

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

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Ryan, Minister for Police and Community Safety provide this human rights certificate with respect to the Police Powers and Responsibilities (Minor Drugs Offence) Amendment Regulation 2024 (Amendment Regulation) made under the *Police Powers and Responsibilities Act 2000* (PPRA).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The PPRA establishes the existing police drug diversion program (PDDP) which authorises the diversion of persons who commit a minor drugs offence away from court processes.

On the 2 May 2023, the *Police Powers and Responsibilities and Other Legislation Amendment Act (No. 2) 2023* received assent. Objectives of this Act are to create organisational efficiencies for the Queensland Police Service and reduce 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 S4 and S8 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 Amendment Regulation prescribes the quantities of dangerous drugs and S4 and S8 medicines under the *Medicines and Poisons Act 2019* that will be considered to fall within the definition of a minor drugs offence.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Consideration of the compatibility of the expanded PDDP scheme with the human rights protected by the *Human Rights Act 2019* was outlined in the Statement of Compatibility

accompanying the Police Powers and Responsibilities and Other Legislation Amendment Bill 2023.

The Amendment Regulation does not affect or engage a human right.

Conclusion

I consider that the Police Powers and Responsibilities (Minor Drugs Offence) Amendment Regulation 2024 is compatible with the *Human Rights Act 2019* because it does not limit human rights.

MARK RYAN MP
MINISTER FOR POLICE AND COMMUNITY SAFETY

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