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# Drugs, the law and safer substance use

## Produced by Victoria Legal Aid

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For free information about the law and how we can help you:

- visit our website ([www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au))
- use our Legal Help Chat on the website, Monday to Friday, 8 am to 6 pm, excluding public holidays
- phone Legal Help on 1300 792 387, Monday to Friday, 8 am to 6 pm, excluding public holidays.

For business queries phone (03) 9269 0234.

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**Changes to the law:** The law changes all the time. To check for changes you can visit our website or phone us.

**Disclaimer:** This publication is a general guide only. It is not legal advice. If you need to, please get legal advice about your situation.

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## Do you need this booklet in a different format?

Visit Victoria Legal Aid's website ([www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)) and search for *Drugs, the law and safer substance use*. You can also phone (03) 9269 0234 and ask for Community Legal Education. We can talk with you about what you need.



## **Victoria Legal Aid**

We serve the Victorian community by providing information, legal advice and education with a focus on the prevention and early resolution of legal problems.

We prioritise more intensive legal services, such as legal advice and representation, to those who need it the most, using evidence to inform what we do. We also recognise the connections between legal and social issues in the way we do our work and advocate for change.

We work to address the barriers that prevent people from accessing the justice system, by participating in systemic reforms and strategic advocacy.

# ABOUT THIS BOOKLET

This booklet is a general guide to help you understand the law when it comes to drugs and dealing with the police. The booklet also includes information about safer substance use and what to do if someone overdoses.

For more information about police powers and other legal issues, visit our website ([www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)).

## Getting more help

This booklet gives general information, not legal advice.

You can find contact details for legal and other helpful organisations in 'More information and where to get help' on page 36.

## Legal words

We have explained some words in 'What do these words mean?' on page 2. These words are also highlighted in **bold** the first time they appear in each section.

## WHAT DO THESE WORDS MEAN?

**charge** – the offence that the police say someone committed

**custody** – when the police detain you; you are not free to leave

**defence** – a legal reason why a person is not guilty

**evidence** – information (documents, witnesses or exhibits) used in court to prove something

**Independent Person** – an adult who must be with you during police questioning if you are under 18 and your parents or guardian cannot be there

**Independent Third Person** – a trained person who can be with you during police questioning if you need help understanding what is happening. This may be because of disability or a mental health issue

**offence** – an action the law says is wrong (illegal)

**penalty** – a punishment for breaking the law

**priors** – any previous criminal record

**reasonable** – acting in a way that is appropriate (not excessive)

**seize** – when the police take items as evidence (for example, from a person, home or car)

**sentence** – the punishment the court gives for the offence or offences

**warrant** – a court document saying what the police or sheriff can do, such as arrest someone or search property

## ILLEGAL DRUGS AND OTHER SUBSTANCES

It is against the law to use, possess, cultivate or traffic an illegal drug. Illegal drugs include heroin, cannabis, amphetamine, methylamphetamine (ice), cocaine, LSD (acid), MDMA (ecstasy) and others. Certain medicinal cannabis products are legal if prescribed by your doctor. **Go to** 'Using drugs' on page 5.

### Synthetic drugs

Synthetic drugs are also called new psychoactive substances. They may be known as synthetic cannabis, bath salts, herbal highs, legal highs, research chemicals or other names.

Synthetic drugs produce similar effects to some illegal drugs but they are chemically different.

It is illegal to produce, supply, sell or advertise synthetic drugs. The laws are updated as new types of these drugs are developed.

### Volatile substances and methylated spirits

Volatile substances are household or workplace chemicals that people misuse to become intoxicated. Using them this way is sometimes known as chroming. They include:

- solvents – for example, glues, petrol, paint thinners, paint strippers and nail polish remover
- aerosols – for example, spray-paint, deodorant, hairspray, fly spray and oven cleaner
- gases – for example, whipped cream gas bulbs (nitrous oxide, sometimes called nangs) and lighter fluid
- nitrites – for example, amyl nitrite.

It is against the law to sell a volatile substance or methylated spirits if the seller believes that the buyer will use the substance by drinking, inhaling or putting it into their body.

