

Solovjev Anna

From: Brayshaw, Elizabeth <Elizabeth.Brayshaw@ag.gov.au>
Sent: Thursday, 26 September 2019 12:59 PM
To: West Lisa
Cc: [REDACTED]
Subject: RE: Media Enquiry [SEC=OFFICIAL]
Categories: ACT/AGD corro

Hi Lisa

Thanks – minor suggestion as we wouldn't refer to legal advice

Regards

liz

From: West Lisa [mailto:lisa.west@cdpp.gov.au]
Sent: Thursday, 26 September 2019 12:49 PM
To: [REDACTED] Brayshaw, Elizabeth <Elizabeth.Brayshaw@ag.gov.au>
Subject: Media Enquiry [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED] and Liz

We have received the below media inquiry and are proposing to send the following response out later today:

Thank you for your enquiry.

Attached are copies of the two letters that have already been released to the media by the ACT Government..

The initial letter considered whether the defence in s313.1 of the Criminal Code (Cth) of conduct justified or excused by or under a law of a State or Territory, would be applicable to a federal charge in the ACT of possessing controlled drugs under s308.1(1). There has not been detailed judicial consideration of the defence contained in s313.1 and its potential scope.

On 20 September 2019 a legal authority, on a provision similar to s313.1, was brought to this office's attention by following discussions with the Attorney-General's Department, which resulted in further consideration was given to the issues and a further letter was sent to Mr Glenn.

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

CDPP
Australia's Federal Prosecution Service

Lisa West
Assistant Director

Legal Business Improvement
Commonwealth Director of Public Prosecutions

Adelaide
Brisbane
Cairns
Canberra
Darwin
Hobart
Melbourne

Direct line 03 9605 4460
Fax 03 9670 4295
lisa.west@cdpp.gov.au
Mobile 0404 827 600

Perth
Sydney
Townsville

www.cdpp.gov.au

From: Paul Karp <paul.karp@theguardian.com>
Sent: Thursday, 26 September 2019 8:17 AM
To: CDPP Media <CDPP.Media@cdpp.gov.au>
Subject: CDPP advice on ACT cannabis legislation

Hi,

I've seen an [ABC report](#) that Sarah McNaughton gave some advice about the CDPP position on the ACT's new law to decriminalise cannabis.

Could I please ask:

- For a copy of the two sets of advice referred to in that story?
- Why is it no longer the CDPP's position that the ACT law provides a defence to the Commonwealth offence of possessing cannabis?
- What are the "legal complexities" that were not initially appreciated at first - leading to the first set of advice being rescinded?
- How did the CDPP become aware of these legal complexities?
- Is there any practical guidance you can give to ACT residents considering coming into possession of cannabis after January 2020 about whether that is legal and whether they might be prosecuted?

Thanks for considering! This is for a feature to run over the weekend but I might write news as well depending on what you're able to tell me.

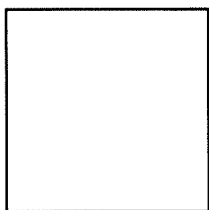
Cheers,

Paul

--
Paul Karp
Political reporter
The Guardian | Australia

+61 (0) 420 868 336
paul.karp@theguardian.com

twitter: [@Paul_Karp](https://twitter.com/Paul_Karp)



Suite 68, Parliamentary Press Gallery
Parliament House, Canberra, ACT 2600
theguardian.com/au

This e-mail and all attachments are confidential and may also be privileged. If you are not the named recipient, please notify the sender and delete the e-mail and all attachments immediately. Do not disclose the contents to another person. You may not use the information for any purpose, or store, or copy, it in any way. Guardian News & Media Limited is not liable for any computer viruses or other material transmitted with or as part of this e-mail. You should employ virus checking software.

Guardian News & Media Limited is a member of Guardian Media Group plc. Registered Office: PO Box 68164, Kings Place, 90 York Way, London, N1P 2AP. Registered in England Number 908396

Classification: OFFICIAL

***** The information contained in this message and in any attachments is privileged and confidential and intended only for the use of the addressee. You should not read, copy, use or disclose this information without authorisation. If you are not the intended recipient of this message, please e-mail the sender immediately and delete this message. Any unauthorised dissemination, disclosure, copying or use of the contents of this message is prohibited and may result in legal action.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.
