

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: Qld Network of Alcohol and other Drug Agencies (QNADA)

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Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

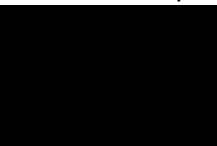
Dear Committee Members

Thank you for the opportunity to provide a submission on the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-social Behaviour Amendment Bill 2026*. The Queensland Network of Alcohol and other Drug Agencies (QNADA) submission is attached.

QNADA represents a dynamic and broad-reaching specialist network of non-government alcohol and other drug (NGO AOD) treatment and harm reduction services across Queensland. We have over 55 member organisations, representing the majority of specialist NGO AOD providers. This submission is made following consultation with QNADA members.

QNADA is pleased to provide further information, or discuss any aspect of this submission. Please do not hesitate to contact me at [REDACTED].

Yours sincerely



Rebecca Lang

CEO



Submission to the *Expanding
Adult Crime, Adult Time and
Taking a Strong Stance on
Drugs and Anti-social
Behaviour Amendment Bill
2026*

March 2026

This submission has been prepared by the Queensland Network of Alcohol and Other Drug Agencies (QNADA). Its content is informed by consultation with QNADA member organisations providing alcohol and other drug (AOD) treatment and harm reduction services across Queensland, as well as a review of relevant research and reports. QNADA welcomes the opportunity to provide feedback on the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-social Behaviour Amendment Bill 2026* (the Bill) which recognises the importance of continuing to prioritise diversionary pathways for people who use drugs and attempts to strike an appropriate balance for first time and low risk cases. This submission focuses on:

- the need to continue to prioritise health responses and divert people who use drugs away from the criminal justice system;
- issues with the Bill, including with respect to the loss of a caution option for police, and the use of fines as an apparent deterrent;
- the need for police training, and enhanced funding for AOD treatment and harm reduction services to support the operationalisation of the proposed amendments;
- the importance of community led prevention initiatives and expanded support services to be implemented alongside Designated Business and Community Precincts; and
- the need for a robust, independent monitoring framework which is designed in partnership with relevant government and non government agencies and supported by regular, transparent reporting as part of the introduction of the new Illicit Drug Enforcement and Diversion Framework and Designated Business and Community Precincts.

Introduction of a new Illicit Drug Enforcement and Diversion Framework

The investment required to enforce illicit drug possession laws in Queensland is significant and growing, and has been estimated to cost approximately \$222 million per year.¹ Compared with criminal justice system responses, universal health-based responses to problematic substance use are more effective and have a strong return on investment. It is estimated that for every dollar invested in alcohol and other drug treatment and harm reduction services, there is a seven-dollar return via improved health status, improved psychological wellbeing, and participation in the community.²

Increasing investment in AOD harm reduction and treatment services will always represent a better investment for the community. Law enforcement strategies that seek to deter people from using drugs have also consistently been proven to be largely ineffective in reducing rates of drug use at the individual or population level.

In recognition of this, the Australia New Zealand Policing Advisory Agency (ANZPAA) have highlighted the importance of better delineating where police may, or may not be, best suited to lead responses to complex social issues such as substance use.³ They also emphasised that changing community attitudes around AOD use is contributing to a heightened public discourse which is likely to shape the operational policing environment into the future.

This is because a significant majority of Queenslanders support the removal of criminal penalties for personal use and possession of all drugs.

¹ Queensland Productivity Commission, (2019) "Inquiry into Imprisonment and Recidivism."

² Alison Ritter et al., "New Horizons: The Review of Alcohol and Other Drug Treatment Services in Australia," (Sydney: University of New South Wales, 2014).

³ Australia New Zealand Policing Advisory Agency, (2019). "Megatrends Impacting Police".

The *National Drug Strategy Household Survey 2022-23* shows that over 70% of people prefer a non-criminal response to drug use or possession for personal use, which increases to over 80% for ecstasy and 93% for cannabis.⁴ This comprehensive survey by the Australian Institute for Health and Welfare also found that:

- almost 1 in 2 (47%) Australians have used an illicit drug in their lifetime, with cannabis being the most commonly used;
- there has been a continued reduction in support for prison sentences and law enforcement responses to illicit drug use, with a preference for allocating funding to education and treatment; and
- there have been associated increases in the proportion of people who preference a caution/warning or no action for people found in small quantities of selected illicit drugs⁵.

