Expanding Adult Time, Adult Crime and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026

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Submission By: Drug Free Australia

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To:	Justice, Integrity and Community Safety Committee; youthjusticeandvictimsupport; "corrective.services@ministerial.qld.gov.au"
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11 March 2026

Hon Laura Gerber MP
Justice, Integrity and Community Safety Committee
Committee Secretariat
Parliament House
George Street Brisbane Qld 4000

Re: Hon Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services, introduced the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (Bill) into the Queensland Parliament.

1. Drug Free Australia strongly support the present bill as per the Explanatory Notes for the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 see attached.

2. The reason for Drug Free Australian support is clearly out line by our concerns to the present Queensland legislation in our submission regarding Re: Legal Affairs and Safety Committee inquiry in the Police powers and Responsibilities and other Legislation Amendment Bill 2023 (Under the New Legislation the Queensland's Police Minister Mark Ryan wants to expand the state's Police Drug Diversion Program (PDDP). See attached.

Kind regards

Herschel Baker

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8 March, 2023

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Re: Legal Affairs and Safety Committee inquiry in the Police powers and Responsibilities and other Legislation Amendment Bill 2023

(Under the New Legislation the Queensland's Police Minister Mark Ryan wants to expand the state's Police Drug Diversion Program (PDDP).

First, the person is given a warning when they are caught with MDMA, COCINE, HERION and on the second and third time occasions the opportunity to participate in a drug diversion program. Only on the fourth time they are caught with drugs are police required to issue a person with a court notice to appear on a charge of possession-and even then, they may be spared a conviction.)

It is very concerning that these new laws will have the effect of negating or undermining the deterrent effect of the law regarding illicit drug use. The primary purpose of penalties for illicit drug possession and trafficking is to make it less likely that a person will consume or deal in drugs. The evidence is unequivocal: the threat and perception of being caught using and selling illicit drugs has the effect of preventing people from doing so. This is so clearly evidenced by the fact that over 80% of Australians use the legal drug alcohol, but only around 12% use illegal cannabis.

For example, visible Police presence and use of sniffer dogs has very significant effects resulting in many people choosing not to take drugs into a venue. It's not the purpose of the law and its enforcement to punish young people, but to dissuade them from committing a crime in the first place. This is primary prevention and the most effective method of reducing drug use and preventing harm. Permissive laws have the unquestionable

effect of increasing the number of people who use illicit drugs and exposing them to the dangers associated with them.

It does appear that no Cost-Benefit Analysis (see attached) was performed regarding this legislation because MDMA, COCAINE, HEROIN is illegal simply because they are very harmful and addictive to the user. Our question to the Queensland Government is who advocates the decriminalisation of drugs needs to explain how they think decriminalisation would make the Queensland situation any better. Does anyone honestly think that decriminalisation would lead to less, rather than more, drug use? It does appear that these true believers carry on, convinced that they're doing right by helping addicts do more drugs. It's an unconscionable position. All people deserve a chance to live free of the substances preventing them from a healthy, self-sufficient life. They need someone to say, "I believe in you; let me help you escape addiction," not, "You're a drug user, let me help you remain an addict." Queensland will just have more drug-affected drivers on our roads and the workplace will become a battlefield because these drugs are ‘legal’.

Add to that the problems for families out line below. This research in Chapter 9 on the financial impact on families of illicit drug use will provide clear explanation.

https://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=fhs/illicitdrugs/report/chapter9.htm

Illicit drug use presents significant financial, psychological and social costs on individuals and families. This chapter assesses the direct and indirect financial costs of illicit drug use on families. As with the other aspects of illicit drug use, the financial costs extend beyond the immediate impact on the user and bear on their wider family and ultimately the community.

This chapter examines the extent of the actual or direct costs associated with drug use, including activities which may be involved in maintaining a habit (including criminal activity and its ramifications) and the costs associated with treatment. Further, the committee acknowledges the indirect costs which may be borne by the family of a drug user, including loss of income (particularly for carers) and additional housing costs.

Policies that focus on reducing harm and providing treatment, education, and prevention, not punishment, can prevent problematic drug use and heal those dependent on drugs, without involving the criminal justice system.

Apart from its other benefits, developing a health-based approach to drug addiction might just allow the criminal justice system to focus its talents and resources on organised crime and illegal drug traffickers and manufacturers – remember that decriminalisation always increases drug use, as evidenced in our attached long submission, which grows the criminal trade. - rather than looking away from users - often the people who are in most need of help.

Concerns are that this law not only appears to be aiding and abetting the drug user and suppliers but also reduces the chances of early intervention if they do choose to use drugs. The research evidence clearly shows that early intervention has the best chance of success when a person has started to use drugs. This law should be to help that person so that when they come to the attention of police the first time, they should be referred to a team working with the drug courts that bring the family, school, their social network and health professionals to support and help that person overcome whatever their problems might be.

It's very important that the Committee be reminded regarding Australia being a signatory to the following U.N. treaties.

1.Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol Commentary on the Single Convention on Narcotic Drugs, 1961: English

2.Commentary on the Protocol Amending the Single Convention on Narcotic Drugs, 1961: English Convention on Psychotropic Substances of 1971

3. Commentary on the Convention on Psychotropic Substances, 1971: English United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 Commentary on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988: English
https://www.unodc.org/unodc/en/treaties/index.html

The INCB Report for 2021 has concerns which apply to Cannabis - how much more to drugs such as MDMA, COCAINE, HEROIN?
It does appear that the changes in the Legislation Amendment Bill 2023 is just another step in the well-worn narrative being parroted on the 'let's legalise campaign, 'War Against Drugs Has Failed', 'all the money that will be saved by not having to enforce anti-drug laws, everyone is using it or okay with people using it, so time to change these laws. This will have the effect of negating or undermining the deterrent effect of the law regarding illicit drug use

Kind Regards

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Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (the Bill).

Policy objectives and the reasons for them

The objective of the Bill is to make Queensland safer and strengthen the capability of the criminal justice system to hold perpetrators to account. This is achieved by: prescribing new Adult Crime, Adult Time offences; repealing the current Police Drug Diversion Program (PDDP) and introducing the new Illicit Drug Enforcement and Diversion Framework (IDEDF); and introducing new and expanded police powers within prescribed Designated Business and Community Precincts (DBCPs).

Adult Crime, Adult Time

The Bill is part of the Making Queensland Safer Plan (the Plan), which is the direct response of the Government to increasing community concern and outrage about youth offenders committing serious crimes. As part of the Plan, the *Making Queensland Safer Act 2024* (MQS Act) introduced Adult Crime, Adult Time. Under this scheme, youth offenders are liable to the same maximum, minimum and mandatory penalties as adults for specified offences.

An Expert Legal Panel was appointed to provide advice on offences for potential inclusion in Adult Crime, Adult Time.

The Bill expands the application of Adult Crime, Adult Time to a further 12 offences that cause harm to individuals and the community.

The Bill expands Adult Crime, Adult Time to include general attempts and conspiracies to commit, and accessories after the fact, to an Adult Crime offence, as well as the standalone offence of attempted robbery simpliciter. This recognises the potential harm caused to victims by these offences and acknowledges that simply because an attempt was unsuccessful does not lessen the significance of the offending in any real way for the victims of such crimes.

Illicit Drug Enforcement and Diversion Framework

The Bill repeals the current PDDP and establishes the new IDEDF which recalibrates police responses to minor drug offences, ensuring offenders are held accountable while still providing diversionary pathways for eligible individuals.

The current PDDP prescribes a three-tiered system which affords offenders multiple opportunities to avoid criminal charges when found in possession of a small prescribed quantity of dangerous drug or illicit pharmaceutical. The PDDP provides police officers with limited discretion and eligible adults must be offered a drug diversion warning for a first offence, followed by an offer to attend a drug diversion assessment program for a second and third offence.

By permitting individuals to avoid criminal prosecution for illicit drug possession on up to three occasions, the current PDDP risks conveying that illicit drug use is tolerable while simultaneously weakening the deterrent effect of these criminal offences.

The Bill aims to strike an appropriate balance between holding repeat drug offenders accountable and providing an opportunity for health-based interventions for first-time and low-risk offenders.

Designated Business and Community Precincts

Anti-social behaviour in central business districts, particularly in regional Queensland, poses an unacceptable risk to the safety of patrons and business owners alike and significantly disrupts trade and business activities.

The Bill recognises that maintaining public order is an essential component of a safe and functioning society. The Bill delivers strengthened laws for police to proactively respond to disruptive public disorder offending to reduce the impact of this behaviour on the amenity of shared public spaces by enabling the declaration of a 'Designated Business and Community Precinct' (DBCP).

The policy objective is to enable early, preventive intervention in locations where the consequences of disorder are disproportionately significant. In such environments, low-level incidents of individuals associated with criminal activity can undermine public confidence, adversely affect economic activity, and escalate rapidly due to crowd density.

The Bill provides that a DBCP may be prescribed by Regulation, within which a police officer may utilise enhanced powers to deter, detect and respond to public order offending and anti-social behaviour.

Achievement of policy objectives

Adult Crime, Adult Time

The Bill will ensure the following offences from the Criminal Code are subject to Adult Crime, Adult Time under section 175A of the *Youth Justice Act 1992* (Youth Justice Act):

s.61(1)	Riot, if the circumstance stated in paragraph (a) of the penalty for section 61(1) applies (offender causes grievous bodily harm to a person, causes an explosive substance to explode, or destroys or starts to destroy a building, vehicle or machinery).
s.210	Indecent treatment of a child, if the circumstance stated in subsection (3) (child is under the age of 12 years) or (4A) (child is a person with an impairment of the mind) applies
s.216	Abuse of persons with an impairment of the mind
s.309	Conspiring to murder
s.311	Aiding suicide
s.315	Disabling in order to commit indictable offence
s.315A	Choking, suffocation or strangulation in a domestic setting
s.316	Stupefying in order to commit indictable offence
s.319	Endangering the safety of a person in a vehicle with intent
s.322	Administering poison with intent to harm, if the circumstance stated in paragraph (a) of the penalty for the section applies (the poison or other noxious thing endangers the life of, or does grievous bodily harm to the person)
s.339	Assaults occasioning bodily harm, if the circumstance stated in subsection (2) (offender publishes material on a social media platform or an online social network) or (3) (offender is or pretends to be armed with any dangerous or offensive weapon or instrument or is in company) applies
s.359E	Unlawful stalking, intimidation, harassment or abuse

The Bill also amends the Youth Justice Act to provide that section 175A applies to general attempts and conspiracy to commit, and accessories after the fact to any Adult Crime offence, as well as the standalone offence of attempted robbery simpliciter.

