

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

Submission No: 174

Submission By: Queensland Council for Civil Liberties

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The Secretary
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

jicsc@parliament.qld.gov.au

Dear Madam

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

Kindly accept this submission in relation to the above Bill

1. LIMITED SUBMISSIONS

This submission addresses Part 5 of the Bill. We maintain our opposition to the concept of Adult Time Adult Crime and do not intend to repeat our objections here.¹

The QCCL is an organisation of volunteers: we have not had time to consider let alone comment on all parts of the Bill. This should not be taken as approval.

2. LACK OF CONSULTATION

Part 5 of the Bill amends the *Police Powers and Responsibilities Act 2000* (Qld) ('PPRA'), seeking to expand the geographic areas in which police may use hand-held scanners to detect knives and other concealed weapons without reasonable suspicion or prior authorisation, make move on orders and issue banning notices, through the creation of designated business and community precincts (DBCPs). It also aims to improve enforcement of move on orders through requiring people to give their name and address to police. Finally, the Bill modifies the existing diversionary pathway for minor drug offences, limiting people to one diversionary program and significantly reducing eligibility.

The QCCL notes the admission in the Explanatory Notes that the expert legal panel undertook no external consultation on the expansion of policing powers except with police employee unions.² The decision to seek comment only from those the Bill extends power to, overlooking the perspectives of those whose

¹ In his address to our 2025 AGM former Attorney General Matt Foley set out the case against these with great clarity - <https://qccl.org.au/newsblog/juvenile-justice-in-qld-adult-crime-adult-time-is-a-rhyming-non-sequitur>

² Explanatory Notes, Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (Qld) 12 ('Explanatory Notes').



rights are affected, is an obvious, deliberate attempt to cultivate an echo-chamber of approval, showcasing a flagrant disregard for those the changes stand to harm the most. The recent trend of this kind of consultation - brief and only accounting for vested interests - diminishes public perceptions of the legitimacy of government and thereby compliance with the law, exacerbating the outcomes it aims to prevent. Certainly, the bias innate in this strategy shows through in the quality of the resulting bill.

3. SUMMARY

In summary, the Queensland Council for Civil Liberties ('QCCL') submits:

- The establishment of DBCPs is a furthering of an ineffective band-aid strategy that has led to continual and often discriminatory infringement of civil liberties, and the power to declare one is insufficiently safeguarded from misuse.
- The use of handheld scanners without warrant or reasonable suspicion substantially infringes civil liberties, enables discriminatory policing and erodes public trust among marginalised groups. Expanding this power to cover DBCPs is a significant overreach not justified by the data on its implementation to date.
- Move on orders are disproportionately made against marginalised groups, draw people further into the criminal justice system, and ultimately fail to deter socially detrimental behaviour. Accordingly, the expansion of move on powers in DBCPs is an impermissible abuse of civil liberties.
- The development of a pathway that allows move on orders to be escalated to criminal penalties without requiring any escalation of misconduct by the issued person allows disproportionate punishment for minor misconduct and abrogates fundamental protections such as the presumption of innocence.
- Allowing banning notices to be made for repeated conduct warranting move on orders when it occurs not more than 7 days from an initial move on order is unjust and will delegitimise the law in the eyes of the public.
- Banning notices are undue infringements on civil liberties that serve only to penalise conduct more effectively dealt with by move on orders.
- The Illicit Drug Enforcement and Diversion Framework is a reactionary regression of Queensland's drug laws towards measures that have consistently failed to promote public health and safety, and instead only serve to criminalise those most in need of care.

4. DESIGNATED BUSINESS AND COMMUNITY PRECINCTS

Proposed section 808D provides for an area to be declared a designated business and community precinct (DBCP) by the Governor in Council on the Minister's recommendation.³ Designation as such grants police expanded powers to use in surveillance of the area. The stated aim of this enactment is to promote community safety,⁴ however, given limited evidence for the efficacy of such surveillance measures, it is unclear how it will. Instead, the changes play into an observed trend of the government continually expanding the area to which these police powers apply, comorbid with a failure to provide any evidence of meaningful change in the metrics they seek to address. If crime has not been meaningfully addressed by police's already extensive powers, it is because the wrong tools are being used.