Research has also found that a higher income is associated with an increased likelihood of drug use⁶, yet socio-economically disadvantaged population groups are more likely to have contact with the justice system for drug offences⁷.

By ensuring that Queensland's diversion framework reflects community expectations, and is better informed by the evidence, there is an opportunity to improve health and wellbeing for Queensland families and communities, make substantial budget savings and ensure police resources are appropriately allocated to keeping the community safe from serious and violent crime.

Positively, the Bill includes the requirement that police officers must still consider alternatives to commencing proceedings against a child as outlined under section 11 of the *Youth Justice Act*. It is also noteworthy that *'no timeframe is provided for within the Bill to complete a drug diversion program either through the minor cannabis offence or the minor drug diversion pathway to ensure there is sufficient flexibility and timeframes can be extended if required'*⁸. This is intended to ensure that accommodations can be made if there is a disruption to the availability of appointments for a drug diversion program. In recognition of the need for flexibility, accommodations should be included in the information notice issued by police to clarify the process for rescheduling an appointment without penalty, in circumstances where a person is unable to attend (for example because of a medical appointment or personal emergency).

It is disappointing to note the loss of an initial warning or caution within the existing Police Drug Diversion Program, as it provided an effective means for reducing officers time commitment as they were not required to take any further action beyond the initial interaction. The retention of this provision could fit well within the current intent of the draft Bill by ensuring first time and low risk cases are appropriately dealt with, and that a balanced approach is taken.

Data from the Queensland Police Service shows that the use of a caution has been operating successfully in Queensland. Over an 18-month reporting period, the majority of people provided with

⁴ Professor Alison Ritter (2024) Public opinion on what action should be taken against people found in possession of illicit drugs? <https://www.unsw.edu.au/content/dam/pdfs/ada/sprc/research-reports/dpmp-drug-summit-2024-explainers/2024-11-public-opinion-of-action-for-personal-use.pdf> Accessed on 12 March 2026

⁵ Australian Bureau of Statistics (2025) National Drug Strategy Household Survey 2022-23

⁶ Louisa Degenhardt et al., "Toward a Global View of Alcohol, Tobacco, Cannabis, and Cocaine Use: Findings from the Who World Mental Health Surveys," *PLoS Medicine* 5, no. 7 (2008).

⁷ Queensland Productivity Commission, "Inquiry into Imprisonment and Recidivism.", (2019).

⁸ Page 10, Explanatory Notes

a Drug Diversion Warning had no further contact with the program (83%), with only 17% also accessing the Initial Drug Diversion Assessment Program⁹.

Research on cautioning for cannabis offences has further shown that there is no difference in cannabis use for those who had received a cannabis caution compared to those who had been charged with an offence, but there was a significant difference in cost¹⁰. Pursuing charges (\$733) was found to be almost twice as expensive as issuing a caution (\$388)¹¹.

For these reasons, we submit that cautioning provides a prudent, effective and fiscally responsible response to people who use drugs who come into contact with police for low level possession offences.

No clear basis has been provided for differentiating between a minor cannabis offence, minor drug offence and drug utensils offence. Nor is it clear why there is an option for a penalty infringement notice (a fine) for a minor drug offence and the drug utensils offence, but not for a minor cannabis offence. Failure to complete a drug diversion program within a specified timeframe can also result in a person being charged with a new offence for failure to comply with a police direction. This adds unnecessary complexity to the program, and there are potential benefits for streamlining and simplifying the proposed approach through the introduction of a single offence, and by retaining the use of a caution or warning instead of a fine. Diversionary options should also be available for people who come to the attention of police for low-level offences involving the possession of a drug utensil.

It has been consistently well established that fines are largely ineffective, as they neither deter nor increase the likelihood that people who use drugs will commit another use or possession offence¹². They also compound harms for people experiencing social and economic disadvantage, who do not have the financial means to pay them. The use of fines has also been shown to result in a net widening effect, where more people are caught up in the criminal justice system than otherwise would have been¹³.

