

Police Powers and Responsibilities (Minor Drugs Offence) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 41

made under the

Police Powers and Responsibilities Act 2000

General Outline

Short title

Police Powers and Responsibilities (Minor Drugs Offence) Amendment Regulation 2024

Authorising law

Sections 378B and 809 of the *Police Powers and Responsibilities Act 2000*.

Policy objectives and the reasons for them

The *Police Powers and Responsibilities Act 2000* (PPRA) establishes the existing police drug diversion program (PDDP), which authorises police officers to divert persons away from court processes and allows an eligible person the opportunity to participate in a drug diversion assessment program if the person has committed a 'minor drugs offence' by possessing less than 50 grams of cannabis and/or things used in the connection with smoking cannabis.

On 2 May 2023, the *Police Powers and Responsibilities and Other Legislation Amendment Act (No. 2) 2023* received assent. Objectives of this Act include creating organisational efficiencies for the Queensland Police Service and reducing demand on the criminal justice system by amending the PPRA to expand the PDDP and allow more persons to be eligible for diversion by:

- broadening the definition of 'minor drugs offence' to include all dangerous drugs under the *Drugs Misuse Act 1986* and Section 4 and Section 8 medicines under the *Medicines and Poisons Act 2019* under a prescribed quantity, and all things or utensils used for consuming those drugs;
- introducing drug diversion warnings; and
- allowing an eligible person to participate in a subsequent drug diversion assessment program.

The objective of the Police Powers and Responsibilities (Minor Drugs Offence) Amendment Regulation 2024 (Amendment Regulation) is to prescribe the quantities of dangerous drugs and S4 and S8 medicines that may fall within the definition of a 'minor drugs offence'.

Achievement of policy objectives

The Amendment Regulation achieves its objectives by amending the Police Powers and Responsibilities Regulation 2012 to prescribe the quantities of dangerous drugs and S4 and S8 medicines that may fall within the definition of a 'minor drugs offence'.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the PPRA.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation will facilitate the expansion of the PDDP by prescribing the quantities of dangerous drugs and S4 and S8 medicines that may fall within the definition of a 'minor drugs offence'.

Any costs incurred through the implementation of the Amendment Regulation are expected to be negligible and will be met through existing budgets.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

The following government departments have been consulted:

- Department of the Premier and Cabinet;
- Queensland Treasury;
- Department of Justice and Attorney-General; and
- Queensland Health.

Due to the nature of this regulation, expert advice was sought from forensic, scientific and medical experts from Queensland Health during its development. Extensive consultation with operational police and the Queensland Police Union of Employees was also conducted.

The prescribed quantities were also shared with the 2021 Australian Medical Association Queensland (AMAQ) Law Reform Roundtable, which was comprised of medical experts, officials from law enforcement and corrective services, members of the legal profession, representatives from the health and community sectors, and people with lived experience of drug use. In its 2022 Position Statement on Drug Law Reform, the AMAQ supported the quantities prescribed in the Amendment Regulation.

An Impact Analysis Statement has been prepared which identifies that the Amendment Regulation is not subject to regulatory impact assessment requirements under the Queensland Government Better Regulation Policy as it is a regulatory proposal that relates to police powers and administration.