The criteria set out for making a DBCP regulation in proposed s808D(2) are extremely broad and subjective. The minister must only be satisfied that a regulation is necessary to:

- (a) enhance public safety or amenity in the area; or
- (b) reduce anti-social behaviour; or
- (c) reduce or prevent disruption to businesses in the area

While the bill beneficially requires that the Minister consult with local governments in coming to their decision and provides for 3-yearly review, it does not mandate consideration of the Human Rights Act, any other reasonable alternatives nor consultation with other stakeholders or the community at large. Such a decision, with wide-reaching implications for civil liberties, must be conditioned by significant mandatory interfacing with those that are to be subject to it in order to reduce the potential for arbitrariness. Unnecessary deeming of a place as a DBCP will, in addition to unjustifiably infringing on civil liberties, waste funds better spent on measures addressing the underlying causes of unsafe and disruptive behaviour.

Recommendation: Re-draft proposed s808D(3) to mandate community consultation and consideration of the Human Rights Act and alternative measures by the Minister when coming to a decision.

The term anti-social behaviour in subsection 2(a) may be broadly interpreted to cover everything from targeted threats of violence to conduct representing a mere inconvenience, such as public drunkenness. A mere risk of inconvenience or offence does not justify the heightened police presence and surveillance that a DBCP zoning entails. Moreover, as ever, there is a

³ Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (Qld) cl 32 (*The Bill*).

⁴ *Explanatory Notes* (n 1) 2.

considerable risk that action against anti-social behaviour will disproportionately affect already marginalised groups.

Recommendation: Criterion 2 (s808D(2)(b)) should be omitted for the risk of arbitrariness. No replacement is necessary as any non-arbitrary community protection aims (ones identifying legitimate threats instead of mere discomforts) covered by the section are present in criterion 1. If criterion 2 is not omitted, a non-exhaustive list of examples of anti-social behaviour should be included to guide decision making.

The third criterion is concerned with the promotion of business interests, not the safety of the community. While protecting business owners is legitimate, it is a different aim from community protection, and the two should not be conflated as the promotion of the former often comes at the expense of the latter. For example, a group of business owners who routinely see homeless people around their storefronts and believe their peaceful presence deters customers may call for a DBCP regulation to be made in the hopes of obtaining future move on or banning orders in respect of the entire area. While this might benefit the businesses, the resulting infringement of civil liberties as an effect of increased surveillance in the area will result in a loss to the community overall.

Of particular concern is use of the word “prevent” in the third criterion, meaning that the Minister need not have proof that any disruption is occurring. This is contrary to the statements in the notes that DBCPs are meant to protect areas “where the consequences of disorder are disproportionately significant.”⁵ If the Bill truly means to protect areas where there is a demonstrated need, then the justification of DBCP registration by reference to an unverified, subjective belief in a need for prevention alone is contrary to its aims. Moreover, though the notes declare chief concerns for community safety, that this lower standard was included only in the subsection relating to businesses is evidence to the contrary. It is, essentially, an endorsement by the government of the use of punitive police powers to promote business interests, an illegitimate application of the criminal law which is designed solely to deter and punish criminal offences. It cannot be forgotten that the homeless people, young people and other minoritised groups this Bill has in its sights are also members of the community, and require protection.

Recommendation: Remove the word “prevent” in s808D(2)(c) to make clear that DBCP regulations must be made in areas of demonstrated need and that business interests must not be given preferential treatment over community interests.

Finally, the failure of the Bill to place any limits on the size of DBCPs is worrying, especially considering the statement in the memorandum that, by including DBCPs as relevant places for Jack’s Law it aims essentially to eliminate the s39C safeguard in all public places.⁶ This statement has

⁵ *Explanatory Notes* (n 1) 2.

