

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

Submission No: 153

Submission By: Alcohol and Drug Foundation

Publication: Making the submission and your name public

18 March 2026

Justice, Integrity and Community Safety Committee
Queensland Parliament
2A George Street
Brisbane QLD 4000
Via jicsc@parliament.qld.gov.au

Dear Committee members,

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

The Alcohol and Drug Foundation (ADF) is Australia's leading alcohol and other drug (AOD) harm prevention organisation. We work nationally to prevent AOD-related harm through evidence-based policy development, education and community programs. A community-centred approach is at the heart of everything we do.

Thank you for the opportunity to contribute to the inquiry into the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026* (the Bill). This submission focuses on the elements of the Bill relating to drug diversion and associated issues. We note the Queensland Network of Alcohol and other Drug Agencies (QNADA's) submission provides a substantial amount of evidence regarding the efficacy of diversion, and we endorse their submission.

As an organisation focused on drug prevention, ADF has a particular interest in the health and safety of young people. Evidence shows that most young people who experiment with drugs do not develop problematic patterns of use, nor do they engage in violent or criminal behaviours as a result. People aged between 18-34 are at a life stage where risk-taking and experimentation are common: drug use tends to be occasional, influenced by peer environments, and not associated with other anti-social behaviours. Most young people 'mature out' of these behaviours over time.

However, contact with the criminal justice system can disrupt this process and place young people on a path to less positive outcomes. Criminal justice involvement is associated with increased risk of ongoing drug use and criminal recidivism, while also reducing opportunities to provide appropriate health and social supports.

Drug diversion: key evidence

- Diversion does not increase drug use and in fact can decrease it: Australian research showed decreases in cannabis use following police diversion for cannabis possession.¹

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- An evaluation of the first three years of NSW Cannabis Cautioning Scheme found it had saved over 18,000 police hours, and over \$1m in court costs.²
- Diversion reduces recidivism: Australian research shows diversion resulted in less reoffending in the following 12-18 months.³
- Research from Australia, Netherlands, USA and Italy shows diversion decreases burden and costs for the criminal justice system.⁴
- Research consistently finds diversion is associated with improved quality of life, including improved health, increased employment prospects and increased trust of police.^{5 6}

ADF urges the Queensland Government to amend the Bill to ensure diversion remains an accessible and effective pathway for people found in possession of small quantities of drugs to receive support without unnecessary contact with the criminal justice system. While a formal evaluation of the program is pending, the available evidence supports the continued operation of the scheme in its current form. Diversion improves outcomes for young people, avoids costs and harms associated with criminal justice involvement, and allows police to focus time and resources on more serious offending.

To maintain the operational, economic, social and health benefits of diversion, the ADF recommends amending the Bill as follows:

Proposed change	Rationale
<p>Diversion to be accessed more than once</p> <p><i>(retain warnings and/or multiple opportunities for diversion)</i></p>	<p>Diversion reduces the time and money our courts and police spend on low-level drug crime. Because addiction is not a simple thing to fix, and can reoccur even after someone has recovered, it should be offered more than once.</p> <p>Across Australia, diversion is typically offered more than once for cannabis and illicit drugs. In some jurisdictions unlimited opportunities are offered (e.g. ACT offers unlimited diversion for cannabis and illicit drugs). In other jurisdictions, access is capped (e.g. Tasmania, where diversion opportunities may be offered three times in a 10-year period).⁷</p>
<p>Routine offering of drug diversion</p> <p><i>(no police discretion)</i></p>	<p>The proposed model for 'other drug' diversion is to permit it only at the discretion of police.</p> <p>Even with clear guidelines, discretion is hard to apply in a way that is fair. While most states and territories have a 'police discretion' model, in those jurisdictions it can be costly and operationally challenging. These challenges are reduced when diversion must be offered to those eligible. For example, one Australian study from 2017 found that the costs of a cautioning process is approximately half the costs of proceeding with a charge or arrest.⁸</p>
<p>Confiscation, warnings and/or other diversion for possession of 'utensils'</p>	<p>Punishing people for carrying utensils* does not prevent use, can be difficult and time consuming to enforce, and can result in in sharing of equipment and the risk of transmission of illness like hepatitis. We should also avoid outcomes where a</p>

