dear Gerard,

We are hoping to clear the letter with Walter shortly and expect to send this in the next half hour or so.

Please let us know if you need anything further. We appreciate your assistance with this.

Kind regards

Carl Mossop | Solicitor Assisting

Board of Inquiry – Criminal Justice System

m: [Sch 2.2\(a\)\(ii\)](#)

e: CarlS.Mossop@inquiry.act.gov.au

w: www.cjsinquiry.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO

Sent: Wednesday, 22 February 2023 4:18 PM

To: BOI Information <BOI.Information@inquiry.act.gov.au>

Subject: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Good afternoon,

I am writing on behalf of the Chief Minister's office.

I understand that a revised letter to the Chief Minister in relation to the delegation of the Inquiry's functions is being drafted.

Can I please seek an indication of when that letter may be sent across. This will assist in a timely response.

Kind regards,

Gez

Gerard Hodshon (Gez) | CMTEDD Directorate Liaison Officer

Office of the Chief Minister | ACT Government

Ph: [Sch 2.2\(a\)\(ii\)](#) | CMCDDLO@act.gov.au | MS Teams

ACT Legislative Assembly | GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au

AUSTRALIAN CAPITAL TERRITORY
BOARD OF INQUIRY
CRIMINAL JUSTICE SYSTEM

22 February 2023

Mr Andrew Barr MLA
Chief Minister
GPO Box 1020
CANBERRA ACT 2601

By email: Barr@act.gov.au

Dear Chief Minister,

Board of Inquiry

I refer to my correspondence dated 17 February 2023 and write to provide clarification of the delegation of authority I have sought.

For the reasons stated in my previous correspondence, I seek your written consent under s 37 to delegate my function under s 22 from time to time to any counsel I have appointed to assist only. The consent would take the following form:

Pursuant to s 37 of the Inquiries Act 1991, I consent to Mr Walter Sofronoff's delegation of his function under s 22 of that Act as chairperson to preside at a hearing of the Board of Inquiry into the Criminal Justice System to the following persons:

- *Erin Longbottom KC; and*
- *Joshua Jones*

who will be authorised by Mr Sofronoff, from time to time, to preside over hearings.

Yours sincerely,



Walter Sofronoff KC
Chair
Board of Inquiry – Criminal Justice System

Kramarzewski, Lisa

From: BOI Information
Sent: Wednesday, 22 February 2023 5:06 PM
To: BARR Reception
Subject: Board of Inquiry
Attachments: 2023.02.22 - Letter to Chief Minister re Delegation.pdf

Importance: High

OFFICIAL: Sensitive

Dear Chief Minister

Please find **attached** correspondence for your attention.

Kind regards

Board of Inquiry – Criminal Justice System

Po Box 1429 Canberra ACT 2601

T (02) 6205 5700

W www.cjsinquiry.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [BOI Information](#)
To: walter@sofronoff.com.au; [Sch 2.2\(a\)\(ii\)](#)
Cc: [Cuddihy, GenevieveA](#); [Banks, HelenP](#); [Lauc, JessicaK](#); [Sch 2.2\(a\)\(ii\)](#)
Subject: FW: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry
Date: Thursday, 23 February 2023 12:54:00 PM

OFFICIAL: Sensitive

Hi all,

See below email confirming delegations for Erin and Josh should be signed by this arvo.

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Thursday, 23 February 2023 12:47 PM
To: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: RE: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Thanks Carl, understood.

The response should be signed this afternoon.

Kind regards,

Gez

From: BOI Information <BOI.Information@inquiry.act.gov.au>
Sent: Thursday, 23 February 2023 12:25 PM
To: CMCD DLO <CMCDDLO@act.gov.au>
Cc: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: RE: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry
Importance: High

OFFICIAL: Sensitive

Thanks Gez.

Just flagging that Mr Sofronoff won't be in Canberra tomorrow and as such if the delegation isn't signed off today this will cause difficulties for the meetings that have been scheduled for tomorrow (in the worst case scenario the meetings will need to be called off).

As such grateful for anything your office might be able to do to get a response back today.

Kind regards

Carl Mossop | Solicitor Assisting

Board of Inquiry – Criminal Justice System

m: [Sch 2.2\(a\)\(ii\)](#)

e: CarlS.Mossop@inquiry.act.gov.au

w: www.cjsinquiry.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Thursday, 23 February 2023 10:36 AM
To: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: RE: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Dear Carl,

Thank you very much for the update, apologies for the delay in responding.

The Chief Minister will be writing to the Chair today or tomorrow.

Please contact me with any questions.

