

## WHAT IS POLICE DRUG DIVERSION?

The Police Drug Diversion Program in Queensland is a legislated program that allows police to offer an eligible person an alternative to going to court for a minor drugs possession offence. If you meet the eligibility criteria, police must give you a Drug Diversion Warning. However, if you have already had a warning, you may get two chances to attend a Drug Diversion Assessment Program appointment.

## WHAT HAPPENS IF YOU ARE CAUGHT WITH DRUGS AND OFFERED DRUG DIVERSION?

**If it's your first time and you agree to receive a Drug Diversion Warning:**

1. **Written Notice:** the police officer must give you a written notice confirming the details of the warning, including when the warning was issued and the police officer's details
2. **Confiscation and Destruction:** the police will take and destroy the drug and anything that might have been used with the drug (eg. pipe/bong/syringe).

**If it's your second or third time and you agree to participate in the Drug Diversion Assessment Program:**

1. **Program Explanation:** the police officer must explain the details of agreeing to attend the Drug Diversion Assessment Program appointment.
2. **Acceptance into the Program:** you'll need to sign a form accepting the offer and agreeing to attend and complete the program. This form will include specific details such as the date, time, and location.
3. **Program Requirements:** the police officer must give you a written requirement to participate in and complete the Drug Diversion Assessment Program appointment, and outline consequences of not attending.
4. **Confiscation and Destruction of Drugs.**
5. **Program Participation & Completion:** This step is done with a drug and alcohol counsellor. Non attendance is considered breaking the law and you can be charged with contravening a direction or requirement of a police officer. Get legal advice!

## YOU AREN'T ELIGIBLE FOR A POLICE DRUG DIVERSION PROGRAM IF YOU'RE:

- In possession of drugs or medicines that are more than the eligible quantities
- A police officer does not reasonably believe the drug/s in question were intended for personal use
- Arrested or questioned about supplying, producing or trafficking any drugs.
- Caught committing another indictable offence at the same time
- Have been previously sentenced to serve a term of imprisonment for supply, trafficking or production of a dangerous drug or precursor; or
- They have previously been offered a diversion/ and exhausted all available diversion opportunities.



## FOR MORE INFO:

**Drug Diversion Legal Advice Line:** 1300 004 924  
Or visit [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

[www.hi-ground.org](http://www.hi-ground.org)

<https://www.police.qld.gov.au/drugs-and-alcohol/police-drug-diversion-program>

<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2012-0251>

# POLICE DRUG DIVERSION

A guide for people who use drugs in Queensland



Queensland has introduced police drug diversion for minor drug possession offences involving personal use amounts of some drugs, with new laws coming into effect on 3rd May 2024.

Expanding drug diversion is a health and education-based approach to drug use, which is key to reducing stigma, keeping people out of the judicial system and reducing harms.

**Hi-Ground**

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## WHAT AMOUNTS YOU CAN POSSESS AS PERSONAL USE\*?

All drugs listed in schedule 1, part 1 & part 2 or schedule 2 of the Drugs Misuse Regulation 1987. Such as:

- AMPHETAMINE (SPEED) 1.0g/ml
- CANNABIS 50.0g
- COCAINE 1.0g/ml
- GHB 1.0ml
- HEROIN 1.0g/ml
- KETAMINE 0.2g
- LSD 3 tabs
- MDMA 4 pills or caps (not containing more than 0.7g as a single dose)
- METHAMPHETAMINE 1.0g/ml
- PSILOCYBIN 0.04g
- STEROIDS any quantity

All schedule 4 and schedule 8 medicines as defined in section 11 of the Medicines and Poisons Act 2019. Such as:

- ADHD MEDS any quantity
- BENZOS any quantity
- OPIOIDS any quantity

\*It's important the threshold quantities are not looked at in isolation, as in all cases where police are determining eligibility for police drug diversion, police need to 'reasonably believe' the drug/s in question are for personal use.

## WHAT IF YOU ARE CAUGHT WITH MORE THAN THE PERSONAL AMOUNT?

If it's more than the eligible quantity or 'personal use amount' the person will not be eligible for diversion and police may issue a notice to appear in court.

## WHAT IF YOU GET CAUGHT WITH MULTIPLE DRUGS?

A person may be eligible for diversion for possession of multiple types of drugs, as long as each drug or medicine type has a total quantity within the eligible quantities and police believe each drug type is for personal use.

## IF YOU GET CAUGHT WITH A DRUG THAT QUALIFIES AND ANOTHER THAT DOESN'T?

To be eligible for a police drug diversion, you can't have committed another indictable offence at the same time, which may include possession of a drug that is more than the eligible quantity for a minor drugs offence or a drug that doesn't qualify.

## HOW DOES POLICE DISCRETION WORK WITH DIVERSION?

The Police Drug Diversion Program is a legislated program, meaning police must offer an eligible person a diversion.

If the police officer does not believe the drug/s are for personal use, the person is not considered eligible for a police drug diversion and the officer must articulate to the court the reasons for this belief.

## WHAT IS THE DRUG DIVERSION 'HEALTH RESPONSE'?

The health response is delivered during a single confidential appointment that may take up to two hours and you can attend an appointment in person, or by telephone or video conference. It will include an assessment of:

- your alcohol and drug use and will then be tailored to you and your personal situation
- information and education
- harm reduction strategies
- other counselling approaches
- and if indicated and agreed, referral for further voluntary treatment and support.



## WHAT HAPPENS IF YOU AGREE TO A HEALTH ASSESSMENT BUT MISS THE APPOINTMENT?

If you miss your appointment with the health service and the completion date on your police diversion referral has not expired, you will be sent an SMS from the Diversion Coordination Service to schedule a new appointment. Details of what to do are also included on your referral form.

If you do not complete your appointment by the written requirement date, you may be charged with contravening a police direction. You will not be charged with a minor drug offence.