

Solovjev Anna

From: West Lisa
Sent: Thursday, 26 September 2019 1:40 PM
To: Pavleka Andrea
Subject: RE: Media Enquiry [SEC=OFFICIAL]
Categories: ACT/AGD corro

OFFICIAL

Thanks Andrea

I had popped in the same amendment! Communications is also better.

I shall forward this off to Tom in our media section.

CDPP
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Classification: OFFICIAL

From: Pavleka Andrea <andrea.pavleka@cdpp.gov.au>
Sent: Thursday, 26 September 2019 1:33 PM
To: West Lisa <lisa.west@cdpp.gov.au>
Subject: FW: Media Enquiry [SEC=OFFICIAL]

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Hello Lisa

Given those concerns, I suggest the following:

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 communications with the Attorney-General's Department, which resulted in 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.

This addresses AGD's concerns regarding waiver. It also includes the date of our letter.

Andrea

Classification: OFFICIAL

From: West Lisa
Sent: Thursday, 26 September 2019 1:02 PM
To: Pavleka Andrea <andrea.pavleka@cdpp.gov.au>
Subject: FW: Media Enquiry [SEC=OFFICIAL]

OFFICIAL

Hi Andrea

This is AGD's suggestion – some concerns over reference to legal advice. Let me know what you think.

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