

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, April 2026*



Queensland

**No.
A BILL for**

An Act to amend the Drugs Misuse Act 1986, the Drugs Misuse Regulation 1987, the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000, the Police Powers and Responsibilities Regulation 2026, the State Penalties Enforcement Act 1999, the State Penalties Enforcement Regulation 2014, the Youth Justice Act 1992 and the legislation mentioned in schedule 1 for particular purposes



Queensland

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

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2026

A Bill

for

An Act to amend the *Drugs Misuse Act 1986*, the *Drugs Misuse Regulation 1987*, the *Penalties and Sentences Act 1992*, the *Police Powers and Responsibilities Act 2000*, the *Police Powers and Responsibilities Regulation 2026*, the *State Penalties Enforcement Act 1999*, the *State Penalties Enforcement Regulation 2014*, the *Youth Justice Act 1992* and the legislation mentioned in schedule 1 for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026*.

2 Commencement

- (1) Part 9, other than sections 53 to 55, commences on the date of assent.
- (2) The remaining provisions of this Act commence on a day to be fixed by proclamation.

Part 2 Amendment of Drugs Misuse Act 1986

3 Act amended

This part amends the *Drugs Misuse Act 1986*.

4 Amendment of s 4 (Definitions)

Section 4—

insert—

drug diversion program see the *Police Powers and Responsibilities Act 2000*, schedule 6.

5 Insertion of new s 15

After section 14—

insert—

15 Minor possession offence is infringement notice offence

- (1) This section applies in relation to an offence against section 9 committed by a person if—
- (a) the offence involves possessing not more than the prescribed quantity of a dangerous drug; and
 - (b) the possession does not relate to an offence by the person against this Act involving production or supply of a dangerous drug or trafficking in a dangerous drug; and
 - (c) a police officer reasonably believes—
 - (i) the person possessed the dangerous drug for their personal use; and
 - (ii) the person did not possess more than 1 type of prohibited drug or medicine; and
 - (d) at the time of the offence—
 - (i) the person has not committed another indictable offence in circumstances related to the offence; and
 - (ii) the person has not previously been found guilty of an offence against section 5, 6, 8, 9 or 9D; and
 - (iii) the person has not previously been served with an infringement notice for—
 - (A) an offence against section 9; or

- (B) an offence against the *Medicines and Poisons Act 2019*, section 34(1).
- (2) A regulation under the *State Penalties Enforcement Act 1999* must prescribe the offence to be an offence to which that Act applies.
- (3) Subsection (2) applies despite the *State Penalties Enforcement Act 1999*, section 165(2).
- (4) A reference in subsection (1)(d)(ii) to having previously been found guilty of an offence—
- (a) is a reference to having previously been found guilty of the offence by a court, on a plea of guilty or otherwise, whether or not a conviction was recorded; and
- (b) includes a reference to having a spent conviction for the offence.
- (5) For subsection (1)(d)(iii), a person is taken to have not previously been served with an infringement notice for an offence if—
- (a) the infringement notice was withdrawn under the *State Penalties Enforcement Act 1999*, section 28; or
- (b) the matter of the offence was decided by a court and the person was found not guilty.
- (6) In this section—

infringement notice means an infringement notice under the *State Penalties Enforcement Act 1999*.

prescribed quantity, of a dangerous drug, see the *Police Powers and Responsibilities Act 2000*, section 378F.

prohibited drug or medicine, in relation to a person, means a dangerous drug, S4 medicine or S8 medicine unlawfully possessed by the person.

S4 medicine see the *Medicines and Poisons Act 2019*, section 11(1)(c).

S8 medicine see the *Medicines and Poisons Act 2019*, section 11(1)(d).