The effect of prescribing these offences in section 175A are as follows:

- If a court is sentencing a child for one of the offences, the court may order that the child be placed on probation for a period not longer than three years or detained for a period not more than the maximum penalty that an adult convicted of the offence could be ordered to serve (capped at three years if dealt with by a magistrate, an increase from one year for other offences). This lifts the maximum periods of probation and detention orders that could previously be imposed for these offences under sections 175 or 176 of the Youth Justice Act to align the sentences that can be imposed on children with adult penalties.
- For some of the new offences, the maximum penalty for a child will increase to life detention (where that is currently only the maximum penalty if the offence is particularly heinous and involves the commission of violence against a person). For those offences, if a child is sentenced to life they will be liable to the same 15 year mandatory minimum non-parole period that applies to an adult.
- The court can still make a conditional release order under section 220 of the Youth Justice Act, even where a mandatory sentence applies.
- A court sentencing a child for one of the offences will apply the sentencing considerations under section 150 of the Youth Justice Act, and in sections 150A and 150B if the child is or has been declared a serious repeat offender.
- Sections 183 (Recording of conviction) and 184 (Considerations whether or not to record conviction) of the Youth Justice Act continue to apply.
- The court can still sentence the child to a sentence order under section 175 of the Youth Justice Act. However, the court can no longer sentence the child to a restorative justice order under sections 175(1)(da) or (1)(db) as this sentencing order is not available for adults.
- The court must still consider whether to make a court diversion referral or a presentence referral to a restorative justice process under section 163 of the Youth Justice Act, having regard to the nature of the offence, the harm suffered by anyone because of the offence and whether the interests of the community and the child would be served by having the offence dealt with under a restorative justice process. This is because adult restorative justice conferencing is available for adult defendants.
- Before a court can impose a period of detention for one of the offences, a pre-sentence report must still be ordered and considered pursuant to section 207 of the Youth Justice Act.
- Where a child is sentenced to detention, the court must order that the child be released from detention after serving whatever period of detention that the court considers appropriate. This means that the requirement in section 227 of the Youth Justice Act that the child must serve 70% of the detention, unless the court orders they be released after serving 50% or more of the detention, does not apply. Rather, for consistency with sentencing of adults, the court has discretion as to the release date.
- The *Penalties and Sentences Act 1992* (PS Act), including the Serious Violent Offence scheme and indefinite sentence provisions under Parts 9A and 10, does not apply when sentencing a child for one of the offences (other than by express reference – for example, PS Act provisions about victim impact statements apply – see s.256A Youth Justice Act).
- Where a Childrens Court magistrate sentences a child for one of these offences, the order can still be subject to a sentence review under section 118 of the Youth Justice Act.

These amendments will apply to sentences for offences committed after commencement.

The statement of compatibility for the Bill concludes that these amendments are not compatible with the human rights protected by the *Human Rights Act 2019*, and notes that the provisions inserted by the amendments are subject to the override declaration in existing section 175A of the Youth Justice Act. The override declaration itself (subsection 175A(12)), and its expiry date (five years after the commencement of subsection 175A(12)), are not affected by the amendments.

Illicit Drug Enforcement and Diversion Framework

The Bill establishes the new IDEDF by amending the *Police Powers and Responsibilities Act 2000* (PPRA), Police Powers and Responsibilities Regulation 2012 (PPRR), *Drugs Misuse Act 1986* (DM Act), Drugs Misuse Regulation 1987 (DM Regulation), *State Penalties Enforcement Act 1999* (SPE Act), State Penalties Enforcement Regulation 2014 (SPE Regulation), Youth Justice Act and *Penalties and Sentences Act 1992* (PS Act), in addition to some consequential amendments to the *Justice and Other Information Disclosure Act 2008* and the *Bail Act 1980.*

The IDEDF narrows drug diversion opportunities to first-time and low-risk individuals, through two distinct pathways for a minor cannabis offence or minor drug offence. This framework empowers police officers with the ability to offer eligible persons in possession of not more than 50g of cannabis the opportunity to participate in a drug diversion program as an alternative to commencing proceedings for a minor cannabis offence. If an eligible person is found in possession of a small quantity of a prescribed dangerous drug or medicine, a police officer will also have discretion to issue a Penalty Infringement Notice (PIN) (three penalty units, currently $500.07). An offender will be provided the opportunity to self-elect to complete a drug diversion program in lieu of paying the PIN.

Eligibility

The new IDEDF introduces strict eligibility criteria and limits an offender to one diversionary opportunity under each pathway, thereby excluding those previously offered an opportunity to engage in an initial drug diversion assessment program or subsequent drug diversion assessment program through the current PDDP. The framework also excludes individuals who police reasonably believe are not in possession of the relevant drug or medicine for their personal use, and when considering a minor drug offence, individuals who police reasonably believe are in possession of multiple illicit drugs in the same instance.

To ensure diversionary opportunities are not available to repeat or high-risk offenders, a diversionary pathway will not be available if the person has committed an indictable offence in related circumstances to their possession of the divertible drug, or if the person has previously been found guilty (including spent convictions and non-recorded convictions) of an offence for trafficking, supplying, producing, or possessing dangerous drugs, or trafficking in relevant substances or things under sections 5, 6, 8, 9 or 9D of the DM Act.

Children will be eligible to complete a drug diversion program in relation to a minor cannabis offence and may receive a PIN for a minor drug offence. However, police officers must still consider alternatives to commencing proceedings against a child as stipulated in section 11 of the Youth Justice Act.

Minor Cannabis Offence Pathway

The Bill introduces a distinct diversionary pathway if a person is arrested for, or is being questioned by a police officer about, a minor cannabis offence. A minor cannabis offence is defined as an offence against section 9 of the DM Act for possession of not more than 50 grams of cannabis. An eligible adult who is arrested for, or is questioned about, a minor cannabis offence, must be offered the opportunity to complete a drug diversion program however, an officer retains discretion when responding to children noting other options under the Youth Justice Act may be more appropriate.

In line with existing legislative provisions, a person who agrees to complete a drug diversion program must sign a cannabis diversion agreement confirming their willingness to participate in and complete the program and authorising information to be shared between relevant entities regarding their

completion or failure to complete the program. Additionally, a police officer must give the person a written requirement to participate in and complete the program and inform the person that failure to comply with these requirements is an offence against section 791 of the PPRA.

On signing the agreement, the relevant drug matter will be automatically forfeited to the State to enable an immediate disposal and if arrested, the person must be released at the earliest reasonable opportunity.

Minor Drug Offence Pathway

If an eligible offender is arrested for, or is being questioned by, a police officer in relation to a minor drug offence, the new framework provides the police officer the discretion to issue the person a PIN rather than commencing a proceeding for the offence.

A minor drug offence is defined as an offence against section 9 of the DM Act or an offence against section 34(1) of the *Medicines and Poisons Act 2019*, if possession is not more than the prescribed quantity of a dangerous drug, schedule 4 or schedule 8 medicine.

Prescribed quantities of dangerous drugs and medicines are contained with schedule 1B of the Police Powers and Responsibilities Regulation 2012 and for example, include small quantities of cocaine and 3,4-Methylenedioxymethamphetamine (MDMA).

The Bill largely retains the current scheduled drugs and quantities, however, excludes cannabis and introduces the drugs 4-Hydroxybutanoic acid lactone (commonly referred to as Gamma-butyrolactone or GBL) and 1,4-Butanediol (1,4-BD), which are both common precursors for, and frequently sold as, Gamma-hydroxybutyrate (GHB).

Any person who is issued with a PIN for a minor drug offence will have 28 days from the date of issue to:

1. pay the fine in full or set up a payment plan; or
2. elect for the matter to proceed to court; or
3. elect to participate in and complete a drug diversion program.

If the person elects to participate in a drug diversion program and successfully completes the program within the specified period, payment of the PIN will be considered discharged, and no further action is taken against the person.

When issuing the PIN the police officer must also provide the person with an information notice which communicates the details of this diversionary opportunity, including how the person may self-elect to participate in the drug diversion program, and the period in which they must complete the program.

An eligible offender will only be offered a single opportunity to receive a PIN for a minor drug offence as an alternative to commencing proceedings. It is irrelevant if the person does not elect to participate in the drug diversion program or fails to complete the program as no further opportunity is provided to receive a PIN for a minor drug offence.

If the person fails to respond to the PIN within 28 days from the date of issue, or fails to complete the drug diversion program within the specified period, proceedings may be commenced for the minor drug offence or the matter may be referred to the State Penalty Enforcement Register (SPER) for enforcement action. However, it is noted that the SPE Act has limited application in relation to children.

The Bill also includes information sharing provisions to enable relevant entities involved in providing or administering the program, including the Commissioner of Police and the registrar under the SPE Act, to exchange information about the person's participation in the drug diversion program.

Drug Utensil Offences

The Bill excludes drug utensils from any diversionary pathways and instead provides police officers with the discretion to issue PINs for low-level offences involving the possession of a drug utensil for use in connection with the administration, consumption or smoking of a dangerous drug, under sections 10(4) or 10A(1)(a), (b) or (c) of the DM Act. The penalty for these new PINs will be two penalty units (currently $333.80) and police officers will not be limited in the number of utensil related PINs which they can issue to a person. Therefore police officers will retain discretion to determine the appropriateness of issuing a PIN on a case-by-case basis and have an alternative police response to this conduct instead of commencing criminal proceedings.

A person will not be able to discharge payment for a drug utensil related PIN by completing a drug diversion program and within 28 days, must either pay the fine in full (including making arrangements to pay by instalments) or elect to have the matter proceed to court.

Designated Business and Community Precincts

Declaring a DBCP

The Bill provides the framework to prescribe a 'Designated Business and Community Precinct' by Regulation. The Minister may prescribe a DBCP by regulation to designate areas where there is a need to enhance public safety or public amenity, reduce anti-social behaviour, or reduce or prevent disruption of businesses. Similar to the existing 'Safe Night Precinct' framework in Part 6AB of the *Liquor Act 1992*, this framework seeks to provide police with strengthened powers to deter, detect and respond to anti-social behaviour in DBCPs and maintain community safety. The Minister may sunset a DBCP prescribed by regulation by setting a date for automatic repeal.

To ensure the DBCP framework effectively supports the achievement of the policy intent, each DBCP must be reviewed by the Minister within three years of prescription. The review will support the assessment of whether the DBCP continues to achieve the purpose for which it was prescribed.

Jack's Law

The amendments to the Jack's Law framework in Chapter 2, Part 3A of the PPRA will provide police officers with powers to conduct hand held scanning in DBCPs without the current requirement to obtain prior approval from a senior police officer. This will remove the current obligation that hand held scanning can only be authorised in public places, that are not relevant places, for 12 hours, and where the authorising officer is satisfied the use of hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon.

