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Who is being diverted from court under the NSW Early Drug Diversion Initiative (EDDI)?

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AIM

The Early Drug Diversion Initiative (EDDI), implemented in NSW on 29 February 2024, enables eligible individuals detected in possession of an illicit drug (excluding cannabis) to either pay a \$400 fine or complete a telehealth intervention in lieu of being charged and attending court. This study has three aims. The first is to report on the volume and proportion of individuals diverted from court under EDDI. The second is to examine how each of EDDI's eligibility conditions influence whether an individual is diverted. The final aim is to identify, among eligible individuals, factors associated with a diversion under EDDI.

METHOD

We use two datasets in this study: the first is an extract from the NSW Police Force's Computerised Operational Policing System (COPS); and the second is an extract from the NSW Bureau of Crime Statistics and Research's Reoffending Database (ROD). Together, these data enable us to observe information for any individual proceeded against by NSW Police for a relevant use/possess drug offence between 29 February 2024 and 31 March 2025. Using these data, we report on the number and proportion of individuals issued a Court Attendance Notice (CAN) vs. a Criminal Infringement Notice (CIN), as well as the number and proportion of individuals who do not meet the eligibility criteria for a CIN, by the conditions that are not met. We then limit the estimation sample to individuals eligible for a CIN, and identify characteristics associated with receipt of a CIN vs. CAN using an ordinary least squares regression with Police Area Command (PAC) fixed effects.

RESULTS

In the first 13 months of EDDI's operation, NSW Police proceeded against a person of interest in 11,751 events for a non-cannabis use/possess drug offence, of which less than 10 per cent received a CIN. We find that 72 per cent of people were ineligible based on the eligibility criteria of the scheme. The two eligibility conditions responsible for the greatest number of people being ineligible for a CIN were: the presence of a concurrent offence (42%) and being detected with a drug that exceeded the small amount threshold (38%). Of the 28 per cent of individuals who were eligible for EDDI, only 22 per cent received a CIN. The absence of a criminal history, being in possession of cocaine or ecstasy (instead of opiates or methylamphetamine) and being detected with the drug(s) at a music festival were the strongest predictors, net of controls and fixed effects, of NSW Police issuing a CIN instead of a CAN to an eligible person. We also observed significant variation in diversion rates between PACs.

CONCLUSION

A relatively small share of people proceeded against by NSW Police for a relevant drug offence have been diverted under EDDI in its first 13 months of operation. This is largely the result of EDDI's restrictive eligibility criteria, although police discretion also appears to exert some influence.

KEYWORDS

drug diversion

pre-court diversion

illicit drugs

criminal justice

New South Wales

INTRODUCTION

Illicit drug use is a significant public health and criminal justice concern in Australia (Tebbutt & Brogden, 2024). According to the 2022–2023 National Drug Strategy Household Survey (NDSHS), close to one in five Australians reported use of an illicit drug in the last 12 months (Australian Institute of Health and Welfare [AIHW], 2023). Cannabis and cocaine were the most commonly used illicit drugs, with 12 per cent and five per cent of Australians reporting recent use, respectively (AIHW, 2023). Hallucinogens (2.4%), ecstasy (2.7%) and pharmaceutical stimulants (2.1%) are the next most commonly used illicit drugs, followed by ketamine (1.4%) and methamphetamines/amphetamines (1.0%) (AIHW, 2023).

The harms attributable to illicit drug use are substantial, and place considerable burden on public health systems, economic productivity, and the criminal justice system. In 2022/23, illicit use of opioids, methamphetamine and cannabis cost the Australian economy almost \$30 billion (Gadsden, Craig, Jan, Henderson & Edwards, 2023). This comprised \$2.3 billion in health-related costs arising from hospitalisations, emergency responses and drug treatment, \$16 billion in economic losses from premature mortality, and \$7.8 billion in criminal justice costs associated with policing, court proceedings, and imprisonment (Gadsden et al., 2023). In New South Wales (NSW), use/possess offences constitute a significant share of both police and court resources. For example, in the 12 months to March 2024, NSW Police recorded 31,906 instances where they suspected an adult to have committed a use/possess offence, and 10,475 individuals were proceeded against to court (NSW Bureau of Crime Statistics and Research [BOCSAR], 2024). The vast majority of people found guilty of these offences received a fine or had their matter dismissed. Given the average cost of prosecuting a person for a use/possess offence in NSW is \$977, a shift in current policy settings toward harm minimisation strategies has the potential to result in significant savings to the taxpayer (Tran, Weatherburn & Poynton, 2023).

Drug diversion schemes in Australia

Drug diversion schemes are a core element of Australia's policy response to illicit drug use (Australian Government Department of Health, Disability and Ageing, 2017). These schemes aim to reduce harm by redirecting individuals detected for drug-related offences away from traditional criminal justice processes (Hughes & Ritter, 2008). Diversion can occur at various points within the criminal justice system. Police diversion occurs at the initial point of contact with law enforcement, and typically involves police issuing a caution, fine or referral to a health intervention, in lieu of a court appearance. Court diversion occurs after charges have been laid and often integrates referral to treatment services and/or case management prior to sentencing, or as part of a court order. Police diversion schemes are generally considered favourable to court diversion schemes for people without a long history of substance use disorders or involvement with the criminal justice system for two reasons. The first is that police diversions delay (or possibly prevent) people from entering the formal criminal justice system, thus minimising the harms associated with a court appearance (e.g., the social stigma, financial cost of legal representation, consequences of a criminal record on employment prospects). The second reason is that police diversions come at a fraction of the cost associated with a court diversion.

Hughes, Seear, Ritter, and Mazerolle (2019) report that, on average, over half of all people in Australia detected by police for a use/possess offence are diverted away from court. However, they also note considerable variation in diversion rates across jurisdictions, ranging from 32% in Western Australia to 98% in South Australia, with New South Wales sitting below the national average and recording the third lowest proportion of diversions. Differences in the types of drugs targeted (e.g., cannabis and other drugs typically have separate schemes), eligibility criteria specified (e.g., in terms of prior offending), and whether discretion is available to police (i.e., whether police can or must utilise a diversion) are factors that contribute to this disparity. For example, South Australia's high reach of diversion at the time of writing was largely due to having a legislated scheme (i.e. diversion is mandatory for those eligible), as well as having some of the least restrictive program eligibility criteria in the country (e.g. no limit on the number of times a person can be diverted, and only a serious concurrent drug offence precludes diversion).

Table 1 provides a summary of the diversion schemes currently in operation across Australia for individuals found in the possession of a small amount of a (non-cannabis) drug.¹ From Table 1 we can see that police have discretion in deciding whether to divert an eligible individual in all but two jurisdictions (i.e., South Australia and Queensland). From Table 1 we can also see that, with the exception of the ACT,² there is a limit to the number of diversions that a single individual can have, ranging from one to three, before they must be proceeded against to court.³ A final point worth making in relation to Table 1 is the variation across jurisdictions in the penalties associated with a diversion. In most jurisdictions, individuals who are diverted by police must complete some form of health intervention. Failure to comply with the conditions of the health intervention may result in charges being laid. In contrast, in the ACT and NSW, individuals who are diverted can *either* pay a fine or participate in the health intervention.

Table 1. Drug diversion schemes available for individuals charged with a small quantity non-cannabis use/possess offence

Jurisdiction	Program Name	Police Discretion	Maximum number of diversions	Penalty	Health intervention
NSW	Early Drug Diversion Initiative	Yes	2	\$400 monetary fine or health intervention	One hour to 90-minute drug education and telehealth session
ACT	Illicit Drug Diversion	Yes	No maximum	\$100 monetary fine or health intervention	Face to face or telehealth drug assessment and treatment session
VIC	Drug Diversion Program	Yes	2	Caution if the health intervention is complete	Two-hour face to face drug assessment and drug treatment sessions
TAS	Illicit Drug Diversion Program	Yes	3 within ten years	Health intervention	Drug assessment and treatment session(s)
SA	Police Drug Diversion Initiative	No	2 within four years	Health intervention	Drug assessment and treatment session(s)
WA	All Drug Diversion	Yes	1	Health intervention	Three, 90-minute drug assessment and treatment sessions
NT	Illicit Drug Pre-Court Diversion Program	Yes	1	Health intervention	Drug assessment and treatment/ education session(s)
QLD	Police Drug Diversion Program	No	3	Warning and health intervention	Telehealth or face to face drug assessment and education session(s) for second and third diversions

Note. The schemes available in Tasmania, Queensland and the Northern Territory also apply to individuals found in the possession of cannabis.

