

Our Ref: SC:LG:118789

Your Ref: MS:5263490

12 July 2023

Ms Marlia Saunders
Thomson Geer
Level 14
Martin Place
Sydney NSW 2001

Dear Ms Saunders

Bruce Lehmann v Network Ten Pty Limited & Anor - NSD103/2023
Subpoena to produce documents - Department of Parliamentary Services

We refer to your letter dated 11 July 2023 received afterhours at 7.44pm yesterday evening (**Your Letter**).

As was indicated to the Court on 7 July 2023, and also to yourselves and your Counsel prior to the case management conference on 7 July 2023, the material located and produced to the Court in reply to your subpoena only responded to category 4 of the subpoena as no material was located in response to items 1-3 (inclusive) of the subpoena.

In Your Letter, you have sought confirmation of "your understanding", the basis of which is set out in 5 numbered paragraphs in Your Letter, of the reasons why no material was within the scope of items to 1-3 (inclusive) of the subpoena.

In reply, we are instructed that the Department does not disagree with your description of why there was no material to provide in response to items 1-3 (inclusive) of the subpoena, save for your points at paragraphs numbered 3 and 5 in Your Letter, as the situation is slightly more nuanced. To explain further, we note that:

- in accordance with the relevant guidance (see link below), CCTV footage may be quarantined for 90 days upon an approved request for the purposes of review;
- once reviewed by the requesting party, a request for release of CCTV footage may be submitted and that material may be released;
- footage that is not subject to a request for view or release will remain quarantined for the 90-day period, subject to any extension request that is submitted, before it is destroyed.

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You have also requested in Your Letter that our client advise when the footage was overwritten. We are instructed to respond as follows:

1. the overwriting of data is not a manually determined process by the Department; and
2. the Department has published the "*Closed Circuit Television Code of Practice - Public Version*" which is available at:

[https://www.aph.gov.au/About Parliament/Parliamentary Departments/Department of Parliamentary Services/policies](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Department_of_Parliamentary_Services/policies).

This document provides further, publicly available, information in relation to your query.

We trust this satisfies your queries and your client no longer contends that complete production has not been given by the Department pursuant to the subpoena.

Yours faithfully



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