Move on direction

Move on powers form part of the police response to public order in Queensland. These powers enable police, in certain circumstances, to issue a direction to individuals or groups of people to move on or leave a public place.

The Bill provides a clearer authority for police to use move on directions in a DBCP to respond to public concerns about safety, reduce the impact of anti-social behaviour on members of the public and prevent more serious crime from occurring.

Under section 48 of the PPRA, a police officer may give a direction to a person or group of persons where the officer reasonably suspects the person's behaviour or presence constitutes a relevant act. The primary element of a move-on direction is that it must be reasonable in the circumstances and applies for a reasonable time of not more than 24 hours.

The Bill inserts a new category of move on direction that will expressly apply within a prescribed DBCP and enable police to direct a person leave and not return to a stated DBCP for a period of up to 24 hours. This supports police to take prompt and consistent enforcement action against behaviour causing disruption, anxiety or obstruction in DBCPs to maintain public order.

The new move on direction, available in a DBCP, will retain existing safeguards. An officer issuing a move on direction in a DBCP must give the person a reasonable opportunity to comply. If the person fails to comply with the direction, the officer must then warn the person that failure to comply with the direction is an offence and may lead to arrest of the person (s 633(2), PPRA). Once a warning has been issued, the person must be given a further reasonable opportunity to comply (s 633(3), PPRA). If the person still does not comply, then they may be charged with an offence of failing to comply under section 791 of the PPRA and will be liable to a maximum penalty of 40 penalty units.

Importantly, the framework enables police to address anti-social behaviour early, preventing escalation into more serious offending, in an effort to prevent continued public disorder and promote respectful use of shared spaces.

Name and address

To strengthen the enforcement of move on directions in DBCPs and public places, the Bill authorises police to require a person to state their correct name and address when a police officer is about to give or is giving a person a move on direction. This amendment will apply to all move on directions and is not exclusive to move on directions issued in a DBCP.

Without the ability to require a person's name and address, it is challenging for police to detect a contravention where a person returns to the location stated in the move on direction, unless the same officer who issued the direction is present.

Enabling police to require a person's name and address resolves longstanding inefficiencies with move on directions, relating to the identification of respondents and the detection of contraventions, supporting appropriate enforcement action, and the management of repeat disruptive behaviour contributing to community safety and the maintenance of social order.

Police banning notice

The Bill advances its objective of improving public order by extending the application of police banning notices to DBCPs.

The amendments enable police to temporarily prohibit an individual from entering or remaining in a DBCP, in addition to licensed premises, events and Safe Night Precincts, when the person has behaved in a disorderly, offensive, threatening or violent way, and the person's ongoing presence poses an unacceptable risk of causing violence, impacting the safety of others, or disrupting or interfering with the reasonable use and enjoyment of the stated area. Extending banning notice powers into DBCPs equips police with the ability to restrict individuals from these precincts to reduce and deter recurring anti-social behaviour concentrated in small, heavily frequented public areas.

The Bill recognises repeated anti-social behaviour can have immediate and disproportionate impacts on business operations and public amenity. The amendments expand the eligibility criteria for a police banning notice to include circumstances where the person has contravened a move on direction issued in a DBCP or, where the person has received one or more move on direction in the previous 7-day period in relation to the same precinct and has exhibited behaviour that constitutes a further move on direction. This strengthens police responses to individuals who have exhibited repeated concerning and disruptive behaviours that affect the amenity of a DBCP, despite previous attempts to address and manage this. A police officer will retain the discretion to determine the appropriate action in these circumstances.

The Bill includes further amendments to the framework to insert additional examples of disorderly, offensive, threatening or violent behaviour to capture circumstances where a person is using abusive or indecent language. This will allow police to exclude individuals who cause significant disturbances where they are using offensive language, and whose ongoing presence at the relevant public place, poses an unacceptable risk of causing violence, impacting the safety of persons or disrupting the amenity of a relevant place. The clarification of the eligibility criteria seeks to provide a practical mechanism to enhance public safety, and support a stable trading environment for local businesses.

The Bill also provides police the discretion to issue a banning notice to a child, where appropriate in the circumstances. This supports police to respond to children behaving in a disorderly or violent manner, posing an unacceptable risk to the safety of a relevant public place, in the same way as adults, recognising this behaviour is equally disruptive whether it is committed by a child or an adult. Police banning notices will act as an enforcement tool for police to prevent further youth offending. To provide appropriate safeguards, a copy of the banning notice must be given to a parent, guardian, or where the child is in the custody of the Department of Families, Senior, Disability Services and Child Safety, the chief executive, unless it is not reasonably practicable to do so. This requirement is not intended to limit the ability of police to immediately issue a banning notice to a child, where necessary to address community safety concerns.

The existing safeguards will continue to apply for all notices issued under the police banning notice framework, including clear requirements for explanation, sergeant or senior sergeant officer approval thresholds, and defined duration limits of up to one month for an initial notice and three months for an extended notice. A person issued a police banning notice will continue to be entitled to make an application to the Commissioner of Police to amend or cancel the notice and the Queensland Civil and Administrative Tribunal for the review of applicable decisions made in relation to a notice.

The Bill provides examples of what constitutes a reasonable excuse for a person to contravene a police banning notice under section 602Q of the PPRA. This will support respondents to lawfully return to a banned area for the purpose of accessing government services and essential services, such as grocery stores, petrol stations, public transport and medical services. The excuse will apply in the above circumstances where it is necessary and impractical for the person to undertake the task outside of the banned area. The Bill also clarifies a person can lawfully enter a banned area for the purpose of complying with their bail, probation or parole conditions or complying with other requirements to present to a court or tribunal.

Ultimately, the expanded banning notice regime contributes to proactive community safety and supports the effective management of public order. Through early intervention and deterrence, the amendments aim to reduce repeat offending, improve perceptions of safety, and maintain orderly shared spaces.

Alternative ways of achieving policy objectives

A legislative response is the most effective way to achieve the policy objectives and ensure consistency with existing Adult Crime, Adult Time laws. These laws and the purposes to which they are directed are a direct response to growing community concern and outrage over crimes perpetrated by youth offenders.

There are no alternative ways of achieving introducing the IDEDF and DBCPs other than by legislative reform. In regard to DBCPs, the Bill expands existing structures to allow police officers the necessary powers to achieve the policy objective of managing public disorder. These powers will help police respond faster and more effectively to anti-social behaviour, improving public safety.

Estimated cost for government implementation

For the expansion of Adult Crime, Adult Time, the Bill may increase demand for courts, police, the legal profession, corrective services, and Youth Justice. However, since the introduction of tranche 1 in December 2024, there has been limited evidence of any significant increase. These amendments may also increase the amount of time that youth offenders and adult offenders spend in detention centres and corrective services facilities, respectively, increasing demand for these facilities. To date, there is evidence of some increase in time spent in detention for youth offenders.

The Queensland Government will incur additional costs in delivering the new IDEDF and the changes to move on directions and banning notices with costs primarily required to support technical system upgrades, roll out to police officers and the operationalising of the new PINs. Any funding required beyond existing agency resources will be subject to normal budget processes.

Government will continue to monitor demand and the impacts of the Bill.

Consistency with fundamental legislative principles

The Bill has been prepared with due regard to the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992*. The amendments engage the fundamental legislative principle that legislation must have sufficient regard to the rights and liberties of individuals, including children, under section 4(2)(a) of the *Legislative Standards Act 1992*. Further it is consistent with fundamental legislative principles in relation to the regulation-making power, as the power is limited to matters of a machinery or administrative nature and does not authorise significant penalties, or any substantial impact on the rights and liberties of individuals.

Adult Crime, Adult Time

The amendments provide that the maximum, minimum and mandatory penalties available for adults apply to children who are found guilty of certain offences.

While a child's liberty may be impacted by imposing mandatory minimum non-parole periods for certain offences where a child is sentenced to life imprisonment, this is limited to specific serious offences that cause significant harm to victims in order to achieve the policy intent of holding youth offenders accountable for their actions.

Similarly, exposing children to adult maximum penalties may result in lengthier and more frequent terms of detention, impacting the rights and liberties of children. However, this will also be limited only to the specified serious offences and courts will retain sentencing discretion as to the penalty imposed.

Having regard to the potential impacts on the rights and liberties of individuals, the consequences imposed by the amendments are reasonable to achieve the policy intent as they are limited to certain serious offences.

Illicit Drug Enforcement and Diversion Framework

The new IDEDF provides police officers with discretionary administrative decision-making powers when considering whether to issue a PIN for a minor drug offence rather than commencing proceedings for the offence.

Care must be taken when conferring administrative decision-making powers, particularly where the exercise of those powers may have a significant impact on an individual's rights and liberties, as administrative decisions may be perceived as being susceptible to bias or misuse and may involve a lower level of accountability and transparency than decisions made through judicial processes. Additionally, a person's rights and liberties should only be dependent on administrative power if the power is sufficiently defined and subject to appropriate review.

Conferring on police a discretionary power to issue a PIN that imposes a monetary penalty and, if not properly addressed, renders an individual liable to further enforcement action by SPER, may give rise to concerns about unequal treatment, reduced transparency, and the potential infringement of natural justice. Additionally, issuing a PIN for an alleged minor drug offence without presumptive testing of the purported drug to confirm it is a dangerous drug or S4 or S8 medicine, could be perceived as not having insufficient regard to an individual's rights and liberties.

Similar concerns may be raised in relation to the discretionary power to issue a PIN for a drug utensil offence under sections 10(4) or 10A(1)(a), (b) or (c) of the DM Act. In particular, in relation to offences against section 10A(1) of the DM Act as an element of this offence is that the person cannot give a satisfactory account of how the person lawfully came by or had such property in their possession.

Making an offence which contains a level of ambiguity and subjectiveness, an infringement notice offence, may be perceived as an administrative power which is insufficiently defined and therefore inconsistent with an individual's rights and liberties. In particular, concern may be raised that the period in which a person must complete a drug diversion program, either through the minor cannabis offence pathway or the minor drug offence pathway, is not specified within legislation. Failure to complete a drug diversion program within the specified timeframe can either result in the person being charged

with a new offence for failure to comply with a police direction in relation to the former pathway or result in the PIN being referred to SPER in the latter.