Not all the diversionary schemes listed in Table 1 have a published evaluation. However, among those that do, the results are generally positive (AIHW, 2014; Payne, Kwiatkowski & Wundersitz, 2008). One of the main pieces of research in this regard was a study conducted by Payne et al. (2008). In that study, Payne et al. (2008) examined police drug diversion schemes operating across Australia. Their main finding was that most people referred to a drug diversion program do not reoffend within 12 to 18 months. In addition to generating reductions in reoffending, police drug diversion schemes have been shown to result in savings for the criminal justice system and improvements in employment outcomes for those diverted (Shanahan, Hughes & McSweeney, 2017) and increased uptake of drug treatment services (AIHW, 2014). These findings are broadly consistent with research on police drug diversion programs operating in the U.S. and the U.K. (Clifasefi, Lonczak & Collins, 2017; Weir, Kilili, Cooper, Crowe & Routledge, 2022).

1 In Australia, most jurisdictions have separate schemes in place for cannabis and other drugs. The purpose of this bulletin is to examine EDDI, which is applicable to non-cannabis use/possess offences. For that reason, we only examine schemes for non-cannabis use/possess offences in Table 1.

2 In October 2023 the ACT decriminalised the possession of drugs other than cannabis and drug equipment via a Simple Drug Offence Notice Scheme.

3 Prior to 2019, South Australia's Police Drug Diversion Program did not limit the number of diversion opportunities; that year, a cap of two diversions within a four-year period was introduced.

Diversionary programs are not, however, without issue. Two of the main challenges associated with diversionary schemes are net-widening and equity. In the context of drug diversion programs, net-widening refers to the idea that police issue a diversion (e.g., a formal caution) in situations where they would have otherwise taken no action (e.g., by issuing an informal caution). This can be problematic as it brings people who previously would have avoided any formal response into more intensive and monitored forms of control, increasing their risk of criminalisation and escalation through the justice system for low-level drug use, as seen in South Australia's cannabis expiation notice scheme (Christie & Ali, 2000).

Equity concerns relate not only to how police exercise discretion, but also to how diversion schemes are designed in ways that can systematically limit who is able to benefit from them. For example, in a study of the NSW cannabis cautioning scheme, Teperski and Rahman (2023) found that both the design of the scheme and police discretion contributed to Aboriginal people being less likely to receive a caution when compared to non-Aboriginal people, even after accounting for prior offending and other factors relevant to the decision to divert.

Drug diversion in NSW

In NSW, the use and possession of certain drugs are prohibited under the *Drug Misuse and Trafficking Act 1985 (NSW)* (hereafter referred to as 'the Act'). Schedule 1 of the Act prescribes threshold quantities (or amounts) for each drug,⁴ which determine the offence type and maximum penalty that can be imposed. Offences involving the use or possession of a prohibited drug at or below the 'small' quantity threshold are typically dealt with summarily in the Local Court and incur a penalty of up to \$2,200 or two years in imprisonment, or both. There are, however, two diversion options available to NSW Police for offences involving small amounts of a prohibited drug. First, since April 2000, individuals detected with a small quantity of cannabis can receive a caution under the Cannabis Cautioning Scheme (CCS).⁵ A cannabis caution does not involve a court appearance or criminal conviction.

Second, following the coronial inquest into the deaths of six patrons at NSW music festivals in 2019,⁶ the *Criminal Procedure Amendment (Penalty Notices for Drug Possession) Regulation 2019 (NSW)* introduced a non-cannabis drug diversion pilot that gave police the authority to issue a Criminal Infringement Notice (CIN) (i.e. an on-the-spot fine) for use/possess offences involving small amounts of non-cannabis prohibited drugs. Under this pilot, the use of drug CINs was restricted to individuals detected with small amounts of drugs at music festivals; recipients were liable to a \$400 penalty, there was no health intervention component, and receipt of a CIN did not result in a court appearance or criminal conviction unless the notice was contested. Over the six months from 25 January to 1 August 2019, 300 drug CINs were issued for non-cannabis drug possession, the majority (n = 256) for ecstasy possession (Sutherland, Weatherburn & Degenhardt, 2021).

4 Table A1 in Appendix A provides a list of the common drugs found within this report. Readers interested in an exhaustive list of all drug types and their corresponding 'small' quantities are directed to the *Drug Misuse and Trafficking Act 1985 (NSW) sch 1*.

5 Although the focus of this study is on diversionary schemes available for individuals detected with a non-cannabis drug, we would note that in an examination of the CCS, Baker and Goh (2004) found the scheme to be associated with a significant cost saving to the NSW criminal justice system; a result supported by subsequent work on the same scheme by the Audit Office of NSW (2011).

6 NSW State Coroner. 2019. Inquest into the death of six patrons of NSW music festivals (Hoang Nathan Tran, Diana Nguyen, Joseph Pham, Callum Brosnan, Joshua Tam, Alexandra Ross-King): Findings of Magistrate Harriet Grahame, Deputy State Coroner, 8 November 2019. NSW State Coroner's Court, Lidcombe.

The Early Drug Diversion Initiative (EDDI)

EDDI was introduced in NSW on 29 February 2024 in response to Recommendation 12⁷ of the Special Commission of Inquiry into the Drug 'Ice', making NSW one of the last jurisdictions to implement a statewide police drug diversion program for non-cannabis illicit drugs.⁸ The initiative operates within the already existing drug CIN framework adopted during the 2019 music festival pilot, and alongside the CCS, with only small additional legislative changes made to support the initiative. In particular, the *Justice Legislation Amendment (Penalty Notices) Regulation 2024 (NSW)* prescribed relevant drug use/possess offences as penalty notice offences and enabled completion of a health intervention to be treated as payment of the CIN. EDDI aims to achieve three main objectives: first, to reduce the strain on the justice system associated with low level drug offending; second, to reduce the adverse consequences associated with low level drug use and exposure to the criminal justice system; and finally, to increase engagement with support services and contribute to broader efforts to reduce drug-related harm by providing recipients of drug CINs with the opportunity to engage with a health-based program in lieu of paying their fine (NSW Government, 2024).

The NSW Police Force Early Drug Diversion Initiative Standard Operating Procedures (EDDI SOPs; NSW Police Force, 2024) provide direction to police as to when a drug CIN should be issued. Those procedures (hereafter referred to as 'the SOPs') state that an individual can be issued a drug CIN if they have been suspected of committing an eligible drug offence⁹ and meet all the following criteria:

1. is found to be in possession of a single prohibited drug;
2. is not involved in any concurrent offences that would require a CAN;
3. has no more than two prior CINs for a drug offence;
4. is not suspected of drug driving;
5. is not suspected of drug supply; and
6. has no prior convictions for a serious drug offence.¹⁰

Hence, EDDI is a result of two changes: a legislative change; and a NSW Police policy change. The legislative change sets out the legislative requirements an individual must meet to be issued a CIN. These requirements centre around the type of offence and the quantity of the drug that the individual is found to be in possession of. The NSW Police policy change refers to the guidance provided to attending police (in the form of the SOPs) around the circumstances under which they should issue a CIN. In other words, the legislative framework gives NSW Police the discretion to issue a CIN for any use/possess offence involving a small quantity of prohibited drug (as defined in Schedule 1 of the Act), and the SOPs provide NSW Police with guidance around how to use that discretion.

Operationally, the diversion procedure involves the attending police confirming the person's identity, examining their criminal history and weighing or estimating the amount of the drug in question. Using that information, attending police must then determine whether to issue a CIN or Court Attendance Notice (CAN). Should NSW Police elect to issue a CIN, they can issue the CIN electronically or via a handwritten notice. When issuing a CIN, NSW Police are instructed to verbally inform the recipient about a (voluntary) telehealth intervention delivered by St Vincent's Hospital.¹¹ This telehealth intervention provides the person with the opportunity to speak to a health professional about their drug use and further support

⁷ Recommendation 12 of the Special Commission of Inquiry into the Drug 'ice' called for the expansion of pre-court diversion options for people found in possession of small amounts of illicit drugs, prioritising health interventions over criminal penalties (NSW Government, 2023).