**Under 18s:** Police and protective services officers can **seize** any volatile substance if they believe it might be used by drinking, inhaling or putting into the body. Police and protective services officers can also detain you (keep you in **custody**) in some circumstances. For example, if they think you have taken a volatile substance and might be a risk to yourself or others.





# USING DRUGS

## Charges

The police can **charge** you if they see you using or you admit to using:

- an illegal drug, or
- a drug you do not have a prescription for.

Use includes smoking, inhaling fumes, injecting, swallowing, or consuming a drug in other ways.

Use of prescription drugs like methadone, steroids, benzodiazepines (like Valium), or medicinal cannabis, is okay if you have a prescription. The prescription must be up-to-date and made out to you. It is against the law to use someone else's prescription to get and use drugs. This includes takeaway methadone.

If you admit to injecting someone else with a drug, the police can charge you with 'introducing a drug into the body of another person'. If that person dies, you may be charged with a serious criminal **offence**.

Do not admit to using. Say 'no comment' until you speak with a lawyer.

## Defences

Talk to a lawyer about possible **defences**. Go to 'More information and where to get help' on page 36.

## Penalties

If a court finds you guilty of using drugs, you can be convicted and **sentenced** to up to one year in prison. However, for using cannabis the maximum **penalty** is a fine. This does not include medicinal cannabis for which you have a valid prescription.

The penalty will depend on:

- your situation
- whether you have **priors**.

If you have not been in trouble before, the police or the magistrate might offer you a drug diversion. This is where you get some form of drug treatment and counselling. To get a drug diversion you have to admit to using. For more information **go to** 'Drug diversion' on page 26.



# POSSESSION

## Charges

The police can **charge** you with possession if you have a drug:

- on your body
- in your house
- in a car that you own or are driving.

Possession includes growing cannabis in or around your home.

Possession of prescription drugs like methadone, steroids or benzodiazepines is okay if you have a prescription. The prescription must be up-to-date and made out to you.

It is legal in Victoria to possess new or used syringes. Try not to carry drugs on you when you are carrying syringes.

**Do not admit to possession. Say 'no comment' until you speak with a lawyer.**

## Testing

If the police charge you with possession but you do not agree that you had an illegal drug, the police can get the drug spot tested.

A spot test checks whether the drugs on you contain an illegal drug. This is a quick test. The police officer who charged you does this test.

## Defences

At court, you may have a **defence** if you did not know that the drug was in your possession. For example, your housemate left a stash of drugs under their bed and you did not know about this.

You may also have a defence if the police **seized** a substance but it may not be an illegal drug.

If you think you have a defence or that you did not do anything wrong, say 'no comment' to the police and speak with a lawyer.

## Penalties

If the court finds you guilty of possession, you can be convicted and **sentenced** to up to five years in prison. However, for possessing less than 50 grams of cannabis for personal use the maximum **penalty** is a fine. This does not include medicinal cannabis for which you have a valid prescription.

The penalty will depend on:

- your situation
- whether you have **priors**.

If you have not been in trouble before, the police or the magistrate might offer you a drug diversion. This is where you will get some form of drug treatment and counselling. For more information **go to** 'Drug diversion' on page 26.

# TRAFFICKING AND SUPPLY

## Charges

The police can **charge** you with trafficking a drug if you are:

- selling, exchanging, offering or agreeing to sell a drug (this includes to a friend)
- buying drugs for someone else
- preparing, manufacturing, possessing or providing a drug for sale
- selling or offering to sell a person a harmless substance that they believe is a drug.

Supplying drugs to someone under 18 can attract bigger **penalties** than other trafficking **offences**. Supplying includes giving drugs for free.

If you tell the police that you have done any of the above things, they can charge you even if there is no other **evidence** of trafficking.

Do not admit to trafficking. Say 'no comment' until you speak with a lawyer.

## Quantities

The trafficable quantities are:

- amphetamine, three grams
- cannabis, 250 grams or 10 plants
- cocaine, three grams
- GHB, 50 grams
- heroin, three grams
- ketamine, three grams
- MDMA (ecstasy), three grams
- methylamphetamine (ice), three grams.

