



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON HEALTH, AGEING AND COMMUNITY SERVICES
BEC CODY MLA (CHAIR), VICKI DUNNE MLA (DEPUTY CHAIR), CAROLINE LE COUTEUR MLA

Inquiry into Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018
ANSWER TO QUESTION ON NOTICE #3

Asked by Caroline Le Couteur MLA -

In relation to Commonwealth versus ACT law:

1. I understand that the Bill envisages that the new regime will start 30 days after the bill is passed. How does the government propose to solve the legal issues relating to Commonwealth jurisdiction in that time frame?
2. Does the government propose seeking assistance from the Commonwealth government to resolve the apparent conflict?
 - a. If so do they think that the result of the 18 May 2019 will be relevant to any request?
3. Noting the evidence provided by ACT Policing that officers would be in a position where they would have to decide whether to enforce ACT law or Commonwealth law in relation to cannabis, how does the Government propose to resolve this issue?
4. How can ACT residents have confidence they will not be prosecuted for an offence if they possess small quantities of cannabis?
5. Does the Government support the establishment of an MOU with ACT Policing on how cannabis laws should be enforced in the ACT?
 - a. Do you believe this mechanism would resolve the issue of the apparent conflict between Commonwealth and ACT law?
6. Can the government confirm that Simple Cannabis notices would no longer exist under this bill?

The answer to the Member's question is as follows:-

1. The Private Member's Bill currently has a commencement date of 1 July 2019. The draft Government Amendment Bill includes a commencement date of 30 days from notification to ensure that there would be a minimum of 30 days regardless of when the Bill may be passed. The Government will consider an appropriate commencement date subject to the timing of debate on the Bill and how long the Government considers is required to resolve any outstanding issues or communicate with the public based on the final form of the legislation.
2. The ACT Government is not currently proposing to seek changes to Commonwealth laws. Nonetheless, we will continue to work with stakeholders including the Australian Government to understand and resolve any differences in the interpretation of the Commonwealth law as much as possible.
 - a. As above, the ACT Government is not considering such a request.
3. As discussed with the Inquiry, the Government continues to explore refinements to the Private Member's Bill that would assist to resolve perceived or actual conflicts with Commonwealth legislation.
4. The Government is working toward a model that would give ACT residents confidence about the type of conduct and circumstances that would be lawful under the proposed amendments.

5. This is not being considered. As outlined above, the Government is working toward a model that would give ACT residents confidence about the type of conduct and circumstances that would be lawful under the proposed amendments.
6. Simple cannabis offences are retained in the Private Member's Bill. However, the Private Member's Bill amends the definition of simple cannabis offences such that, for possession of cannabis, they are only applicable to persons under 18 years of age.

Approved for circulation to the Standing Committee on Health, Ageing and Community Services

Signature: 

Date: 20.5.19

By the Chief Minister, Andrew Barr MLA