<p><i>(retain diversion for 'utensils')</i></p>	<p>person could be diverted for their personal drug use, but not for possessing the equipment to use it.</p> <p>* Utensils, sometimes called 'paraphernalia', are things like cannabis pipes, vapes, drug mixing spoons, and rolling papers. As well as being available on the illicit market, these items are sometimes freely available for sale (e.g. spoons or scissors) or repurposed items that have a legitimate use (e.g. "bongs"). Some banned utensils may even be required to use a prescribed drug (e.g. some types of cannabis vapes are sold at pharmacies for use with medicinal cannabis).</p>
<p>Small amounts of multiple substances treated as single possession charge</p>	<p>Most Australian jurisdictions do not to limit diversion to cases where a person possesses a single substance.⁷</p> <p>Drugs are often mis-sold and people may unknowingly possess more than one substance. It's also difficult for police to know whether small amounts of things like powder are the same drug. That makes it difficult and time-consuming for police to do their work.</p>
<p>Referral to treatment, rather than fines</p>	<p>Diversion into treatment is cheaper and more effective than fines.</p> <p>Fines are expensive to administer, requiring ongoing enforcement and follow-up. Evidence from other states and territories shows that fines do not effectively reduce drug use or reoffending.⁷</p> <p>In contrast, Queensland's current diversion system is simpler and more effective. Data from the first 12 months of the Police Drug Diversion Program show that 60% of people who received a Tier 1 warning had no further contact with the criminal justice system.⁹</p>

Queensland can stay strong on drugs without increasing the operational burden for police and by preventing unnecessary criminal justice involvement of people caught with minor possession.

Diversion saves police time and resources

In 2020-21, before diversion was introduced in Queensland, there were 35,000 police proceedings in relating to illicit drugs (mostly for minor possession).¹⁰ ADF is concerned that if diversion is limited, our police will spend more time processing low-level possession drug offences involving people who are unlikely to be involved in more serious criminal activity, and less time responding to more serious crime that poses a greater threat to community safety.

ADF supports drug harm prevention, and crime prevention. We know from the evidence that criminal justice responses to low-level drug possession do not reduce drug use and harm.^{1, 5} In contrast, diversion programs deliver better outcomes for both individuals and the broader community, including reduced offending and more contact with health services.⁵ This delivers two important benefits: individuals avoid

the long-term harms associated with criminal justice involvement, and police can focus their time and resources on more important priorities.

Currently in Queensland, drug use trends during the operation of the PDDP are broadly aligned with those in other jurisdictions.¹¹ If the scheme continues, we expect longitudinal data to be in line with current evidence which shows reductions in recidivism and drug-related criminal justice costs.

Diversion works better when it is able to be used more than once

Drug use among young people is risky, but usually passes, and doesn't result in addiction. For those who do develop problematic use, access to appropriate health and support services can help, although this usually takes multiple attempts.

Cigarettes are a good example: most people who quit smoking cigarettes make multiple attempts before they succeed, often using a range of supports such as counselling, nicotine replacement therapies and Quitline services. Similarly, people seeking to reduce or cease drug use may need several opportunities to get help before they see lasting change.

Diversion recognises these realities. We know that across Australia, people who use drugs occasionally are not deterred by prohibition, and that the evidence suggests that involvement in the courts or prison system will do more harm than good.^{12 13} For those who may be addicted, diversion helps them access the health and support services they need. Going to jail for minor possession will not help either of these groups of people.

