FAIR TREATMENT

What is EDDI?

The Early Drug Diversion Initiative (EDDI) is a NSW scheme intended to keep people out of the criminal justice system, reduce harm and stigma, and connect them with health-based support instead.

EDDI allows police to divert eligible adults away from charges for simple drug possession and instead issue a diversion notice. This notice gives you the option to complete a short health focused intervention, or pay a fine, rather than go to court.

Who is eligible?

You may be eligible for EDDI if:

- You are 18 years or older
- Police are dealing with you for a summary offence (i.e, a less serious criminal offence).
- The matter relates to possession of a small quantity of drugs for personal use, this means:
    - 0.75 grams of MDMA in a tablet
    - 0.25 grams of MDMA in other forms
    - 1 gram of cocaine
    - 1 gram of methylamphetamines
    - 1 gram of heroin

Who is not eligible?

- A person found with more than one type of drug that is against the law. This drug does not include marijuana.
- Persons who have ever committed a serious drug offence (i.e trafficking charges, production charges)
- If you have used the EDDI scheme twice already.
- If you are under 18, a different diversion scheme applies to you.

Important things to know:

- Having other prior convictions do not automatically exclude you from the scheme.
- Being unemployed, unhoused, or experiencing other vulnerabilities does not automatically exclude you.
- Cannabis charges are not included in EDDI- these are covered by the Cannabis Cautioning Scheme instead.
- This scheme is discretionary, meaning that police must choose to offer it to you.

What happens if I'm offered EDDI?

If police decide to use EDDI, they can issue you with a diversion notice instead of a charge.

That notice gives you the option to:

- Complete a brief drug and alcohol intervention via telehealth, or
- Pay a $400 fine.

You will be given clear instructions and a timeframe to complete the requirement.

You can learn more about the drug and alcohol intervention at St Vincents Hospital Website.

You can choose not to accept the diversion, but this may mean the matter proceeds through the criminal justice system.

What are my rights during a police interaction?

You always have the right to:

- Ask whether you are eligible for diversion
- Ask why diversion is or isn't being offered
- Ask for things to be explained in plain language
- Get a copy of any notice or paperwork you are given

You also have the right to:

- Remain silent (beyond giving your name and address, if required)
- Ask to speak to a lawyer before answering questions

What if I'm not offered EDDI but think I should have been?

This happens more often than it should. You can:

- Seek legal advice about your options through legal services like Aboriginal Legal Service, or your local Community Legal Centre.
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- Share your experience with us (anonymously) to help us advocate to improve how the scheme is applied