6 **Amendment of s 122A (Particular proceedings for minor drugs offences)**

- (1) Section 122A, heading, ‘minor drugs offences’—
omit, insert—

minor cannabis offence or minor drug offence

- (2) Section 122A(1) to (4)—
omit, insert—

- (1) This section applies to a proceeding for an offence against this Act if—
- (a) the offence is a minor cannabis offence as defined in the *Police Powers and Responsibilities Act 2000*, section 378A; and
 - (b) the person charged with the offence—
 - (i) is a person mentioned in section 378B(1)(b) to (e) of that Act; and
 - (ii) pleads guilty to the offence.
- (2) This section also applies to a proceeding for an offence against this Act if—
- (a) the offence is a minor drug offence as defined in the *Police Powers and Responsibilities Act 2000*, section 378F; and
 - (b) the person charged with the offence—
 - (i) is a person mentioned in section 378G(1)(b) to (e) of that Act; and
 - (ii) pleads guilty to the offence.
- (3) The court may order the person to complete a drug

diversion program as directed by a police officer.

- (4) For subsections (1) and (2), a reference in the *Police Powers and Responsibilities Act 2000*, section 378B or 378G to a reasonable belief of a police officer is taken to be a reference to a belief of the court.
- (3) Section 122A(5) and (6), ‘assessment’—
omit.

7 Amendment of s 122B (Provision of information to court)

- (1) Section 122B(1) and (2), ‘assessment’—
omit.
- (2) Section 122B(4), definition *prosecuting authority*, ‘minor drugs offence’—
omit, insert—
minor cannabis offence or minor drug offence

8 Replacement of s 122C (Further consideration of charge of minor drugs offence)

Section 122C—

omit, insert—

122C Further consideration of charge of minor cannabis offence or minor drug offence

- (1) This section applies to the court after it has considered a report filed under section 122B.
- (2) If the court is satisfied the defendant completed the drug diversion program as required under section 122A, the court must strike out the proceeding for the charge of the minor cannabis offence or minor drug offence.
- (3) If the court is satisfied the defendant did not complete the drug diversion program as required

under section 122A, the court may continue to hear the charge of the minor cannabis offence or minor drug offence and may make any order in relation to the offence it considers appropriate.

9 Insertion of new pt 7, div 12

Part 7—

insert—

Division 12 Transitional provision for Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026

150 Current orders under s 122A

- (1) This section applies if—
 - (a) before the commencement, the court made an order under former section 122A(3) (the *current order*) that a person participate in, and complete, a drug diversion assessment program as directed by a police officer; and
 - (b) the person did not complete the program as directed by a police officer before the commencement.
- (2) The current order continues in effect as if it were made under new section 122A(3).
- (3) A reference in this Act to a drug diversion program includes a reference to the drug diversion assessment program required to be completed under the current order.
- (4) A reference in this Act to a minor cannabis

13 Amendment of sch 8A (Gross weight of relevant substances for ss 9A, 9B, 9C and 9D of Act)

- (1) Schedule 8A, part 1, entry for 1,4-Butanediol—
omit.
- (2) Schedule 8A, part 1, entry for 4-Hydroxybutanoic acid lactone—
omit.

Part 4 Amendment of Penalties and Sentences Act 1992

14 Act amended

This part amends the *Penalties and Sentences Act 1992*.

15 Amendment of s 15C (Meaning of *eligible drug offender*)

- (1) Section 15C(4)(a)(ii)—
omit, insert—
 - (ii) the person has both—
 - (A) signed a cannabis diversion agreement under the *Police Powers and Responsibilities Act 2000*, section 378D; and
 - (B) been given an information notice under the *Police Powers and Responsibilities Act 2000*, section 378H; or
 - (ia) the person has, at any time before the commencement of the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026*, section 24, agreed to an offer under the *Police Powers and Responsibilities Act 2000*, section 379AA,

- (p) a police officer is about to give, is giving, or has given a person a move on direction.

19 Amendment of s 44 (Application of pt 5)

Section 44(a), ‘precinct;’—

omit, insert—

precinct or designated business and community precinct;

20 Amendment of s 46 (When power applies to behaviour)

Section 46(2) and (2A)—

omit, insert—

- (2) If the regulated place is a public place, subsection (1) applies in relation to a person at or near the public place only if the person’s behaviour has or had the effect mentioned in subsection (1)(a), (b), (c) or (d) in—
- (a) for a public place in a safe night precinct or designated business and community precinct—any public place located in the precinct; or
 - (b) for any other public place—that part of the public place at or near where the person then is.

