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NSW Police Force

OFFICE OF THE COMMISSIONER

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The Hon. Jeremy Buckingham MLC
Committee Chair
Portfolio Committee No.1 – Premier and Finance
Parliament House
Macquarie Street
SYDNEY NSW 2000

PortfolioCommittee1@parliament.nsw.gov.au

Dear Mr Buckingham,

I write to you regarding the *Inquiry into the Impact of the Regulatory Framework for Cannabis in NSW – First Report*, published in October 2024.

It has been brought to my attention that the Report contains outdated and inaccurate information about the Cannabis Cautioning Scheme (CCS). Given the potential impact of these inaccuracies on the final Inquiry report, I would appreciate if these errors are noted and rectified before the final report is published by the Committee.

Following the introduction of the Early Drug Diversion Initiative (EDDI) on 29 February 2024, the CCS was changed to align it with the EDDI and widen diversion opportunities. Two main changes were made to the CCS:

- Removal of the requirement for individuals to admit to the offence or consent to the caution when being issued a cannabis caution; and
- Removal of the mandatory requirement for individuals to contact the *Alcohol and Drug Information Service (ADIS)* upon receipt of a second caution.

These changes to the CCS were reflected in the NSWPF CCS Guidelines for Police, which were published on the NSW Police Force website in April 2024. The Inquiry Report refers to these Guidelines and outlines the criteria for issuing a cannabis caution at 1.47.

However, the Report then continues to erroneously state that admission of an offence is a requirement under the Scheme, and that a requirement to contact ADIS is still mandatory, at a number of sections, including: 1.48, page 15; Section 3.143, page 65; Section 3.40, page 43; Section 3.41, page 43; Section 3.42, page 43; and Section 3.43, page 43.

I note that the above statements were based on evidence or submissions received by the Committee which evidently represented the outdated criteria of the CCS. However, the statements as referenced in the above sections may give the impression that the CCS was never amended, and the previous criteria still applies.

I am concerned that this misrepresentation of the Scheme may lead to further erroneous statements and recommendations in the final report of the Inquiry.

I would appreciate if the Committee is able to make any necessary corrections to the First Report and correctly represents the Scheme criteria in any future reports and public statements.

Yours sincerely,

Karen Webb APM
Commissioner of Police