⁸ Queensland expanded its Police Drug Diversion Program to cover all illicit drugs (not just cannabis) shortly afterwards, with the reforms commencing on 3 May 2024.

⁹ Offences eligible for a drug CIN: (1) Possession of a prohibited drug excluding cannabis leaf, (2) Possession of equipment for administration of a prohibited drug (excluding cannabis leaf), and (3) Self-administration of a prohibited drug (excluding cannabis leaf).

¹⁰ For the purposes of EDDI, a 'serious drug offence' refers to prior convictions (unless spent) for offences relating to the supply, manufacture, production, cultivation, or importation of prohibited drugs, possession of manufacture apparatus, possession of precursor chemicals in prescribed amounts, or permitting serious drug offences to occur on premises.

¹¹ Worth noting is that, unlike the electronic notice, the handwritten notice itself contains no information about the health intervention. Hence, uptake of the health intervention for people issued a handwritten notice depends on the extent to which NSW Police provide this information verbally.

options. If the individual elects not to proceed with the health intervention, then they are required to pay a \$400 fine. So long as the recipient of the CIN either pays the fine or completes the health intervention,¹² receipt of a CIN does not result in a court appearance or criminal conviction.

The current study

The purpose of the current study is to examine the implementation of EDDI in its 13 months of operation. To that end, we focus on answering three questions:

1. Among individuals legally proceeded against by police for a use/possess non-cannabis drug offence, what number and proportion received a CIN?
2. Among individuals legally proceeded against by police for a use/possess non-cannabis drug offence, what number and proportion were eligible to receive a CIN?
3. What factors are associated with an eligible individual being issued a CIN instead of a CAN?

Before moving on there are two important caveats worth bearing in mind. First, this study does not constitute an evaluation of EDDI; the aim of this study is merely to report on EDDI's short-run implementation. Second, in relation to our third research question, we are not able to attribute causality to any of the factors associated with the issuing of a CAN vs. a CIN. These issues are discussed in further detail shortly.

METHOD

Data

We use two datasets in this study. The first is an extract from the NSW Police Computerised Operational Policing System (COPS) and the second is an extract from BOCSAR's Reoffending Database (ROD). The COPS extract contains information on all events¹³ involving an adult Person of Interest (POI)¹⁴ proceeded against by NSW Police in relation to at least one non-cannabis related¹⁵ use/possess drug offence¹⁶ between 29 February 2024 and 31 March 2025. For each event in the COPS extract, we are able to observe information about the POI(s) involved (e.g., CNI¹⁷, date-of-birth, sex, Aboriginality, SEIFA percentile rank¹⁸), the offence(s) that constitute the event (e.g., the law part code for all offences NSW Police believe to have occurred, the date and location of each alleged offence, the drug type and amount of drug the POI is alleged to be in possession of) and the method of proceeding (i.e., CIN vs. CAN). The ROD extract contains information pertaining to all criminal court appearances finalised between 1 January 1994 and 31 March 2025 for POIs in the COPS extract. For each court appearance, the ROD extract enables us to observe the outcome of all charges finalised at the appearance (e.g., guilty, not guilty, withdrawn), and, among charges resulting in a proven offence, the resulting sanction(s) imposed by the court (e.g., imprisonment, fine, community service etc).

12 Following completion of the health intervention, the health professional will report completion to Revenue NSW via a secure and protected portal. Confirmation will then filter through to NSWPF.

13 A criminal event refers an interaction between NSW Police and at least one person suspected to have committed a crime.

14 A POI is the term NSW Police use to refer to an individual they suspect to have committed an offence.

15 That is, events where the only drug detected by NSW Police was cannabis are not included in the data.

16 We identify use/possess offences as those with the following law part codes: 102043, 102044, 102045, 102046, 3146, 3151. Readers interested in a complete description of these codes are directed to Judicial Commission (2025).

17 A CNI, or 'Criminal Names Index', refers to a de-identified, numeric identifier for each individual in COPS.

18 The SEIFA, or 'Socioeconomic Indexes for Areas', is a geographically defined measure of socioeconomic status. Within this paper we use IRSAD or 'index of Relative-Economic Advantage and Disadvantage'. Interested readers are directed to ABS (2023) for further information regarding SEIFA.

After merging these two datasets together,¹⁹ we can observe information for 11,751 events that involved 9,820 POIs proceeded against by NSW Police for at least one non-cannabis use/possess offence in the first 13 months of EDDI's operation. For each POI – event combination, we can observe information about the POI (e.g., age, sex, Aboriginality, SEIFA percentile rank), information about the event (e.g., responsible Police Area Command, event date, concurrent offences, drug type and quantity) as well as information about their interaction with the criminal justice system prior to the event (e.g., prior proven offences, prior sentences of imprisonment).

In accordance with the aims of this bulletin, we utilise the following variables in our analysis:

Outcome variable

- **Proceeded against via CIN:** a binary variable equal to one if the POI in a given event was issued a CIN, zero if the POI was issued a CAN.

Legislative and Standard Operating Procedure variables

- **Drug weight over 'small' quantity threshold:** a binary variable equal to one if the relevant drug type's weight was over the prescribed small-quantity threshold set out in Schedule 1 of the Act, zero otherwise.^{20,21}
- **More than one drug type:** a binary variable equal to one if the POI was detected with more than one drug type (excluding cannabis), zero otherwise.
- **More than two prior CINs for a drug offence:** a binary variable equal to one if the POI had been issued more than two CINs prior to a given event date, zero otherwise.
- **Prior serious drug conviction:** a binary variable equal to one if the POI has at least one proven serious drug offence within five years of the event date, zero otherwise.
- **CAN issued for concurrent offence:** a binary variable equal to one if the POI was issued a CAN for a concurrent offence (i.e., an offence that occurred within the same event), zero otherwise.²²
- **Concurrent drug supply charge:** a binary variable equal to one if the POI had a concurrent drug supply offence (i.e., a drug supply offence within the same event), zero otherwise.
- **Concurrent drug driving charge:** a binary variable equal to one if the POI had a concurrent drug driving offence (i.e., a drug driving offence within the same event), zero otherwise.

Other variables

Female: a binary variable equal to one if the POI was female, zero if male.

Age group: a set of binary variables equal to one if a POI belongs to a specific age group at the time of the event (i.e., 18-24, 25-34, 35-44, 45-54 or 55+), zero otherwise.

Aboriginality: a binary variable equal to one if a POI identifies as Aboriginal, zero otherwise.²³

19 At the time of writing five per cent of POIs in the COPS could not be matched in ROD. For these POIs, we assume no prior criminal history in our measures of prior offending.

20 Recall from earlier that Schedule 1 of the Act classifies quantities into categories by drug type. In our sample, 16 per cent of our observed drug types are not clearly defined in the COPS extract (e.g., 'other drugs,' 'pharmaceuticals'), for these we assign a default value of one gram. However, because police exercise discretion in the field (e.g., by including the weight of the container), as well as the multitude of varying 'small' quantity weights attached to drug types, our eligibility flag may misestimate the actual number of events that would qualify in practice. The direction of any resulting bias will depend on the unobserved mix of drug types within this 16 per cent.

21 The Justice Legislation Amendment (Penalty Notices) Regulation 2024 (NSW) differentiates between two forms of 3,4-methylenedioxymethylamphetamine (MDMA) for penalty-notice eligibility. When MDMA is in tablet form the threshold quantity for the penalty notice scheme corresponds to the 'trafficable' quantity of 0.75 g specified in Schedule 1 of The Act; when in any other form, the relevant 'small' quantity is 0.25 g. Where possible, we use law part codes 102043 (MDMA in tablet form) and 102044 (MDMA in other forms) to apply the appropriate thresholds. Where we cannot distinguish the form of MDMA, we apply the 0.25 g 'small' quantity threshold. As a result, our eligibility indicator is likely to underestimate eligibility for individuals who in fact possessed MDMA in tablet form.

22 We classify a 'concurrent offence' as an offence recorded by NSW Police that occurred on the same date and at the same time (i.e., within the same event) as the use/possess offence.

23 More precisely, if an individual has identified as Aboriginal to NSW Police in more than 20 per cent of recorded contacts, we classify them as Aboriginal. For a more detailed description readers are directed to BOCSAR (2026).

SEIFA quartile: a set of binary variables indicating the POI's SEIFA quartile of residence.