21 Amendment of s 47 (When power applies to a person’s presence)

Section 47(2) and (2A)—

omit, insert—

- (2) If the regulated place is a public place, subsection (1) applies in relation to a person at or near the public place only if the person’s presence has or

had the effect mentioned in subsection (1)(a), (b) or (c) in—

- (a) for a public place in a safe night precinct or designated business and community precinct—any public place located in the precinct; or
- (b) for any other public place—that part of the public place at or near where the person then is.

22 Amendment of s 48 (Direction may be given to person)

(1) Section 48—

insert—

- (1A) Without limiting subsection (1), a police officer may give to a person or group of persons doing a relevant act in a regulated place that is a designated business and community precinct a direction to leave and not return or be within the precinct for a stated period of not more than 24 hours.

(2) Section 48(2), ‘subsection (1)’—

omit, insert—

subsection (1) or (2)

(3) Section 48(2), example ‘subsection (2)(c)’—

omit, insert—

subsection (3)(c)

(4) Section 48(1A) to (4)—

renumber as section 48(2) to (5).

23 Omission of s 49 (Review)

Section 49—

omit.

24 Replacement of ch 14, pt 4, div 5 (Additional case—minor drugs offence)

Chapter 14, part 4, division 5—

omit, insert—

Division 5 Additional case—drug offences

Subdivision 1 Minor cannabis offences

378A Meaning of *minor cannabis offence*

In this subdivision—

minor cannabis offence—

- (a) means an offence against the *Drugs Misuse Act 1986*, section 9 where the dangerous drug that is possessed is not more than 50g of cannabis; but
- (b) does not include an offence mentioned in paragraph (a) where the possession relates to an offence by the same person against the *Drugs Misuse Act 1986* involving production or supply of a dangerous drug or trafficking in a dangerous drug.

378B Application of subdivision

(1) This subdivision applies if—

- (a) a person is arrested for, or is being questioned by a police officer about, a minor cannabis offence; and

- (b) the person has not committed another indictable offence in circumstances related to the minor cannabis offence; and
- (c) the person has not previously been found guilty of an offence against the *Drugs Misuse Act 1986*, section 5, 6, 8, 9 or 9D; and
- (d) a police officer reasonably believes the person possessed the cannabis that is the subject of the minor cannabis offence for their personal use; and
- (e) the person has not previously been offered the opportunity to complete a drug diversion program under section 378C.

Note—

It does not matter if the person has previously had an opportunity to complete a drug diversion program under subdivision 2.

- (2) For subsection (1)(c), a reference to a person who has previously been found guilty of an offence includes a reference to a person with a spent conviction for the offence.

378C Offer to complete drug diversion program

- (1) If the person is an adult, a police officer must offer the person the opportunity to complete a drug diversion program.
- (2) If the person is a child, a police officer may offer the child the opportunity to complete a drug diversion program.

Note—

See the *Youth Justice Act 1992*, section 11 in relation to the other possible actions a police officer must consider before starting a proceeding against the child for the offence.

- (3) A police officer may make the offer at any time

before the person appears before a court to answer a charge of the minor cannabis offence.

- (4) When making the offer, the police officer must explain the nature and effect of the drug diversion program—
 - (a) to the person; and
 - (b) if a support person is present when the offer is made—to the support person.

378D Cannabis diversion agreement

- (1) This section applies if the person agrees to an offer made under section 378C.
- (2) The person must sign an agreement (a *cannabis diversion agreement*) to complete a drug diversion program.
- (3) The cannabis diversion 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 drug diversion program, including—
 - (a) information about the person's agreement to complete the program; and
 - (b) information about the person's completion of, or failure to complete, the program.
- (4) A police officer must—
 - (a) give the person a written requirement to complete a drug diversion program in accordance with the cannabis diversion agreement; and
 - (b) inform the person that failure to comply with the requirement is an offence against section 791.
- (5) Also, the police officer must give the chief

executive (health), or a person or organisation nominated by the chief executive (health) for this section, a copy of the cannabis diversion agreement.