These quantities include the drug plus any mixer. These trafficable quantities can change if the law changes.

If you have less than a trafficable quantity of a drug, the police could still charge you with possession, or with trafficking if you were selling it.

## Testing

If the police charge you with trafficking but you do not agree that you had the drug they say you did, the police can get the item tested. **Go to** 'Testing' on page 7.

## Defences

If you agree that you possessed an illegal drug, but you disagree that you trafficked it, the police need evidence to support their charge of trafficking, such as:

- the drug's weight
- any equipment used for measuring, cutting and distributing drugs, like scales or deal bags
- if you had large amounts of money on you and you were unable to explain this
- if you had relevant contacts and phone calls or text messages on your phone.

## Bail

If you are charged with trafficking drugs it can be harder to get bail than with other criminal charges. You do not have an automatic right to bail. You might have to prove there is a good reason ('show compelling reason') why you should be let out on bail.

## Penalties

Trafficking is a very serious offence. If the court finds you guilty of trafficking, penalties can be very harsh. You can go to jail for trafficking drugs, even if it is your first offence.

Your penalty will depend on:

- your situation
- the amount of drugs trafficked
- whether you have trafficked before, how many times and the reasons why it happened this time. For example, you are dependent on drugs and need the money to keep using.
- any **priors** you may have, especially if they are also drug related.

# BEING HASSLED

## In public places

The police can direct you to move on from a public place if they suspect you are:

- disturbing the peace (or likely to do so)
- endangering the safety of another person (or likely to do so)
- likely to cause injury or damage to property.

Police may decide that you have to stay away from a public place for up to 24 hours. If you refuse to move on or stay away, police can give you an on-the-spot fine or arrest you.

Police can ban you from a public place for up to 12 months. If you enter a banned place, you could be jailed for up to two years.

## Around the Needle and Syringe Program

Try not to carry drugs with you when you are visiting a Needle and Syringe Program (NSP).

Police cannot arrest you just because you are going to, or have been to, an NSP. They can arrest you in or near an NSP if they believe you have committed an **offence**.

Police do not have to stay away from an NSP. The relationship between the NSP and the local police station can change depending on what area you are in.

If the police are hassling you for visiting an NSP, report it to the NSP worker.



## Around the Medically Supervised Injecting Room

The Medically Supervised Injecting Room (MSIR) is a safe place for adults to inject drugs in a supervised health setting. You can also access other health services like mental health support, drug treatment, wound care and blood testing.

At the MSIR police cannot **charge** you for using or possessing drugs as long as you have less than the trafficable amount on you. (**Go to** 'Trafficking and supply' on page 9.) The police can only arrest or search you near the MSIR if they believe you have committed an offence.



## Complaints

You have a right to complain if you think a police officer treated you unfairly or may have done something illegal or unethical. For example, if they take money or drugs from you without giving you a receipt. You can ask the police officer for their name, rank and station.

If you do not want to give your name when making a complaint, you can still report a police officer.

You can make a complaint at your local police station or on the Victoria Police website ([www.police.vic.gov.au](http://www.police.vic.gov.au)). You can also download a complaint form and email or post it using the Police Conduct Unit details on their website.

You can also contact the Independent Broad-based Anti-Corruption Commission. **Go to** 'More information and where to get help' on page 36.

If a police officer has hurt you, visit a doctor as soon as you can. Take photos of any bruises and injuries. It is very important you get this **evidence**. Photos from your phone or a personal camera might not be good enough. Ask your doctor about specialist doctors who can take high quality photos.

Get advice from a lawyer before making a complaint. **Go to** 'More information and where to get help' on page 36.

## NAME AND ADDRESS

Generally, a police officer can only ask for your name and address if they reasonably believe:

- you have committed, or are about to commit, a crime
- you know about a crime.

Even if you do not agree with them, it is best to give the police officer your name and address.

You have the right to ask for the police officer's name, rank, station and what they suspect you did.

