

The Hon Michael Daley MP
Attorney General



Ref: EAP25/10289

Mr Steven Reynolds
Clerk of the Parliaments
Parliament House
Macquarie Street
SYDNEY NSW 2000

By email: lc.clerk@parliament.nsw.gov.au

Dear Mr Reynolds

Government response – *Impact of the regulatory framework for cannabis in New South Wales*

Please accept this letter as the Government's response to report no. 66 of the Portfolio Committee No.1 – Premier and Finance, *Impact of the regulatory framework for cannabis in New South Wales* (the **Final Report**), for tabling in the Legislative Council. The Government's response is required to be provided to the Legislative Council by 22 September 2025.

The NSW Government thanks the Committee for its inquiry and the Final Report and acknowledges the contribution by individuals and organisations that participated in the inquiry. The NSW Government has carefully considered the findings within the Final Report and its recommendations.

The NSW Government notes **Recommendations 1 and 2** of the Final Report, however regulation of and support for the medicinal cannabis industry are matters for Commonwealth Government consideration.

Medicinal cannabis and products (such as cannabis oil, extracts, and tinctures) are regulated as medicines in Australia and are prescription only substances. The Commonwealth's Office of Drug Control (ODC) regulates the import of controlled substances, such as cannabis for medicinal purposes under the Customs (Prohibited Imports) Regulations 1956 (Cth). The ODC also regulates licencing and permits to grow, produce or manufacture cannabis for medicinal or research purposes in Australia.

Recommendations 3 through to 6 of the Final Report recommend, via differing approaches, to decriminalise or legalise cannabis in NSW.

The NSW Government's policy position, which has been made clear to the community in previous public statements by the Government, is that it has no intention to decriminalise or legalise cannabis or to take steps to do so. The NSW Government therefore does not support **Recommendations 3, 4, 5 and 6** of the Final Report.

In relation to Recommendation 6 on penalties for cannabis possession, the NSW Government has the Cannabis Cautioning Scheme to deal with minor cannabis offences. Under the Scheme persons can be formally cautioned by police rather than charged for minor cannabis possession offences. Some changes to the Scheme to enhance eligibility were made in 2024.

Recommendation 7 of the Final Report recommends implementation of the 11 policy reform measures outlined at Recommendation 1 of the First Report of the Impact of the regulatory framework for cannabis in New South Wales (First Report).

The NSW Government response to the First Report stated the *"The NSW Government agrees that it is appropriate that matters related to drug policy be considered in the context of the Drug Summit. The Government will consider the issues raised in the Inquiry report and the accompanying recommendations as part of its response to the NSW Drug Summit, which is expected to report in 2025."*

The NSW Government notes **Recommendation 7** of the Final Report. The 2024 NSW Drug Summit brought together the different parts of the community touched by the challenge of drug use, to build consensus on the way NSW addresses drug use and harms. A wide range of issues were canvassed at the Drug Summit, including those raised by the 11 policy reform measures outlined in Recommendation 1 of the First Report.

The Report on the 2024 NSW Drug Summit and its recommendations will guide the Government's consideration of any drug policy reform in NSW. The Government will respond to the report's recommendations in due course.

Should you have any questions, please contact Dylan Parker, Ministerial Advisor
on _____ or at _____

Sincerely,

Michael Daley MP
Attorney General

18 SEP 2025

cc The Hon. Chris Minns MP
The Hon. Ryan Park