

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

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The Justice, Integrity and Community Safety Committee

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

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Introduction

The Queensland Nurses and Midwives' Union (QNMU) thanks the Justice, Integrity and Community Safety Committee for 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 (Bill).

The QNMU is Queensland's largest and only registered union for nurses and midwives, representing over 79,000 members. The QNMU is a state branch of the Australian Nursing and Midwifery Federation (ANMF) with the ANMF representing over 345,000 members. Our members work in health and aged care including public and private hospitals and health services, residential and community aged care, maternity services, mental health, general practice, and disability sectors across a wide variety of urban, regional, rural, and remote locations.

The QNMU is run by nurses and midwives, for nurses and midwives. We have a proud history of working with our members for over 100 years to promote and defend the professional, industrial, social, and political interests of our members. Our members direct the QNMU's priorities and policies through our democratic processes.

The QNMU expresses our continued commitment to working in partnership with Aboriginal and Torres Strait Islander peoples to achieve health equity outcomes. The QNMU remains committed to the Uluru Statement from the Heart, including a pathway to truth telling and treaty. We acknowledge the lands on which we work and meet always was, and always will be, Aboriginal and Torres Strait Islander land.

The QNMU welcomes the opportunity to provide a submission to the Bill and raises several concerns which are outlined below.

General Comments

The Bill proposes to amend the *Youth Justice Act 1992* to prescribe new Adult Crime, Adult Time offences; repeal the current Police Drug Diversion Program (PDDP) and introduce a new Illicit Drug Enforcement and Diversion Framework (IDEDF); and introduce new and expanded police powers within prescribed Designated Business and Community Precincts (DBCPs).

Adult Crime, Adult Time

The Bill expands the application of Adult Crime, Adult Time to a further 12 offences, which will ultimately result in more children as young as ten (*Criminal Code Act 1899 (Qld)*, section 29) facing adult time.

The wording ‘adult’ should be a powerful indication that this legislation oversteps the rights of those without a voice and fails to recognise the core issues of this complex challenge. In Queensland the *Law Reform Act* provides the age of majority is 18 years, the age at which a person is granted rights by law (*Law Reform Act 1995*, section 17). Furthermore, the *Child Protection Act* defines a child as being under 18 (*Child Protection Act 1999*, section 8) and this is also reflected in the *Information Privacy Act 2009* (section 196(2)) defining a child as under 18. Children are not given a voice to determine who holds power in Government until they turn 18 (*Electoral Act 1992*, section 66(2)). Their political views and voice are withheld, as legislation decides that they are unable to make an appropriate decision to vote until they reach the age of 18.

The QNMU raises serious concerns that this Bill proposes that a child’s decision-making capacity is equivalent to an adult, which is inconsistent with any other statutory meaning within Queensland.

The QNMU highlights that brain development begins during late childhood, changing intensely during early adolescence, with full cognitive and emotional maturity not usually reached until the mid-twenties. Adolescents are also highly susceptible to their emotions, when making complex decisions and there is no definitive age for when an individual reaches “adult” levels of cognitive maturity (The Royal Children’s Hospital Melbourne, 2024). Nevertheless, the evidence and research clearly show that a child **does not** have the same decision-making ability as an adult and simply ignoring this evidence will lead to irreversible damage.

The Commonwealth Government’s Online Safety Amendment (Social Media Minimum Age Bill 2024 amended the: *Online Safety Act 2021*) recently established a minimum age for social media use and an obligation on providers of an age-restricted social media platform to take reasonable steps to prevent age-restricted users from having an account with the platform. The Bill’s purpose was to safeguard the health and wellbeing of the youngest users, with extensive consultation occurring with young people, parents, mental health professionals, legal professionals, community and civil society groups, state and territory first ministers and industry representatives. Preferences for the minimum age for social media typically ranged from 14 to 16 years old, with some support for 18 years old (The Parliament of the Commonwealth of Australia, 2024). The Bill has received international attention as a positive step towards protecting those most vulnerable. However, legislation which allows a child to

face adult time will not be portrayed as one that protects those most vulnerable but one that inevitably places power and electoral interests over the rights of those most vulnerable.

In 2024, when the Queensland Audit Office released a report on *Reducing serious youth crime*, they highlighted that the research indicates that many young offenders experience complex issues within their family, including neglect, domestic and family violence, and drug and alcohol abuse. Highlighting that many young offenders have poor health, including mental health issues and behavioural disorders; many are disengaged from education and employment. The Queensland Audit Office recommended that a whole-of-system approach is needed to address this complex problem (Queensland Audit Office, 2024).