⁶ *Explanatory Notes* (n 1) 6.

concerning implications for how areas are going to be deemed DBCPs, appearing to contemplate broad application despite contrary claims that the zoning will be targeted. A more rigorous process for identifying areas in legitimate need of such designation, incorporating the recommendations above, will provide a much needed safeguard against unnecessary infringement of human rights.

5. EXTENSION OF JACK'S LAW

QCCL has consistently opposed Jack's Law as an ineffective strategy for reducing violent crime liable to enable discriminatory practices, and thus as an unjustifiable infringement on civil liberties. The addition of the new DBCPs as relevant places⁷ effectively eliminates the final remaining safeguard against abuse of the power, making it manifestly excessive and disproportionate to any legitimate aim otherwise justifying its impact on human rights.

Jack's Law enables police to use hand-held scanners to search people in public spaces without a warrant or reasonable suspicion.⁸ The only safeguard against police using the law with complete impunity is current section 39C, which requires police to get approval from a senior officer before using the power in public places not deemed relevant places which expires in 12hrs. This approval requirement provides notional protection at best, as all it requires is satisfaction that use of hand-held scanners is likely to be effective to detect or deter the commission of an offence, and the number of places to which this higher standard applies is laughably small. Currently, it does not apply to:

- (a) licensed premises;
- (b) a public transport station;
- (c) a public transport vehicle;
- (d) retail premises;
- (e) a safe night precinct;
- (f) a shopping centre;
- (g) a sporting or entertainment venue.⁹

Now the government seeks to stop its application all together.

The Bill adds DBCPs to the above list of relevant places,¹⁰ aiming to "remove the current obligation that hand held scanning can only be authorised in public

⁷ *The Bill* (n 2) cl 17.

⁸ *Police Powers and Responsibilities Act 2000* (Qld) s39BA ('PPRA').

⁹ *Ibid.*

¹⁰ *The Bill* (n 2) cl 17.

places, that are not relevant places, for 12 hours, and where the authorising officer is satisfied the use of hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon aim is to remove the current obligation that wandering can only be done in public places with approval.”¹¹ Despite claims that DBCPs will only cover select areas in need of stronger protection, this phrasing implicitly acknowledges a true purpose - to make all public areas amenable to the power, significantly infringing civil liberties, and essentially obliterating the common law protection against searches without reasonable suspicion.¹² Such significant erosion of civil liberties is worrying, especially carried out without oversight or regard to any data affirming the approach’s efficacy.

The power to stop a person and require that they submit to the use of a hand held scanner without a warrant or reasonable suspicion places a significant limitation on the human rights to liberty and security, privacy, freedom of movement and from degrading treatment and property rights, and such broad expansion of it by the amendments only exacerbates the issue. Moreover, the discriminatory application of it against minoritised groups in practice infringes on freedom from discrimination, equality before the law and presumption of innocence. These are fundamental principles supported at all levels of Australian law, and abrogation of them deserves significant scrutiny. A law that infringes on such fundamental liberties must justify itself by showing that the infringement is legitimately necessary to pursue another legitimate aim, and that the abrogation is proportionate to that aim. Jack’s Law in its current form does not satisfy this test, its amended form even less so.

The stated purpose of Jack’s Law as introduced in 2021 was to improve detection of and achieve reductions in knife carrying, in order to reduce serious violent offenses with bladed weapons. After four years and numerous expansions of the law, there exists no proof it is capable of achieving this aim.

The Queensland Police Service’s 2024-25 annual report stated that:¹³

- Less than one per cent of the over 55,000 searches carried out under Jack’s Law resulted in discovery of a weapon.
- Less than 5% of searches resulted in a charge.
- The vast majority of charges connected with wandering searches were drugs misuse charges.

These statistics reflect an invasive technique with deleteriously low efficacy, that catches primarily minor offenders who were not the intended target. It does not support the inference that wandering searches have deterred knife

¹¹ *Explanatory Notes* (n 1) 6.

¹² *Ghani v Jones* (1970) 1 QB 69.

