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Police drug diversion program

A large number of drug offences in Queensland involve people in possession of small amounts of cannabis. Police drug diversion is a legislated diversion program that allows police to offer an eligible person with the opportunity to participate in a drug diversion assessment program, as an alternative to prosecution. Police drug diversion does not decriminalise or legalise the possession or use of cannabis.

A drug diversion assessment program is a brief health intervention that helps people address their drug use and associated offending behaviour.

Legislation

Police drug diversion is legislated under s. 379 *Police Powers and Responsibilities Act 2000*

(<https://www.legislation.qld.gov.au/view/pdf/2017-09-13/act-2000-005>) 'Additional case where arrest for a minor drugs offence may be discontinued'.

Eligibility

To be eligible for drug diversion a person must:

- be arrested for, or questioned about, a minor drugs offence
- not have committed another indictable offence in circumstances related to the minor drugs offence
- not have been previously sentenced to serve a term of imprisonment for supply, trafficking or production of a dangerous drug or precursors
- not have been previously convicted of an offence involving violence against another person or if they have, the rehabilitation period under the Criminal Law (Rehabilitation of Offenders) Act 1986 must have expired
- admit to having committed the minor drugs offence during an electronically recorded interview, and
- not have previously been offered drug diversion by a police officer.

Minor drug offences are the possession of 50g or less of cannabis; or possession of a thing that is used, or has been used for smoking cannabis. They do not include offences involving the production, supply or trafficking of cannabis.

Benefits of taking part in a drug diversion program

If a person participates in and completes a drug diversion assessment program they:

- Will not be charged with a criminal offence for the minor drugs offence;

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- Will not have to attend court for the minor drugs offence; or
- Will not have a criminal record for the minor drugs offence.

They will also learn about the consequences of illicit drug use and get access to information and support to stop their drug use.

What happens if I'm apprehended for a minor drugs offence?

The police officer will investigate the offence, question you, and decide if you are eligible for drug diversion. If you are eligible, you will be offered the opportunity to participate in and complete a drug diversion assessment program, and given details about what's involved, as well as the consequences of not taking part.

What happens if I agree to take part in a drug diversion assessment program?

The police officer will make an appointment with the closest available provider. Wherever possible, we'll help to maintain your privacy and ensure you can attend an appointment as close as possible to your work or home. However, you might need to travel to another town to attend. The program is only available in Queensland.

Once an appointment has been made for you, you'll need to sign a form QP 0701: 'Minor Drugs Offence Diversion (Agreement and Requirement to Participate in, and Complete, or Refusal of Offer)'. This is to acknowledge that you agree to take part in the program and complete the appointment as planned. You'll get a copy of this form and be warned about the consequences of not attending the appointment. If you don't sign the QP 0701 form, the officer will commence prosecution in relation to the minor drug offence.

Children, people with disabilities, Aboriginal and Torres Strait Islander people and people from non-English speaking backgrounds have access to appropriate support and advice, as required by the *Police Powers and Responsibilities Act 2000*.

Is drug diversion available to children?

Yes. A police officer must offer all eligible children previously cautioned for a minor drugs offence the opportunity to participate in and complete a drug diversion assessment program. An offer to participate in and complete a drug diversion assessment program may also be made to an eligible child who has not previously been cautioned.


How many times can drug diversion be offered?

Police can only offer drug diversion once. If a person refuses the offer or agrees to the offer but does not participate in and complete the drug diversion assessment program, no further offer will be made. That means, if the person is apprehended for another minor drugs offence they will not be offered drug diversion.

What happens at the drug diversion appointment?

A qualified Queensland Health program provider will conduct a combined assessment, education and counselling session. This takes about two hours. Program appointments are normally available business hours, Monday to Friday.

During the assessment you'll be asked how much and how often you use illicit drugs and about the situations where you use them. You'll also be asked if you have any problems that influence your drug use. The education session is about the health effects and legal consequences of illicit drug use. You will then work together with the program to develop a personal plan to stop using illicit drugs.

If needed, you may also be given information about treatment for drug dependence. Whether you attend a treatment program is your decision and not part of the police requirement. 

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Can I take someone with me?

Yes, you're encouraged to take a family member or a friend with you to your appointment. This should be someone you believe will support you to make positive changes and stop your illicit drug use.

What is the difference between an in-person appointment and a telephone appointment?

Your drug diversion form will confirm whether you have been directed by the police officer to physically attend an address for your appointment or whether your appointment is going to be conducted over the phone.

If your drug diversion form states that you agreed to participate in an **'in-person'** appointment, you must attend the address written on the form. You are responsible for making all arrangements necessary to attend and complete the scheduled appointment as agreed. This includes organising reliable transport and time away from work if required.

If your drug diversion form states that you agreed to participate by **telephone**, you must telephone the program provider at the time, on the date and using the telephone number detailed on the form. You are responsible for making all arrangements to complete the scheduled telephone appointment. This means making sure you are in a quiet place, with a well-charged phone, clear reception and free from disruptions including driving.

What happens if I don't make it to my program appointment?

It is an offence if you don't participate in and complete the program appointment in the manner and at the date, time and place agreed. In this situation, police will investigate the matter and you may be charged and attend court. You are responsible for making all arrangements necessary to participate in and complete the program appointment as agreed. This includes organising reliable transport or time away from work. The police officer will give you a copy of your QP 0701 form. You should keep this in a safe place, in case you have to check the details of your appointment. You should also take it with you to your program appointment.

What should I do if I can't make or have missed my program appointment?

In exceptional circumstances, such as being hospitalised or if there is a death in your immediate family, you may be able to arrange an alternative appointment. You should contact the police officer you originally dealt with or your local police station as soon as possible, to discuss your situation. You will need to provide the officer with any appropriate documents, for example a medical certificate.

Is information given during my program appointment confidential?

All information given by you to the program provider is strictly confidential. Police will only be advised about whether or not you participated in and completed your program appointment.

What should I do if I have lost my drug diversion form?

To get a replacement copy of your drug diversion form you will need to contact or visit your local Police Station (/stations) and request a copy

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