

Drug-related infringement notices among a national sample of people who regularly inject drugs, 2023

Antonia Karlsson, Amy Peacock and Rachel Sutherland

This report was prepared by the National Drug and Alcohol Research Centre, UNSW Sydney

For further information: a.karlsson@unsw.edu.au

Introduction

Use and possession of illicit drugs is a criminal offence in all Australian jurisdictions, with the potential to attract a wide range of, mainly criminal, sanctions. Other responses include diversion programs, whereby individuals are diverted away from criminal justice sanctions. Police drug diversion programs exist in all eight jurisdictions for the use and/or possession of cannabis, via either civil penalty or cautioning schemes [1]. Most jurisdictions also provide diversion programs for the use/possession of other illicit drugs, although the use of infringement notices (i.e., monetary fine), varies across jurisdictions. Given the recent decriminalisation of drugs in Canberra, which allows police to issue fines for the possession of small quantities of illicit drugs, and growing support for decriminalisation across Australia, this bulletin aimed to examine the experiences of drug-related fines among a national sample of people who inject drugs recruited from capital cities.

Results

Using data from the [2023 Illicit Drug Reporting System](#) (N=820), we found that:



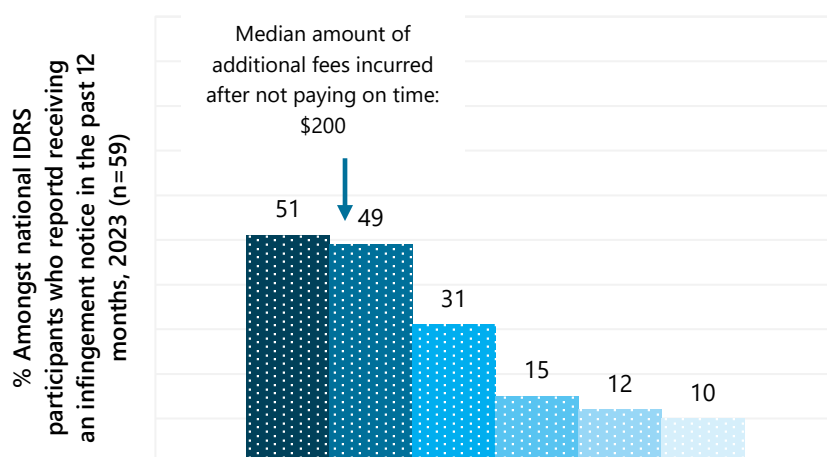
Nationally, one third (33%) of IDRS participants in 2023 reported a past year drug-related encounter with police which did not result in charge or arrest



Of those who reported a drug-related encounter, 7% (n=59) received an infringement notice in the 12 months preceding interview.



The median amount of the last infringement notice was \$458.50 (IQR=215-600; n=50)



- Requested a deferred payment, or payment in instalments
- Incurred additional fees after not paying the infringement notice on time
- Experienced financial stress as a result of receiving the infringement notice
- Went without essential goods/services (e.g., food, medications)
- Asked for financial help from friends/family
- Deferred payment of household/phone or other bills

❖ Amongst those who received an infringement notice in the 12 months preceding interview and commented (n=48), the most common drugs in possession were methamphetamine (42%), followed by cannabis (33%) and heroin (23%).

Discussion

Few participants reported receiving a drug-related fine in the past year, however, the median amount of the fine was high (\$458.50), particularly considering the average median weekly income of this population (\$400) [2]. Further, almost half of those who reported receiving an infringement notice reported incurring additional fees (median: \$200) as a result of not paying the fine on time. This is broadly consistent with existing research which shows that fines can have a disproportionate impact on the lives of people experiencing social and financial disadvantage [3], with unpaid fines often incurring additional penalties, resulting in an accumulating debt [4]. This is a potential unintended consequence of decriminalisation/diversion models that should be taken into consideration. In many jurisdictions, police have the discretion to issue cautions for cannabis-related use/possession offences, and/or individuals have the option of attending an approved education/intervention session in lieu of paying a fine - we would argue that these options be made available in all jurisdictions for all small quantity use/possession drug offences.

References

- [1] Hughes C, Seear K, Ritter A, Mazerolle L. Monograph no.27: criminal justice responses relating to personal use and possession of illicit drugs: the reach of Australian drug diversion programs and barriers and facilitators to expansion. Sydney: National Drug and Alcohol Research Centre, UNSW Sydney, 2019. [2] Sutherland R, Uporova J, King C, Chandrasena U, Karlsson A, Jones F, Gibbs D, Price O, Dietze P, Lenton S, Salom C, Bruno R, Wilson J, Agramunt S, Daly C, Thomas N, Radke S, Stafford L, Degenhardt L, Farrell M & Peacock A. Australian Drugs Trends 2023: Key Findings from the National Illicit Drug Reporting System (IDRS) Interviews. Sydney: National Drug and Alcohol Research Centre, UNSW Sydney; 2023. DOI: 10.26190/1tj1-8454. [3] Midgley B (2005). Achieving Just Outcomes for Homeless People through the Court Process. Journal of Judicial Administration, 15 (2), 82-106. [4] Lansdell G, Eriksson A, Saunders B & Brown M. (2012). Infringement systems in Australia: a precarious blurring of civil and criminal sanctions? Alternative Law Journal, 37, 41-5.

Recommended citation: Karlsson A, Peacock A, Sutherland R. Drug-related infringement notices among a national sample of people who regularly inject drugs, 2023. Drug Trends Bulletin Series. Sydney: National Drug and Alcohol Research Centre, UNSW Sydney; 2024. Available from: <https://doi.org/10.26190/0gq-a264>