Kind regards,
Gez

From: BOI Information <BOI.Information@inquiry.act.gov.au>
Sent: Wednesday, 22 February 2023 5:07 PM
To: CMCD DLO <CMCDDLO@act.gov.au>
Subject: RE: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Hi Gez,
 Just a heads up that the letter from Walter has just been sent to barr@act.gov.au.
 Thanks,
 Carl

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Wednesday, 22 February 2023 4:52 PM
To: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: RE: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Dear Carl, thanks so much for the update, appreciated.
 We should be in a position to respond very swiftly.
 Kind regards,
 Gez

From: BOI Information <BOI.Information@inquiry.act.gov.au>
Sent: Wednesday, 22 February 2023 4:49 PM
To: CMCD DLO <CMCDDLO@act.gov.au>
Subject: RE: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Dear Gerard,
 We are hoping to clear the letter with Walter shortly and expect to send this in the next half hour or so.
 Please let us know if you need anything further. We appreciate your assistance with this.
 Kind regards

Carl Mossop | Solicitor Assisting
 Board of Inquiry – Criminal Justice System
 m: [\(Sch 2.2\(a\)\(ii\)\)](tel:Sch 2.2(a)(ii))
 e: CarlS.Mossop@inquiry.act.gov.au
 w: www.cjsinquiry.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Wednesday, 22 February 2023 4:18 PM
To: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: RE Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Good afternoon,
 I am writing on behalf of the Chief Minister's office.
 I understand that a revised letter to the Chief Minister in relation to the delegation of the Inquiry's functions is being drafted.

Can I please seek an indication of when that letter may be sent across. This will assist in a timely response.

Kind regards,

Gez

Gerard Hodshon (Gez) | CMTEDD Directorate Liaison Officer

Office of the Chief Minister | ACT Government

Ph: [Sch 2.2\(a\)\(ii\)](#) | CMCDDLO@act.gov.au | MS Teams

ACT Legislative Assembly | GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au

From: [Hodshon, Gerard](#) on behalf of [CMCD DLO](#)
To: [BOI Information](#)
Subject: Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry
Date: Thursday, 23 February 2023 2:42:01 PM

OFFICIAL: Sensitive

Letter should be coming through to you shortly Carl.

Kind regards,

Gez

From: [BOI Information](#)
To: [Sch 2.2\(a\)\(ii\)](#); [walter@sofronoff.com.au](#); [Lauc, Jessica](#); [Cuddihy, Genevieve](#); [Banks, Helen](#)
Subject: FW: URGENT - Outgoing Corro - Sofronoff - Board of Inquiry - Delegate Functions
Date: Thursday, 23 February 2023 2:51:00 PM
Attachments: [Chief Minister Barr to Walter Sofronoff KC - Delegate functions for Board of Inquiry.pdf](#)

OFFICIAL: Sensitive - Legal Privilege

Hi all,
See attached delegation for Erin and Josh.

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Thursday, 23 February 2023 2:42 PM
To: BARR Reception <BARR@act.gov.au>
Cc: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: URGENT - Outgoing Corro - Sofronoff - Board of Inquiry - Delegate Functions

OFFICIAL: Sensitive - Legal Privilege

Hi Rhys,
Can this corro please be emailed to: BOI.Information@inquiry.act.gov.au and Rattenbury.
Can you BCC cmcdldo@act.gov.au

Many thanks,

Gerard Hodshon (Gez) | CMTEDD Directorate Liaison Officer

Office of the Chief Minister | ACT Government

Ph: [Sch 2.2\(a\)\(ii\)](#) | CMCDLO@act.gov.au | MS Teams

ACT Legislative Assembly | GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au

From: [BARR Reception](#)
To: [BOI Information](#); [RATTENBURY](#)
Subject: Correspondence from the Chief Minister
Date: Thursday, 23 February 2023 3:05:32 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[Chief Minister Barr to Walter Sofronoff KC - Delegate functions for Board of Inquiry.pdf](#)

Good afternoon

Please find the attached correspondence from the Chief Minister.

Kind regards

Rhys Thompson

Office Manager | Office of Andrew Barr MLA

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong





Andrew Barr MLA
Chief Minister
Treasurer
Minister for Climate Action
Minister for Economic Development
Minister for Tourism

Member for Kurrajong

Walter Sofronoff KC
Chair
Board of Inquiry – Criminal Justice System
PO Box 1429
CANBERRA ACT 2601

Dear Mr Sofronoff

Thank you for your letter regarding the delegation of certain functions under the *Inquiries Act 1991* (the Act) in relation to the Board of Inquiry – Criminal Justice System.

Per your request and pursuant to s37 of the Act, I consent to the delegation of your function under s22 of the Act, as chairperson to preside at a hearing of the Board of Inquiry into the Criminal Justice System, to the following persons:

1. Erin Longbotton KC; and
2. Joshua Jones

who will be authorised by you, from time to time, to preside over hearings.

I trust these delegations will support the fair and prompt conduct of the inquiry. Thank you for bringing this matter to my attention. A copy of this delegation will also be provided to the Attorney-General for his information.