The QNMU urges the Queensland Government to focus on a whole-system approach which will ensure that children do not engage in serious criminal activities which result in harm in the community. Otherwise, the children who have likely lived a life of fear, who have been unable to protect themselves and may not understand the full implications of their actions, will likely face a life of imprisonment.

The QNMU recommends:

Recommendation 1	The amendments proposed in the Bill to the <i>Youth Justice Act 1992</i> not be passed.
Recommendation 2	The Queensland Government should focus on rehabilitating our youth and supporting their development through safe, community-based alternatives.
Recommendation 3	A detailed consultation process is required involving those excluded to date. This includes mental health professionals, the voice of young people, parents, and advocates for the young offenders.

The justification for these recommendations is further outlined below.

Human rights issues

The QNMU raises strong concerns that the Bill is not compatible with human rights. The Queensland Government itself recognises that the amendments are not compatible with several human rights protections under the *Human Rights Act 2019 (Qld)*. This includes that “every child has the right, without discrimination, to the protection that is needed by the child, and is in the child’s best interests, because of being a child” (*Human Rights Act*, section 26(2)).

The *Human Rights Act* provides that Parliament can only make laws that are incompatible with human rights, in 'exceptional circumstances' (*Human Rights Act*, section 43). These exceptional circumstances include 'war, a state or emergency or an exceptional crisis situation constituting a threat to public safety, health or order' (*Human Rights Act*, section 43(4)). The QNMU dispute the Queensland Parliament's interpretation of 'exceptional circumstances.' Exceptional being equivalent with a war or an exceptional crisis. The Bill indicates that the proposed amendment is to prevent harm to individuals and the community. The QNMU appreciates that there are community expectations and recognises the sensitivity of these matters for the victims and their families. However, community expectations should not be the only basis for governments to legislate on matters that can have significant impacts. Legislating to meet community expectations will ultimately result in perverse outcomes for vulnerable groups, and result in disproportionate incarcerations.

The Queensland Government must consult widely and properly consider evidence-based solutions rather than rashly overriding human rights protections without consideration and sufficient community engagement and consultation. Removing children's rights does not uphold the rights of victims and should not be based on community outrage or political agenda.

The amendments are not adhering with international standards regarding the best interests of the child with respect to children in the justice system including the United Nations (UN) Convention on the Rights of the Child (CROC) and the UN Standard Minimum Rules of the Administration of Juvenile Justice.

The UN Convention on the Rights of CROC provides that:

- In all actions concerning children, the best interests of the child shall be a primary consideration (article 3(1));
- No child shall be deprived of their liberty unlawfully or arbitrarily. With detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time (article 37(b)); and
- a child recognised as having infringed penal law is to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society (article 40(1)) (United Nations, 1989).

The UN Standard Minimum Rules of the Administration of Juvenile Justice provides that:

- the reaction taken shall always be in proportion not only to the circumstances and the gravity of the offence but also to the circumstances and the needs of the juvenile as well as to the needs of the society (rule 17.1(a));
- The well-being of the juvenile shall be the guiding factor in the consideration of her or his case (rule 17.1(d)) (United Nations, 1985).

It is concerning to highlight that Australia was recently reviewed by the UN Human Rights Council in Geneva under the Universal Periodic Review. The Review involves a five yearly peer review process where members assess each state's human rights performance and make recommendations for reform. The review highlighted many areas Australia could do better, with many countries raising concerns that in Australia children as young as ten can be arrested, prosecuted and jailed. They highlighted that this is inhumane and remains out of step with international human rights standards, with First Peoples hit the hardest (Australian Human Rights Commission, 2026).

We also highlight that the former chairperson for the UN committee rights of child stated that "We do not agree that the so-called 'exceptional circumstances' warrant what will be a flagrant disregard for children's rights under international law." They urged the Queensland Government not to depart from the longstanding accepted principle that deprivation of liberty for child offenders must be a measure of last resort, for the shortest appropriate time. Noting that children should be treated differently from adults in the criminal justice system (SBS, 2024).

Additionally, we highlight that the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) delivered its Final Report on 29 September 2023 (Australia Government, 2023). The Report included 222 recommendations, with recommendation 8.22 providing that the age of criminal responsibility should be raised to 14 (Australian Government, 2023). It is disappointing that the 2025 progress report indicates that in relation to recommendation 8.22, the Queensland Government reaffirms that it will not be raising the minimum age of criminal responsibility (Australian Government, 2025a, 2025b). This is another example where the Queensland Government has ignored international and national evidence-based recommendations to suit their political agenda.