You must give your name and address when asked and you are:

- driving a motor vehicle
- on public transport or public transport property
- in a hotel or place that sells alcohol ('licensed premises')
- at or near a police station, if the police officer believes you do not have a legitimate reason for being there. A 'legitimate reason' includes reporting a crime, asking for help, or if you need to go there as part of your bail conditions. 'Near a police station' includes in the car park or out the front.

In these cases, it is an **offence** to refuse to give your name and address or to lie.

Protective services officers can also ask for your name and address in some situations. **Go to** 'Protective services officers' on page 28.

# SEARCHES

## Warrants

Generally, a police officer needs a **warrant** to search you. They should tell you why they are searching you. A police officer can search you without a warrant if they:

- reasonably believe that they will find an illegal drug on you or in your car when in a public place
- believe **evidence** (like drugs) will be destroyed if they do not do a search.

## Body searches

A police officer may want to check your arm for marks as evidence of using drugs. You do not have to show a police officer your arms but it may be simpler to do this and complain or report them later.

## Pat-down search

This is when a police officer runs their hands along the outside of your clothing.

The police officer who does the search must:

- be the same gender as you (unless that is not reasonably possible)
- write a record of the search
- give you a receipt if they **seize** any of your things. For example, drugs.

## Strip search

This is when a police officer removes your clothing and searches you. An officer will usually do a strip search if they have a reasonable belief you are carrying something they could not find in a pat-down search. A police officer must generally get approval to do a strip search. They do not need this approval if they think you are hiding a weapon and the search needs to happen urgently.

A police officer can only do a strip search in a private place, usually at a police station.

The police officer must also make sure you have:

- a parent, guardian or **Independent Person** with you during the search if you are under 18
- an **Independent Third Person** with you if you have disability or a mental health issue that might make it hard to understand what is happening.

The police do not have to do this in urgent or serious situations where they cannot get one of these people to be with you.

## Searching your phone

A police officer can search you and seize your phone without a warrant if:

- you are in a public place, and
- they reasonably believe you have used it to sell drugs or commit a crime.

The police may want to search your phone to see if you have known dealers in your contacts or to see what phone calls or texts you have been making and getting. This could be used as evidence that you or someone else has committed a drug **offence**.

If your phone is protected by a passcode, you do not have to give police the code. The police will need to get a warrant from the Magistrates' Court for this. If you refuse after the police get a warrant you could be convicted of a serious offence.

Get advice from a lawyer if the police want to search your phone. **Go to** 'More information and where to get help' on page 36.



# ARREST

## Getting arrested

A police officer can arrest you when:

- they suspect you have broken a law, or
- they have a **warrant**.

Police must tell you when you are under arrest. If you are arrested, you are in **custody** and are not free to leave. You may be taken to a police station.

If you are Aboriginal or Torres Strait Islander, the police must tell the Victorian Aboriginal Legal Service (VALS) if they are holding you in custody. You can phone VALS on 1800 064 865. **Go to** 'More information and where to get help' on page 36.

## Letting someone know you have been arrested

You have the right to make two phone calls:

- one to a lawyer
- one to a friend or relative.

If you are not an Australian citizen, you also have the right to call your embassy or consulate.

The police officer must give you a private space to use the phone. A private space is where the police officer cannot hear you.

They do not have to let you phone a friend or relative if they believe that during this time:

- someone else involved in the crime might get away
- **evidence** may be lost or tampered with
- other people may be in danger.

## Being kept in custody

The police must **charge** you as soon as they can. The police can only keep you in custody for a **reasonable** time. A reasonable time depends on how serious the **offence** is. It also depends on how long it takes to interview you.

If you believe you have been held in custody for too long you can:

- ask the police officer if they are going to charge you or release you
- ask to phone a lawyer (even if you have already)
- complain later.

## Being interviewed

The police may interview you as a suspect about the drug offence they have arrested you for. The police should record the interview.

Before any interview begins, the police officer must let you phone a lawyer from a private space. Do not say anything to the police until you have spoken with a lawyer.