- (6) On the signing of the cannabis diversion agreement, the cannabis that is the subject of the minor cannabis offence is forfeited to the State.
- (7) If the person has been arrested for the minor cannabis offence, it is the duty of a police officer to release the person at the earliest reasonable opportunity after the person has signed a cannabis diversion agreement and been given a written requirement under subsection (4).
- (8) In this section—

personal information, about a person, means—

- (a) information that identifies, or is likely to identify, the person; or
- (b) information about the person's affairs.

relevant entity, for a drug diversion program, means—

- (a) the commissioner; or
- (b) an entity involved in providing or administering the program.

378E Completion of drug diversion program

If the person completes a drug diversion program in accordance with the cannabis diversion agreement, a police officer must not start, and if started must discontinue, a proceeding against the person for the minor cannabis offence.

Subdivision 2 Minor drug offences

378F Meaning of *minor drug offence*

(1) In this subdivision—

minor drug offence—

(a) means—

(i) an offence against the *Drugs Misuse Act 1986*, section 9 involving possessing not more than the prescribed quantity of a dangerous drug; or

(ii) an offence against the *Medicines and Poisons Act 2019*, section 34(1) involving possessing not more than the prescribed quantity of an S4 or S8 medicine; but

(b) does not include an offence mentioned in paragraph (a)(i) or (ii) if the possession relates to—

(i) an offence by the same person against the *Drugs Misuse Act 1986* involving production or supply of a dangerous drug or trafficking in a dangerous drug; or

(ii) an offence by the same person against the *Medicines and Poisons Act 2019* involving dealing with, manufacturing or supplying an S4 or S8 medicine.

(2) In this section—

prescribed quantity, of a dangerous drug or S4 or S8 medicine, means a quantity of the drug or medicine prescribed by regulation for this section.

378G Application of subdivision

(1) This subdivision applies if—

- (a) a person is arrested for, or is being questioned by a police officer about, a minor drug offence; and
- (b) the person has not committed another indictable offence in circumstances related to the minor drug offence; and
- (c) the person has not previously been found guilty of an offence against the *Drugs Misuse Act 1986*, section 5, 6, 8, 9 or 9D; and
- (d) a police officer reasonably believes—
 - (i) the person possessed the prohibited drug or medicine that is the subject of the minor drug offence for their personal use; and
 - (ii) the person did not possess more than 1 type of prohibited drug or medicine; and
- (e) the person has not previously been served with an infringement notice for a minor drug offence; and
- (f) a police officer serves an infringement notice on the person for the minor drug offence.

Note—

See the *Youth Justice Act 1992*, section 11 in relation to the possible actions a police officer must consider before starting a proceeding against a child for an offence.

- (2) For subsection (1)(c), a reference to a person who has previously been found guilty of an offence includes a reference to a person with a spent conviction for the offence.
- (3) For subsection (1)(e), a person is taken to have not previously been served with an infringement notice for a minor drug offence if—

- (a) the infringement notice was withdrawn under the *State Penalties Enforcement Act 1999*, section 28; or
 - (b) the matter of the offence was decided by a court and the person was found not guilty.
- (4) In this section—
- prohibited drug or medicine***, in relation to a person, means a dangerous drug or S4 or S8 medicine unlawfully possessed by the person.

378H Information notice about option to complete drug diversion program

- (1) When serving the infringement notice, the police officer must also give the person a notice (an ***information notice***) in the approved form stating—
 - (a) that the person may complete a drug diversion program instead of paying the fine for the minor drug offence; and
 - (b) how the person may elect to complete a drug diversion program; and
 - (c) that an election must be made within 28 days after the date of the infringement notice; and
 - (d) the period within which the person must complete a drug diversion program if they make an election.
- (2) The information notice may be given to the person in the same way, including by electronic communication, that the infringement notice may be served on the person under the *State Penalties Enforcement Act 1999*.
- (3) If the police officer gives the information notice to the person in the same way and at the same time as the officer serves the infringement notice on

the person, the information notice is taken to have been given to the person at the same time as the infringement notice is taken to have been served on the person under the *State Penalties Enforcement Act 1999*.

