

**Solovjev Anna**

**From:** McNaughton Sarah  
**Sent:** Sunday, 22 September 2019 3:11 PM  
**To:** Pavleka Andrea  
**Subject:** RE: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]  
**Attachments:** Further Letter Richard Glenn JCSD 20190922 Director signed (002).docx

Hello again Andrea.

I attach a letter with the content suggested by you.

If you're content with it, could you please pass it on to Lisa to send first thing.

Kind regards

Sarah

CDPP  
Australia's Federal Prosecution Service

Sarah McNaughton SC

Director  
Commonwealth Director of Public Prosecutions

National Direct line +61 (0)2 9321 1240  
[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)

[www.cdpp.gov.au](http://www.cdpp.gov.au)

Adelaide  
Brisbane  
Cairns  
Canberra  
Darwin  
Hobart  
Melbourne  
Perth  
**Sydney**  
Townsville

**From:** McNaughton Sarah  
**Sent:** Friday, 20 September 2019 6:37 PM  
**To:** Pavleka Andrea <[andrea.pavleka@cdpp.gov.au](mailto:andrea.pavleka@cdpp.gov.au)>  
**Subject:** RE: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

OFFICIAL

Hi Andrea

I've now read the advice. I think your proposed response is a good one. [REDACTED]  
[REDACTED] I also think that unless we are strongly of the view we were absolutely correct (which I'm not now) we should respond in the way suggested by you.

If we can do that promptly on Monday morning, that would be great.

Kind regards

Sarah

**CDPP**  
*Australia's Federal Prosecution Service*

Sarah McNaughton SC

Director  
Commonwealth Director of Public Prosecutions

Adelaide  
Brisbane  
Cairns  
Canberra

National Direct line +61 (0)2 9321 1240  
[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)

[www.cdpp.gov.au](http://www.cdpp.gov.au)

Darwin  
Hobart  
Melbourne  
Perth  
**Sydney**  
Townsville

Classification: OFFICIAL

---

**From:** Pavleka Andrea <[andrea.pavleka@cdpp.gov.au](mailto:andrea.pavleka@cdpp.gov.au)>  
**Sent:** Friday, 20 September 2019 4:57 PM  
**To:** McNaughton Sarah <[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)>  
**Subject:** RE: Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

## OFFICIAL

Yes, I think something along those lines could be good. Wasn't sure if we needed to formally withdraw the letter, or whether that sounded a bit like legalese.

Perhaps:

I refer to my previous letter. This office has since given the matter some further consideration. It is now apparent that the issues you raise are attended by legal complexities that we had not initially appreciated in formulating our response. On that basis, I have concluded that it would not be appropriate to provide a view on the proposed legislation. I apologise for any inconvenience caused.

I've had a quick look at their advice, and appreciate the point they are making.

I have to head off now, but will give it further thought on the weekend, and we can settle a position on Monday. Have a nice weekend.

Andrea

Classification: OFFICIAL

---

**From:** McNaughton Sarah  
**Sent:** Friday, 20 September 2019 4:31 PM  
**To:** Pavleka Andrea <[andrea.pavleka@cdpp.gov.au](mailto:andrea.pavleka@cdpp.gov.au)>  
**Subject:** Just a preliminary thought as to our response re the ACT issue [SEC=OFFICIAL]

## OFFICIAL

Andrea – a potential approach:

We refer to our previous letter. We have since given the matter further consideration. It is now apparent that the issue is more legally controversial than we first appreciated, and on reflection we withdraw our previous letter. We decline to provide any definitive view at this stage. I apologise for any inconvenience caused.

Kind regards

Sarah

# CDPP

*Australia's Federal Prosecution Service*

Sarah McNaughton SC

Director

Commonwealth Director of Public Prosecutions

National Direct line +61 (0)2 9321 1240

[Sarah.McNaughton@cdpp.gov.au](mailto:Sarah.McNaughton@cdpp.gov.au)

[www.cdpp.gov.au](http://www.cdpp.gov.au)

Adelaide

Brisbane

Cairns

Canberra

Darwin

Hobart

Melbourne

Perth

**Sydney**

Townsville

Classification: OFFICIAL



CDPP

*Australia's Federal Prosecution Service*

Sarah McNaughton SC  
Director

Commonwealth Director  
of Public Prosecutions

Level 11, 175 Liverpool Street  
Sydney NSW 2000

Telephone **02 6206 5666**  
[www.cdpp.gov.au](http://www.cdpp.gov.au)

22 September 2019

Mr Richard Glenn  
A/g Director-General  
Justice and Community Safety Directorate  
GPO Box 158  
CANBERRA CITY ACT 2601

Dear Mr Glenn

**Private Member's Bill – Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018 (ACT)**

I refer to my previous letter. This office has since given the matter some further consideration.

It is now apparent that the issues you raise are attended by legal complexities that we had not initially appreciated in formulating our response. On that basis, I have concluded that it would not be appropriate to provide a view on the proposed legislation.

I apologise for any inconvenience caused.

Yours sincerely,

Sarah McNaughton SC  
Commonwealth Director of Public Prosecutions