When ideology replaces evidence, public trust in the Queensland Government will erode. Politicians should not be able to choose when or if they use evidence for policy. Nurses and midwives and other health practitioners are required to provide safe, effective, evidence-based care, and are held accountable when they do not. By contrast, the Queensland Government is ignoring the evidence with impunity, and this Bill will ultimately have severe consequences for Queensland's children.

Impact on the Child's liberty

It is concerning to note that the Queensland Government recognises that the child's liberty may be impacted by imposing mandatory minimum non-parole periods for certain offences, where a child is sentenced to life imprisonment. They highlight that exposing children to adult

maximum penalties may result in lengthier and more frequent terms of detention, impacting the rights and liberties of children.

When the Queensland Government commenced their '*Adult Crime Adult Time*' policy, Amnesty International Australia highlighted that Queensland has an obligation to protect children's rights, which includes prioritising their rehabilitation and supporting their development through safe, community-based alternatives (Amnesty International Australia, 2024).

The available literature supports that even by having full criminal responsibility at 14 years will result in increased youth recidivism, fails to effectively account for the impact of risk factors predictive of criminal involvement, and fails to acknowledge the effects that risk factors such as childhood trauma have on brain function and the regulation of emotions (Tumoi et al., 2024). It is inappropriate for the Queensland Government to ignore the available evidence and just accept that a child's liberty may be impacted.

The QNMU urges the Queensland Government to protect children's rights and reconsider the impacts the Bill will have on Queensland children.

Does not focus on the core issues or rehabilitating our youth

The QNMU raises strong concerns that there is no focus placed on the core issues which are behind serious offences, with a lack of focus placed on preventative initiatives and rehabilitating our youth and supporting their development through safe, community-based alternatives.

The Human Rights Law centre recently indicated that the *Making Queensland Safer Act 2024*, substantially changes how children are treated by Queensland's police, courts, and prisons. They highlighted that it would exacerbate disproportionate rates of imprisonment of Aboriginal and Torres Strait Islander children and children with disabilities; ignores the evidence that non-custodial, community-based approaches lead to better outcomes for children and the community; and it fails to recognise that children charged with offences are often victims (Human Rights Law Centre, 2024).

The *Queensland Youth Justice Strategy 2024-2028* (Youth Justice Strategy) reported that most young offenders have complex characteristics and needs. Of the young people in the youth justice system in 2022-2023, 81% have used at least one substance, 53% impacted by domestic and family violence, 48% are not enrolled in education, training or employment, 44% have one or more mental health disorders and/or behavioural disorders (diagnosed or suspected), and 44% have one or more disabilities. They further highlighted that as of March 2024, Aboriginal and Torres Strait Islander young people represented 55% of young people

under youth justice supervision and 70% of the young people in youth detention centres were First Nations young people (Department of Youth Justice, 2024). The Queensland Government cannot simply ignore these statistics. The Queensland Government has an obligation to make evidence-based decisions, rather than ideologically driven ones which are often based on conscious avoidance, unsound information, and prejudice.

The Youth Justice Strategy reported that for many young people their first crime is their last. Highlighting that services including education, health, housing, community services, domestic violence services, disability services, and child protection, play a crucial role in fostering accountability and changing anti-social behaviours and attitudes (Department of Youth Justice, 2024).

The Australian Human Rights Commission has also recently released a supplementary paper to 'Help way earlier!,' aimed to fill gaps in knowledge and public understanding by providing examples of approaches from Australia and overseas that are based on evidence. They highlight that simply locking a child up is not working and it goes against the evidence of what improves outcomes for children who offend (Australian Human Rights Commission, 2025).

The Queensland Government has highlighted that the Bill may increase demand for courts, police, the legal profession, corrective services, and Youth Justice. These funds could be better placed in other services that focus on helping young people.

The Queensland Family and Child Commission recently reported the views of young Queenslanders and the likelihood of them reoffending. Highlighting that in 2023, between 84 and 96 per cent of individuals reoffend within 12 months of being released. Reasons for their offending included poverty, housing instability, family breakdown and exposure to domestic and family violence, and drug and alcohol use and dependence. They advised that the current support in detention and on release was ineffective at addressing these factors, as young people are simply released back to the circumstances and environments that drove them to offend in the first place (Queensland Family and Child Commission, 2024). This highlights that the Queensland Government needs to focus on support services, to ensure they properly address the root causes of young people's offending.

