

New Queensland drug laws will keep thousands of people out of justice system, advocates say

By [Emma Pollard](#)

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The new laws mean police will issue a warning for first-time minor drug possession and offer a place in a diversionary program. (ABC News: Greg Nelson)

Queensland parliament is poised to pass legislative changes that will divert thousands of people out of the courts and into health and education programs each year in a landmark shift in the state's approach to illicit substances that new polling shows has popular support.

The police drug diversion program for cannabis will be expanded to include all drugs, meaning people found with small personal quantities of substances like heroin and methamphetamines will be given three chances to avoid criminal charges.

The impact of the changes will be widespread – prompting a call for more resources for "already swamped" health services.

Under the new laws, police will issue a warning on the first occasion and offer a place in a diversionary program, run by health care workers, on the second and third occasions.

Key points:

- Under the change, police will issue a warning for first-time drug possession
- People will get three chances to take up diversionary programs to halt drug use
- Anyone caught a fourth time will still end up in court

If drugs were found a fourth time, police would issue a court notice.

Anyone facing criminal charges, or who has already been to jail for drug offences, would be ineligible for diversion.

According to 2019 data from the Australian Institute of Health and Welfare, one in six Australians used an illicit drug in the previous 12 months.

The state government estimates 17,000 Queenslanders could avoid prosecution in the first year of implementation with the majority never having contact with police again.



38-year-old 'Sally' had multiple stints in prison when she was dependant on heroin and says her criminal history still affects all aspects of her life. (ABC News: Stephen Cavanagh)

For those with problematic drug use, the early intervention by support services might prove life changing.

Brisbane woman Sally* spent years addicted to heroin, which became a way to deal with trauma and low self-esteem.

The 38-year-old ended up in the justice system and spent time in jail.

"The first time I think it was for a month and that was for failing a urine test," she said.

"You start accumulating possession charges, multiple possession charges, and that makes you more targeted for policing and you slowly become more 'othered' from society."



It's hoped the new laws will keep thousands of Queenslanders out of jail. (AAP/Human Rights Watch, Daniel Soekov)

Sally said she has been off heroin for more than three years and is working and studying.

But the legacy of those convictions still taints many aspects of her life, from her employment and housing prospects to her sense of identity.

"The worst and most long-lasting impacts from my drug use were as a result of the social and legal consequences rather than the drug use itself," she said.

She hopes the shift to a health-based approach will provide support for those who need it.

"It could have helped me stay out of prison and pursue my goals – it wouldn't have taken me this long journey to function in society," she said.

'The war on drugs hasn't worked'



Greg Denham from Yarra Drug and Health Forum says, "We need to start to remove criminal penalties for drug use" and the new Queensland drug laws are a great move.

Emma Kill is the CEO of Queensland Injectors for Advocacy and Action (QuIVAA), the state's peak organisation for people who use drugs and a member of the Queensland Mental Health Commission's advisory council.



CEO of the Queensland Injectors Voice for Advocacy and Action Emma Kill says the new law is "monumental". (ABC News: Stephen Cavenagh)

She said the changes are a "monumental decision" to "improve the lives of people who use drugs and their communities".

"This is happening in most countries around the world, most countries have forms of diversion, this is a first for Queensland and it's pretty significant," she said.

Ms Kill said Queensland has many people embroiled in the justice system for minor drug use.

"The war on drugs hasn't worked and it's not going to work, so this is a new approach and it's based in evidence and research.



Police Commissioner Katarina Carroll has backed the new approach to drugs. (ABC News)

"People don't seek help at the moment because of stigma. When they walk into a hospital or they walk into a health service, they're afraid they're going to get discriminated against and they don't open up.

"This is a real opportunity for people to start engaging with the services."

More resources needed for diversion services: AMA

AMA Queensland president Maria Boulton said there is "overwhelming consensus" for a health-based response to minor drug possession.

The shift has the support of the Queensland Police Commissioner Katarina Carroll and her post-Fitzgerald-era predecessors.

Dr Boulton said the financial savings made by police and the courts should be "reallocated" to Queensland Health for drug treatment services.



Maria Boulton says diversionary programs will need extra resourcing. (ABC News: Emma Pollard)

"It is critical that our already swamped diversion services are properly resourced to treat the estimated 17,000 people who will access this program in the first year," she said.

The Alcohol and Drug Foundation said a new poll "suggests a clear majority of Queenslanders from the Gold Coast to Cairns are supportive of a health-based response to personal drug use, such as no action, a caution or warning only, referral to treatment or a fine".

The survey, conducted on September 22, contacted 6,123 people in the state electorates of Barron River, Broadwater, Maiwar, Cairns, Kawana, McConnell, Moggill, South Brisbane, Mundingburra and Townsville.

Support for a non-punitive response to cannabis possession was strongest in the inner-Brisbane seat of McConnell at 94.9 per cent of respondents.

There was less support in the seats of Broadwater and Townsville for a health-based approach to heroin and methamphetamine possession, but it was still above 50 per cent.

An LNP spokesman said the opposition will wait until the legislation is debated before MPs decide how to vote.

The Palaszczuk government's majority means the legislation will pass regardless.

** Name changed to protect privacy*