The proposed amendments also represent a significant burden to police, with it being acknowledged in the explanatory notes that delivering the new diversion framework will incur additional costs to support technical system upgrades, roll out to police officers, and to operationalise the new police infringement notices. Officers will also be required to arrange appointments for eligible persons when issuing a cannabis diversion agreement, which could be completed by the person online at a more convenient time.

While these additional costs are intended to be accommodated through existing budget processes, this fails to recognise the resourcing impacts on officers' time, and the associated impact on their capacity to respond to other more serious calls for service. This is particularly problematic in an environment where the Queensland Police Service, and other jurisdictions are struggling to cope with

⁹ Qld Police Service, Policy and Performance Division, provided 18 November 2025.

¹⁰ Shanahan, M., Hughes, C.E., McSweeney, T., & Griffin, B. (2017) Alternate policing strategies: Cost effectiveness of cautioning for cannabis offences, *International Journal of Drug Policy*, 41: 140-147.

¹¹ Shanahan, M., Hughes, C.E., McSweeney, T., & Griffin, B. (2017) Alternate policing strategies: Cost effectiveness of cautioning for cannabis offences, *International Journal of Drug Policy*, 41: 140-147

¹² Alexeev, S. & Weatherburn (2022) Fines for illicit drug use do not prevent future crime: evidence from randomly assigned judges, *Journal of Economic Behaviour and Organization*, 200: 555-575.

¹³ DPMP Team. (2024) Removing or reducing criminal penalties for drug use – what is the evidence? DPMP Evidence hub for the NSW Drug Summit 2024. Social Policy Research Centre, UNSW.

existing demand pressures and face ongoing workforce challenges with recruiting and retaining officers.

Not only do some of the proposed amendments fail to meet the overarching current government priority of ensuring community safety, they are also disconnected from community expectations.

Put simply, reducing opportunities for diversion makes policing less effective, by requiring police to spend time and resources on low-level drug possession instead of more serious offending.

AOD treatment and harm reduction services are delivered across the spectrum of harm, in recognition that no or minimal intervention may be required for people who occasionally use substances or do not experience intensive or dependent use. Indeed, the United Nations Office of Drugs and Crime estimates that globally, 88-89% of people who use illicit drugs do not experience dependence or require a treatment intervention¹⁴.

While only a relatively small proportion of people who use alcohol and other drugs experience problematic use, there is an insufficient supply of treatment and harm reduction services in Queensland to meet the need. The recent *Inquiry into the opportunities to improve mental health outcomes for Queenslanders* (2022) highlighted the need for further investment in mental health and AOD services which includes increased funding and the implementation of agreed accountability mechanisms¹⁵.

By enhancing funding for AOD services to improve their availability and accessibility across Queensland, we can ensure that those people who require assistance with their use are able to voluntarily obtain support. For this reason, any associated budgetary allocations around the implementation of the revised framework, should also have regard to the current funding gap within AOD services. To support effective relationships and engagement, services also need to be voluntary and delivered in a way that ensures people feel safe, including by limiting the type of information that can be shared between police and program providers.

While the explanatory notes recognise that police officers receive specialised training to help identify illicit drug matter, and investigate drug offences, it is questionable whether they have the necessary training to consider the *'aggravating and mitigating circumstances of an offence'* as has been suggested¹⁶.

Current training for police does not equip officers to understand patterns of use or dependence. Nor is it suggested that it should. Recent reviews of the Queensland Police Service highlight that the organisation is struggling to meet demand and emphasise the importance of narrowing its' scope and reducing its' involvement in broader social and health issues which impact the community.

There is also an explicit acknowledgment within the explanatory notes that care must be taken when conferring administrative decision-making powers as is currently being proposed, as such decisions may be perceived as being susceptible to bias or misuse, and may involve a lower level of transparency and accountability than otherwise occurs. Australian research demonstrates that people who use drugs commonly report experiences of stigma and discrimination, and in some cases violence and

¹⁴ United Nations Office on Drugs and Crime, "World Drug Report Booklet 2: Global Overview of Drug Demand and Supply: Latest Trends, Cross-Cutting Issues," World drug report 2018 (Vienna: United Nations, 2017).