The Queensland Constitution provides that the role of government is to make laws for the "peace, welfare and good government" of the state (*Constitution of Queensland 2001* section 8 and *Constitution Act, 1867* section 2). Introducing a measure that will increase the cost and burden on the criminal justice system and increase the criminality risk to Queensland's children is poor governance.

Taking only a politicised approach with this complex issue and mandating adult time for Queensland's children will not solve this issue or make Queensland safer. The Queensland

Government must focus on the core issues to achieve better outcomes for both the community and the children involved.

Where is the evidence?

Youth crime has become a highly politicised topic, with little emphasis placed *who is committing most of the crime in Queensland*.

In 2021 the Queensland Treasury's *Youth offending research report* (Research Report) reported that young people aged 10–16 years were responsible for 11.9% of all reported offences and by comparison, adults aged 17–49 years were responsible for 82.0% of all reported offences (*during 2016-2017 financial year*) (Queensland Treasury, 2021). The research report also highlighted a series of key research articles that indicate the human brain does not reach developmental maturity until a person reaches their mid-20s, with attitudes, beliefs and behaviour developing as people age and make socially responsible decisions about how to conduct themselves. They further highlight that contact with police, the courts and prisons can have ongoing negative outcomes for children who offend as they may be negatively labelled as a 'criminal' and stigmatised as a result (Queensland Treasury, 2021).

As highlighted in the Queensland Treasury's Research report an adolescent's brain is still developing. Rapid changes, occur during the second decade of their life, particularly in the areas associated with response inhibition, the calibration of risks and rewards and the regulation of emotions. These changes affect their ability to make decisions, resulting in them engaging in riskier behaviours. An increase in aggression and delinquency in both males and females, can also be linked to their progression through puberty (Australian Institute of Criminology, 2011).

In April 2025, the Queensland Government Statistician's Office, released the *Justice report, Queensland, 2023-24 Criminal justice statistics*. Data released indicates that between 2023-24, there was 46,226 convicted court charges for children and 328,696 convicted court charges for adults. They further reported that in over half (54.2%) of convicted child appearances, the defendant identified as Aboriginal or Torres Strait Islander (Queensland Government Statistician's Office, 2025).

The Queensland Audit Office's 2023-24 report also revealed young people charged with an offence had fallen from 14,485 in 2011–12 to 10,304 in 2021–22, however highlighting a slight increase in 2022-23 (10,878 offences). The report also highlights that youth crime accounts to only a small percentage of overall crime in Queensland and has decreased from 17% in 2011–12 to just 13% in 2022–23 (Queensland Audit Office, 2024).

The Queensland Government holds the ability to access evidence which clearly indicates that most criminals in Queensland are not young people, they are adults and from the brief statistics provided above shows this Bill will potentially have a detriment on Aboriginal or Torres Strait Islander people. As a result, Aboriginal and Torres Strait Islander children will face longer periods of imprisonment. There is evidence to support that reducing criminal offending in First Nations children requires addressing racism and the structural inequities they and their communities face and putting in place measures to restore their human rights rather than eroding them which will only do more harm. This Bill does not consider Closing the Gap targets and the impact on life expectancy gaps for First Nations children.

The Productivity Commission's *Review of the National Agreement on Closing the Gap* highlighted that Queensland has one of the highest rates of Aboriginal and Torres Strait Islander young people in detention. It further noted that it was easy for governments to make decisions which contradict their commitment to Closing the Gap (in the National Agreement). With decisions that do not reflect Aboriginal and Torres Strait Islander people's priorities and perspectives being particularly obvious in youth justice systems (Productivity Commission, 2024). This amendment is yet another failure in achieving any meaningful gains for Closing the Gap in Queensland.

The Queensland Government has advised that these amendments are necessary as they are a direct response to the growing community outrage over the crimes by young Queenslanders. However, the evidence clearly shows that children are not committing most crimes, with youth crime decreasing from 17% in 2011–12 to just 13% in 2022–23. There is not enough evidence for the Queensland Government to disregard the human rights of Queensland children.

A lack of consultation and transparency

Along with previous amendments for the application of *Adult Time for Adult Crime* there has been a lack of consultation, with the Queensland Government fast-tracking legislation without extensive consultation and full transparency.