Yours sincerely

Andrew Barr MLA
Chief Minister

23 February 2023

Cc:
Shane Rattenbury MLA
Attorney-General

From: [BOI Information](#)
To: [Perkins, FelicityC](#)
Subject: FW: URGENT - Outgoing Corro - Sofronoff - Board of Inquiry - Delegate Functions
Date: Friday, 10 March 2023 11:47:00 AM
Attachments: [Chief Minister Barr to Walter Sofronoff KC - Delegate functions for Board of Inquiry.pdf](#)

OFFICIAL: Sensitive - Legal Privilege

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Thursday, 23 February 2023 2:42 PM
To: BARR Reception <BARR@act.gov.au>
Cc: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: URGENT - Outgoing Corro - Sofronoff - Board of Inquiry - Delegate Functions

OFFICIAL: Sensitive - Legal Privilege

Hi Rhys,

Can this corro please be emailed to: BOI.Information@inquiry.act.gov.au and Rattenbury.

Can you BCC cmcddlo@act.gov.au

Many thanks,

Gerard Hodshon (Gez) | CMTEDD Directorate Liaison Officer

Office of the Chief Minister | ACT Government

Ph: [Sch 2.2\(a\)\(ii\)](#) | CMCDDLO@act.gov.au | MS Teams

ACT Legislative Assembly | GPO Box 158 CANBERRA ACT 2601 | www.act.gov.au

BOARD OF INQUIRY CRIMINAL JUSTICE SYSTEM

10 March 2023

Mr Andrew Barr MLA
Chief Minister
GPO Box 1020
CANBERRA ACT 2601

By email: barr@act.gov.au

Dear Chief Minister

Board of Inquiry – Criminal Justice System – Delegation of Function

I refer to your letter dated 23 February 2023 in which you consented to the delegation of my function under section 22 of the *Inquiries Act 1991* as chairperson of the Board of Inquiry to preside at a hearing of the Board to Ms Erin Longbottom KC and Mr Joshua Jones.

For reasons explained in my letter dated 17 February 2023, it is necessary to appoint a further counsel, Ms Eleanor Lynch, to assist the Board to undertake further interviews under my delegation. Accordingly, I seek your consent to delegate my function under section 22 of the Act in the following form:

Pursuant to s 37 of the Inquiries Act 1991, I consent to Walter Sofronoff's delegation of his function under s 22 of the Act as chairperson to preside at a hearing of the Board of Inquiry into the Criminal Justice System to the following person:

- *Eleanor Lynch*

who will be authorised by Mr Sofronoff, from time to time, to preside over hearings.

Please contact Ms Helen Banks, Executive Director, Board of Inquiry by email at helenp.banks@inquiry.act.gov.au or by telephoning 6207 5700 if you require further information.

Yours sincerely



Walter Sofronoff KC

Chair

Board of Inquiry – Criminal Justice System

From: [BOI Information](#)
To: [CMCD DLO](#)
Subject: RE: Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry
Date: Wednesday, 15 March 2023 10:24:00 AM

OFFICIAL: Sensitive

Hi Gez – just chasing the authorisation for Eleanor Lynch. Do you know when we may expect a response?

Thanks

Helen

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Thursday, 23 February 2023 2:42 PM
To: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Letter should be coming through to you shortly Carl.

Kind regards,

Gez

From: [BOI Information](#)
To: [CMCD DLO](#)
Subject: RE: Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry
Date: Wednesday, 15 March 2023 10:32:00 AM

OFFICIAL: Sensitive

Thanks so much Gez.

From: Hodshon, Gerard <Gerard.Hodshon@act.gov.au> **On Behalf Of** CMCD DLO
Sent: Wednesday, 15 March 2023 10:30 AM
To: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: RE: Correspondence from Walter Sofronoff KC - Delegate Functions of Board of Inquiry

OFFICIAL: Sensitive

Hi Helen,

A response is being urgently drafted, but you should consider this request as endorsed by the CM.

Kind regards,

Gez

From: BOI Information <BOI.Information@inquiry.act.gov.au>
Sent: Wednesday, 15 March 2023 10:25 AM
To: CMCD DLO <CMCDDLO@act.gov.au>

Duplicate

From: [BARR Reception](#)
To: [BOI Information](#); [RATTENBURY](#)
Cc: [CMCD DLO](#); [Banks, HelenP](#)
Subject: Correspondence from the Chief Minister
Date: Friday, 24 March 2023 3:02:16 PM
Attachments: [Chief Minister to Mr Sofronoff - Additional Counsel.pdf](#)
[image001.png](#)
[image002.jpg](#)

Good afternoon

Please find attached a letter from the ACT Chief Minister.

Thank you.