However, clear communication and instruction is provided to affected persons by police at the time of the alleged offence to alleviate such concerns. When issuing a cannabis diversion agreement for a minor cannabis offence, the agreement outlines all pertinent details in relation to the drug diversion program, including the appointment date and time which the person must attend. Additionally, the police officer must give the person a written direction to complete the program and inform them that failure to comply is an offence against section 791 of the PPRA. In signing the agreement, the person is made aware of this information and confirms they will attend the program. This is consistent with the current PDDP and all previous practice of earlier programs.

In relation to a PIN for a minor drug offence, the Bill provides that when issuing the PIN the police officer must also give an information notice to the person which states the period within which the person must complete the drug diversion program if they elect to participate in lieu of paying the fine. The information notice must be in an approved form under the PPRA, therefore requires appropriate oversight and approval from the Commissioner of Police and will be developed in consultation with relevant agencies. The information notice will clearly communicate to the person the timeframe in which they must complete the drug diversion program, should they elect to participate, ensuring there is no uncertainty in relation to how the program will operate.

No timeframe is provided for within the Bill to complete a drug diversion program either through the minor cannabis offence pathway or the minor drug diversion pathway to ensure there is sufficient flexibility and timeframes can be extended if required. For example, if there is a disruption to the availability of appointments for the drug diversion program.

Additionally, discretionary enforcement powers and empowering authorised persons to issue a PIN are a well-established feature of criminal and regulatory schemes. Under section 13(1) of the SPE Act, an authorised person, such as a police officer, may issue an individual with a PIN if the authorised person reasonably believes the individual has committed an infringement notice offence. Therefore, like any other infringement notice offence, a police officer need only have a reasonable believe that the individual has committed a minor drug offence to issue a PIN. Police officers receive specialised training to help identify illicit drug matter and to investigate drug offences. Additionally, the individual may elect to contest the PIN in court and require the prosecution to prove all elements of the offence. Principles of natural justice are thus preserved, as the individual retains the right to be heard and is afforded a reasonable opportunity to contest the allegation and respond to the prosecution's case. The new PINs in the Bill also operate within the existing framework of the SPE Act and are therefore subject to the full suite of legislative safeguards already established under that Act.

Providing police officers with discretion to issue a PIN for a minor drug offence which provides a person with the opportunity to engage in a drug diversion program, rather than commencing proceedings against the person, ensures officers have the necessary operational flexibility to respond to this high-risk conduct. Police officers are trained to effectively determine if diversionary options are appropriate by considering the aggravating and mitigating circumstances of an offence. The Bill provides a clear statutory criterion for eligibility to further mitigate any risk of misuse.

The new PINs provide clear consequences to offenders and will act as a deterrent for the offending behaviour, and for PINs issued in relation to a minor drug offence, also maintain an opportunity for health-based intervention for first-time and low-level offending.

The prescribed penalties for a minor drug offence PIN (three penalty units) and drug utensil offences (two penalty units) are reasonable and proportionate. These penalties are largely consistent with guidelines for the prescription of penalty infringement notice offences under the SPE Regulation. The penalty amounts likely represent a lesser penalty than the person may be liable to receive if the matter was decided by a court, noting for example, the offender may be sentenced to a period of imprisonment or a greater monetary penalty.

Although it is acknowledged that a court may still impose a penalty that is lower than three penalty units as the court may also take into account a range of factors in deciding a penalty, including an individual's personal and socio-economic circumstances.

Designated Business and Community Precincts

The Bill introduces a head of power to enable the prescription of a 'Designated Business and Community Precinct' by regulation. The declaration of a DBCP will be consistent with the policy objectives of the Bill and will be subject to government oversight, ensuring the institutional integrity of Parliament is maintained.

The expansion of Jack's Law, enabling police to use a hand held scanner in a DBCP, without senior police officer authorisation, is potentially inconsistent with the fundamental legislative principles, particularly in regard to breaches of rights and liberties of individuals through a potential interference with an individual's freedom of movement and right to privacy and principles of natural justice (section 4(2)(a) and section 4(3)(b)).

While it is acknowledged the power to conduct hand held scanning may interfere with individual rights, the non-invasive nature and quick duration of wanding and its focus on risk-based locations, such as a DBCP, the intrusion on individual rights is considered proportionate to the objective of preventing ongoing harm and public amenity impacts, and maintaining community safety.

The amendments enabling police to require a person to state their name and address may be seen as an interference with personal liberty (section 4(2)(a)) and, in certain circumstances, may raise concerns about self-incrimination (section 4(3)(f)). The information required is limited to basic identifying details and is intended only to support the proper administration of justice and community safety. The measure operates in defined circumstances and is proportionate to the legitimate objective of facilitating lawful policing functions. It is also consistent with fundamental legislative principles as it is confined to the Bill and does not confer broad or undefined discretionary authority (section 4(4)(a). In this case, the power is limited, proportionate, and subject to clear conditions, ensuring it does not unduly infringe on individual rights and liberties by supporting legitimate law enforcement and public order objectives.

Move on directions and police banning notices are already established practices utilised by police to disrupt anti-social behaviour and prevent further behaviour from impacting community safety. The Bill enables the following exclusion responses to be utilised in a DBCP: a direction to move on from a DBCP and not return for up to 24 hours and a banning notice where a person has satisfied existing criteria and in circumstances where a person has contravened a move on direction in a DBCP or has received one move on direction in a DBCP in the past seven days. The expansion of exclusion powers available in a DBCP, may impose a greater restriction on an individual's freedom of movement and personal liberty in these areas (section 4(2)(a)). The limitation is considered justified to provide an immediate response and deterrent to a person exhibiting disruptive behaviour that may be ongoing or repeated and provide immediate protection to members of the community.

Existing and strengthened safeguards including clear requirements for explanation, defined duration limits, exemptions and, with respect to police banning notices, senior officer approval thresholds, and right to review, will apply to ensure the limitation is proportionate to the particular behaviour and support consistent police procedure for exclusions issued in relevant places outside of a DBCP.

The addition of an example of disorderly, offensive, threatening or violent behaviour does not lower the threshold to satisfy the relevant criteria for a banning notice and continues to support police to intervene where a person's continued presence poses an unacceptable risk of violence. Police banning notices will continue to operate in the public interest and be applied only where necessary to protect the community and maintain public order.

The expansion of police banning notices so they can be issued to children may be seen as an interference with the rights and liberties of a child (section 4(2)(a)). This limitation is considered justified as behaviour that is disorderly and violent, equally threatens the amenity of public places and community safety, whether committed by an adult or a child. A banning notice further provides an alternative to

criminal proceedings against a child. The application of police banning notices to children is reasonable to achieve the policy intent and support police to respond to and disrupt anti-social behaviour committed by any person.

Consultation

The Expert Legal Panel conducted consultation with stakeholders in relation to Adult Crime, Adult Time.

Consultation occurred with the Queensland Police Commissioned Offices Union of Employees, Queensland Police Union of Employees and the Queensland Mental Health Commission in relation to the IDEDF.

All stakeholder feedback was carefully considered.

No further consultation was undertaken in relation to the remaining amendments in the Bill.

Consistency with legislation of other jurisdictions

Adult Crime, Adult Time

Adult Crime, Adult Time is specific to Queensland and not uniform with, or complementary to, legislation of the Commonwealth or another state.

In New South Wales, the Children's Court must commit 'serious children's indictable offences' to a higher court to be dealt with 'according to law' under the *Crimes (Sentencing Procedure) Act 1999 (NSW)*. Serious children's indictable offences are prescribed by legislation and are limited to the most serious offences, for example, murder. The Children's Court has discretion when dealing with a child charged with an indictable offence other than a children's serious indictable offence to commit that child to a higher court to be dealt with 'according to law' under the *Crimes (Sentencing Procedure) Act 1999 (NSW)* and must consider a range of factors including the nature and seriousness of the offence.

Prior to Victoria's 'Adult Time for Violent Crime' laws, in Victoria, offences committed by children were generally heard in the Children's Court except for certain death-related offences, Category A serious youth offences (e.g. aggravated carjacking) and in certain circumstances. In these cases, the Children's Court must uplift the charge to a higher court except in certain circumstances. The higher court may impose a sentence under the *Children, Youth and Families Act 2005* (Vic) or, if it concludes that this would be inadequate, may impose any sentence available under the *Sentencing Act 1991* (Vic). On 27 February 2026, the 'Adult Time for Violent Crime' laws commenced as part of the *Justice Legislation Amendment (Community Safety) Act 2025* (Vic). This prescribed 'designated offences' that must be heard in a higher court if committed by a child over 15 years. Designated offences committed by a child aged 14 years must be heard in a higher court except in certain circumstances. Also, an offence of carjacking committed when the child was aged 14 years or over must not be heard and determined in the Children's Court unless certain criteria are satisfied.

Illicit Drug Enforcement and Diversion Framework

The Bill is specific to the legislative framework of the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State.

Numerous jurisdictions provide distinct drug diversionary pathways depending on the drug the person is found to be in possession with including New South Wales (NSW), Victoria and Western Australia.

The Bill seeks to introduce a similar PIN framework to NSW's Early Drug Diversion Initiative. Under this framework, police officers have the discretion to issue up to two $400 on-the-spot fines as an alternative to a court attendance notice when dealing with low-level non-cannabis drug offending. An offender can choose to pay the fine, attend court, or have their fine waived if they engage in a telehealth consultation about their illicit drug use.

Designated Business and Community Precincts

The Bill is specific to Queensland and not uniform with or complementary to legislation of the Commonwealth or another state.

Similar declaratory powers exist in South Australia where the law allows for the declaration of public precincts where police are given enhanced powers to manage public order and safety, including directing people to leave, conducting searches, issuing banning orders, and enforcing offences for disorderly behaviour or weapons.

Similar frameworks also exist in NSW where authorities may restrict and manage disorderly or intoxicated behaviour in and around licensed and public places, including banning individuals, directing intoxicated persons to leave, and creating offences for continued disorderly conduct. In serious situations such as riots or major disturbances, senior police can authorise emergency powers, including requiring identification, searching without warrant, seizing items, and dispersing groups to protect public safety.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the Bill, if passed, may be cited as the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026.

Clause 2 identifies that the amendments in Part 9, other than section 53 to 55 of the Bill are to commence on the date of assent.

Subclause (2) identifies the remaining provisions of the Bill are to commence on a day to be fixed by proclamation.

Part 2 Amendment of Drugs Misuse Act 1986

Clause 3 notes that part 2 of the Bill amends the DM Act.

Clause 4 amends section 4 of the DM Act to insert a definition for *drug diversion program* to refer to the definition contained within schedule 6 of the PPRA.

Clause 5 inserts a new section 15 into the DM Act to enable an offence against section 9 of the DM Act to be prescribed as an infringement notice offence under the SPE Regulation despite section 165(2) of the SPE Act.