¹³ Queensland Police Service, *QPS Annual Report 2024-25* (Report, 2025) 31.

carrying or prevented violent crime, incidence of which has steadily risen since 2020 according to QPS statistics.¹⁴ Instead of achieving its legitimate aim, even with constant extensions of the power, Jack's Law has only returned by-catch, putting unnecessary strain on an already struggling criminal justice system while failing to address real harm. There is no evidence that increasing the number of public areas in which the police are permitted to stop and scan civilians without reasonable suspicion will put an end to this trend.¹⁵ Instead, it is likely to only further widen the net, reducing the law's efficacy¹⁶.

The aims of the law are further disserved by the discriminatory policing it enables. While the Act does not specifically target a population group, scanning decisions made by individual officers are often based on generalizations and negative stereotypes that are in part attributable to ethnic bias, leading to inequitable outcomes. Allowing police to bypass standards of reasonable suspicion exacerbates this behaviour, enabling the discriminatory profiling responsible for the overrepresentation of First Nations people in our justice system. Despite Indigenous Australians only making up 3.8% of the overall population, in the 2021-22 trial, 16% of people searched identified as Indigenous.¹⁷ When effected in this discriminatory manner, such searches entrench disadvantage, sow division and erode already tenuous trust in the police service and justice system at large, ultimately perpetuating instead of preventing the cycles of marginalisation and alienation that lead to anti-social behaviour.¹⁸

6. MOVE ON ORDERS

6.1 The power at large

QCCL has been critical of the police move on power in the past.¹⁹ The council has accepted the power as a preferable alternative to banning notices, which are manifestly excessive infringements on freedom of movement, but grudging acceptance does not entail support. The Bill's extension of the extended version of the move on power (currently only applicable to safe night

¹⁴ QPS Statistical Services, *Qld Reported Offences Number* (2026).

¹⁵ Johanna JJ Wang & Don Weatherburn, 'The effect of police searches and move-on directions on property and violent crime in New South Wales' (2021) *Journal of Criminology*.

¹⁶ It is noted that the statistics gathered during the 2021 trial run at surfers, when the law was significantly narrower, were in fact marginally better, suggesting that broadening the power actively impinges on its efficacy. Ransley et al, *Review of the Queensland Police Service Wandering Trial* (Report, 2022) 30-31.

¹⁷ *Ibid*, 96.

¹⁸ Helen Punter, *Move-on powers: New paradigms of public order policing in Queensland* (2011).

¹⁹ <https://www.ccc.qld.gov.au/sites/default/files/Docs/Legislative-Review/Police-move-on/Submissions/Interest-groups/Police-move-on-powers-Submission-Queensland-Council-for-Civil-Liberties.pdf>

precincts) confirms concerns that the power is being used to exclude vulnerable people from public life.

The power to order that a person leave a public space and not return for up to twenty four hours contained in Ch 2 Pt 5 of the PPRA is, at its core, a restriction on freedom of movement, association, freedom from discrimination and the right to use and enjoy public spaces. As previously expressed, such restrictions may be legitimate when the infringements are proportional and made in pursuit of a legitimate aim. QCCL acknowledges that the prevention of violence is a legitimate aim, but denies that the scope of the move on power is justified by it.

To issue a move on order, the officer must reasonably suspect that the person's behaviour is or has been:²⁰

- (a) causing anxiety to a person entering, at or leaving the place, reasonably arising in all the circumstances;
- (b) interfering with trade or business at the place by unnecessarily obstructing, hindering or impeding someone entering, at or leaving the place; or
- (c) disorderly, indecent, offensive, or threatening to someone entering, at or leaving the place; or
- (d) disrupting the peaceable and orderly conduct of any event, entertainment or gathering at the place

An order may also be issued in respect of their mere presence for the same reasons, exempting the third criterion.²¹ For conciseness, (a-d) will be referred to as 'relevant effects.'