Prior proven violent offence: a binary variable equal to one if a POI had at least one prior proven violent offence as a juvenile or adult within five years of the event date, zero otherwise.²⁴

Prior finalised court appearances: a set of binary variables each of which is equal to one if a POI had one, two or three or more prior finalised court appearances (with at least one proven offence) as a juvenile or adult within five years of the event date, zero otherwise.

Prior custodial sentence: a binary variable equal to one if a POI had at least one prior custodial sentence or control order within five years of event date, zero otherwise.

Music festival: a binary variable equal to one if the event occurred at a music festival, zero otherwise.²⁵

Drug type: a set of binary variables equal to one if a given event involved a specific drug type (i.e., Methylamphetamine, Cocaine, MDMA, Opioids, or 'other drugs'²⁶), zero otherwise.

Police Area Command (PAC): a set of binary variables each of which is equal to one for the PAC responsible for responding to the event, zero otherwise.

Statistical analysis

To examine the extent to which diversionary options available under EDDI are being utilised (our first research question), we report on the number and proportion of individuals in our sample issued a CAN vs. CIN for a use/possess non-cannabis offence in the first 13 months of EDDI's operation. We then turn our attention toward explaining these figures. To explain those figures (and answer our second research question), we report the number and proportion of individuals in our sample that failed to meet each eligibility condition (set out under the legislative framework and the SOPs) required to be issued a CIN under EDDI.

We then turn to our final research question: which factors are associated with NSW Police issuing a CIN to an eligible individual? To answer that question, we limit the estimation sample to the 3,241 events involving an eligible POI and estimate the Ordinary Least Squares (OLS) regression given by Equation 1.²⁷

$$Pr(CIN_{ip} = 1) = \alpha + \beta X'_i + \epsilon_{ip} \quad (1)$$

Where CIN_{ip} denotes a binary variable equal to one if a CIN is issued to the POI involved in event i , in PAC $_p$, zero if that POI was instead issued a CAN; X'_i denotes the set of 'other variables' set out in the previous sub-section; ϵ_{ip} denotes the error term; and all other terms denote coefficients to be estimated. Our approach to answering the third research question involves examining the coefficients contained within X'_i . These coefficients provide us with an indication around the extent to which each factor influences whether NSW Police elect to issue a CAN or CIN.

24 We classify violent offences using the 2023 Australian and New Zealand Standard Offence Classification (ANZSOC).

25 We classify an event as occurring at a music festival if it falls on the same calendar date and within the same Local Government Area (LGA) as any festival listed in Appendix B, Table A2.

26 In this study, 'other drugs' refers to the summation of two categories of drugs. First, any (non-Methylamphetamine, Cocaine, Ecstasy or Opiate) drug listed under Schedule 1 of the Act; and second, events where NSW Police fail to precisely record the drug detected. In the latter of these cases, NSW Police record the drug type as 'other'.

27 We report robust standard errors clustered at the PAC level. There are 58 Police Area Commands in the estimation sample. Further, as a robustness check, we re-estimate Equation 1 using Logistic regression. The average marginal effects obtained from that regression are reported in Table A5 of the Appendix. Those results are largely consistent with the OLS estimates.

RESULTS

The count and proportion of individuals issued a CIN vs. CAN

Table 2 reports the count and proportion of events in the estimation sample by eligibility and method of proceeding (i.e., CIN or CAN). Here we can see that in the first 13 months of EDDI's operation, NSW Police proceeded against an individual for a (non-cannabis) use/possess drug offence on 11,751 occasions. Of those events, the corresponding POI was eligible for a CIN in about 28 per cent of cases (n=3,241). From Table 2 we can also see that the actual diversion rate (i.e., the share of events where NSW Police issued a CIN instead of a CAN) is about nine per cent (n=1,095). Unsurprisingly, eligible individuals are far more likely to receive a CIN than ineligible people (6% vs 3%). Interestingly, however, we also see a small proportion of ineligible individuals receiving a CIN.²⁸ There may be two explanations for this, the first being, under EDDI legislation, NSW Police retain discretion to issue a CIN to any individual detected with a small quantity of a prohibited drug. Hence, the 382 cases where an ineligible POI was issued a CIN may also include instances where attending police deviated from the SOPs and issued a CIN. Second, as discussed earlier, our measure for the 'small quantity' threshold may lead us to underestimate the true number of individuals eligible under the legislation due to data quality issues (e.g. errors in weight measurements taken in the field). We exclude these cases from the sample used to estimate Equation 1.²⁹

Table 2. Count and proportion of POIs by eligibility and method of proceeding, 29 February 2024 – 31 March 2025

	Method of proceeding		Total
	Criminal Infringement Notice (CIN)	Court Attendance Notice (CAN)	
Eligible for a CIN			
Yes	713 (6.07%)	2,528 (21.51%)	3,241 (27.58%)
No	382 (3.16%)	8,128 (69.17%)	8,510 (72.42%)
Total	1,095 (9.32%)	10,656 (90.68%)	11,751 (100.00%)

Factors that render a person ineligible for a CIN

Given the sizable share of POIs that were ineligible for a CIN (i.e., POIs involved in 8,510 events, or 72.42% of total events), a natural question to ask is: what makes these people ineligible? Figure 1 answers that question in two panels. Panel A plots the proportion of individuals in the sample that failed to meet a given number of eligibility conditions. From Panel A we can see that 34 per cent of POIs met six of the seven eligibility conditions (i.e., failed to meet a single condition). Further, from Panel A we can also see that 19 per cent of POIs met five of the eligibility conditions (i.e., failed to meet two conditions). Taken together, these results indicate that 51 per cent of POIs NSW Police believe to be guilty of a relevant use/possess offence were rendered ineligible as a result of failing to meet one or two conditions. This suggests that a small number of conditions are responsible for the bulk of people being ineligible for a CIN.

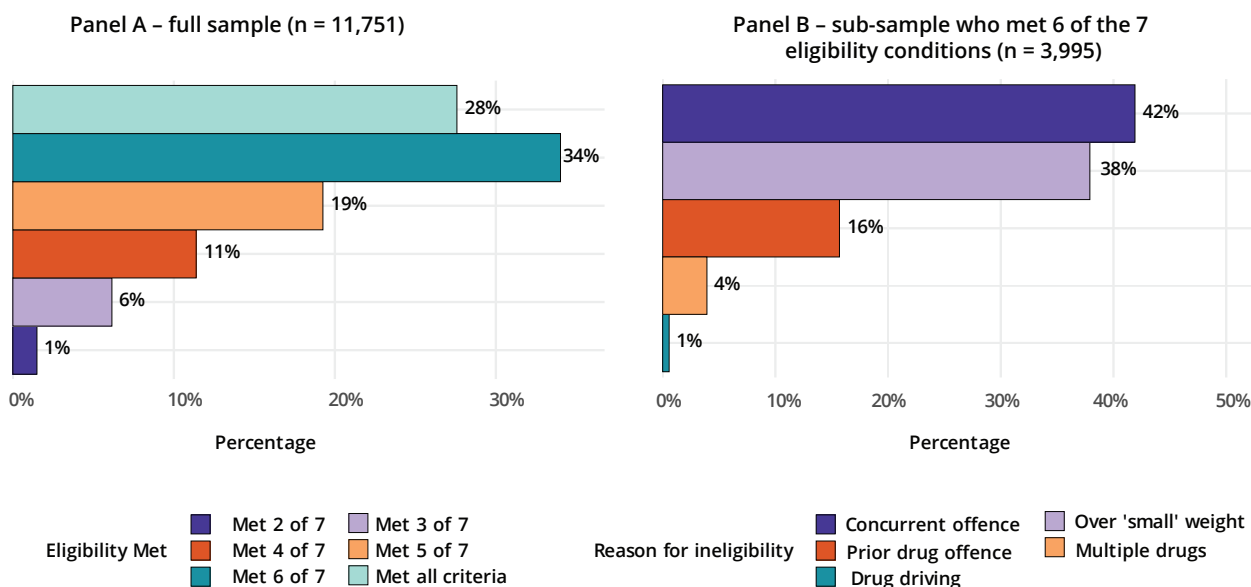
In Panel B we unpack the reasons for ineligibility among the 34 per cent of individuals (n=3,995) who met all but one of the eligibility conditions. That is, in Panel B we limit the estimation sample to people who met all but one condition and then plot the condition that each individual failed to meet. From Panel B we can see that the single condition that excludes most people from being eligible is the presence of a concurrent offence. That is, among (the 34 per cent of) individuals that were ineligible for a CIN because they did not meet a single condition, 42 per cent (n=1,675) were ineligible because they had a concurrent offence that was dealt with via the receipt of a CAN. The second most important eligibility condition for exclusion is whether the amount of drug detected was over the small quantity threshold set out in

²⁸ We provide descriptive statistics for these cases in Appendix C, Table A3.