If you do not know a lawyer, ask the police officer to give you contact details for local lawyers and legal services. During normal business hours you can phone Victoria Legal Aid. Some lawyers are available outside normal business hours. Ring around until you find a lawyer who will give legal advice on the phone.

If you cannot find a lawyer, ask the police if they can delay the interview.



You can ask the police officer for a free interpreter if you need one.

**Under 18s:** The police officer must not interview you unless your parent or a guardian is in the room. If a parent or guardian cannot be there, the police officer must get an **Independent Person** to be there.

**People with disability or a mental health issue:** The police must get an **Independent Third Person** to be with you in an interview if you will have trouble understanding what is happening. You can ask the police officer for this.

For more information **go to** 'More information and where to get help' on page 36.

Sometimes the police officer does not have to wait for someone to be with you. For example, if someone else involved in the crime might get away or a delay may cause danger to other people.

**Do not answer any questions until you speak to a lawyer.  
Say 'no comment' while you wait.**

## Medication

If you are on a prescribed medication and are due to have your usual dose at the time of the interview, ask to have your medication before the interview starts. However, if you get arrested on a Friday night or on the weekend, it may be hard to get your medicine. Your pharmacist or doctor may not be at work.

While you are in custody, you can see a doctor. Ask the police officer to organise this. You can also get your prescription medicine. This includes methadone and buprenorphine (bupe).

You can complain later if the police do not let you see or talk to a doctor or get your medicine.

## Having your things taken

If the police take anything from you while you are in custody, they need to give you a receipt for it and record what they took. They should return your things when they release you from custody.

The police will usually keep things that they **seize** as part of their investigation. For example, evidence from your house or car. After your case ends the police should return your things. They will not do this if the court orders that the police can keep your property.

If the police seized an item that you need back before your case is over, you can apply to the court to have it returned.

If the police seized your things but they have not charged you, you can also apply to the court to have your things returned.

There are no time limits for how long the police can keep your things. The court will need to consider what is reasonable in each case.



# IDENTIFICATION

## Fingerprints

This is when someone takes prints of your fingers, palms, toes or soles of feet. In most cases you have to let the police officer take your fingerprints.

The police officer must tell you:

- why they are taking your fingerprints
- the **offence** they believe you committed
- that the prints can be used in **evidence** against you.

If you refuse to co-operate, the police officer can use **reasonable** force to get your fingerprints. If after seven months you are not **charged**, found guilty or in a diversion program, the police must destroy your fingerprints.



**Under 18s:** If you are aged 10 to 14, the police officer must get a parent or guardian to be with you when asking for your fingerprints. You and the parent or guardian must agree to the fingerprints before the police officer takes them. If you do not agree, the police may apply to the Children's Court for an order for you to provide your fingerprints. You can call a lawyer for advice about this.

If you are aged 15 to 17, the police officer must get a parent, guardian or **Independent Person** to be there when the police officer asks to take your fingerprints.

**Go to** 'More information and where to get help' on page 36.

## Photos

There are no laws to stop a police officer taking a photo of you in public. If this happens, try to get the name, rank and station of the police officer. You can report them or complain later. **Go to** 'Complaints' on page 14.

There are also no laws to stop you from taking a photo of a police officer. However, the police officer may say that you taking photos of them is getting in their way. They might ask you to stop and say that you are 'hindering' them in their duties. Hindering police is an offence.

## Identification parades

An identification parade is where police put you in a line-up of people. They ask a witness to look at the line-up to see if they can pick you out as the person who committed the offence.

The police cannot force you to take part in an identification parade. Say 'no' until you get legal advice.

# BAIL

Bail means the police release you from **custody** if you promise to go to court later to face the **charges** against you.

You may have to agree to bail conditions (rules), such as reporting to the police. A lawyer can help you work out fair conditions. For example, an unfair bail condition would be that you cannot go to a suburb where your pharmacy is.

## How do I get bail?

Police can give you bail at the police station. You can also ask for bail. Police can do one of two things:

- take you to court within a **reasonable** time. The magistrate will decide if you get bail.
- get a bail justice to come to the station if the court is closed. For example, if it is on a weekend. If the bail justice does not give you bail, you stay in custody until the police can take you to court.