The Queensland Government appointed an Expert Legal Panel to identify additional and more complex offences for inclusion in *Adult Crime, Adult Time*, as part of the second tranche of Making Queensland Safer Laws. They indicated that the panel was appointed to deliver key pre-election commitments and chosen for their expertise in legal matters, law enforcement, and victim support (The Queensland Government, 2025). However, the panel does not include health experts with mental health backgrounds or child advocacy experts. Experts who can provide an evidence-based approach to understanding and addressing the complex social determinants including intergenerational trauma and inadequate healthcare, which form part of the root cause of offending behaviours (Australian Human Rights Commission,

2024). The QNMU submits that the Queensland Government has an obligation to consider the voice of young people, parents, mental health professionals, and advocates for the young offenders.

It is also concerning to note that the Bill was referred to the Justice, Integrity and Community Safety Committee on 3 March 2026, with stakeholders only provided approximately ten business days to write submissions.

Parliamentary Committee oversight of Bills is not and should not be used as a substitute for consultation with Queenslanders and stakeholders impacted by any proposed piece of legislation. The objective of a Parliamentary Committee Inquiry into a Bill is to provide detailed scrutiny of proposed legislation, ensuring that its provisions are carefully examined and that the perspectives of stakeholders, experts, and the community are appropriately considered. This process allows the Committee to identify potential issues, assess the Bill's impact, and provide recommendations to Parliament, contributing to more informed and transparent lawmaking.

While Parliamentary Committee scrutiny provides an opportunity for stakeholders to comment on a Bill, it is not a substitute for proper public consultation. Genuine consultation occurs before legislation is introduced, allowing affected individuals and groups to contribute to the development of proposals, raise concerns, and shape outcomes. The Committee process, by contrast, is reactive and cannot fully replace early engagement with those impacted by the proposed changes. Instead, this Government has introduced consequential amendments in this Bill that impact our most vulnerable members of society without proper consultation or regard to due process. There has been a lack of meaningful engagement.

Not consistent with other states

The Queensland Government itself recognises that the amendments are not consistent with other states, this indicates that the Queensland Government is not considering the vast amount of evidence available in making this decision.

The QNMU urges the Justice, Integrity and Community Safety Committee to carefully review the evidence and consider the detrimental impact this Bill will have on Queensland children. Children who may have issues within their family, including neglect, domestic and family violence, and drug and alcohol abuse. This reform is ideologically driven and purely based on community expectations. The Queensland Government has a moral obligation to be the voice of reason, to ensure they follow evidence-based practices, and adhere to human rights legislation and international standards regarding the best interests of the child.

Illicit Drug Enforcement and Diversion Framework

The Bill proposes to repeal the current Police Drug Diversion Program (PDDP) to establish the new Illicit Drug Enforcement and Diversion Framework (IDEDF). The new IDEDF introduces strict eligibility criteria that will limit individuals to one diversionary opportunity under each pathway (being a minor cannabis offence or minor drug offence). Therefore, excluding the opportunity to engage in a subsequent drug diversion assessment program.

The PDDP currently offers a three-tiered diversion pathway, comprising of a warning for the first offence, followed by referral to a Drug Diversion Assessment Program for the second and third offences (Queensland Police Service, 2025). The PDDP focuses on individuals involved in minor drugs offences for personal use, who have not committed another indictable offence in circumstances that are related to the minor drugs offence or have not been previously sentenced to serve a term of imprisonment for supply, trafficking or production of a dangerous drug or precursors. The PDDP provides a pathway for people to access necessary treatment and support (Queensland Police Service, 2025). The PDDP was also designed to address health inequalities and to ensure culturally safe treatment, and support (Queensland Government, 2023). The PDDP does not convey a message that illicit drug use is tolerable as it recognises that drug use is a health issue.

The QNMU strongly opposes the Queensland Government's decision to repeal the current PDDP which forms part of the Queensland Government's harm minimisation approach to substance abuse. Harm minimisation which aims to reduce the social, health and community harm caused from drug use. A program which is ultimately designed to help people get the treatment and support they need (Queensland Health, 2025). Individuals who require treatment for a health issue should not be directed into the criminal justice system. A one strike policy is not reflective of a harm minimisation approach, as the research indicates to achieve sobriety may take multiple attempts (Kelly et al. 2019).

The QNMU believes that the Queensland Government's decision to remove the current PDDP is imprudent and does not fully consider the available evidence and the implications that this will have on the individuals involved, their families, the criminal justice system, the health system, and the community. The Queensland Government has an obligation to make an evidence-based decision, not one based on unsound information, and prejudice.

The QNMU recommends:

Recommendation 1

The amendments proposed in relation to repealing the current Police Drug Diversion Program (PDDP) to establish the new Illicit Drug Enforcement and Diversion Framework (IDEDF) not be passed.