²⁹ These cases are excluded to avoid explicitly introducing selection bias into our estimates. These 382 individuals were classified as ineligible under the legislative and SOP criteria but nevertheless received a CIN. Because our outcome variable is whether an eligible individual receives a CIN (as opposed to a CAN), including this group would make inclusion in the estimation sample depend on the outcome itself, rather than solely on the exogenous eligibility rules, and would therefore introduce selection bias.

Schedule 1 of the Act, which relates to 38 per cent of individuals (n=1,515) in the same subsample. The third and fourth most important eligibility conditions are whether an individual has a prior serious drug offence, or was detected with multiple drugs, which account for 16 per cent (n=627) and four per cent (n=157) of the subsample, respectively.

Figure 1. Proportion of POIs by eligibility conditions met (Panel A)/not met (Panel B)



Note. This figure contains two panels. Panel A reports the proportion of individuals in the sample that failed to meet a given number of eligibility conditions for receipt of a CIN. Panel B limits the sample to individuals who met six of the seven eligibility conditions and then plots the percentage of individuals who failed to meet each condition.

We further examine the 42 per cent of individuals rendered ineligible due to a concurrent offence alongside their low-level drug offence to understand the nature of their co-offending. Table A4 in Appendix D reports their concurrent offences by BOCSAR Standard Offence Classification (BSOC) 2023 division.³⁰ Theft-related offences make up the largest share of concurrent offences (23%), followed by weapons and explosives offences (18%) and traffic and vehicle offences (17%). Public order, health, and safety offences (13%) and offences against justice procedures and orders (11%) also feature prominently. A smaller subset of events involved more serious or victim-based offending including assaults (non-domestic, 4%; domestic, 3%), harm or endanger persons (3%), burglary or break and enter (2%), property damage (2%), and fraud (2%), while other offences such as sexual offences, and robbery, blackmail and extortion occurred relatively infrequently.

Factors associated with the receipt of a CAN vs. CIN among eligible individuals

From Table 2 we know that a significant share of individuals eligible for a CIN (n = 3,241) are proceeded against by NSW Police via a CAN (78%). In this section of the bulletin, we investigate why this may be the case. We begin our investigation by comparing the observable characteristics of (eligible) individuals that received a CAN vs. CIN in Table 3. That is, in Table 3 we limit the estimation sample to events that involved a POI eligible for a CIN (under both the legislation and the SOPs),³¹ and then compare the average characteristics of POIs that were issued a CAN (in column 1) or a CIN (in column 2). The difference between those issued a CAN and CIN are reported in column 3.

30 The BOCSAR Standard Offence Classification (BSOC) 2023 groups criminal offences into 18 broad divisions and is a modification of the Australian and New Zealand Standard Offence Classification (ANZSOC) 2023 to better suit New South Wales criminal offence legislation. For more information readers are directed to BOCSAR (2026).

31 Note that we exclude events where the POI's sex, Aboriginality, or SEIFA quartile was missing from the data. These exclusions reduce our estimation sample from 3,241 to 3,059 observations.

Table 3. Demographic and criminogenic characteristics of individuals issued a CAN vs. a CIN among eligible POIs

Variable	Issued a CAN (%) (n = 2,370)	Issued a CIN (%) (n = 689)	Difference (p.p.)
Sex			
Male	76.5	79.4	2.9
Female	23.5	20.6	-2.9
Aboriginality			
Non-Aboriginal	79.1	93.2	14.1***
Aboriginal	20.9	6.8	-14.1***
Age			
18-24	13.6	35.7	22.1***
25-34	30.9	40.5	9.6***
35-44	32.0	15.4	-16.6***
45-54	19.0	7.0	-12***
55+	4.6	1.5	-3.1***
SEIFA Quartile			
1 (Most disadvantaged)	24.6	14.1	-10.5***
2	33.3	17.6	-15.7***
3	22.7	21.8	-0.9
4 (Most advantaged)	19.5	46.6	27.1***
Number of prior court appearances			
0	23.9	80.8	56.9***
1	9.7	6.4	-3.3***
2	10.1	3.3	-6.8***
3+	56.2	9.4	-46.8***
Number of prior prison episodes			
0	73.3	96.2	22.9***
1+	26.7	3.8	-22.9***
Number of prior violent offences			
0	67.5	93.2	25.7***
1+	32.5	6.8	-25.7***
Drug type			
Methylamphetamine	66.3	21.3	-45 ***
Cocaine	12.1	46.3	34.2***
MDMA	0.8	19.2	18.4***
Opiates ^a	10.1	1.6	-8.5***
Other drugs ^b	10.8	11.6	0.8***
Event occurred at a music festival			
Yes	1.2	31.8	30.6***
No	98.8	68.2	30.6***

Note. Stars indicate statistical significance at a variety of conventional thresholds - * p < 0.05, ** p < 0.01, *** p < 0.001.

^a 'Opiates' include heroin, opium and methadone.

^b Due to the low representation of certain drugs in the sample (e.g. LSD and GHB), all substances other than cocaine, ecstasy, opiates, and methamphetamine are grouped under the 'other drugs' category.

From Table 3 we see that when compared to those issued a CIN, individuals issued a CAN are more likely to: be detected with methylamphetamine or opiates; identify as Aboriginal; be aged 45 or older; reside in a low SES area; and have had more prior interactions with the criminal justice system. In other words, Table 3 suggests NSW Police are more likely to issue a CIN to a non-Aboriginal young person without priors, particularly if they were detected at a music festival.

The fact that Aboriginal people, as well as people from low SES areas, are more likely to receive a CAN raises the question of whether EDDI is being implemented equitably. On one hand, it is true that Aboriginality and SES should have no bearing on whether NSW Police proceed via CAN or CIN. On the other hand, however, it is also true that Aboriginal people are overrepresented in the criminal justice system (BOCSAR, 2025) and that people from low SES areas experience higher rates of crime (Itskovich, 2024). Hence, the differences in diversion rates apparent from Table 3 may merely reflect the underlying correlation between SES, Aboriginality and involvement in the criminal justice system. To disentangle these two competing explanations, we utilise the OLS regression from Equation 1 and report the resulting estimates in Table 4.

Table 4 reports OLS estimates from Equation 1. These estimates enable us to examine the association between receipt of a CIN and the other variables listed in the data section. Positive coefficients indicate that a given variable is associated with a higher probability of receiving a CIN, while negative coefficients indicate a lower probability of receiving a CIN (and thus a higher probability of receiving a CAN). Each estimate, when multiplied by 100, represents the percentage point (p.p.) change in the probability of being issued a CIN, relative to being issued a CAN, holding all other variables constant.

Table 4. Regression estimates for the association between POI characteristics and receipt of a CIN, eligible POIs

Variable	(1) Estimate	(2) Std. Err.
Female (relative to male)	-0.000	0.011
Aboriginal (relative to non-Aboriginal)	-0.022	0.014
Age (relative to 18-24)		
25-34	-0.005	0.025
35-44	-0.038	0.026
45-54	-0.031	0.026
55+	-0.056	0.03
SEIFA Quartile (relative to the most disadvantaged)		
2	-0.019	0.018
3	-0.012	0.017
4 (Most advantaged)	-0.008	0.017
Number of prior court appearances (relative to no prior court appearances)		
1	-0.113 ***	0.031
2	-0.153 ***	0.028
3+	-0.164 ***	0.024
Number of prior prison episodes (relative to no prior prison episodes)		
1+	-0.009	0.012
Number of prior violent offences (relative to no prior violent offences)		
1+	-0.016	0.01
Drug type (relative to methylamphetamine)		
Cocaine	0.208***	0.029
MDMA	0.292 ***	0.047
Opiates	-0.005	0.015
Other drugs	0.028	0.019
Event occurred at a music festival (relative to elsewhere)		
Yes	0.325 ***	0.038
PAC fixed effects		Yes
Observations		3,054

Note. Estimates and standard errors are rounded to 3 decimal places. Stars indicate statistical significance at a variety of conventional thresholds
- * p < 0.05, ** p < 0.01, *** p < 0.001.

