

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

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Mr Martin Hunt
Chair
Justice, Integrity and Community Safety Committee
Queensland Parliament

By email: JICSC@parliament.qld.gov.au

Dear Chair,

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

The Office of the Information Commissioner (**OIC**) welcomes the opportunity to make a submission to the Justice, Integrity and Community Safety Committee's inquiry into the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (Bill)*.

The Bill will, inter alia, establish a new Illicit Drug Enforcement and Diversion Framework (**IDED Framework**) by amending the *Police Powers and Responsibilities Act 2000 (PPR Act)* and related legislation. This will replace the existing diversion arrangements with a more targeted model that limits diversion to first time and low risk drug offenders through two distinct pathways for a minor cannabis offence or minor drug offence.

OIC's comments focus on the IDED Framework, specifically, privacy impacts, information sharing and the definition of 'personal information.'

About the OIC

OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Right to Information Act 2009 (RTI Act)* and the *Information Privacy Act 2009 (IP Act)*.

The RTI Act promotes openness, accountability and transparency by facilitating greater access to government-held information. It supports the administrative release of government-held information as a matter of course. Formal applications for government-held information under the RTI Act should be made as a last resort only.

The IP Act provides safeguards for the handling of personal information in the public sector environment. It sets out the Queensland Privacy Principles (**QPPs**) which govern the collection, management, use and disclosure of personal information by Queensland public sector agencies. The IP Act is intended to operate subject to the provisions of other Acts regulating personal information.

Privacy impacts

The administration of the new drug diversion programs (**Programs**) will involve government agencies handling personal information¹ and potentially sensitive information² of participants. Accordingly, it is recommended that a comprehensive [Privacy Impact Assessment \(PIA\)](#) is undertaken by Queensland Police Service (**QPS**) to identify privacy impacts, assess compliance with the QPPs, develop mitigating measures and formulate a privacy risk management approach. Specifically, all relevant government agencies should be identified to ensure the handling of personal information complies with the QPPs (unless an exemption applies) and is authorised by law.

The QPPs of particular relevance include:³

- open and transparent management of personal information (QPP 1)
- collection of personal and sensitive information (QPP 3)
- notification of the collection of personal information (QPP 5)
- use and disclosure of personal and sensitive information (QPP 6)
- protecting the information from misuse, interference and loss, and from unauthorised access, modification and disclosure (QPP 11.1), and
- destroying information no longer needed or ensuring the information is de-identified (QPP 11.2).

Any non-government agencies (contracted service providers) engaged to provide or administer the Programs will be bound by privacy principle requirements.⁴

Information sharing

The Programs will involve sharing the personal information of participants, as outlined below.

Minor cannabis offence pathway

The minor cannabis offence pathway requires a person, who agrees to complete a Program, to sign a cannabis diversion agreement. This agreement must include a provision authorising a relevant entity to disclose to another relevant entity, personal information about the person necessary to facilitate or monitor the person's participation in the Program.

'Relevant entities' are defined as the Police Commissioner and entities involved in providing or administering the Program. In addition, the Chief Executive (Health) or a person or organisation nominated by the Chief Executive must be provided with a copy of the cannabis diversion agreement.⁵

¹ Section 12 of the IP Act defines 'personal information' as information or an opinion about an identifiable, or reasonably identifiable, individual.

² 'Sensitive information' is a subset of 'personal information' and includes information about a criminal record as well as health information. It attracts a higher level of protection under the QPPs. See Schedule 5 of IP Act.

³ Subject to the special provision for a law enforcement agency in section 29 of the IP Act. 'Law enforcement agency' is defined in schedule 5 of the IP Act and includes QPS, QCS and 'any other agency, to the extent it has responsibility for ... the performance of functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of laws for which penalties or sanctions may be imposed', or '... the execution or implementation of an order or decision made by a court or tribunal'.

⁴ See sections 35-36 of the IP Act. New section 378M of the PPR Act provides that the Chief Executive (Health) may provide, or approve a program provided by another relevant entity to be, a drug diversion program.

⁵ New section 378D of the PPR Act.

Minor drug offence pathway

The minor drug offence pathway provides police officers with the discretion to issue a Penalty Infringement Notice (**PIN**) rather than commencing proceedings for the minor drug offence. A person issued with a PIN will have the option to pay the fine, contest the fine or elect to complete a Program. If a person elects to complete a Program, a relevant entity may disclose to another relevant entity, personal information about the person necessary to facilitate or monitor the person's participation in the Program or to take action under the *State Penalties Enforcement Act 1999 (SPE Act)* in relation to the PIN.

'Relevant entities' are defined as the Police Commissioner, registrar under the SPE Act or another entity with administrative responsibilities relating to a PIN issued, and entities involved in providing or administering the Program.⁶

Information sharing arrangements

As the Programs involve sharing the personal information of participants between entities, it is recommended that the information sharing arrangements are formalised by way of a Memorandum of Understanding or similar. The arrangements should, among other things, detail the purpose of the information sharing, outline compliance with the QPPs and set out a process to be followed for sharing information under the arrangement (for example, authorised roles to request and receive the information).

Definition of 'personal information'

The new provisions relating to the minor cannabis offence pathway and the minor drug offence pathway, introduce the definition of 'personal information' about a person as meaning (a) information that identifies, or is likely to identify, the person; or (b) information about the person's affairs.⁷

As this new definition varies from the definition of 'personal information' under the IP Act, there are concerns this may cause confusion and possibly increase the administrative burden for agencies. We submit that consideration should be given to the new provisions referring to the definition of 'personal information' (and, if applicable, 'sensitive information') in the IP Act, to promote consistency and strengthen privacy protections for participants.

Thank you for the opportunity to make a submission. We trust our comments will assist the Committee in its work. Should you require further information, please contact us at

██████████ or on ██████████

Yours sincerely



Joanne Kummrow
Information Commissioner

⁶ New section 378K of the PPR Act.

⁷ Sections 378D(8) and 378K(4) of the PPR Act.