If you are given bail, you must follow any conditions until you go to court. If you do not show up at court, the magistrate can issue a **warrant** for the police to arrest you. The police may charge you with failure to appear.

## Can I get help?

Yes. You can get help at court. Ask to meet with a duty lawyer who can give you advice about your chances of getting bail. They may apply for bail for you or tell you if it is better to apply for bail yourself. You can also get legal advice before court.

**Go to** 'More information and where to get help' on page 36.

# DRUG DIVERSION

The drug diversion program is a way to keep your matter out of the court system. It is usually for people who have no court record for drug **offences**.

In this program, you may need to do things like get drug counselling.

If you stick to the program, the police will not charge you and you will not have a criminal record for use or possession of drugs. If you do not stick to the program, the police will **charge** you and you will go to court.

## Getting a drug diversion

To get a drug diversion you have to admit that you used or possessed drugs. Ask your lawyer about this. They can advise on whether you should admit to the offence.

You can ask the police officer for drug diversion at the start of the police interview.

It is up to the police officer to offer you a drug diversion. They are more likely to do this if you have been co-operative and if you do not have previous charges for drugs or other crimes.

If the police do not offer you drug diversion, you can still talk to a lawyer about this. You might be able to get drug diversion through the court.

## DRUG COURT

Drug Courts are specialist courts aimed at helping to rehabilitate people who:

- are dependent on drugs or alcohol
- have committed an **offence** under the influence of drugs or alcohol, or to support a drug or alcohol habit
- could go to prison for no more than two years, or four years in the County Court Drug and Alcohol Treatment Court.

The Drug Court can make an order called a drug and alcohol treatment order (DATO). Having a drug and alcohol treatment order means you can serve your **sentence** in the community instead of going to prison. You will need to follow rules such as:

- attending Drug Court regularly
- getting regular drug tests
- participating in assessments, treatment and other programs.

Whether you can go to Drug Court and get a drug and alcohol treatment order depends on many things, like the type of offence and where you live. You can apply for Drug Court if you are experiencing homelessness.

There are Drug Courts in Melbourne and some regional cities in Victoria.

Applying for Drug Court can be complicated. It is best to get legal advice. **Go to** 'More information and where to get help' on page 36.

## PROTECTIVE SERVICES OFFICERS

Protective services officers (PSOs) work in and around train stations, and at places like courts. They have similar powers to police officers.

PSOs can:

- ask for your name and address
- do searches
- tell you to leave the area
- ask why you are at or near a police station
- arrest people at or around train stations for public transport **offences**.

PSOs can use **reasonable** force when doing their job.

If a PSO wants to talk with you, stay calm and go along with it. You can complain later through Victoria Police if you were treated unfairly. **Go to** 'More information and where to get help' on page 36.





**Police**

ARARAT

## ASSAULTS ON EMERGENCY WORKERS

It is against the law to assault, resist or obstruct an emergency worker on duty. If you cause injury to an emergency worker, you will be jailed.

Emergency workers include:

- police
- protective services officers (PSOs)
- paramedics
- hospital staff
- firefighters.



# OVERDOSE

If you suspect someone has overdosed, call 000 immediately.

It is important to tell the ambulance paramedic what drug the person took, if you know. A paramedic cares most about making sure everyone is safe. Say 'no comment' to police.

## Preventing overdose

### Start low and go slow

- **Start low:** If you have not used drugs for a while (for example, because you were in **custody**), your tolerance is likely to be a lot lower than it was before. Use a smaller amount. You should also use a smaller amount if you do not know where the drugs are from or how pure they are.
- **Go slow:** If you have an unexpected or delayed reaction to a drug, do not take more. It may be false or contaminated. You can search for current 'drug alerts' on the Department of Health website ([www.health.vic.gov.au](http://www.health.vic.gov.au)).

### Keep naloxone with you

Naloxone helps to temporarily reverse the effects of opioids like heroin, morphine and oxycodone. You can get naloxone for free without a prescription from pharmacies and some Needle and Syringe Programs (NSPs). Always carry it with you.