Recommendation 2	The Queensland Government must conduct further consultation with health professionals (including Queensland Health), legal professionals, the community and those undertaking the current PDDP prior to proceeding.
Recommendation 3	The Queensland Government must provide all stakeholders with an opportunity to review all the evidence.

The justification for these recommendations is further outlined below.

Removes the harm minimisation response

The new criteria will limit drug diversion to a single first offence, significantly changing the existing program, and ultimately removing the Queensland Government’s harm minimisation response.

A health-based approach recognises that the harm related to drug use is a health issue rather than a criminal issue (Alcohol and Drug Foundation, 2023). It provides individuals with an opportunity to access health information, supports informed decision-making, promotes long-term behavioural changes, and reduces the risk that these individuals will become entrenched in the criminal justice system. It also helps address the systemic issues surrounding drug use, to shift perceptions and reduce stigma, leading to better outcomes (Piatkowski, Kill & Keating, 2024 and Queensland Mental Health Commission, 2022).

A health-based approach reduces the harm of ineffective criminal sanctions (Bacon, 2024). As criminal records can lead to other harms such as barriers to getting a job, accessing housing and overall negative impacts on relationships, health and wellbeing (Alcohol and Drug Foundation, 2023). A health-based approach presents a confidential space to access health support and provides an opportunity to focus on the underlying causes of drug use (Piatkowski, Kill & Keating, 2024). Furthermore, it recognises that many individual, social and environmental influences can increase the chances someone may use, or experience harm from substances (Alcohol and Drug foundation, 2023).

Nevertheless, the IDEDF proposes to remove the first warning, with individuals only having the opportunity to engage in a program in first instance, and not in any following offences. This removes the analogy that ‘drug use is a health issue,’ as individuals who require this support will not be provided a pathway to access this care, undermining contemporary evidence-based policies and practices.

Cost, penalties and inconsistencies

Cost

The current PDDP is cost-effective as it reduces workloads and pressures on both the police and courts (Piatkowski, Kill & Keating, 2024 and Bernard et al, 2020). Evidence shows that traditional law enforcement approaches, like prohibition, have shown limited effectiveness in reducing drug-related harms and may even worsen social and health outcomes (Piatkowski, Kill & Keating, 2024). Additionally, the PDDP has enabled frontline officers to have more time focused on targeting drug manufacturers and traffickers domestically and internationally (Queensland Government, 2023). A health-based approach to drug issues ultimately reduces adverse health, social and economic consequences of drug use (Department of Health, 2017).

Penalties and inconsistencies

However, the new IDEDF appears to create an opportunity for the Queensland Police Service (QPS) to raise revenue. As for a person found in possession of small quantity of prescribed dangerous medicine will no longer be issued a warning, but instead, police officers are provided the discretion to issue a Penalty Infringement Notice (PIN) at three penalty units (which is currently \$500.07).

There are also inconsistencies as individuals with 50g of cannabis or less are not given the option to receive a PIN, and if they do not opt for the drug diversion program, they will need to commence proceedings for the minor cannabis offence.

The QNMU also query why the Bill excludes drug utensils from any diversionary pathways, but 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 *Drugs Misuse Act*. Noting that police officers will not be limited in the number of utensil related PINs which they can issue to a person. With the penalty for these new PINs being two penalty units (currently \$333.80).

It is also concerning to highlight that police will be provided discretionary powers to decide whether they believe that the individual possesses the relevant drug or medicine for their personal use. As a result of this power individuals who require assistance through the drug diversion program may not be provided with it. The QNMU highlights that police officers may not be equipped with the knowledge or skill to assess patterns of use or dependence and can hardly be regarded as impartial actors in this situation.

The QNMU urges the Queensland Government to review the available evidence which shows traditional law enforcement approaches, like prohibition, have shown limited

effectiveness in reducing drug-related harms and may even worsen social and health outcomes (Piatkowski, Kill & Keating, 2024).

Lack of evidence

We highlight that between May and September 2024, over 7,000 people accepted drug diversion in Queensland and were diverted away from the criminal justice system (Pollard, 2024). With 4,438 drug diversion warnings issued and 2,674 cases assessed through the Drug Diversion Program (Piatkowski, Kill & Keating, 2024).

It has been reported by Queensland's peak organisation for the non-government alcohol and other drug treatment sector, QNADA that two thirds of individuals were accessing just the first step (police confiscation of the substance) and then no further contact (ABC News report, 2026). Hence, with the proposed IDEDF the two thirds of individuals who were accessing just the first step (police confiscation of the substance) will now be required to access the drug diversion program, face a PIN or proceed with criminal proceedings. Ultimately resulting in unnecessary and increased workloads and pressures on the health system, police and courts.

