

What happens if a person accepts the offer to attend a Drug Assessment and Education Session and then fails to attend?

Failure to attend the session at the time and place agreed constitutes a contravention of a condition of the offender's recognisance and the Court may forfeit the recognisance or issue a warrant directing all police officers to arrest and bring the offender before the Court. If the person is a child, the child can be returned to Court and the sentencing process will continue.

Is information given during the session confidential?

The only information that will be provided to the Court or anyone else, is whether or not a person attended the Drug Assessment and Education Session. All other information given to the service provider is STRICTLY CONFIDENTIAL.

What does a Drug Assessment and Education Session involve?

A qualified health service provider will conduct a combined assessment, education and counselling session with the person. This will take about two and a half hours. The session will normally be available between 9am and 5pm weekdays.

During the assessment and education session, the person will be asked to consider their use of illicit drugs and any problems they may be experiencing. The person will be provided with information and advice on the health effects of illicit drug use and the legal consequences of continued use. The health service provider and the person will work together to develop a personal plan to help him or her address their drug taking behaviour.

If the person is assessed as having a dependence issue, they will be given information about, and access to, a treatment program. Attending a treatment program is voluntary and is not part of the requirement of the recognisance order.

People who accept the offer of diversion are able to take a family member or a friend to the session. This should be someone who the person feels will support and help them to make changes necessary to address their drug use.

Through the Illicit Drugs Court Diversion Program, the Queensland Illicit Drug Diversion Initiative aims to:

- Provide people with an incentive to address their drug use early and, in many cases, before incurring a criminal record,
- Increase the number of illicit drug users accessing assessment, education and treatment, and
- Reduce the number of people being convicted before the Courts for possession of small quantities of illicit drugs.



**Queensland
Government**

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Court Diversion Program

for a Minor Drugs Offence (Illicit Drugs)

What is the Court Diversion Program?

Diversion is not about the decriminalisation or legalisation of the possession or use of illicit drugs. It is about addressing drug use and preventing a new generation of drug users committing drug-related crimes.

Most drug offences in Queensland involve possession of small amounts of illicit drugs.

Under the Illicit Drugs Court Diversion Program, the Court will be able to offer eligible persons charged with an eligible drug offence an opportunity to attend a Drug Assessment and Education Session.

What happens when a person is charged with an eligible drug offence?

- The offender attends a Court that is a Drug Diversion Court. Drug Diversion Courts will be any Queensland Magistrates Court or, if the person is under the age of 17 years, any Queensland Childrens Court.
- The Court Diversion Officer or Legal Aid Duty Solicitor identifies and talks with eligible offenders about diversion.
- The matter is heard in Court and the Court Diversion Officer informs the Court of the offender's eligibility for attending a Drug Assessment and Education Session.
- If eligible, and if the Magistrate deems it appropriate, the offender is placed on a recognisance order with a condition of attending a Drug Assessment and Education Session. If the offender is a child, the hearing will be adjourned and the child will be given the opportunity to attend a Drug Assessment and Education Session.
- Once the offender attends all of the assessment and education session with a nominated health service provider, the order ends. No conviction is recorded.
- If the offender does not attend the assessment and education session, the recognisance order will have been breached and the offender will be returned to Court to be sentenced for the original offence.

What are the benefits of diversion?

If a person attends a Drug Assessment and Education Session they will NOT have a conviction recorded for the minor drug offence.

They WILL receive

- factual information about the consequences of illicit drug use, and
- assistance to stop using drugs

How many times can diversion be offered?

- Diversion may be offered twice. This includes a diversion under the Police Diversion Program or the Court Diversion Program.
- A person may be eligible for Court Diversion even if they have refused Police Diversion, or have successfully or unsuccessfully completed Police Diversion.

What are the eligibility criteria?

A person is eligible to be offered the opportunity to attend a Drug Assessment and Education Session if they:

- Are charged with an eligible drug offence
- Admit guilt to the offence
- Have not previously been convicted of (or are currently facing) charges of a sexual nature, violent offences or a drug offence dealt with on indictment
- Have been offered a diversion on no more than one occasion

What is an eligible drug offence?

- An eligible drug offence is an offence under Section 9 and 10(2) of the (*Drugs Misuse Act 1986*) of unlawfully having possession of a dangerous drug if the illicit drug is named in the (*Penalties and Sentences Regulations*) and possession of anything used in connection with the administration, consumption or smoking of a dangerous drug or used in connection with such a purpose.
- For each dangerous drug mentioned in the charge the quantity of the substances containing the dangerous drug is less than the prescribed quantity in relation to the dangerous drug in the *Penalties and Sentences Regulations*; and
- The Court considers the dangerous drug or drugs were for the person's personal use.

Quantities of common dangerous drugs substances are:

<u>DRUG</u>	<u>QUANTITY</u>
Cannabis	50g
Heroin	1g
Amphetamine	1g
Cocaine	1g
LSD	3 tickets

The full list of drugs and quantities can be found in the *Penalties and Sentences Regulations*.

Is Court Diversion available to adults and children?

Yes. All eligible adults and children will be offered the opportunity to attend a Drug Assessment and Education Session.