The reasonable suspicion standard is too low. *Rowe v Kemper*²² established that an officer's suspicion must be actually held and objectively reasonable, but, ultimately, the word suspicion means "the act or an instance of believing something wrong without proof or on slight evidence."²³ Another way of phrasing this would be, "a belief held on unreasonable grounds." What is the justification for adopting such a contradictory standard of proof, beyond creating an evidentiary hurdle close to nill? How does allowing police to issue orders contrary to principles ratified by Australia almost fifty years ago on barely more than a whim protect the community? A belief held without proof is inherently vulnerable to bias, which shows through in the disproportionate

²⁰ PPRA (n 10) s 46.

²¹ *Ibid*, s 47.

²² *Rowe v Kemper* (2007) QDC 187.

²³ *Merriam-Webster* (online at 13 March 2026) 'suspicion' (def 1).

number of Indigenous Australian and young people issued move on orders.²⁴ Police are more likely to perceive groups they hold biases against as having a negative effect on others, through a combination of heightened surveillance and confirmation bias which leads officers to search for 'objectively reasonable' reasons to ban these people from public spaces.

*Rowe v Kemper*²⁵ also established the need for a strong connection between the scope and duration of move on orders, emphasising the importance of proportionality when using powers that abrogate the human right to freedom of movement and use of public spaces. While s48 reflects this by requiring officers to make directions that are "reasonable in all the circumstances," the fact that they are permitted to make these directions on a mere suspicion, without any requirement to gather supporting evidence, means that "the circumstances" the officer turns their mind to in deciding what is proportional are primarily their own subjective frame of mind and not material fact.

Without putting in place some low evidentiary barrier to support that the person's behaviour or presence is or has had the supposed effect, the move on power will continue to be used arbitrarily, in circumstances where the orders are not justified by fact.

Recommendation: Change "reasonable suspicion" to reasonable belief to clearly condition the power on the presence of reasonable grounds for its exercise.

The list of relevant effects is too large and vague to adequately address community safety, focusing more on the subjective comfort of patrons of public spaces and the economic interests of business owners, rather than real threats of harm. Moreover, because the exercise of the power is conditioned on the officer's assessment that a person's discomfort is reasonable, the law ultimately uplifts the interests of a far narrower group, those the officer agrees with. Ultimately, this leads to biased policing, contrary to the right to freedom from discrimination, which contributes to the criminalisation of Indigenous Australians, young people and the mentally ill by the Queensland justice system.

A person's presence causing anxiety in another, even reasonable anxiety, does not justify their exclusion from a public space. A woman who has experienced abuse at the hands of men may be reasonably anxious around them. Does her experience warrant the expulsion of men from all spaces near her? Transparently, no, but that would clearly fall under s47(1)(a) (unless of course reasonable means something different in that subsection than it does in s47(1)). On its own, while genuinely distressing for those who experience it, a subjective experience of discomfort, even reasonably arising, does not legitimate an infringement on inalienable human rights.

²⁴ Crime and Misconduct Commission, *Police move-on Powers: A CMC review of their use* (Report, December 2010).

²⁵ *Rowe v Kemper* (2007) QDC 187.

Recommendation: Omit the reference to anxiety and change to reasonable apprehension of harm, to better promote community safety.

While a move on order may be appropriately made in respect of threatening conduct to reduce risk of violence, extending the power to behaviour that is merely disorderly, indecent or offensive casts far too wide a net by extending

Recommendation: omit "disorderly, indecent or offensive" and insert "abusive or discriminatory."

The accepted concept of proportionality in restricting human rights suggests a higher bar should be required to prove that someone's mere presence warrants an equal infringement on their rights, as the effect of a person's mere existence in a public space is not equivalent to the effect of conduct. Acceptance of the alternative validates the view that there exist certain classes of people whose presence in public life is inherently suspect, and gives the government power to unilaterally declare as such. It is a view conducive to extreme infringements on civil liberties, one held by the proponents of segregation and the White Australia policy, not one that deserves a place in 21st century politics.

Recommendation: The effect of a person's mere presence to be considered as warranting a move on order must be restricted to their effect on the immediate area in all cases, and "has been" should be omitted.