Subsection (1) identifies the new section 15 only applies to an offence against section 9 of the DM Act if committed by a person in certain circumstances. For example, if the offence involves possessing not more than the prescribed quantity of a dangerous drug and amongst other things, the person has not previously been found guilty of an offence against section 5, 6, 8, 9 or 9D of the DM Act. This subsection reflects the new chapter 14, part 4, division 5, subdivision 2 (Minor drug offence) inserted into the PPRA. Therefore, this new section makes clear that an offence against section 9 of the DM Act is only authorised to be an infringement notice offence if the person is eligible under the new IDEDF.

Additionally, it is noted that in order to issue a PIN under section 13 of the SPE Act, a police officer must have a reasonable belief that the person has committed the offence.

An offence against section 9 of the DM Act is an indictable offence and under section 165(2) of the SPE Act, the SPE Regulation cannot prescribe an indictable offence as an offence to which the SPE Act applies. The new subsections (2) and (3) provide the SPE Regulation must prescribe an offence against section 9 of the DM Act as outlined in this section, as an infringement notice offence and ensure that section 165(2) of the SPE Act does not apply, so the offence is prescribed despite being an indictable offence.

Subsection (4) confirms that when considering subsection (1)(d)(ii), which relates to whether a person has previously found guilty of an offence against section 5, 6, 8, 9 or 9D of the DM Act, this includes non-recorded convictions and spent convictions.

Subsection (5) provides that if a PIN is withdrawn under section 28 of the SPE Act or the matter of the offence was decided by a court and the person was found not guilty, the person is deemed to have not previously been served with a PIN for the offence for the purpose of subsection (1)(d)(iii).

Subsection (6) introduces definitions for *infringement notice, prescribed quantity*, *prohibited drug or medicine*, *S4 medicine* and *S8 medicine* for the purpose of the new section

Clause 6 amends section 122A of the DM Act. Subclause (1) amends the heading of section 122A to 'Particular proceedings for minor cannabis offence or minor drug offence' so it appropriately reflects the terms utilised in the new IDEDF.

Subclause (2) replaces the current subsections (1) to (4) of section 122A, with new subsections.

New subsection (1) provides this section applies to a proceeding if the offence is in relation to a minor cannabis offence as defined in the new section 378A of the PPRA, and if the person pleads guilty to the offence and is eligible under the criteria listed in the new section 378B(1)(b) to (e) of that Act.

The eligibility criteria listed in section 378B(1)(b) to (e) of the PPRA requires:
- the person has not committed another indictable offence in related circumstances; and
- the person has not been found guilty of an offence against the DM Act, section 5, 6, 8, 9 or 9D; and
- a police officer reasonably believes the person possesses the cannabis for personal use; and
- the person has not previously been offered the opportunity to complete a drug diversion program under section 378C.

New subsection (2) identifies that this section also applies to proceedings if the offence is in relation to a minor drug offence as defined in section 378F of the PPRA, and the person pleads guilty to the offence and is eligible under section 378G(1)(b) to (e) of the PPRA.

The eligibility criteria listed in section 378G(1)(b) to (e) of the PPRA requires:
- the person has not committed another indictable offence in related circumstances; and
- the person has not been found guilty of an offence against the DM Act, section 5, 6, 8, 9 or 9D; and
- a police officer reasonably believes the person possess the prohibited drug or medicine for their person use, and they do not possess more than one type of drug or medicine; and
- the person has not previously been served with a PIN for a minor drug offence.

New subsection (3) provides a court may order a person to complete a drug diversion program as directed by a police officer.

Subsection (4) notes that when considering the eligibility criteria under subsection (1) and (2), a reference to a requirement for a police officer to hold a reasonable belief is taken to be a requirement for the court to hold a reasonable belief.

Subclause (3) omits the word 'assessment from section 122A(5) and (6) as the program is now referred to as the 'drug diversion program' rather than the 'drug diversion assessment program'.

Clause 7 amends section 122B of the DM Act. Subclause (1) amends subsections (1) and (2) be omitting the word *assessment* so that the program is referred to as the drug diversion program. Subclause (2) amends subsection (4) to update the definition of *prosecuting authority* in this section by omitting the phrase 'minor drug offence' and inserting 'minor cannabis offence or minor drug offence' in its place.

Clause 8 repeals the current version of section 122C of the DM Act and replaces it with a new version. The new section 122C resembles the current section and provides that if the court is satisfied that the defendant completed the drug diversion under section 122A, the court must strike out the proceedings for the minor cannabis offence or minor drug offence. Additionally, this section notes that if the defendant did not complete the drug diversion program as required under section 122A, the court may continue to hear the charge and make any order considered appropriate.

Clause 9 inserts a new part 7, division 12 (Transitional provision for Expanding Adult Crime Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026) into the DM Act.

The new division 12 inserts a new section 150 (current orders under s 122A) into the Act.

Section 150(1) provides the section applies if before commencement, the court made an order under the former 122A(3) requiring a person to complete a drug diversion program and the person failed to complete the program.

Subsection (2) confirms the order continues to have legal effect as if it was an order made under the new section 122A(3). Subsections (3) and (4) also note that a reference in this Act to a drug diversion program includes a reference to a drug diversion assessment program, and a reference to a minor cannabis offence or minor drug offence includes a reference to the offence which the current order was made.

Subsection (5) introduces definitions for *former section 122A(3)* and *new section 122A(3)* for the purpose of this section.

Part 3 Amendment of Drugs Misuse Regulation 1987

Clause 10 notes this part of the Bill amends the DM Regulation.

Clause 11 amends schedule 2 of the DM regulation by prescribing *1,4-Butanediol* and *4-Hydroxybutanoic acid lactone* as dangerous drugs.

Clause 12 amends schedule 6 of the DM Regulation by omitting reference to *1,4-Butanediol* and *4-Hydroxybutanoic acid lactone* as the substances are prescribed as dangerous drugs under clause 10.

Clause 13 amends schedule 8A, part 1 of the DM Regulation to omit reference to *1,4-Butanediol* and *4-Hydroxybutanoic acid lactone* as this schedule relates to gross weight of relevant substances that are or contain controlled substances and the substances are now prescribed as dangerous drugs under clause 10.

Part 4 Amendment of Penalties and Sentences Act 1992

Clause 14 notes that this part of the Bill amends the PS Act.

Clause 15 amends section 15C of the PS Act, which outlines the meaning of an eligible drug offender. This section presently provides that under subsection (2)(c) a person is not an eligible drug offender if two diversion alternatives have previously been given to the person.

Subclause (1) omits the current section 15C(4)(a)(ii) and replaces it with a new version to identify one of the circumstances in which a diversion alternative will have been given to the person for the purpose of subsection (2)(c). Under this new subsection, a diversion alternative has been given to the person if the person has both signed a cannabis diversion agreement under section 378D of the PPRA and been given a PIN for a minor drug offence under section 378H of the PPRA. This provision provides a person must have been offered an opportunity to complete a drug diversion program under both the minor cannabis offence pathway *and* the minor drug offence pathway, to constitute one diversion alternative for the purpose of determining whether the person is an eligible drug offender.

This subclause also inserts a transitional provision at subsection 15C(4)(a)(iia) which confirms that a diversion alternative will be considered to have been given to a person if at any time before commencement of the Bill, a person agreed to an offer under the current section 379AA of the PPRA to participate in a drug diversion assessment program.

Subclause (2) renumbers several subsections within this provision.

Subclause (3) amends the definition of *prescribed diversion alternative* in subsection (5) to replace reference to 'subsection (4)(a)(i) or (ii)' with the updated reference 'subsection (4)(a)(i), (ii) or (ii)'.

Part 5 Amendment of Police Powers and Responsibilities Act 2000

Clause 16 notes this part of the Bill amends the PPRA and makes note to also see the amendments contained within schedule 1 of the Bill

Clause 17 amends section 39BA of the PPRA to prescribe that a relevant place in which police can use hand held scanners without a warrant includes a designated business and community precinct.

Clause 18 amends section 41 of the PPRA to prescribe that it is a prescribed circumstance in which police can require a person to state the person's name and address where a police officer is about to give, is giving, or has given a person a move on direction.

Clause 19 amends section 44 of the PPRA to prescribe that chapter 2, part 5 of the PPRA applies to a public place, including a designated business and community precinct.

Clause 20 omits subsection (2) and (2A) and inserts new subsection (2) in section 46 of the PPRA to prescribe that subsection (1) applies to a person only if the person's behaviour has

had the effect mentioned in subsection (1)(a), (b), (c) or (d), in any public place located in a safe night precinct or designated business and community precinct, or for other public places not in a safe night precinct or designated business and community precinct, in that part of the public place at or near where the person then is.

Clause 21 omits subsection (2) and (2A) and inserts new subsection (2) in section 47 of the PPRA to prescribe that subsection (1) applies to a person only if the person's presence has had the effect mentioned in subsection (1)(a), (b), (c) or (d), in any public place located in a safe night precinct or designated business and community precinct, or for other public places not in a safe night precinct or designated business and community precinct, in that part of the public place at or near where the person then is.

Clause 22 amends section 48 of the PPRA to insert a subsection which prescribe that a police officer may give to a person or group of persons doing a relevant act in a designated business and community precinct a direction to leave and not return or be within the precinct for a stated period of not more than 24 hours.

Subclauses (2),(3) and (4) amend references to several subsections within this provision to reflect the additional subsection.

Subclause (4) renumbers section 48(1A) to (4) as section 48(2) to (5)

Clause 23 omits section 49 of the PPRA which required the Crime and Corruption Commission to review the use of police powers under chapter 2, part 5 of the PPRA within a reasonable time after the implementation of the powers.

Clause 24 replaces the current chapter 14, part 4, division 5 of the PPRA with a new version.

New division 5 (Additional case-drug offences) introduces new subdivision 1 (Minor cannabis offence), which contains new sections 378A to 378E, new subdivision 2 (Minor drug offence), which contains new sections 378F to 378L, and new subdivision 3 (Drug diversion programs), which contains new sections 378M to 378O.

New section 378A within new subdivision 1, introduces a definition for *minor cannabis offence* for the purpose of this subdivision. A minor cannabis offence means an offence against section 9 of the DM Act if possession involves not more than 50g of cannabis and does not include an offence where the possession relates to an offence by the same person involving production, supply or trafficking of a dangerous drug under the DM Act.

