

Solovjev Anna

From: West Lisa on behalf of LBI
Sent: Thursday, 26 September 2019 2:03 PM
To: CDPP Media
Cc: Pavleka Andrea; McNaughton Sarah; Astley Adele
Subject: RE: CDPP advice on ACT cannabis legislation [SEC=OFFICIAL]
Attachments: Letter Richard Glenn JCSD 20190911 Director signed.pdf; Further Letter Richard Glenn JCSD 20190922 Director signed.pdf

Categories: ACT/AGD corro

OFFICIAL

Dear Tom

I would be grateful if you would respond to Mr Karp as follows, along with the two attached letters:

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 following communications with the Attorney-General's Department, further legal consideration was given to the issues and a further letter was sent to Mr Glenn on 23 September 2019.

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

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Australia's Federal Prosecution Service

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Classification: OFFICIAL

From: CDPP Media <CDPP.Media@cdpp.gov.au>
Sent: Thursday, 26 September 2019 8:33 AM
To: West Lisa <lisa.west@cdpp.gov.au>; McNaughton Sarah <Sarah.McNaughton@cdpp.gov.au>
Cc: CDPP Media <CDPP.Media@cdpp.gov.au>; Pavleka Andrea <andrea.pavleka@cdpp.gov.au>
Subject: FW: CDPP advice on ACT cannabis legislation [SEC=OFFICIAL]

OFFICIAL

Hi

Please see below. I note that yesterday we received advice from the ACT Government that they had released the two letters (email attached) so I was wondering if we refer this enquiry to ACT or if we are in a position to respond?

Also Sarah given we are getting enquiries I was wondering if I could grab a copy of the CDPP advice sent to ACT (and if you are comfortable with us also releasing them?)

Thanks
Tom



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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

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Paul Karp

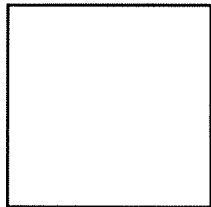
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