



CDPP

Australia's Federal Prosecution Service

Commonwealth Director
of Public Prosecutions

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4 August 2021

Mr Selwyn Krepp

By email only: foi+request-7611-561bb50a@righttoknow.org.au

Dear Mr Krepp

PRACTICAL REFUSAL NOTICE - FREEDOM OF INFORMATION ACT 1982 ('FOI ACT')

The Commonwealth Director of Public Prosecutions (CDPP) acknowledges your request dated 17 July 2021 in which you made the following request for access to documents:

"In 2018 – Commissioner Hayne of the Royal Commission into Banking and Misconduct discovered and announced Directors and AMP Executives could face criminal prosecution for their wrongful behaviours and conduct.

I now request copies of all letters, emails and correspondence from ASIC to the CDPP in seeking crime punishment and furthermore CDPP's response in detail of their decision to oppose Commissioner Hayne."

I, Kirstin Duncan, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its broad scope. This is called a 'practical refusal reason' (section 24AA). In accordance with section 24AB(2) of the Act I notify you of my intention to refuse access to the documents requested on this basis.

In forming my intention to refuse access, I have considered the following factors:

- the size of your request, which I have interpreted to refer to correspondence from the Australian Securities and Investments Commission (ASIC) relating to the AMP Financial Planning matters and the CDPP's decision not to prosecute, dating from the pre-brief phase of the potential prosecution to the conclusion of the matter
- the time and resources required to process your request
- the time and resources required to consult with third parties

- the staffing resources available to the CDPP to process your request. The CDPP is a small agency that does not have a dedicated FOI team, and processing your request would therefore divert the attention of a CDPP lawyer from his or her prosecution function
- the resources required to make copies or edited copies of any documents that are to be released.

The Australian Securities and Investments Commission (ASIC) commenced engagement with the CDPP in April 2019, referring a pre-brief of evidence to our Office. The matter concluded in July 2021 when the CDPP determined, on the basis of the available evidence and weighing all the relevant public interest factors, that no charges should be brought. The CDPP has identified at least 400 electronic documents relevant to your request. It is estimated that the time for reviewing and assessing those documents would take over 80 hours. This calculation does not consider the time it would take to consult other parties, redact material, copy documents, prepare a schedule and write a notice of decision.

Initial calculations to review documents				
No of documents	Estimated page length	Total pages	Estimated time to review	Total minutes/ hours
At least 400	3	1200	4 minutes per page	4,800 minutes/ 80 hours

NEXT STEPS

Section 24AB of the Act provides that you have 14 days from receipt of this letter to consult with the CDPP about your request.

During this consultation period, you must, in writing, either:

- withdraw the request; or
- make a revised request; or
- indicate that you do not wish to revise the request.

If you would like to discuss revising your request, please contact me, via email at FOI@cdpp.gov.au.

If contact is not made with this Office within 14 days, the CDPP will consider your request to have been withdrawn.

Yours faithfully



Kirstin Duncan
Senior Federal Prosecutor
International Assistance Specialist Agencies