¹⁵ For example see recommendations 1, 2, 37, 38, 39, 41 and 42 of the final report of the Mental Health Select Committee.

¹⁶ Page 10. Explanatory Notes

degradation, when coming into contact with police.¹⁷ People who use drugs also report being subject to police targeting if they are known to have a history of problematic substance use.¹⁸

This is supported by local survey findings. In 2020, QNADA worked in collaboration with Queensland Injectors' Voice for Advocacy and Action (QuIVVA) and the Queensland Aboriginal and Islander Health Council (QAIHC) to engage with, and improve our understanding of, the experiences of people who use drugs across Queensland. This survey identified reports of police harassment, loss of a sense of safety when coming into contact with police, and police "overreaching" with irrelevant charges when interacting with people who use drugs¹⁹.

Specific, ongoing training is required for police in relation to the overarching intent of this program, to minimise adverse consequences. It is also important that long-standing protections to prevent police from targeting health facilities delivering harm reduction services, including Needle and Syringe Programs, continue to be maintained and upheld.

Previous experience also shows that the implementation of diversion programs in practice often falls short of the stated ideal. Diversion from the justice system for possession of drugs was introduced in Queensland (along with the rest of Australia) around 2001, led by the Howard Government. During 2020–21, 12,622 people were diverted from the Queensland justice system (including 7,098 police diversions for cannabis possession)²⁰. Despite this, people who use drugs, rather than supply or traffic drugs, still account for almost nine out of every ten drug-related arrests across Australia²¹. In Queensland, there were 28,612 police proceedings where an illicit drug offence was the principal offence in 2020-21, with 80.4% resulting in court action. There has also been a steady decline in the rate of illicit drug matters resulting in non-court action²² over the last decade (from 25.4% in 2013-14 to 19.7% in 2021-22²³)²⁴. Further, Queensland has high rates of sentencing for possession, and people sentenced to prison between 2010 and 2018 - where drug possession was the most serious offence - increased by 129%²⁵.

Indeed, these numbers continue to increase despite the implementation of the expanded drug diversion program. In the year prior to the implementation of the expanded program, 43,754 possession charges were filed by Police²⁶. In the first year of implementation, that figure rose to 53,142, with 26,360 accessing the diversion program and the remaining 26,782 likely processed through the Magistrates Court, or higher courts where more serious offences were also alleged.

¹⁷ Lancaster, K., Seear, K., & Ritter, A (2017) Reducing stigma and discrimination for people experiencing alcohol and other drug use, National Drug and Alcohol Research Centre

¹⁸ Lancaster, K., Seear, K., & Ritter, A (2017) Reducing stigma and discrimination for people experiencing alcohol and other drug use, National Drug and Alcohol Research Centre

¹⁹ Queensland Network of Alcohol and Other Drug Agencies, (2020), Peer Peak Body Scoping Project Final Report. Queensland, Australia. https://qnada.org.au/wp-content/uploads/2020/12/Fin_20201117_Peer-Peak-Scoping-Project-Final-Report_Approved.pdf

²⁰ Australian Institute of Health and Welfare, "Alcohol and other drug treatment services in Australia annual report", AIHW, Australian Government, (2022).

²¹ Australian Criminal Intelligence Commission, "Illicit Drug Data Report 2019-2020."

²² Non-court actions include cautions, conferences, counselling or infringement notices.

²³ Australian Bureau of Statistics, "Recorded Crime - Offenders, 2021-22." (2023).

²⁴ Freiberg, A., Payne, J., Gelb, K., Morgan, A., & Makkai, T. (2016). Drug and specialist courts review: Final report. Prepared for the Queensland Department of Justice and Attorney-General.

²⁵ Queensland Productivity Commission, "Inquiry into Imprisonment and Recidivism." Brisbane (2019).