While move on orders could theoretically promote community safety, the flaws outlined above mean that, in practice, they promote a mere sense of it. In fact, the manner in which they are often issued leads to further harm, disproportionately made against marginalised groups, cementing adversarial relationships with the police, promoting intolerance and, ultimately, failing to address underlying social issues that lead to unfavourable conduct. An obvious example is the move on orders made against homeless people sleeping on the street. While moving these people might promote a sense of wellbeing in the minds of the affluent – no longer subjected to the unsettling eyesore that is evidence of social inequality – the subject of the order has been made to move against their will, often from an area chosen for greater amenities, safety or foot-traffic for begging to a less ideal spot. Their sleep has been disrupted, their mere presence has been deemed a social ill and, if they express annoyance at the order, they will be penalised for resisting it. Persistent maltreatment in this manner aggravates underlying mental health conditions and substance abuse disorders, and erodes trust in and willingness to cooperate with authorities, ultimately drawing people further into the criminal justice system.²⁶ The same can be said for the interactions of this law with youth – removing them from public spaces under threat of criminal penalty

²⁶ Queensland Public Interest Law Clearing House (QPILCH) Homeless Persons' Legal Clinic & The University of Queensland, *Nowhere to Go: The Impact of Police Move-on Powers on Homeless People in Queensland* (Report, 2006).

does not deter behaviour, it simply fosters resentment and pushes vulnerable children out of the public eye. Overwhelmingly, the evidence shows that they are an ineffective measure, and thus, that their infringement on civil rights is manifestly unjustified.²⁷ Why then, does the government seek to expand them again?

6.2 The expansion of the power to DBCPs

The Bill adds DBCPs to the list of public areas in which an officer may make a move on order on reasonable suspicion that a person's conduct has had the relevant effect in any part of that area, instead of simply at or near that area.²⁸ This significantly lowers the already dismal standard of proof for move on orders by broadening the area a police officer may find a justification for them in, ultimately transforming what was designed to be a preventative measure into a punitive one. It allows officers to chase down individuals who have previously had a 'relevant effect' (which again may be something as slight as their physical presence causing a person anxiety) and have since left that part of the precinct, and issue a broad move on order preventing the individual from accessing the space for up to 24 hours, regardless of the fact that they have ceased to behave in that manner. The law already provides for move on orders to be made in respect of people whose conduct has previously had a relevant effect near the public space they are currently in.²⁹ Extending the power to capture people who have already moved on is an overreach, especially considering the Bill's failure to import limits on the size of such precincts. Such a law may result in the exclusion of individuals from large areas for isolated acts of misconduct, a draconian penalty and plainly unjustifiable infringement on civil liberties.

As previously alluded to, the method of declaring a DBCP creates concerns that they will be declared in areas with high concentrations of homeless people such as CBDs, in order to justify their expulsion from the area at large. This concern is heightened by the insertion of s48(1A) by the Bill,³⁰ which explicitly states that a move on order may direct a person to leave the entire area of a DBCP. As stressed above, casting vulnerable people out of the public eye only serves to entrench disadvantage, leading to higher rates of crime and anti-social behaviour overall. Such abuse of this power must be opposed.

6.3 Name taking

The Bill empowers officers to take the name and address of people subject to move on orders, so that contravention may be more easily discovered by subsequent officers patrolling an area. This change will see people engaging in repeated 'misconduct' receiving criminal penalties through the updated

²⁷ Helen Punter, *Move-on powers: New paradigms of public order policing in Queensland* (2011);

²⁸ *The Bill* (n 2) cls 20, 21.

²⁹ *PPRA* ss 46, 47.

³⁰ *The Bill* (n 2) cl 22.

banning notice scheme. Undeniably, it will improve enforcement, but only in the sense of flooding an already overwhelmed justice system with more frivolous charges.

7. BANNING NOTICES

The power to ban individuals from areas for up to three months is one that the QCCL has always opposed.³¹ As previously stated, move on orders are disproportionate infringements of civil liberties that fail to achieve their stated aim of protecting communities. Banning notices are even more so – despite targeting people who have legitimately committed an offence, the potential duration of a ban is disproportionate. As extensively outlined above, restrictions on individual freedom of movement do not legitimately promote public safety. They protect the comfort of an already comfortable minority, while entrenching disadvantage through stigmatisation and neglect of underlying causes of offending.