New section 378B (Application of subdivision) identifies the subdivision applies in the following circumstances:

- a person is arrested for, or is being questioned about a minor cannabis offence; and
- the person has not committed another indictable offence in circumstances related to the minor cannabis offence; and
- the person has not previously been found guilty (including non-recorded convictions and spent convictions) of an offence for trafficking, supplying, producing, or possessing dangerous drugs, or trafficking in relevant substances or things under sections 5, 6, 8, 9 or 9D of the DM Act; and
- a police officer reasonably believes the person possess the cannabis for their personal use; and

- the person has not previously been offered the opportunity to participate in a drug diversion program under section 378C. A legislative note is also included to clarify that it is irrelevant if a person has received a PIN for a minor drug offence under the new subdivision 2 (which includes the opportunity to self-elect to participate in a drug diversion program), as this will not affect the person's eligibility under this subsection.

New section 378C (Offer to complete drug diversion program) provides a police officer must offer an adult the opportunity to complete a drug diversion program, however, notes an officer retains discretion regarding whether to offer a child the opportunity to participate in the program. A legislative note is also included to identify that a police officer must also consider other possible actions before starting proceedings against the child for the offence as provided under section 11 of the Youth Justice Act.

The section further states a police officer may make the offer at any time before the person appears before court in relation to a charge for a minor cannabis offence and when making any offer, the officer must explain the nature and effect of the drug diversion program to both the person and any support person which may be present.

New section 378C (Cannabis diversion agreement) at subsections (1) and (2), states that if a person has agreed to an offer to complete a drug diversion program under new section 378C, the person must sign a cannabis diversion agreement.

Subsection (3) provides the cannabis diversion agreement must include an information sharing provision authorising the disclosure of information between relevant entities necessary to facilitate or monitor the person's participation in the drug diversion program.

Subsection (4) requires a police officer to give the person a written requirement to complete a drug diversion program in accordance with the cannabis diversion agreement and inform the person that failure to do so is an offence against section 791 of the PPRA.

Subsection (5) also requires the police officer to give a copy of the drug diversion agreement to the chief executive (health) or a person or organisation nominated by the chief executive.

Subsection (6) notes that the cannabis subject to the minor cannabis offence is forfeited to the State upon the person signing the cannabis diversion agreement.

Subsection (7) requires a police officer to release a person who has been arrested for the minor cannabis offence at the earliest reasonable opportunity after the person has signed the cannabis diversion agreement and been given a written requirement to complete the drug diversion program.

Subsection (8) introduces definitions for *personal information* and *relevant entity* for the purpose of this section.

New section 378E (Completion of drug diversion program) provides that if a person has completed a drug diversion program, a police officer must not commence proceedings for the minor cannabis offence, or must discontinue any proceedings for the offence.

New section 378F within the new division 2, introduces a definition for *minor drug offence* for the purpose of this subdivision.

Subsection (1) states a minor drug offence means:

- an offence against section 9 of the DM Act if the possession involves not more than the prescribed quantity of a dangerous drug; or
- an offence against section 34(1) of the *Medicines and Poisons Act 2019* if possession involves not more than the prescribed quantity of an S4 or S8 medicine.

However, an offence does not constitute a minor drug offence if the possession relates to an offence by the same person, involving production, supply or trafficking of a dangerous drug under the DM Act or involving dealing with, manufacturing or supplying an S4 or S8 medicine under the *Medicines and Poisons Act 2019.*

Subsection (2) notes that for the purpose of this section, prescribed quantity of a dangerous drug or S4 or S8 medicine, means a quantity of the drug or medicine prescribed under the PPRR (schedule 1B).

New section 378G (Application of subdivision), at subsection (1) and (2), identifies the subdivision applies in the following circumstances:

- a person is arrested for, or is being questioned about a minor drug offence; and
- the person has not committed another indictable offence in circumstances related to the minor drug offence; and
- the person has not previously been found guilty (including non-recorded convictions and spent convictions) of an offence for trafficking, supplying, producing, or possessing dangerous drugs, or trafficking in relevant substances or things under sections 5, 6, 8, 9 or 9D of the DM Act; and
- a police officer reasonably believes the person possess the prohibited drug or medicine for their personal use and does not possess more than one type of prohibited drug or medicine; and
- the person has not previously been served with a PIN in relation to a minor drug offence; and
- a police officer serves a PIN for a minor drug offence on the person.

A legislative note is also included in subsection 1 to identify that under section 11 of the Youth Justice Act, a police officer must still consider other actions before commencing proceedings against a child for an offence.

Subsection (3) provides that for the purpose of subsection (1)(f), a person is taken to have not been served with a PIN for a minor drug offence if the PIN was withdrawn under section 28 of the SPE Act.

Subsection (4) introduces a definition for *prohibited drug or medicine* for the purpose of this section.

New section 378H (Information notice about option to complete drug diversion program) at subsection (1), requires a police officer to give the person an information notice (in the approved form) when serving the person with a PIN for a minor drug offence. The notice must state:

- that the person may complete a drug diversion program instead of paying the fine; and
- how the person may elect to complete a drug diversion program; and
- that an election must be made within 28 days after the date of the PIN; and

- the period within which the person must complete the drug diversion program if they elect to participate.

Subsections (2) and (3) confirm that the information notice may be served in the same way as the PIN, including via electronic communication, under the SPE Act (section 158) and that if the notice was served in the same way and time as the PIN, the notice is taken to have been given to the person at the same time as the PIN under the SPE Act.

Subsection (4) identifies that failure to comply with subsection (1) does not invalidate the PIN.

New section 378I (Election to complete drug diversion program) provides that within 28 days after the date of the PIN, the person may elect to participate in a drug diversion program by following the instructions in the information notice (subject to the new section 22(3) of the SPE Act introduced in clause 26 of the Bill).

New section 378J (Forfeiture of drug or medicine) provides that the dangerous drug or S4 or S8 medicine the subject of the minor drug offence is forfeited to the State if the person no longer has an option to elect to have the matter decided by a court under the SPE Act. This includes for example, circumstances where the person has successfully completed the drug diversion program, or circumstances when the person has paid the fine or made arrangements to pay the fine in instalments.

New section 378K (Information sharing about participation in drug diversion program) at subsection (1), notes that this section applies if a person has elected to complete a drug diversion program in lieu of paying the fine under section 378I.

Subsections (2), (3) and (4) relate to the authorised disclosure of personal information from one relevant entity to another (such as the commissioner, register under the SPE Act, or another entity involved in providing or administering the program) to help facilitate the program or confirm the person's completion of the program or failure to complete the program. Personal information may include identifying information about the person (such as their name, address, date of birth, and mobile phone number).

New section 378L (Release of arrested person) requires a police officer to release a person arrested for a minor drug offence, at the earliest opportunity, after the person has been served with the PIN and information notice.

New section 378M (Provision or approval of programs) in the new subdivision 3, provides the chief executive (health) may provide or approve a program provided by another relevant entity to be a drug diversion program for the purposes of this division.

New section 378N (Notice of completion of program under subdivision 1), subsection (1), provides this section applies if a person agrees to complete a drug diversion program under subdivision 1 (Minor cannabis offence pathway).

Subsection (2) requires that the entity responsible for providing the drug diversion program must, as soon as practicable, notify the commissioner of police:

- that the person has completed the program; or
- after the limitation period, that the person failed to complete the program within the required timeframe.

New section 378O (Notice of completion of program under subdivision 2), subsection (1), provides this section applies if a person elects to complete a drug diversion program under subdivision 2 (Minor drug offence pathway).

Subsection (2) requires that the entity responsible for providing the drug diversion program must, as soon as practicable, notify the administering authority:

- that the person has completed the program; or
- after the limitation period, that the person failed to complete the program within the required timeframe.

Subsection (3) introduces a definition for *limitation period* and *administering authority* for the purpose of this section.

Clause 25 amends section 380 of the PPRA. Subclause (1) amends subsection (7) to omit 'minor drug offence' and replace it with 'relevant drug offence'.

Subclause (2) inserts a new subsection (8) which introduces new definitions for *drug utensil*, *minor drugs matter*, and *relevant drug offence* for the purpose of this section.

Clause 26 amends section 394(2)(d) to omit reference to 'minor drugs offence' and replace it with 'minor cannabis offence or minor drug offence'.

Clause 27 amends section 602A of the PPRA to replace the definition of an initial police banning notice to prescribe an initial police banning notice means a police banning notice given to a person by a police officer under section 602C.

Subclause (2) amends the definition of a relevant public place to prescribe a relevant public place means any of the following: a licensed premises, a public place in a safe night precinct or a designated business and community precinct, or a public place at which an event is being held and liquor is being sold for consumption.

Clause 28 amends section 602B subsection (1) paragraph (b) of the PPRA to prescribe that a police banning notice prohibits a stated person from or attempting to enter or remain in a public place located in a safe night precinct or designated business and community precinct.

Clause 29 replaces section 602C of the PPRA to prescribe that a police officer may give a police banning notice to a person if reasonably satisfied that giving the notice is necessary because the person has behaved in a disorderly, offensive, threatening or violent way, the person's behaviour was at, or in the vicinity of, a relevant public place, and the person's ongoing presence, or presence in the immediate future, at the relevant public place and any other place stated in the notice, poses an unacceptable risk of:

- causing violence at the places; or
- impacting on the safety of other persons attending the places; or
- disrupting or interfering with the peaceful passage, or reasonable enjoyment of other persons, at the places.

Subsection (1)(a) inserts examples of disorderly, offensive, threatening or violent behaviour, including:

- assaulting or threatening to assault a person;

- damaging property, attempting to damage property or threatening to damage property;
- possessing a knife in contravention of the *Weapons Act 1990*, section 51;
- stealing an item from a person or premises;
- taking a photograph of a person using a toilet facility from under a cubicle door;
- urinating or wilfully exposing genitals in contravention of the *Summary Offences Act 2005*, section 7 or 9;
- using or possessing a dangerous drug;
- wearing or carrying an item in contravention of the *Summary Offences Act 2005*, section 10C;
- using abusive or indecent language.

Subsection (2) provides that also, if a police banning notice relates to a designated business and community precinct, a police officer may give the notice to a person if satisfied that the person contravened a move on direction applying to the person in relation to the designated business and community precinct, the person was given a move on direction in relation to the designated business and community precinct in the previous 7 days and:
- section 46 would apply to the person's current behaviour in relation to the precinct; or
- section 47 would apply to the person's current presence in relation to the precinct.

Subsection (3) provides a police officer (the issuing officer) holding a rank below that of sergeant must not give a person a police banning notice unless a police officer (the approving officer) holding the rank of sergeant or above approves the giving of the notice to the person.

Subsection (4) and (5) provide the approving officer may approve the issuing officer giving a person a police banning notice under subsection (1) or (2) if satisfied of the matters mentioned in that subsection. The approval may be sought and given verbally, including, for example, in person or by telephone, radio, internet or other similar facility.