²⁶ <https://mypolice.qld.gov.au/queensland-crime-statistics/>

This highlights the need to support the proposed changes through the establishment of a strong, independent monitoring framework, agreed performance indicators and public reporting. This would also ensure that the identification of, and prompt response to, any emergent trends or issues.

For example, analysis from the Drug Policy Modelling Program shows that recent amendments to the New South Wales police drug diversion program have resulted in a low uptake which has prevented the program from achieving its aim of providing education and support to people with low-level drug offences.²⁷ Poor data collection has been shown to limit the capacity to understand how the program operates, with it being suggested that program uptake could be impacted by a lack of sufficient training, a preference by police to charge instead of fine, or people not meeting the eligibility criteria²⁸. Different solutions are required for each of these potential causal factors, but actual reasons for this low uptake have been unable to be established from analysis of existing data sources²⁹.

A strong monitoring framework, which includes representation from QNADA, people with a lived or living experience and other stakeholders would therefore help to build confidence in the changes being implemented and support the current government's overarching commitment to deliver for Queensland.

Introduction of new and expanded police powers within prescribed Designated Business and Community Precincts

We acknowledge the importance of maintaining community safety and early, preventative intervention, however we are cautious about the proposed new and expanded police powers within prescribed Designated Business and Community Precincts.

This is because an increase in police powers and responsibilities alone will not address the issues that had been identified, without community leadership, involvement and support. Effective responses in this area require dedicated funding, proactive planning and partnerships, defined roles and responsibilities, and a focus on harm reduction.

As outlined within the Bill's explanatory notes, the prescribing of Designated Business and Community Precincts are intended to operate in a similar way to the existing 'Safe Night Precinct' (SNP) Framework. SNP's aim to achieve cultural change, promote responsible drinking, ensure safe environments in and around Queensland's licensed venues and minimise AOD-related disturbances or public disorder. In addition to changes in police powers they are supported by:

- **local SNP Boards**, with responsibility for developing and implementing harm minimisation strategies, as well as for liaising with, and supporting, community organisations that provide rest and recovery services.
- **SNP Support Services** which provide mobile patrols of public spaces and rest and recovery spaces to ensure people who may be at risk receive support and supervision to help reduce

²⁷ Drug Policy Modelling Program (2026) More evidence needed to improve uptake of NSW police drug diversion initiative <https://www.unsw.edu.au/arts-design-architecture/our-research/research-impact/case-studies/more-evidence-needed-to-improve-uptake-of-nsw-police-drug-diversion-initiative> Accessed on 12 March 2026

²⁸ Drug Policy Modelling Program (2026) More evidence needed to improve uptake of NSW police drug diversion initiative <https://www.unsw.edu.au/arts-design-architecture/our-research/research-impact/case-studies/more-evidence-needed-to-improve-uptake-of-nsw-police-drug-diversion-initiative> Accessed on 12 March 2026

²⁹ Drug Policy Modelling Program (2026) More evidence needed to improve uptake of NSW police drug diversion initiative <https://www.unsw.edu.au/arts-design-architecture/our-research/research-impact/case-studies/more-evidence-needed-to-improve-uptake-of-nsw-police-drug-diversion-initiative> Accessed on 12 March 2026

the risk of harm to themselves and others. These services operate during peak hours dependent on local community needs.

For this reason, there is a requirement for more appropriate investment in support services in impacted communities, including alcohol and other drug treatment and harm reduction services. Appropriate cross-sectoral, and community led governance processes should also be established to support the implementation of early preventative measures within prescribed communities under the proposed amendments.

The Bill currently provides for a review every three years of Designated Business and Community Precincts. As a new approach, it is recommended that this be reduced to a requirement for an annual review, which is undertaken collaboratively with local community members, support services, peak bodies and people with a lived or living experience. Any review should also be supported by robust data collection and made publicly available, to build community confidence that the intended changes are meeting the stated policy intent.

Finally, the requirement for senior police approval for scanning (Jack's Law) should also be retained, on the basis that it does not represent a significant impost on police to secure this approval and provides appropriate safeguards and oversight of this continued expansion of police powers. No compelling argument for the removal of this requirement has been provided in the available documentation.