### Try not to mix drugs

Taking more than one drug can increase the risk of overdose.

### Learn about half-life

This is the time it takes for the strength of a drug in your body to reduce by half. Some drugs like Valium have a long half-life and could cause you to overdose if you add another drug. Think about what you have used and when.

### **Be careful with legal drugs (pharmaceuticals)**

Some are a lot stronger than illegal drugs. Try to use one drug at a time.

### **Try not to use alone or in an unfamiliar place**

You are more likely to die of an overdose if no one knows where you are. Let someone know where you are and what you are doing or have a friend with you.

### **Other ways to use**

Injecting drugs increases your risk of overdose because less is needed to get the same effect. Consider smoking, snorting or shafting (in the rectum).

### **Look after your health**

It is harder for your body to deal with drugs if you have problems with your heart, lungs, kidneys or liver. Especially if you have overdosed before.

### **Keep drugs out of the way of children**

If a child accidentally takes medicine, illegal opioids or other drugs it can lead to serious harm or death. Make sure all drugs and medicines are kept away (for example, in an out-of-reach cupboard, drawer, cash box or safe).

## **Signs a person may have overdosed**

- They are unresponsive.
- Their body is limp and they have a heavy 'nod' of the head.
- They are snoring or making gurgling noises.
- Their breath is irregular, shallow or they are not breathing at all.
- They have vomited.
- If paler-skinned, their lips have turned blue.
- If darker-skinned, they have a grey or pale look.

## What to do if you think someone has overdosed

### Follow DRSABCD

- Check the area for **D**anger or hazards. Do not put yourself in danger when going to help another person.
- Try to get a **R**esponse from the person by calling their name and shaking their shoulders.
- If no response, **S**end for help. Call **000** and ask for an ambulance.
- Open their mouth and clear their **A**irway.
- If it is an opioid overdose and you have naloxone, use it on the person and tell the paramedics you have used it.
- Are they **B**reathing normally?
  - If yes, put them in the recovery position (see diagram on next page).
  - If not, start **C**PR. Give 30 chest compressions followed by two breaths. If you are not comfortable with breaths, give chest compressions only (100 per minute).
- If the person does not start to breathe after two to three minutes (four minutes if pregnant) and it is an opioid overdose, give a second dose of naloxone.
- If there is no response, apply a **D**efibrillator as soon as available.
- Continue to give CPR until the person is responsive or breathing normally.

If you think someone may have overdosed but they are not showing symptoms and seem okay, call the Victorian Poisons Information Centre for advice. **Go to** 'More information and where to get help' on page 36.

An overdose can still be an emergency even if the person seems okay at first. Paracetamol overdose is an example of this.

## How to put someone in the recovery position



## MORE INFORMATION AND WHERE TO GET HELP

### Legal services

#### Victoria Legal Aid

For free information about the law and how we can help you:

- visit our website ([www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au))
- use our Legal Help Chat on the website, Monday to Friday, 8 am to 6 pm, excluding public holidays
- phone Legal Help on 1300 792 387 Monday to Friday, 8 am to 6 pm, excluding public holidays.

#### Do you need help calling us?



#### Translating and Interpreting Service

Phone: 131 450

[www.tisnational.gov.au](http://www.tisnational.gov.au)



#### National Relay Service

TTY: phone 133 677

Speak and Listen: phone 1300 555 727

Internet Relay users: visit the National Relay Service

(<https://nrschat.nrsconnect.gov.au/nrs/internetrelay>)

SMS relay: text 0423 677 767

Video Relay: use Skype or the National Relay Service app

#### Local offices

We have offices all over Victoria. All offices are accessible to people with disability.

[www.legalaid.vic.gov.au/our-offices](http://www.legalaid.vic.gov.au/our-offices)



## **Victorian Aboriginal Legal Service**

Legal services and support for Aboriginal and Torres Strait Islander peoples.

Phone: 1800 064 865

[www.vals.org.au](http://www.vals.org.au)

## **Youthlaw**

Free and confidential legal information and advice for young people under 25. Legal information for adults helping a young person with their police interview or criminal charge.