7.1 Expansion to DBCPs

As previously expressed, the expansion of these extraordinary infringements on civil liberties across Queensland’s public spaces is deeply concerning and unjustified by any evidence of efficacy.

7.2 Addition of “indecent language”

Currently, the categories in s602C(1)(a) are addressed to minor offences, making the infringement on freedom of movement caused by the ban to be marginally more justified than the one imposed by the move on power. However, the Bill’s addition of “indecent language,”³² which lacks any definition in the Act and does not seek to prevent material harm.

Recommendation: Omit indecent language in s602C(1)(a)

7.3 Escalation of Move on orders to Banning Notices

Updated s602C(2) empowers officers to escalate to bans then criminal penalties for not only infringement of a move on order in DBCPs.³³ In light of the minor behaviour the section has in its sights and its stated preventative aim, this is unacceptable.

7.4 Recommendation: Omit s602C(2)

Worse, the Bill further empowers officers to issue banning notices if a person has COMPLIED with a move on order, then subsequently engaged in conduct

³¹ Queensland Council for Civil Liberties, *Submission: Safe Night Out Amendment Bill 2014* (2014) <https://qccl.org.au/newsblog/safe-night-out-legislation-amendment-bill-2014?rq=banning%20notice>

³² *The Bill* (n 2) cl 29.

³³ *Ibid* cl 29.

constituting another move on order in the same place not more than 7 days after the first order. It is unjust to serve someone who has complied with a direction with the penalty for contravening it. Permitting such legislation reduces consistency and predictability in the law, degrading public trust and perceptions of its legitimacy. Moreover, while the bill requires officers issuing move on orders to inform people that contravention may result in a banning notice³⁴ it does not require officers to inform them of this second possibility – that they may be penalised despite obeying it. People have a right to know the law. Transparently, the failure of this bill to inform those subject to a move on order of all its consequences will result in a denial of justice.

Recommendation: Omit s602C(2)(b). Alternatively, insert a requirement that officers also inform people subject to a move on direction of s602C(2)(b)

8. ILLICIT DRUG ENFORCEMENT AND DIVERSION FRAMEWORK (IDEDF)

The Bill's Explanatory Notes summarises the rationale for its 'Illicit Drug Enforcement and Diversion Framework' as follows:

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

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

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

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

8.1 Police minister claims law will improve safety

It is striking that the Explanatory Notes summary does not mention community safety once. In contrast, the March 2026 media statement by the police minister mentions 'safe words' seven times in 500 words, claiming for example

³⁴ *Ibid* cl 31.

the Crisafulli government's "tough new drug laws" will "restore safety where you live".

Media Statement by Minister for Police and Emergency Services The Honourable Dan Purdie on 'Tough New Drug Laws': 3 March, 2026

<https://statements.qld.gov.au/statements/104618>

Despite the police minister's repeated claims that tightening the drug laws for minor offences will increase community safety, the Council has been unable to find any evidence in support of this. On the contrary, the best available science, based on a study of the NSW diversionary program, finds that alternatives to prosecution for minor drug offences is more likely to enhance public safety rather than reduce it:

Does diverting minor drug offenders reduce recidivism? Cannabis cautioning in Australia.

International Journal of Drug Policy Vol 145, November 2025

<https://www.sciencedirect.com/science/article/pii/S0955395925003044>

The paper's authors summarise their findings as follows:

1. Cannabis caution-eligible defendants who receive a caution are 16-percentage points less likely to re-offend than cannabis caution-eligible defendants who are prosecuted.
2. The reduction in reoffending risk is larger among offenders aged over 30, those who have never previously been imprisoned and those who have already had one caution.
3. Receiving a cannabis caution reduces the risk of reoffending overall, as well the risk of conviction for another cannabis possession offence.