Subsection (6) provides if the person given the police banning notice under subsection (1) or (2) is a child and it is reasonably practicable to do so, the issuing officer must give a copy of the notice to:
- for a child in the custody of the chief executive (child safety), the chief executive (child safety); or
- otherwise, the child's parent or guardian.

Clause 30 amends section 602Q of the PPRA to insert it is a reasonable excuse for the person not to comply with the police banning notice in relation to a relevant public place if:
- the person enters the place to undertake a necessary task; and
- it is impracticable for the person to undertake the necessary task outside of the place; and
- the person remains in the place only for the period necessary to undertake the necessary task and then immediately leave the place.

Subsection (3) prescribes a *necessary task* means any of the following:
- receive medical treatment;
- comply with an obligation imposed by law;
- access a service provided by, or on behalf of, a government;
- access a support service;
- obtain food, medicine or petrol;

- use a banking service;
- access public transport;
- travel through a relevant public place to access another place outside the relevant public place.

Paragraph (b) prescribes a necessary task includes a task undertaken for the welfare of a person or animal in the care of the person undertaking the task.

Subsection (3) also provides for the purpose of this section an *obligation by law* includes:
- an obligation imposed on a person by a court or tribunal, including, for example, any of the following:
    - a community based order within the meaning of the *Youth Justice Act 1992*
    - a restorative justice process within the meaning of the *Youth Justice Act 1992*;
    - a community based sentence within the meaning of the *Community Based Sentences (Interstate Transfer) Act 2020*; or
- a requirement for a person to appear before a court or tribunal;
- an obligation imposed on a person under an Act; or
- for a person released on bail or parole, a condition of that bail or parole.

Subsection (3) also provides *support service* means a service provided by an organisation and intended to provide a person with counselling, housing, protection or other assistance.

Clause 31 inserts new subsection (4) in section 633 of the PPRA to prescribe that if a direction is a move on direction relating to a designated business and community precinct, the police officer must warn the person that failing to comply with the direction may result in the person being given a police banning notice under section 602C.

Clause 32 inserts new section 808D (Designated business and community precincts).

Subsection (1) prescribes a regulation may prescribe an area of the State to be a designated business and community precinct and notes a police officer may do the following in relation to a designated business and community precinct:
- require a person to submit to the use of a hand held scanner under section 39BA;
- require a person to state the person's name and address under section 40;
- give a person a move on direction under section 48;
- give particular persons a police banning notice in under section 602C.

Subsection (2) prescribes that in recommending that the Governor in Council make a regulation under subsection (1), the Minister must be satisfied that the regulation is necessary to achieve 1 or more the following purposes:
- enhance public safety or public amenity in the area to be prescribed;
- reduce anti-social behaviour occurring in the area to be prescribed;
- reduce or prevent disruption of business in the area to be prescribed.

Subsection (3) prescribes that before making a recommendation under subsection (2), the Minister must consult with any local government for the local government area in which the proposed designated business and community precinct is located.
Subsection (4) and (5) prescribe the Minister must review each designated business and community precinct to consider whether prescribing the area continues to achieve the purpose

for which it was prescribed. A review of a designated business and community precinct must be started no later than 3 years after the day:

- the area is prescribed; and
- a previous review of the designated business and community precinct conducted under this section is completed.

Subsection (6) prescribes that if, after conducting a review of a designated business and community precinct, the Minister is no longer satisfied that prescription of the area under subsection (1) is necessary to achieve the purposes for which it was prescribed the Minister must recommend to the Governor in Council the making of a regulation to change or revoke the area.

Clause 33 inserts a new part 29 (Transitional provisions for Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026) into the PPRA. The new part 29 introduces new sections 902 to 907.

New section 902 (Definitions for part) introduces definitions for *former*, *new*, and *transitional provision* for the purpose of the new part.

New section 903 (Application of new chapter 14, pt 4, div 5) notes that the new chapter 14, part 4, division 5, subdivision 1 (Minor cannabis offences) and subdivision 2 (Minor drug offences) respectively apply in relation to a minor cannabis offence or minor drug offence whether the offence was committed before or after commencement. It is noted that this section applies subject to new section 905.

New section 904 (Drug diversion warnings) notes that if a person was given a drug diversion warning under the current section 378C before commencement, the warning continues in effect along with current section 378C(8) which requires a police officer to release a person arrested for the offence at the earliest opportunity after issuing the warning.

New section 905 (Offers to participate in drug diversion assessment programs) provides that this section applies if a person was offered the opportunity to participate in a drug diversion assessment program under the current section 379 (Initial drug diversion assessment program) or current section 379AA (Subsequent drug diversion assessment program) which are to be repealed by this Bill. If this section applies, the new chapter 14, part 4, division 5, subdivisions 1 and 2 do not apply, meaning a person previously offered an opportunity to participate in an initial or subsequent drug diversion program under the PDDP will not be eligible to be offered further diversionary options under the new IDEDF.

New section 906 (Drug diversion agreement sunder former s 379AB) notes that if a person signed a drug diversion agreement under the current section 378AB which is to be repealed, and the person did not complete the program before commencement of the Bill, despite the repeal of the section the agreement continues in effect, including the required under the current section 379AB(3). Meaning a person must still comply with the written requirement issued by a police officer to complete the drug diversion assessment program and that failure to do so is an offence against section 791.

New section 907 (Approved programs) confirms that drug diversion assessment programs which existed prior to commencement, with approval of the chief executive (health) are taken to have been approved under the new section 378M.

Clause 34 amends schedule 6 (Dictionary) of the PPRA.

Subclause (1) omits the current definitions for *drug diversion agreement*, *drug diversion assessment program*, *drug diversion warning*, *initial police banning notice, minor drugs matter*, *minor drug offence* and *move on direction*.

Subclause (2) introduces new definitions for *designated business and community precinct*, *drug diversion program*, *initial police banning notice*, *minor cannabis offence*, *minor drug offence*, and *move on direction*.

Subclause (3) amends the definition of *enforcement act* at paragraph (k) to replace the word 'drugs' with 'minor cannabis offence or minor drug offence'.

Part 6 Amendment of Police Powers and Responsibilities Regulation 2012

Clause 35 notes this part of the Bill amends the PPRR.

Clause 36 amends section 20H of the PPRR to update the section reference by omitting '378B' and replacing it with '378F'.

Clause 37 amends schedule 1B (Prescribed quantity of dangerous drugs, S4 medicines and S8 medicines) to omit reference to Cannabis and omit the legislative notes in part 2 and 3.

Part 7 Amendment of State Penalties Enforcement Act 1999

Clause 38 notes this part of the Bill amends the SPE Act and also notes additional amendments are contained within schedule 1 of the Bill.

Clause 39 amends section 5(1) of the SPE Act to expand the scope of circumstances to which this Act applies to also encompass circumstances where a child has elected to complete a drug diversion program if issued with a PIN for a minor drug offence.

Clause 40 amends section 15 of the SPE Act by inserting a new subparagraph (iv) into subsection (2)(f). This amendment introduces notes that if an alleged offender is served with a PIN for a minor drug offence under section 378F of the PPRA, the offender may elect to complete a drug diversion program under section 378I of the PPRA.

Clause 41 amends section 22 of the SPE Act by inserting a new subsection (1)(d) which provides that one of the ways an alleged offender may deal with an infringement notice includes electing to complete a drug diversion program under section 378I of the PPRA if the notice was for a minor drug offence under section 378F of that Act. Additionally, subclause (2) inserts a new subsection (3) which states that is an alleged offender has paid for the fine in full, or elected to have the matter decided in a Magistrates Court, or applied to pay the fine by instalments under subsections (1)(a) or (2), then the alleged offender cannot elect to participate in a drug diversion program under subsection (1)(d).

Clause 42 amends section 30(1) of the SPE Act to update the reference to 'section 33(1)' to 'section 33'.

Clause 43 inserts a new part 3, division 5 (Minor drug offences) into the SPE Act which contains the new sections 32A and 32B.

New section 32A provides that a reference in the SPE Act to an offence decided by a Magistrates Court is taken to be a reference to an offence being decided in a proceeding for the offence taken under section 9 of the DM Act. Additionally, this section provides that reference in the SPE Act to a proceeding under the *Justices Act 1886* is, in relation to a minor drug offence, deemed to be proceedings started in a way stated section 118 of the DM Act. These provisions acknowledge that section 9 of the DM Act is an indictable offence, therefore proceedings for this offence may not necessarily be started or decided in the Magistrates Court.

New section 32B provides that if a person is served with a PIN for a minor drug offence under section 378F of the PPRA and elects to complete a drug diversion program under section 378I of that Act, then the person may not elect to have the matter decided by a court. Additionally, this section notes that if the person completes the program within the limitation period, section 25 applies as if the person had paid the fine in full.

Subsection (4) also notes that if the person does not complete the program within the limitation period action may be taken against the person as if the person has not made the election, including commencing proceedings.

Clause 44 amends section 33 of the SPE Act. Subclause (1) inserts a new subsection (1)(e) to expand the circumstances for when an administering authority may give to SPER a default certificate, so that it includes circumstances when a person has not, within 28 days after the date of the PIN, elected to complete a drug diversion program under section 378I of the PPRA.

Subclause (2) also inserts a new subsection (1A) into this section to also provide that if a person served with a PIN for a minor drug offence under section 378F of the PPRA has made an election to complete a drug diversion program but has failed to complete the program within the limitation period, the administering authority may give to SPER a default certificate for the offence.

Clause 45 amends section 35 of the SPE Act to update the section reference at subsections (3) and (4).

Clause 46 inserts a new section 57A (Issue of fresh infringement notice for minor drug offence) into the SPE Act.

New section 57A provides that if an enforcement order is issued in relation to a PIN for a minor drug offence under section 378F of the PPRA and the registrar cancels the order and the administering authority issues a fresh infringement notice for the offence, then the following provisions do not apply:

- section 15(2)(f)(iv);
- section 22(1)(d);
- section 32A;
- section 33(1)(e) or (2);

- section 135(e)(iv).

This means that is a fresh infringement notice is issued, the person is not afforded another opportunity to complete a drug diversion program.

Clause 47 amends section 135 of the SPE Act by inserting a new subsection (e)(iv) to provide that a default certificate for a PIN for a minor drug offence under section 378F of the PPRA, must (in addition to the other matters mentioned in this section) state that before the certificate was given to SPER for registration, the offender did not elect to complete a drug diversion program under section 378I of the PPRA or complete the program within the limitation period.

Clause 48 amends section 157 of the SPE Act by inserting a new subsection (2)(l) to provide that a certificate purporting to be signed by or for an administering authority is evidence of the matter, including that the person did not elect to complete a drug diversion program under section 378I of the PPRA or that the person made an election but did not complete the program within the limitation period.