- (4) Failure to comply with subsection (1) does not affect the validity of the infringement notice.

378I Election to complete drug diversion program

- (1) Within 28 days after the date of the infringement notice, the person may, in the way stated in the information notice, elect to complete a drug diversion program.
- (2) Subsection (1) applies subject to the *State Penalties Enforcement Act 1999*, section 22(3).

378J Forfeiture of drug or medicine

- (1) The relevant drug or medicine is forfeited to the State at the time at which, under the *State Penalties Enforcement Act 1999*, the person may no longer elect to have the matter of the offence decided in a Magistrates Court or in a proceeding for the offence taken under the *Drugs Misuse Act 1986*, whichever is relevant.
- (2) In this section—
relevant drug or medicine means the dangerous drug or S4 or S8 medicine the subject of the minor drug offence.

378K Information sharing about participation in drug diversion program

- (1) This section applies if, under section 378I, the person elects to complete a drug diversion program.

- (2) A relevant entity may disclose personal information mentioned in subsection (3) to another relevant entity.
- (3) The information that may be disclosed—
- (a) is personal information about the person necessary to facilitate or monitor the person's participation in the drug diversion program or take action under the *State Penalties Enforcement Act 1999* in relation to the infringement notice; and
 - (b) includes—
 - (i) information about the person's election to complete the program; and
 - (ii) information about the person's completion of, or failure to complete, the program.
- (4) In this section—
- personal information***, about a person, means—
- (a) information that identifies, or is likely to identify, the person; or
 - (b) information about the person's affairs.
- relevant entity***, for a person who elects to complete a drug diversion program, means—
- (a) the commissioner; or
 - (b) the registrar under the *State Penalties Enforcement Act 1999* or another entity with administrative responsibilities relating to the infringement notice given to the person; or
 - (c) an entity involved in providing or administering the program.

378L Release of arrested person

If the person has been arrested for the minor drug

offence, it is the duty of a police officer to release the person at the earliest reasonable opportunity after the person is served with the infringement notice and information notice.

Subdivision 3 Drug diversion programs

378M Provision or approval of programs

The chief executive (health) may provide, or approve a program provided by another entity to be, a drug diversion program for this division.

378N Notice of completion of program under sdiv 1

- (1) This section applies if a person agrees to complete a drug diversion program under subdivision 1.
- (2) The entity providing the program must notify the commissioner—
 - (a) if the person completes the program within the limitation period—as soon as practicable after the person completes the program; or
 - (b) if the person does not complete the program within the limitation period—as soon as practicable after the end of the limitation period.
- (3) In this section—

limitation period, for a person's completion of a drug diversion program, means the period within which the person must complete the program under the person's cannabis diversion agreement.

378O Notice of completion of program under sdiv 2

- (1) This section applies if a person elects to complete a drug diversion program under subdivision 2.

- (2) The entity providing the program must notify the administering authority—
- (a) if the person completes the program within the limitation period—as soon as practicable after the person completes the program; or
 - (b) if the person does not complete the program within the limitation period—as soon as practicable after the end of the limitation period.

- (3) In this section—

administering authority, in relation to a person served with an infringement notice who elects to complete a drug diversion program, means the administering authority under the *State Penalties Enforcement Act 1999* for the infringement notice.

limitation period, for a person's completion of a drug diversion program, means the period, mentioned in section 378H(1)(d), stated in the information notice given to the person.