From Table 4 we can see that, after including all the variables listed in Table 3 into a single model, many of the individual characteristics that were significant in Table 3 no longer appear to have any influence on whether an individual is proceeded against via a CAN or CIN. For example, age, sex, SES and Aboriginality no longer appear to exert a substantial influence (net of prior offending). Relatedly, the association for measures of prior offending remain large in both (absolute) size and significance. Taken together, this suggests that NSW Police are likely to take more punitive action against individuals with longer offending histories (by issuing them a CAN), and that the (raw) correlations from Table 3 relating to SES and Aboriginality are plausibly a reflection of the fact that individuals from these groups are likely to have had more experience with the criminal justice system.

Notably, situational factors, such as the type of drug an individual is detected with as well as where the offence occurred, also exert a significant influence on the decisions made about how to proceed against a POI. From Table 4, we see that a POI legally proceeded against for a use/possess offence at a music festival is 33 p.p. more likely to be issued a CIN compared with an individual who has the same characteristics but is detected with illicit drugs at another location. Further, an individual found in possession of cocaine or MDMA is more likely to be diverted from court compared with an individual detected with methylamphetamine, even after accounting for prior contact with the criminal justice system and demographic characteristics.

Variation in the likelihood of receiving a CIN by PAC

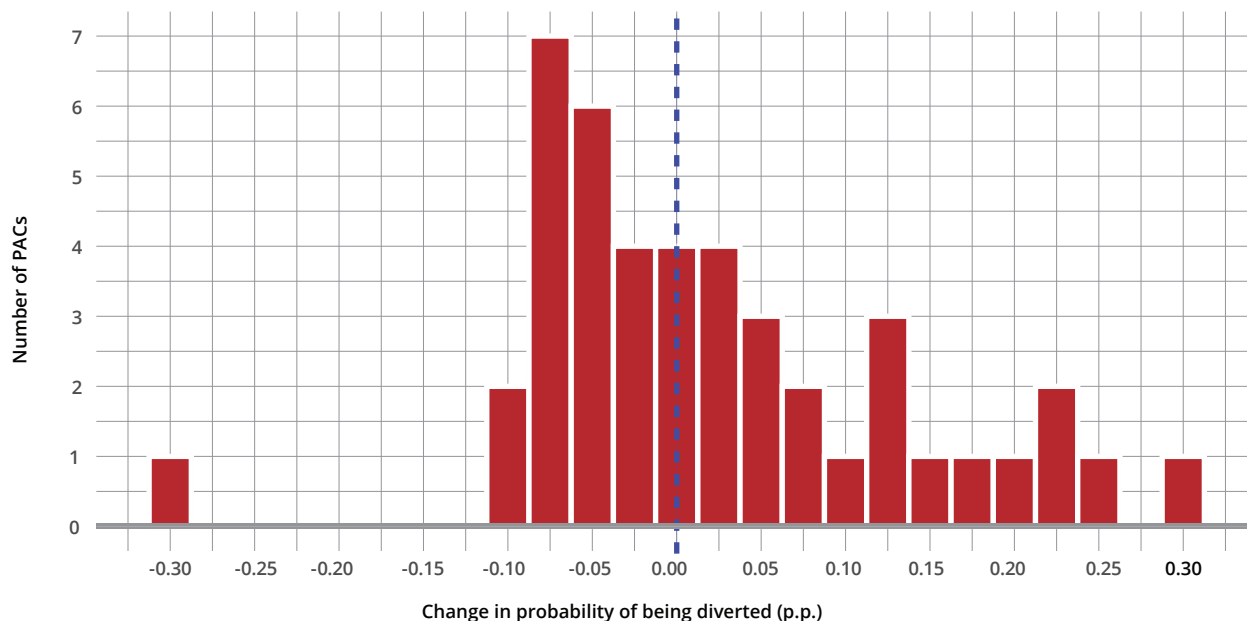
As discussed earlier, we include PAC fixed effects in Equation 1 to account for systematic differences between PACs that don't change over the timespan of the estimation sample, but do influence whether an individual is likely to be issued a CIN or CAN. Hence, these fixed effects account for factors like variation in the utilisation of person and vehicle searches between PACs, each PAC's priority crimes, budgeting allocations and 'hotspot' locations where drug use is known to occur. Inclusion of these fixed effects renders the estimates reported in Table 4 robust to such factors.

Police culture and priorities play an important role in the effective implementation of drug diversion schemes (Stevens, Hughes, Hulme, & Cassidy, 2022). Additionally, Greer et al. (2022) note that discretionary (rather than mandatory) drug diversion schemes can lead to confusion among police officers, resulting in inconsistent application of diversion. In this context, understanding the extent to which different PACs are more or less likely to issue a CIN after accounting for age, sex, prior offending and other factors, is of interest to policymakers. For that reason, Figure 2 plots the average probability of receiving a CIN (relative to the median PAC, given by the blue vertical line) on the horizontal axis, and the number of PACs sharing a given probability on the vertical axis.³² One complication for this type of analysis is that a small number of PACs regularly host music festivals and therefore experience short periods of artificially high numbers of use/possess events. To avoid these festival-related spikes disproportionately influencing the average probabilities shown in Figure 2, we exclude PACs ($n = 14$) that hosted any of the music festivals listed in Table A2 of the appendix from this figure. From Figure 2 we can see that an individual alleged to be in the possession of drugs (other than cannabis) by an officer from the most punitive PAC (i.e., the PAC with the highest probability of issuing a CAN) is about 60 p.p. less likely to receive a CIN when compared to an observably similar individual (i.e., an individual with the same level of prior offending etc) detected with drugs by an officer from the least punitive PAC (i.e., the PAC with the highest probability of issuing a CIN). In other words, the PAC responsible for proceeding against an individual exerts a substantial influence over whether they are issued a CIN or CAN, net of the controls included in Equation 1.

One explanation for this result is that police experience with, and attitudes toward, drug use differ markedly between PACs. For example, police working in PACs that often host music festivals are likely to have more experience issuing CINs, and as a result, might be more likely to issue a CIN outside of a music festival. Similarly, police working in PACs with high levels of serious drug crime might hold more punitive attitudes toward all types of drug crime, including low level offences. These results are discussed further in the next section of the bulletin.

³² In other words, Figure 2 visualises the coefficients of the PAC fixed effects included in Equation 1.

Figure 2. Change in the probability of being diverted for a use/possess non-cannabis drug offence by Police Area Command



DISCUSSION

This study aimed to examine the operation of the EDDI during its first 13 months of implementation. We started by comparing the number and proportion of individuals diverted under EDDI via a CIN with individuals proceeded against to court via a CAN. We found that the vast majority of individuals legally proceeded against by police for a (relevant, non-cannabis) use/possess drug offence between 29 February 2024 and 31 March 2025 were issued a CAN instead of a CIN (i.e., about 91% vs. 9%).

We then sought to determine why this is the case. The first step in that determination was to examine the count and proportion of individuals that were rendered ineligible for a CIN by virtue of failing to meet at least one of the seven eligibility conditions set out under the legislation and NSW Police SOPs. In that analysis, we found that almost three-quarters of the people in our sample failed to meet at least one of the eligibility conditions for a drug CIN. That finding aligns with national reviews pointing to eligibility as a major limiter of diversion programs (Hughes et al., 2019). Among those classified as ineligible, over one-third met six out of the seven conditions required for a CIN (i.e., were rendered ineligible due to a single condition). Of the one-third of people rendered ineligible because they failed to meet a single condition, the single condition responsible for rendering the greatest number of people ineligible was the presence of a concurrent offence (accounting for 42% of the one-third of people ineligible as a result of failing to meet a single condition). Among this subsample the most common concurrent offences were theft related (23%), weapons and explosives related (18%), and traffic and vehicle related (17%). The next most important conditions restricting eligibility were: possession of a drug quantity exceeding the legislated small threshold (38% of the one-third) and; a prior serious drug offence within five years of the index offence (15% of the one-third). This pattern demonstrates how specific conditions, particularly concurrent offence exclusions and strict quantity thresholds, narrow program access. Comparable barriers have been documented across multiple Australian diversion schemes (Hughes et al., 2019).

