

**Solovjev Anna**

---

**From:** Pavleka Andrea  
**Sent:** Thursday, 26 September 2019 1:33 PM  
**To:** West Lisa  
**Subject:** FW: Media Enquiry [SEC=OFFICIAL]

**Categories:** ACT/AGD corro

**OFFICIAL**

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.

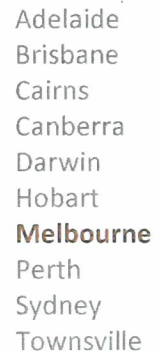
Andrea

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



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

[illegible]