8.2 Public and participant support for drug diversion law

Four relevant reports can be parsed as follows:

A clear majority of Queenslanders support a health-based response to possession of small amounts of illicit drugs: ADF 19 April 2023

Polling of Queenslanders from the Gold Coast to Cairns showed a clear preference for a health-based response to personal drug use as an alternative to criminalisation. A clear majority preferred people in possession of a small amount of illicit drugs to receive a caution, fine, warning or referral to treatment of an education program.

<https://adf.org.au/insights/support-for-drug-law-reform-in-qld/>

Health and community organisations call for expanded drug diversion law to stay: ADF 25 October 2024

The Alcohol and Drug Foundation (ADF), the Queensland Network of Alcohol and other Drug Agencies (QNADA), Australian Medical Association Queensland (AMA Queensland) and Queensland Injectors Voice for Advocacy and Action (QuIVAA) all said a health-based approach to personal drug use has many benefits for individuals and the whole community. AMA Queensland President, Dr Nick Yim: "This change was supported by other health and medical experts, legal groups and the Queensland Police Service and has been in place for more than a year. The LNP must listen to doctors, police and legal experts and retain the laws."

<https://adf.org.au/about/media/251024-queenslands-approach-to-drug-must-stay/>

Queensland Police support drug diversion laws: ABC 13 November 2024

The Queensland Police Service (QPS) told ABC News 7,112 people were diverted from the criminal justice system between early May and late September 2024. In a statement, a spokesperson said drug diversion provides an opportunity to connect "the users of illicit drugs" with information and treatment. "This is not only important for the individual and their health; it is also an opportunity to mitigate the impacts of illicit drug use on the community," they said. The QPS said it freed up hours of police time "to focus on serious drug offending such as drug supply, trafficking and manufacturing". "This ensures police resourcing can be better focused on areas where they can have a greater impact on community safety," the spokesperson said.

<https://www.abc.net.au/news/2024-11-13/queensland-government-to-repeal-drug-laws-reform-police-doctors/104591026>

Understanding the experiences of participants in Queensland's new drug diversion program: QUIVAA Research 21 November 2024

This research reports on the lived-living experience of people who use drugs involved in Queensland's new Drug Diversion Program, enacted May 2024. The Program, which prioritises support and education rather than criminalisation, has demonstrated positive results in providing meaningful alternatives to the previous penalties for illicit substance possession. The participants interviewed expressed appreciation for the care-oriented approach, highlighting the value of support services that address the structural vulnerabilities of those facing stigma and barriers to healthcare access.

<https://quivaa.org.au/app/uploads/2024/11/Understanding-The-experiences-of-Drug-Diversion-policy-among-people-who-use-drugs-in-Queensland-Australia.pdf>

Medicinal Cannabis

In Queensland medicinal cannabis products may be legally prescribed by licensed practitioners under a 2021 Regulation which is still current at the time of writing.

Queensland Health guidelines for prescribing medicinal cannabis were last updated in July 2025.

A July 2024 report by Queensland Health on stakeholder feedback was reported that 167,000 medicinal cannabis scripts had been issued in Queensland since 2016. QCCL has been unable at the time of writing to find statistics that (a) distinguish repeat scripts going to the same patient versus new patients, and (b) distinguish paper scripts from digital scripts.

Obviously, the identification of legitimate medicinal cannabis patients complicates the administration of the new law by frontline police. QCCL has been unable to find any evidence this issue has been anticipated by the government.

Heading in the wrong direction

The proposed new law risks turning offenders who would have been given two more chances under the existing law into defacto drug dealers, in terms of their likely penalties.

It is the QCCL's submission that the new drug diversion laws will reduce community safety and lack public support across all communities in Queensland. QCCL supports the existing evidentiary-based 3-tiered system and calls for its improvement, not its reversal.

We trust this is of assistance to you in your deliberations.

Please direct correspondence concerning this letter to president@qccl.org.au

Yours Faithfully



Michael Cope
President

For and on behalf of the
Queensland Council for Civil Liberties
18 March 2026