The Queensland Government must clearly articulate the justification and evidence to support why the current PDDP is being repealed as the evidence which is currently available shows the PDDP is working.

Lack of consultation and transparency

The Queensland Government has indicated that consultation has 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. The QNMU queries when will the Queensland Government consider the voice of health professionals (including Queensland Health), legal professionals, the community, and those undertaking the current PDDP.

The QNMU also calls on the Queensland Government to provide the latest data from the QPS in relation to the current PDDP, as the data currently available highlights the positive impact the PDDP was having in Queensland. The Queensland Government must be transparent in relation to their decision to repeal the current PDDP and all stakeholders must be provided with an opportunity to review the evidence.

It is also concerning to note that the Bill was referred to the Justice, Integrity and Community Safety Committee on 3 March 2026, with stakeholders only provided approximately ten business days to write submissions.

As noted above Parliamentary Committee oversight of Bills is not and should not be used as a substitute for consultation with Queenslanders and stakeholders impacted by any proposed piece of legislation. It is disappointing that there has been a lack of meaningful engagement particularly health professionals, legal experts and individuals that have undertaken the PDDP program, their families, and the community.

Community harm

Removing the PDDP will ultimately cause more harm, as criminal records will create barriers for individuals to gain employment and access housing, negatively impacting the individual, their families, and the community.

Overall, the IDEDF will result in more individuals entering the judicial system and will not lead to better outcomes, as it will not focus on the systemic issues surrounding drug use.

The QNMU urges the Justice, Integrity and Community Safety Committee to carefully review the evidence and consider the detrimental impact this Bill will have on Queensland. As these amendments appear to ultimately empower the QPS, provide the QPS a revenue making stream and ultimately remove the Queensland Government's harm minimisation response to drug use.

Designated Business and Community Precincts

The Bill proposes to enable framework to prescribe a Designated Business and Community Precinct (DBCP), amend Jack's Law framework, create move on powers, authorise police to require a person to state their correct name and address, and enables police to temporarily prohibit an individual from entering or remaining in a DBCP (including to a child).

The QNMU is supportive of amendments that legitimately enhance the safety of the community but are not at the expense of fundamental rights of association, expression and protest. The QNMU raises concerns in relation to these amendments.

The QNMU recommends:

Recommendation 1	The amendments proposed in the Bill which include allowing police to respond to children or all individuals including those who may be neurodivergent or suffering from a mental health condition in the same way as adults, whilst also disregarding cultural considerations not be passed.
Recommendation 2	The Queensland Government should focus on understanding the precursors of the behaviours which are leading to police interventions.

Recommendation 3

A detailed consultation process is required involving health professionals (including mental health professionals), legal professionals, essential service providers, and the community.

The justification for these recommendations is further outlined below.

Rights of children

The QNMU raises strong concerns that the Bill allows police to respond to children behaving in a disorderly or violent manner, in the same way as adults. This proposal will ultimately represent a limitation of a child's right under section 26 of the *Human Rights Act 2019* (Qld). Whereby every child has the right, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child. As we have previously highlighted above a child is not an adult, therefore the same rules cannot be applied to them.

The QNMU is not supportive of this amendment, as it will provide the police excessive discretionary power.

Unfairly discriminates

The 'one size fits all approach' shows a serious lack of awareness for many individuals including neurodivergent individuals. Section 602C(1)(a) of the amended *Police Powers and Responsibilities Act 2000* provides that police officers can give a banning notice to a person if they are reasonably satisfied the person has behaved in a 'disorderly, offensive threatening or violent behaviour.' Examples of this behaviour include the use of abusive or indecent language.

Dhillon (2025) recently highlighted that in the court room neurodivergent people, such as those with autism spectrum disorder (ASD), Attention-Deficit/Hyperactivity Disorder (ADHD), or other intellectual disabilities, are unable to achieve the communicative, cognitive, and behaviour standards that true equality before the law requires. Furthermore, highlighting that characteristics such as avoiding eye contact, not directly answering enquiries, or exhibiting anxious reactions can all be interpreted as evasive, dishonest, or even hostile, and can result in serious injustices.