After examining the role that the eligibility conditions play, we then focused on another factor influencing the overall diversion rate, namely why only 22 percent of eligible people were diverted: police discretion. To examine the role of discretion, we limited the analysis to the 3,059 individuals who were eligible for a CIN, and then examined how their characteristics (e.g., age, sex, Aboriginality, prior offending) and the circumstances surrounding the offence (e.g., whether the offence took place at a music festival)

influenced whether a CIN or CAN was issued. In that analysis, we found contextual variables to be the strongest predictors of diversion. Individuals detected with drugs at music festivals were, for example, 33 p.p. more likely to be diverted than those detected elsewhere. Similarly, individuals alleged to be in the possession of MDMA or cocaine had an increased probability of diversion when compared to those detected with opioids or methamphetamine. Prior offending was also associated with lower diversion probabilities, indicating that police may exercise discretion with repeat offenders. Our finding that diversion is concentrated in specific contexts, such as music festivals, aligns with earlier evaluations of the NSW Cannabis Cautioning Scheme, which also identified context-dependent variation in diversion rates (Audit Office of NSW, 2011)

This study has four main limitations. First, the measure of drug weight available in the data prevents us from differentiating between net and gross weight (i.e., whether the measure recorded in the data includes the drug's packaging). As a result, it is plausible that we are systematically underestimating the number of people eligible for a CIN (by overestimating the weight of each drug). The second limitation of this study also centres on data quality issues. A sizable fraction of events in the data (i.e., 16%) involved possession of a drug that was ambiguously described (e.g., 'other drugs'). To address that issue, we assigned a default small quantity threshold of one gram. However, the actual threshold for eligibility may be higher or lower depending on the unobserved drug type, leading to potential misclassification of eligibility. The third limitation is the relatively short follow-up period for this study. This could be an issue if, for example, EDDI experienced 'teething' issues during its early implementation that took time to resolve.³³ Another implication of this relatively short follow-up period is the generalisability of our estimates for specific subgroups in the data (e.g., Aboriginal people, certain PACs). The final limitation worth mentioning is that this study did not examine the health intervention component of EDDI. Given that individuals issued a CIN can elect to either pay a fine or participate in a health intervention, some attention to the implementation and effect of the health intervention is warranted.

Despite its limitations, this study provides several insights for policymakers. First, the number of individuals receiving a CIN under EDDI could be significantly increased if the condition (set out in the SOPs) that precludes POIs with a concurrent offence from receiving a CIN was removed. Of course, it is worth noting that POIs with a concurrent offence must attend court anyway for their other (concurrent) offence(s), and as a result, the net cost saving to the criminal justice system would be minimal. Cost considerations aside, reducing the harms associated with drug use through the health intervention, and/or the number of convictions on an individual's criminal record, would be desirable from a harm reduction standpoint. The lever with the second largest scope to increase the number of people receiving a CIN would be to raise the maximum threshold quantity permitted for a diversion.

In addition to those two levers, other considerations to expand the use of EDDI include relaxing the conditions around whether an individual can have a prior serious drug offence or be found in the possession of multiple drugs. Restrictions based on prior offending are common across Australian drug diversion programs, however there is considerable variation in how jurisdictions set these limits. For example, the drug diversion program operating in Queensland restricts eligibility only for serious drug offences that have resulted in custodial sentences, Western Australia extends restrictions to include serious drug, violent, and sexual offences, whilst Victoria, South Australia, and the ACT do not impose any prior offence requirements. Relaxing this condition, either by narrowing it to only those with a prior custodial sentence or by removing it altogether, would broaden EDDI's reach. We would also note that although a relatively small number of people were deemed ineligible due to the single drug condition, it is, among non-cannabis related diversions schemes across Australia, unique to EDDI.

A final point worth making with regard to our results is that discretion also plays a substantial role in access to diversion among those eligible for a CIN. We found that operational patterns and historical practice likely continue to influence the use of CINs in NSW. Although the expansion of CINs under EDDI was meant to move (non-cannabis) drug diversion beyond music festival settings, this study suggests

³³ Although the most recent data from BOCSAR indicates that the use of drug CINs in NSW remains low, with a little over 10 per cent of POIs proceeded against for a relevant non-cannabis use/possess offence via a CIN in the second half of 2025 (BOCSAR, 2026).

that police are still much more likely to issue a CIN at such events (and less likely to issue a CIN outside of them). This is further reflected in the variation in diversion rates across PACs, suggesting that discretionary decision-making is a major influence on diversion outcomes among eligible individuals. Prior research has shown that discretionary models generally produce lower and less equitable rates of diversion when compared with mandatory (legislative) schemes (Hughes & Ritter, 2008; Hughes et al., 2019). Police resistance to drug diversion, exacerbated by limited feedback on diversion outcomes, has been identified as a key factor contributing to these lower uptake rates (Hughes et al., 2019). Hughes et al. (2019) suggest several mechanisms for increasing police use of diversion options in jurisdictions with discretionary models: first, better communication of the benefits of diversion; second, increased education and training for officers and direct feedback on compliance by the individual diverted; third, dissemination of positive stories surrounding outcomes for diverted individuals; and finally adding drug diversion into performance monitoring systems.

Hence, it is worth bearing in mind that even if EDDI's eligibility conditions were to be relaxed in an effort to increase the number of people diverted, the practical result of such an effort depends on the extent to which NSW Police use their discretion to issue a diversion. For example, if the condition around prior drug offending were to be removed, this would not necessarily increase the number of people diverted as police may exercise their discretion to not divert individuals with a history of serious drug offending. However, if expanded eligibility criteria were coupled with a shift from a discretionary to a mandatory scheme, similar to South Australia's and Queensland's Police Drug Diversion Programs, this could provide a significant avenue to expand diversion opportunities under the EDDI.

Our study's findings reinforce discussions and recommendations made by key stakeholders at the 2024 NSW Drug Summit regarding reform of EDDI and highlight several directions for future research and evaluation. Since our evaluation was limited to a relatively brief period, just over one year since EDDI's implementation, a robust analysis of longer-term outcomes, such as rates of recidivism and court cost efficiencies, is warranted. Additionally, our analysis does not directly test the mechanisms underlying the PAC level differences in the use of drug CINs, therefore further research is needed to examine why use varies across PACs. Finally, it is important to assess not only justice system metrics but also the health outcomes of participants, capturing the broader objectives of EDDI. Integrating both justice and health evidence will provide policymakers with a more complete picture and may help guide improvements to EDDI.

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APPENDIX

Appendix A: Small quantity thresholds for commonly detected drugs

Table A1. Small or trafficable quantity thresholds for drugs commonly detected in the sample

Drug Type	Form	'Small' quantity threshold
3,4- methylenedioxymethamphetamine (MDMA)	Tablet	0.75 g (Trafficable quantity)
	Any other	0.25 g
Cocaine	Any	1 g
Amphetamine, including 'ice'	Any	1 g
Heroin	Any	1 g
Lysergic acid diethylamide (LSD)	Paper	4 DDU a
	Any other	0.0008 g
Gamma-hydroxybutyrate (GHB)	Any	10 g

^a DDU = Discrete Dosage Unit

Appendix B: Festivals which occurred during the study dates

Table A2 presents the festivals which were identified as occurring over the study dates (i.e. March 2024 to 2025).