Evidence also shows that leaving it to police to decide on a case-by-case basis – as the Bill proposes for minor 'other drug' possession – can have unfair and even discriminatory outcomes. Evaluations have found that when diversion depends on police discretion, some groups are less likely to be offered it, including First Nations people and those from low socio-economic backgrounds.¹⁴

To put it all together: if diversion is offered only once, and only at the discretion of police, it may not reach the people who need it most, while at the same time, increasing the number of low-level and occasional drug users drawn into the criminal justice system. That's ADF recommends ensuring that diversion for cannabis and other drugs can both be offered as a matter of course, and on more than one occasion.

Diversion for multiple drugs reflects the reality of drug use

The Bill proposes that people who are found with a small amount of more than one drug type won't be diverted. However, in practice, it is common for individuals to possess more than one type of drug for personal use. Data tells us that 66 per cent and 86 per cent of participants respectively reported using more than one substance (including alcohol and prescription drugs but excluding tobacco/nicotine).^{15,16}

This has practical enforcement challenges. For example, it may be difficult for police in the field to determine whether two small quantities of powder are the same or different drugs. Similarly, possession

of two forms of the same substance – such as dried cannabis and a cannabis edible – could potentially make a person ineligible for diversion under a strict interpretation of a “single drug” rule.

In practice, the proposed approach adds unnecessary complexity for police. Allowing diversion where a person has a small amount of more than one drug would better reflect the realities of drug use and support the intended purpose of diversion.

Diversion for drug utensils/paraphernalia makes sure that police have time to focus on serious crime

ADF is concerned that under the proposed amendments in the Bill, people found in possession of drug paraphernalia will be ineligible for diversion.

Punishing possession of drug paraphernalia does not reduce drug use. For example, in decades of research relating to needle and syringe programs, none have found evidence to support targeting the possession of drug paraphernalia.¹⁷ In fact, it just makes it more likely people will share utensils, which comes with greater health risks.¹⁸

The proposed changes also raise practical enforcement challenges for police. Many everyday items – such as aluminium foil, straws, cigarettes papers – can potentially be used to consume drugs. The Bill already identifies items like scissors as drug utensils. Determining whether an item is intended for drug use, as opposed to legitimate everyday use, will be difficult to establish and is likely to create unnecessary enforcement challenges for police.

To avoid unnecessary enforcement complexity and ensure police resources remain focused on serious offending, the Bill should allow diversion to apply to offences relating to drug utensils.

The need to understand what works

Evaluation and transparency are important for good public policy. When laws change, there should be a clear way to make sure those changes are working as intended and check whether there are any unexpected effects. Public reporting helps governments stay accountable and supports better decision-making over time. ADF recommends the government commit to evaluating the Illicit Drug Enforcement and Diversion Framework.

The ADF also recommends that the Queensland Government release the evaluation of the PDDP undertaken by the University of Queensland, including any interim findings if the final report is not yet complete. Making this information public would help government and stakeholders better understand how the program was working and how the proposed changes compare. It would also give the community confidence that decisions about diversion are based on the best available evidence.

A strong, evidence-based approach to drug possession

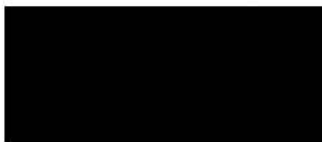
ADF recognises the Queensland Government's commitment to community safety and its desire to take a strong stance on drugs and anti-social behaviour. ADF believes this will best be achieved through amendments that we have outlined above.

Diversion is a practical tool that allows police to focus on serious offending while ensuring people found in possession of small quantities of drugs are directed towards appropriate services. Maintaining an accessible and effective diversion pathway supports better outcomes for people, reduces the burden on law enforcement, and contributes to safer communities.

Queensland can continue to take a strong stance on drugs while ensuring that people found in possession of small amounts are not unnecessarily drawn into the criminal justice system. By maintaining a fair and effective diversion framework, the Government can support community safety, reduce long-term harms, and ensure police resources remain focused where they will have the greatest impact.

We would be happy to attend the public briefing scheduled for Friday 27 March to discuss the issues raised in this submission in more detail.

Sincerely,



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