Autism is often referred to as a 'hidden' disability as it may not be physically identifiable or significantly noticeable and may result in individuals being more likely stopped and questioned by police (Calton et al. 2021). Slavny-Cross et al. (2023) reported that autistic people and their carers worry that adverse outcome could result from police misinterpreting

behaviours such as stinging or communication difficulties and may perceive other behaviours as being non-compliant. Additionally, highlighting that if aggressive behaviours do emerge during police interactions, it may result in the misuse of police force.

The QNMU also raise concerns that it also may be difficult for all individuals who are unable to advocate for themselves to make a complaint if they feel like have been treated unfairly.

The QNMU is not supportive of this amendment in its current form, as it is unsafe and does not provide any provisions for individuals who may be unable to advocate for themselves when faced by the QPS. As a result, these individuals may be unfairly discriminated against.

Cultural considerations

The QNMU raises serious concerns that Aboriginal Island and Torres Strait Islander people may be unfairly discriminated against. Individuals may be potentially being restricted from visiting places of cultural significance, as visiting places of cultural significance is not currently included within 'necessary task' for section 602Q(3)(a) of the amended *Police Powers and Responsibilities Act 2000*.

Restricting an individual from a place of cultural significance may impact their social well-being and cultural continuity. Research shows that connection to Country, through cultural practices is an important determinant of health and healing for Aboriginal and Torres Strait Islander peoples (Biles et al. 2024).

The QNMU is not supportive of this amendment in its current form.

Mental health considerations

The QNMU raises concerns in relation to individuals that may appear to police as acting disorderly or violent, however they are experiencing or suffering from a mental health crisis or illness. The QNMU highlights that the Queensland Police Service's (QPS) Mental Health Response Strategy 2023-27 includes continuing to support and form decisions that are compatible with human rights, including the use of least restrictive practices in interactions with people experiencing mental health incidents (QPS, 2023). Additionally, we note the Office of the Public Advocate's report on *Preserving life and dignity in distress (Responding to critical mental health incidents)*, advised that in resolving critical mental health incidents, it is imperative that police officers have ready access to non-lethal weapons as an alternative to their firearms. Noting that the use of weapons, should always be a last resort (Office of the Public Advocate, 2005).

Further consideration needs to be given to ensure that in first instance individuals (including children) are provided with an opportunity to be referred to mental health service, housing or outreach services before exclusion orders are issued. The QPS must consult and engage with essential services including Queensland Health to ensure that individuals will be referred appropriately.

The QNMU wants to ensure that there are measures in place to ensure that individuals who are experiencing or suffering from a mental condition or crisis receive the appropriate care and support and are not unfairly arrested by police for not complying with their directions.

Homelessness

The QNMU raises concerns in relation to those who may be homeless and seeking refuge in areas deemed DBCPs. The QNMU wants to ensure that these legislative powers are not inadvertently used to move vulnerable individuals into potentially dangerous situations.

It is concerning to highlight that data from Brisbane Zero, a local collaboration of 16 community services organisations, reported that in 2024-25 1,230 families experienced homelessness in the past year, 77% were newly homeless; 75% were sole parenting women, and 2,125 children were affected—48% were aged 5–12 (Micah Projects, 2025). Available data also suggests there may be around 22,395 people experiencing homelessness in Queensland (The Salvation Army, 2025).

Furthermore, we highlight that 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. Individuals (including children) who are homeless will not be able to comply with the requirement to ‘provide an address’ and may feel intimidated, embarrassed, and overwhelmed when requested to provide this detail. Their hesitation in providing this information may result in them being unduly penalised.

Reporting requirements

The QPS must also ensure that any annual reports are published that outline the number of interactions/directions involving a child experiencing a potential mental health issue, directions given to homeless children and the measures taken to facilitate referral to health or social support services.

Lack of consultation

The QNMU highlights that no consultation was undertaken in relation to these proposed amendments. As noted above Parliamentary Committee oversight of Bills is not and should

not be used as a substitute for consultation with Queenslanders and stakeholders impacted by any proposed piece of legislation. It is disappointing that there has been a lack of meaningful engagement particularly with health professionals (including mental health professionals), legal experts, organisations providing essential services (including housing), advocacy groups, and the community. As any increase in police powers requires thorough consultation to fully understand the impacts of these changes.

The QNMU recommends that the Queensland Government take a more proactive response to understand the precursors of the behaviours which are leading to police interventions. We further recommend the Queensland Government focus on services including housing, education, health, child protection, and community and disability services.

The QNMU urges the Justice, Integrity and Community Safety Committee to carefully review the evidence and consider the detrimental impact this Bill will have on Queensland children, including those with mental illnesses or conditions or who may be seeking refuge in a DBCP.

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