Table A2. Music festivals Identified between the study dates and their relevant names, suburbs and dates

Festival Name	Suburb of festival	Festival dates
SummerSalt, 2025	Batemans Bay	15/03/2025
Dashville Skyline, 2024	Lower Belford	4/10/2024 to 6/10/2024
Red Hot Summer, 2024	Bella Vista	3/03/2024
Red Hot Summer, 2024	Berry	2/03/2024
Red Hot Summer, 2025	Berry	22/02/2025
Bondi Beach Party, 2024	Bondi Beach	24/02/2024
A Day On The Green, 2024	Bowral	30/11/2024
Knotfest, 2024	Centennial Park	23/03/2024
Listen Out, 2024	Centennial Park	6/10/2024
Good Things, 2024	Centennial Park	7/12/2024
Laneway, 2025	Centennial Park	9/02/2025
Knotfest, 2025	Centennial Park	8/03/2025
X Club - Hide The Junk, 2024	Eveleigh	8/06/2024
Lost Paradise, 2025	Glenworth Valley	28/12/2024 to 1/01/2025
Blue Mountains music, 2024	Katoomba	15/03/2024 to 17/03/2024
Changing Tides, 2024	Kiama	14/12/2024 to 15/12/2024
Mardi Gras Party, 2024	Moore Park	2/03/2024
Ministry of Sound - Classical, 2024	Moore Park	16/03/2024
Touch Bass, 2024	Moore Park	31/03/2024
Over The Ditch, 2025	Newcastle	22/02/2025 to 23/02/2025
Howlin' Country, 2025	Newcastle East	15/02/2025
Ocean Alley, 2024	North Wollongong	31/03/2024
Jammin, 2024	Parramatta	3/02/2024 to 4/02/2024
Souled Out, 2024	Parramatta	22/03/2024
Red Hot Summer, 2024	Pokolbin	6/04/2024

Table A2. Music festivals Identified between the study dates and their relevant names, suburbs and dates (cont'd)

Festival Name	Suburb of festival	Festival dates
SummerSalt, 2024	Pokolbin	16/11/2024
Electric Gardens, 2024	Randwick	31/03/2024
Ministry Of Sound - Testament (1), 2024	Rozelle	31/08/2024
Ministry Of Sound - Testament (2), 2024	Rozelle	7/09/2024
Heaps Gay, 2024	Rozelle	23/11/2024
SummerSalt, Speers Point, 2024	Speers Point	9/03/2024
Red Hot Summer, 2025	Speers Point	15/02/2025
Lookout, 2025	Speers Point	8/03/2025
Field Day, Sydney, 2024	Sydney	1/01/2024
Hive, Sydney, 2024	Sydney	16/03/2024 to 17/03/2024
Mode, 2024	Sydney	12/10/2024
Harbourlife, 2024	Sydney	23/11/2024
Field Day, Sydney, 2025	Sydney	1/01/2025
Fiesta Del Sol, 2025	Sydney	1/02/2025
Juicy Fest, 2024	Sydney Olympic Park	13/01/2024
HTID Australia, 2024	Sydney Olympic Park	27/01/2024
Laneway, 2024	Sydney Olympic Park	4/02/2024
Hyperdome, 2024	Sydney Olympic Park	20/04/2024
Pandemonium, 2024	Sydney Olympic Park	25/04/2024
Good Life - Lost City - Rancho Paradiso, 2024	Sydney Olympic Park	27/04/2024
Midnight Mafia - Episode VIII: Gangs Of The Galaxy, 2024	Sydney Olympic Park	4/05/2024
The Warehouse Project, 2024	Sydney Olympic Park	25/05/2024 to 26/05/2024
The Ultimate Journey, 2024	Sydney Olympic Park	8/06/2024
Teletech Australia, 2024	Sydney Olympic Park	10/08/2024
MaRLo Altitude - Elements of Unity, 2024	Sydney Olympic Park	31/08/2024
Knockout Outdoor - Games Of Destiny, 2024	Sydney Olympic Park	5/10/2024
Ridin' Hearts, 2024	Sydney Olympic Park	2/11/2024
Palm Tree, 2024	Sydney Olympic Park	6/12/2024
Boiler Room, 2024	Sydney Olympic Park	7/12/2024
Epik, 2024	Sydney Olympic Park	14/12/2024
Juicy, 2025	Sydney Olympic Park	18/01/2025
HTID Australia, 2025	Sydney Olympic Park	25/01/2025
Meltdown, 2025	Sydney Olympic Park	26/01/2025
Dreamstate, 2025	Sydney Olympic Park	8/02/2025
Tamworth Country, 2024	Tamworth	19/01/2024 to 28/01/2024
Rolling Sets, 2024	The Entrance	7/12/2024
Strawberry Fields, 2024	Tocumwal	15/11/2024 to 17/11/2024
Bluesfest, 2024	Tyagarah	28/03/2024 to 1/04/2024
Dragon Dreaming, 2024	Wee Jasper	4/10/2024 to 7/10/2024
SummerSalt, Wollongong, 2024	Wollongong	10/03/2024
Yours And Owls, 2025	Wollongong	1/03/2025 to 2/03/2025

Appendix C: Description of ineligible individuals issued a CIN

Table A3 describes the characteristics of the 382 individuals who were classified as ineligible to receive a CIN but were issued one anyway. With regards to these individuals' demographics, the vast majority were males aged under 35, who did not identify as Aboriginal and were from the top two SEIFA quartiles. In terms of prior contact with the criminal justice system, close to all these individuals had no prior contact at the time of the event date. Looking at the contextual factors presented in Table A3, close to half of these individuals were detected at a music festival and were carrying ecstasy. Within this group, the overwhelming majority were ineligible because the quantity of drug detected exceeded the prescribed 'small' quantity threshold, with only a small number excluded due to other eligibility conditions.

Table A3. Demographic and criminogenic characteristics of ineligible individuals issued a CIN

Variable	Classified as Ineligible but Issued a CIN (%) (n = 382)
Sex	
Male	78.3
Female	20.9
Aboriginality	
Non-Aboriginal	94.0
Aboriginal	5.0
Age	
18-24	39.8
25-34	34.0
35-44	17.0
45-54	6.8
55+	2.4
SEIFA Quartile	
1 (Most disadvantaged)	12.3
2	18.1
3	23.6
4 (Most advantaged)	43.2
Number of prior court appearances	
0	77.7
1	6.0
2	4.7
3+	11.5
Number of prior prison episodes	
0	93.5
1+	6.5
Number of prior violent offences	
0	92.9
1+	7.1
Drug Type	
Methylamphetamine	14.1
Cocaine	17.0
Ecstasy	47.6
Opiates	0.8
Other drugs	11.0
NA	9.4
Event occurred at a music festival	
Yes	45.3
No	54.7

Note. Column percentages may not sum to 100 per cent because categories with missing data (e.g. sex, SEIFA) have been excluded from the table.

Appendix D: Concurrent offences among individuals meeting six of seven eligibility criteria

Table A4. Concurrent offences by BSOC 2023 division for individuals meeting six of seven eligibility criteria

BSOC 2023 division category	Total (n)	Percentage of current offences (%)
Theft	744	22.6
Weapons and explosives offences	600	18.2
Traffic and vehicle offences	544	16.5
Public order, health, and safety offences	425	12.9
Offences against justice procedures and orders	369	11.2
Non-domestic violence related assault	115	3.5
Harm or endanger persons	111	3.4
Domestic violence related assault	99	3
Burglary / Break and enter	78	2.4
Property damage	74	2.2
Fraud and related offences	59	1.8
Sexual offences	31	0.9
Robbery, blackmail, and extortion	27	0.8
Drug offences	9	0.3
Environmental offences	6	0.2
Offences against government	4	0.1

Note. A single event can involve multiple offences, as such reported counts exceed the 1,675 events in which a person was ineligible due to a concurrent offence.

Appendix E: Logistic regression results

Table A5 reports the logistic regression results from equation (1) for the eligible sample. Coefficients reported are largely consistent with those reported in Table 4.

Table. A5 Logit Regression estimates on the association between POI characteristics and receipt of a CIN

Variable	(1) Estimate	(2) Std. Err.
Female (relative to male)	-0.007	0.014
Aboriginal (relative to non-Aboriginal)	-0.009	0.016
Age (relative to 18-24)		
25-34	0.003	0.02
35-44	-0.03	0.022
45-54	-0.023	0.025
55+	-0.045	0.036
SEIFA Quartile (relative to the most disadvantaged)		
2	-0.018	0.023
3	-0.007	0.021
4 (Most advantaged)	-0.005	0.020
Number of prior court appearances (relative to no prior court appearances)		
1	-0.079***	0.026
2	-0.133***	0.027
3+	-0.161***	0.022
Number of prior prison episodes (relative to no prior prison episodes)		
1+	-0.027	0.026
Number of prior violent offences		
1+	-0.016	0.016
Drug Type (relative to methylamphetamine)		
Cocaine	0.136***	0.031
Ecstasy	0.263***	0.055
Opiates	-0.032	0.025
Other drugs ¹	0.021	0.021
Event occurred at a music festival		
Yes	0.222***	0.047
PAC fixed effects	Yes	-
Observations		3,009

Note. Average marginal effect estimates, and standard errors calculated using the Delta method reported in this table.

* p < 0.05, ** p < 0.01, *** p < 0.001.