

MEDIA RELEASE



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Queensland Announces Drug Law Reform but is the 'Devil in the Detail'?

This week it was announced that the Queensland Parliament is considering legislation that would introduce reforms to the current police diversion program in relation to illicit drugs. The proposed reforms have been welcomed by alcohol and other drugs (AOD) and medical groups across Australia for correctly focusing on a more health-based approach to drug use.

As a leading harm reduction advocacy organisation, Harm Reduction Australia (HRA) also welcomes positive changes that result in less punitive and more humane drug laws.

Dr Annie Madden, HRA Executive Director states that *"Of course HRA welcomes efforts to keep people out of prison. We know that contact with the criminal justice system is inherently harmful for people, but it is always important to scrutinise the detail of these types of proposals."*

Under the current Queensland police diversion program, people found with less than 50 grams of cannabis, or utensils for personal use, are already protected from prosecution. While the proposed Bill will see this expanded to include personal quantities of all drugs (as well as unlawful prescription medications) and will introduce a 'three-strikes' system, the kicker (so to speak) is that you cannot be facing any other criminal charges or have been to prison before for drug offences.

"One of our main concerns is that, once again, the most marginalised people who use drugs, that is, those who are mostly likely to come to police attention in relation to illicit drugs, and those who arguably could benefit most from a less punitive approach, won't even be eligible for this program." Dr Madden added.

Moreover, additional criteria include specific exclusions for those with **previous** violent offences. The proposed Bill also requires people to admit to having committed the offence involved during an electronically recorded interview, and to have not previously turned down an offer of drug diversion by a police officer.

"All together, these eligibility criteria create an unnecessarily high threshold for accessing this program. We know from our experience with drug courts in Australia, that criteria such as these, often work to exacerbate intersectional discrimination and further disadvantage highly marginalised and vulnerable individuals" Dr Madden concluded.



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The Queensland Police Minister, The Hon Mark Ryan MP, said the Bill aims to prevent harm to people who use drugs, to “prevent people developing a substance abuse disorder [sic]” and to “help minor offenders quit using”. However, national data from 2019/20 shows that 43% of Australians over the age of 14 years have ever used an illicit drug, and some 16.4 million Australians have done so in the last 12 months¹. The vast majority of this drug use is occasional and non-problematic, and most do not require or want treatment for drug dependence. Concerningly, however, the proposed reforms almost ensure that those who might benefit most from having better access to evidence-based treatment for drug dependence, are least likely to have access to proposed diversion program.

While HRA supports steps towards drug law reform, the concerns we have outlined above largely stem from the fact that these reforms are being driven by law enforcement rather than those with expertise in health and harm reduction. In this context, HRA feels obliged to call for amendments to this Bill and furthermore, we stand ready to work with the Queensland Government on ensuring tangible, positive outcomes for the community from any reform.

Contact: Dr Annie Madden (AO), Executive Director, Harm Reduction Australia M: 0414-628-136

Harm Reduction Australia is a national organisation committed to reducing the health, social and economic harms potentially associated with drug use and drug policy responses. HRA takes a non-judgmental approach to drug use within society and recognises the key role people with lived/living experience of drug use must play in any effective drug policy solutions. HRA works collaboratively to ensure reform to current drug policy with the primary aims of ending imprisonment, stigmatisation, discrimination, and human rights violations against the people who use/have used drugs. We are dedicated to comprehensive drug law reform in Australia through the promotion of evidence-based, sensible, and safer drug policies.

¹ National Drug Strategy Household Survey 2019 <https://www.aihw.gov.au/reports/illicit-use-of-drugs/national-drug-strategy-household-survey-2019/contents/summary>