Kind regards

Robyn Burger

Office Manager | Office of Andrew Barr MLA

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong

image001.png



image002.jpg





Andrew Barr MLA
Chief Minister
Treasurer
Minister for Climate Action
Minister for Economic Development
Minister for Tourism

Member for Kurrajong

Walter Sofronoff KC
Chair
Board of Inquiry – Criminal Justice System
PO Box 1429
CANBERRA ACT 2601

Dear Mr Sofronoff

Thank you for your letter of 10 March 2023 regarding the delegation of certain functions under the *Inquiries Act 1991* (the Act) in relation to the Board of Inquiry – Criminal Justice System.

Per your request and pursuant to section 37 of the Act, I consent to the delegation of your function under section 22 of the Act, as chairperson to preside at a hearing of the Board of Inquiry into the Criminal Justice System, to the following person:

- Eleanor Lynch

who will be authorised by you, from time to time, to preside over hearings.

I trust this additional delegation will support the fair and prompt conduct of the inquiry. A copy of this delegation will also be provided to the Attorney-General for his information.

Yours sincerely

Andrew Barr MLA
Chief Minister

24 March 2023

Cc: Shane Rattenbury MLA
Attorney-General

Sch 1 1.1

Sch 1 1.1

Kramarzewski, Lisa

From: BARR Reception
Sent: Monday, 17 April 2023 2:13 PM
To: Cuddihy, GenevieveA
Cc: BOI Information
Subject: RE: Board of Inquiry - Criminal Justice System

Good afternoon,

I would like to acknowledge receipt of the attached correspondence and note that it is receiving attention.

Kind regards,
Rhys

Rhys Thompson
Office Manager | Office of Andrew Barr MLA
Chief Minister
Treasurer
Minister for Climate Action
Minister for Economic Development
Minister for Tourism
Member for Kurrajong



From: Cuddihy, GenevieveA <GenevieveA.Cuddihy@inquiry.act.gov.au>
Sent: Sunday, 16 April 2023 8:15 PM
To: BARR Reception <BARR@act.gov.au>; RATTENBURY <RATTENBURY@act.gov.au>
Cc: BOI Information <BOI.Information@inquiry.act.gov.au>
Subject: Board of Inquiry - Criminal Justice System

OFFICIAL: Sensitive

Dear Chief Minister and Attorney-General,

Please see **attached** correspondence from the Board of Inquiry for your consideration.

Kind regards,

Genevieve

Genevieve Cuddihy | Senior Solicitor Assisting
Board of Inquiry – Criminal Justice System

m: [Sch 2.2\(a\)\(ii\): GenevieveA.Cuddihy@inquiry.act.gov.au](mailto:GenevieveA.Cuddihy@inquiry.act.gov.au)
w: www.cjsinquiry.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [BARR Reception](#)
To: [Walter Sofronoff](#)
Cc: [RATTENBURY](#)
Subject: Correspondence from the Chief Minister and Minister Rattenbury
Date: Thursday, 3 August 2023 11:44:00 AM
Attachments: [image001.png](#)
[Letter - Walter Sofronoff KC - Board of Inquiry - 3 August 2023.pdf](#)
Importance: High

Good morning

Please find the attached correspondence from the Chief Minister and Minister Rattenbury.

Kind regards

Rhys

Rhys Thompson

Office Manager | Office of Andrew Barr MLA

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong



Kramarzewski, Lisa

From: Banks, HelenP
Sent: Thursday, 3 August 2023 7:37 PM
To: Walter Sofronoff
Subject: FW: Media Statement

OFFICIAL

Dear Walter

Please find **below** confirmed media release from the ACT Government.

Helen

From: Croke, Leesa <Leesa.Croke@act.gov.au>
Sent: Thursday, 3 August 2023 6:46 PM
To: Banks, HelenP <HelenP.Banks@inquiry.act.gov.au>
Subject: Media Statement

OFFICIAL

Hi Helen

The below was provided to media this evening.

The ACT Government is disappointed that the Sofronoff Board of Inquiry Report has been released to select media outlets. The release of information about the Inquiry outside of the government procedures has affected the Inquiry process and harmed people involved. It further contributes to the ongoing public discussion of the matter that has been very difficult for all of the individuals impacted.

The ACT is confident the report, either in draft or final form, was not obtained by media from Government. The Government has sought advice from the Board of Inquiry, which has confirmed it provided a copy to some media outlets under an embargo. This release was not authorised by or communicated to Government prior to this release.

The Government has commenced the Cabinet process to enable proper consideration of the Report's findings and recommendations. The individuals identified in the Report and affected by its findings must be afforded procedural fairness, including the Director of Public Prosecutions (DPP). The ACT Attorney-General is in contact with the DPP in relation to the findings relating to him.

Following this, the ACT Government is preparing to release the report formally along with the Government's interim response to the recommendations early next week.

Leesa