Clause 49 amends schedule 2 (Dictionary) of the SPE Act to introduce a new definition for *limitation period* and *minor drug offence*.

Part 8 Amendment of State Penalties Enforcement Regulation 2014

Clause 50 notes that this part of the Bill amends the SPE Regulation.

Clause 51 amends schedule 1 (Infringement notice offences and fines for nominated laws) of the SPE Act.

Under the entry for the DM Act, subclause (1) inserts the offence under section 9(1) if the offence is an offence mentioned in the new section 15(1) of the DM Act. Thereby prescribing this offence as an infringement notice offence with 3 penalty units.

Additionally, the section 10(4) and section 10A(1)(a), (b) or (c) are also prescribed as infringement notice offences with 2 penalty units.

Under the entry for the DM Act, subclause (2) inserts that the administering authority for an infringement notice offence that is an offence against a provision of the DM Act, or an infringement notice about the offence is the registrar.

Under the entry for *Medicines and Poisons Act 2019*, subclause (3) inserts the offence under section 34(1) if the offence is a minor drug offence under section 378F of the PPRA. Thus prescribing this offence as an infringement notice offence with 3 penalty units.

Subclause (3) and (4) omits the current entry relating to an authorised person for service of infringement notices in relation to the *Medicines and Poisons Act 2019* and replaces it with a new provision confirming an authorised person for service of infringement notices for an offence against section 34(1) is a police officer, or otherwise is an inspector appointed under the *Medicines and Poisons Act 2019*, section 131.

Subclause (5) also inserts an entry under the *Medicines and Poisons Act 2019* providing that the administering authority for an infringement notice offence that is an offence against *Medicines and Poisons Act 2019,* section 34(1), or an infringement notice about the offence is the registrar.

Subclause (6) amends the entry in schedule 1 for the PPRA, in relation to the 5th entry for section 791(2) regarding participating in a drug diversion assessment program, to omit the current circumstances provided and replace it with an updated reference 'section 378D(4) to complete a drug diversion program'.

Part 9 Amendment of Youth Justice Act 1992

Clause 52 notes this part of the Bill amends the Youth Justice Act and also notes amendments are contained within schedule 1 of the Bill.

Clause 53 amends section 11 of the Youth Justice Act. Subclause (1) omits the current subsection (1)(d) and introduces a revised version to reflect the new minor cannabis offence pathway. This amendment provides that before a police officer starts proceedings against a child in relation to a minor cannabis offence, the officer must consider (in addition to the other matters mentioned within this subsection) whether it is more appropriate in the circumstances to offer the child the opportunity to complete a drug diversion program under chapter 14, part 4, division 5, subdivision 1 of the PPRA, if the child is eligible.

Subclause (2) omits the current subsections (8) and (9) and introduces revised subsections. The new subsection (8) provides if the police officer decides to take no action or administer a caution (under subsections (1)(a) or (b)) in relation to a minor cannabis offence or minor drug offence, the relevant drug or medicine subject to the offence is forfeit to the State. A legislative note is also included to identify that sections 378D and 378J of the PPRA also provide for the forfeiting of the relevant drug or medicine to the State when the child signs the cannabis diversion agreement or when the child may no longer elect to have the matter decided in court (such as when the child has paid the fine or completed the drug diversion).

The new subsection (9) introduces definitions for *dangerous drug*, *minor cannabis offence*, *minor drug offence, relevant drug or medicine, S4 medicine* and *S8 medicine* for the purpose of this section.

Clause 54 amends section 68 of the Youth Justice Act and inserts new subsection (2) to provide a child may also elect to pay the monetary penalty instead of being prosecuted in relation to a simple offence, including an offence mentioned in the DM Act, section 15(1).

Clause 55 amends section 168 of the Youth Justice Act. Subclause (1) omits subsection (4)(a)(ii) and introduces a revised version to provide that when considering if a child is an *eligible child* and whether the child has previously been offered two diversion alternatives under subsection (2)(c), a child is considered to have been offered a diversion alternative if –

- the child signed a cannabis diversion agreement under section 378D of the PPRA and been given an information notice under section 378H of the PPRA; or

- the child has at any time before the commencement of the provisions in the Bill relating to the new IDEDF, agreed to an offer to participate in a drug diversion assessment program under the current section 379AA of the PPRA.

Subclause (2) amends subsections (4)(a)(iia) and (iii) to renumber them as subsections (4)(a)(iii) and (iv).

Subclause (3) amends the definition of *prescribed diversion alternative* in subsection (5) to replace the section reference 'subsection (4)(a)(i) or (ii)' with 'subsection (4)(a)(i), (ii), or (iii)'.

Clause 56 amends section 175A (Sentence orders – significant offences to which adult penalties apply).

Subclauses (1)-(8) insert the following Criminal Code offences into section 175A(1), such that they are prescribed under the Adult Crime, Adult Time sentencing scheme:

s.61(1)	Riot, if the circumstance stated in paragraph (a) of the penalty for section 61(1) applies (offender causes grievous bodily harm to a person, causes an explosive substance to explode, or destroys or starts to destroy a building, vehicle or machinery).
s.210	Indecent treatment of a child, if the circumstance stated in subsection (3) (child is under the age of 12 years) or (4A) (child is a person with an impairment of the mind) applies
s.216	Abuse of persons with an impairment of the mind
s.309	Conspiring to murder
s.311	Aiding suicide
s.315	Disabling in order to commit indictable offence
s.315A	Choking, suffocation or strangulation in a domestic setting
s.316	Stupefying in order to commit indictable offence
s.319	Endangering the safety of a person in a vehicle with intent
s.322	Administering poison with intent to harm, if the circumstance stated in paragraph (a) of the penalty for the section applies (the poison or other noxious thing endangers the life of, or does grievous bodily harm to the person)
s.339	Assaults occasioning bodily harm, if the circumstance stated in subsection (2) (offender publishes material on a social media platform or an online social network) or (3) (offender is or pretends to be armed with any dangerous or offensive weapon or instrument or is in company) applies
s.359E	Unlawful stalking, intimidation, harassment or abuse

The offences of assault occasioning bodily harm (section 339) and unlawful stalking, intimidation, harassment or abuse (section 359E) include a circumstance of aggravation under section 52B of the Criminal Code, applying a higher maximum penalty if the offender was wholly or partly motivated by hatred or serious contempt for a person or group of persons based on a particular attribute (race, sexuality, etc). It is intended that children found guilty of this circumstance of aggravation for an offence under section 339(2) or (3) or 359E will be sentenced under 175A.

The offence of assault occasioning bodily harm (section 339) is also subject to section 108B of the PS Act. Section 108B of the PS Act applies where the offence is committed in a public place while the offender was adversely affected by an intoxicating substance. When this applies, it is mandatory that the court must make a community service order for the offender, whether or not the court also makes another order (such as a term of detention). This is unless the offender would be incapable of complying with the community service order due to disability. This mandatory minimum sentence will now apply to a youth convicted of an offence against 339(2) or (3) of the Criminal Code.

Subclause (9) omits from section 175A(1)(za) the circumstances stated in section 412(2) or (3) of the Criminal Code, so that section 412, attempted robbery, is included in section 175A(1) in its entirety.

Subclause (10) renumbers section 175A(1)(aa) to (zf) as section 175A(1)(a) to (zr).

Subclause (11) inserts new subsection (1C) into section 175A. New subsection (1C) provides that section 175A applies if the court is sentencing a child for an offence:

(a) against section 535 of the Criminal Code, of attempting to commit an Adult Crime, Adult Time offence mentioned in section 175A(1), (1A) or (1B) of the Youth Justice Act;

(b) against section 541 or 542 of the Criminal Code, of conspiring with another person to commit an Adult Crime, Adult Time offence mentioned in section 175A(1), (1A) or (1B) of the Youth Justice Act;

(c) against section 544 of the Criminal Code, of becoming an accessory after the fact to an Adult Crime, Adult Time offence mentioned in section 175A(1), (1A) or (1B) of the Youth Justice Act.

Clause 57 amends section 176(7), definition of relevant offence. This is a consequential amendment to exclude any offence mentioned in section 175A(1), (1A), (1B) or (1C) from the definition of relevant offence in section 176.

Clause 58 inserts new Part 11, Division 28 Transitional provisions for the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026.

New section 444 provides that section 175A, as amended by the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026*, applies in relation to an offence only if the offence was committed after the commencement.

New section 445 provides that section 176(7) as amended by the Bill applies to an offence mentioned in section 175A whether it was committed before or after the commencement. Further to section 175A(11), this provision clarifies that offences mentioned in section 175A(1)-(1C) are not subject to the constraints of section 176 if they were committed after the commencement of the relevant subsection in section 175A.

Part 10 Other amendments

Clause 59 notes schedule 1 (Other amendments) of the Bill amends the legislation it mentions.

Schedule 1 Other amendments relating to amendments of the Police Powers and Responsibilities Act 2000

Schedule 1 (see clause 59 of the Bill) amends the legislation it mentions.

In particular, item 1 in relation to the *Bail Act 1980* amends section 14(1B) of that Act to omit 'either' and replace it with 'any'.

Item 2 under the *Bail Act 1980* omits the current subsection (1B)(b) of that Act and replaces it with a revised version to provide that a police officer may release a person under this section, without bail, if:

- the person is charged with a minor cannabis offence under section 378A of the PPRA and signs a cannabis diversion agreement under section 378D of that Act; or
- the person is charged with a minor drug offence under section 378F of the PPRA and is served with a PIN for the offence.

Item 1 under the *Justice and Other Information Disclosure Act 2008* updates the definition of *person in the criminal justice system* by omitting the current paragraph (f) and replacing it with a revised version which refers to a person to whom a police officer has offered the opportunity to complete a drug diversion program under the PPRA, chapter 14, part 4, division 5, subdivision 1.

Item 1 under the PPRA introduces an amendment to repeal the heading 'Additional case-intoxication' in chapter 14, part 4, division 4 of the PPRA.

Item 1 under the SPE Act amends section 26(2) by omitting the word 'by' and replacing it with the word 'in'.

Item 2 under the SPE Act also amends section 27(1)(a) by omitting the word 'by' and replacing it with the word 'in'.

Item 1 under the Youth Justice Act amends section 50(3) of that Act by updating the reference to 'section 379' and replacing it with 'section 379D(7).

Item 2 under the Youth Justice Act amends section 289(e) of that Act to introduce a consequential amendment by omitting reference to 'section 379' and inserting 'chapter 14, part 4, division 5, subdivision 1' in its place.