Phone: (03) 9113 9500

[www.youthlaw.asn.au](http://www.youthlaw.asn.au)

## **Other services**

### **DirectLine**

Free and confidential drug and alcohol counselling, information and referral. Available 24 hours a day, seven days a week.

Phone: 1800 888 236

[www.directline.org.au](http://www.directline.org.au)

### **Independent Broad-based Anti-corruption Commission (IBAC)**

IBAC investigates police misconduct. You can fill out a secure form on their website.

Phone: 1300 735 135

[www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

### **Lifeline**

Crisis support and suicide prevention. Available 24 hours, seven days.

Phone: 13 11 14

Text: 0477 13 11 14

[www.lifeline.org.au](http://www.lifeline.org.au)

### **Ngwala Willumbong Aboriginal Corporation**

An Aboriginal community-controlled organisation providing specialist drug and alcohol services for First Nations people and their families.

Phone: (03) 9510 3233

[www.ngwala.org.au](http://www.ngwala.org.au)

### **Odyssey House Victoria**

State-wide specialist organisation providing drug and alcohol treatment, training and support.

Phone: (03) 9420 7600

[www.odyssey.org.au](http://www.odyssey.org.au)

### **Office of the Public Advocate**

Call for an Independent Third Person in a police interview for people with disability or a mental health issue. You do not need a formal diagnosis to use the service.

Phone: 1300 309 337

[www.publicadvocate.vic.gov.au](http://www.publicadvocate.vic.gov.au)

### **Police Conduct Unit**

If you feel you have been treated unfairly by the police or a protective services officer you can make a complaint. Get advice from a lawyer first.

Phone: 1300 363 101

[www.police.vic.gov.au/complaints](http://www.police.vic.gov.au/complaints)

### **Rainbow Door, Switchboard Victoria**

Specialist LGBTIQ+ helpline for information, support and referrals.

Phone: 1800 729 367

[www.rainbowdoor.org.au](http://www.rainbowdoor.org.au)

### **Self Help Addiction Resource Centre (SHARC)**

#### **Family Drug and Gambling Help**

Information and support for people concerned about a family member or friend using drugs. Available 24 hours, seven days.

Phone: 1300 660 068

[www.sharc.org.au](http://www.sharc.org.au)

### **Victorian Poisons Information Centre**

Advice if someone has been poisoned, overdosed or made a mistake with medicine. Available 24 hours, seven days.

Phone: 131 126

### **Youth Referral and Independent Person Program (YRIPP)**

Call for an Independent Person in a police interview for people under 18. Available 24 hours, seven days.

Phone: 1300 79 11 89

[www.cmy.net.au/yripp](http://www.cmy.net.au/yripp)

## **Useful Victoria Legal Aid resources**

### **To order publications**

We have free publications about the law. Some are available in multiple languages.

To order or download, visit 'Publications' on our website

([www.legalaid.vic.gov.au/publications](http://www.legalaid.vic.gov.au/publications)).

Phone (03) 9269 0234 and ask for Community Legal Education to find out more.

### **Our public law library**

Open Monday to Friday, 9 am to 5 pm, excluding public holidays.

570 Bourke Street

Melbourne VIC 3000

Phone: (03) 9269 0232

# Drugs, the law and safer substance use

## Victoria Legal Aid

For free information about the law and how we can help you, please visit our website ([www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)). For more information or advice, call Legal Help on 1300 792 387 Monday to Friday 8 am to 6 pm.

### Offices

Melbourne

#### Suburban offices

Broadmeadows

Dandenong

Frankston

Ringwood

Sunshine

#### Regional offices

Bairnsdale

Ballarat

Bendigo

Geelong

Horsham

Mildura

Morwell

Shepparton

Warrnambool



### Publication orders

For more information on publications:  
[www.legalaid.vic.gov.au/publications](http://www.legalaid.vic.gov.au/publications)

Phone: (03) 9269 0234

Email: [cle@vla.vic.gov.au](mailto:cle@vla.vic.gov.au)