25 Amendment of s 380 (When arrest of child may be discontinued)

- (1) Section 380(7), 'minor drugs offence'—

omit, insert—

relevant drug offence

- (2) Section 380—

insert—

- (8) In this section—

drug utensil means a thing for use, or that has been used, for the administration, consumption or smoking of a dangerous drug.

minor drugs matter means—

- (a) a dangerous drug; or
- (b) an S4 or S8 medicine; or
- (c) a drug utensil.

relevant drug offence means—

- (a) a minor cannabis offence; or
- (b) a minor drug offence; or
- (c) an offence against the *Drugs Misuse Act 1986*, section 10(1), (2), (4) or (4A) or 10A(1)(a), (b) or (c) involving possessing a drug utensil.

26 Amendment of s 394 (Duty of police officer receiving custody of person arrested for offence)

Section 394(2)(d), ‘minor drugs offence’—

omit, insert—

minor cannabis offence or minor drug offence

27 Amendment of s 602A (Definitions for pt 5A)

- (1) Section 602A, definition *initial police banning notice*—

omit, insert—

initial police banning notice means a police banning notice given to a person by a police officer under section 602C.

- (2) Section 602A, definition *relevant public place*, paragraph (b), ‘precinct;’—

omit, insert—

precinct or designated business and community precinct;

28 Amendment of s 602B (What is a *police banning notice*)

Section 602B(1)(b), ‘precinct;’—

omit, insert—

precinct or designated business and community
precinct;

**29 Replacement of s 602C (Police officer may give initial
police banning notice)**

Section 602C—

omit, insert—

**602C Police officer may give initial police banning
notice**

(1) A police officer may give a police banning notice to a person if reasonably satisfied that giving the notice is necessary because—

(a) the person has behaved in a disorderly, offensive, threatening or violent way; and

Examples of disorderly, offensive, threatening or violent behaviour—

- assaulting or threatening to assault a person
- damaging property, attempting to damage property or threatening to damage property
- possessing a knife in contravention of the *Weapons Act 1990*, section 51
- stealing an item from a person or premises
- taking a photograph of a person using a toilet facility from under a cubicle door
- urinating or wilfully exposing genitals in contravention of the *Summary Offences Act 2005*, section 7 or 9
- using or possessing a dangerous drug
- wearing or carrying an item in contravention of the *Summary Offences Act 2005*, section 10C
- using abusive or indecent language

- (b) the person's behaviour was at, or in the vicinity of, a relevant public place; and
 - (c) the person's ongoing presence, or presence in the immediate future, at the relevant public place and any other place stated in the notice, poses an unacceptable risk of—
 - (i) causing violence at the places; or
 - (ii) affecting the safety of other persons attending the places; or
 - (iii) disrupting or interfering with the peaceful passage, or reasonable enjoyment of other persons, at the places.
- (2) Also, if a police banning notice relates to a designated business and community precinct, a police officer may give the notice to a person if satisfied that—
- (a) the person contravened a move on direction applying to the person in relation to the designated business and community precinct; or
 - (b) the person was given a move on direction in relation to the designated business and community precinct in the previous 7 days and—
 - (i) section 46 applies to the person's current behaviour in relation to the precinct; or
 - (ii) section 47 applies to the person's current presence in relation to the precinct.
- (3) However, a police officer (the *issuing officer*) holding a rank below that of sergeant must not give a person a police banning notice unless a police officer (the *approving officer*) holding the

rank of sergeant or above approves the giving of the notice to the person.

- (4) The approving officer may approve the issuing officer giving a person a police banning notice under subsection (1) or (2) if satisfied of the matters mentioned in that subsection.
- (5) The approval may be sought and given verbally, including, for example, in person or by telephone, radio, internet or other similar facility.
- (6) If the person given the police banning notice under subsection (1) or (2) is a child and it is reasonably practicable to do so, the issuing officer must give a copy of the notice to—
 - (a) for a child in the custody of the chief executive (child safety)—the chief executive (child safety); or
 - (b) otherwise—the child’s parent or guardian.

30 Amendment of s 602Q (Offence to contravene notice)

Section 602Q—

insert—

- (2) Without limiting subsection (1), it is a reasonable excuse for the person not to comply with the police banning notice in relation to a relevant public place if—
 - (a) the person enters the place to undertake a necessary task; and
 - (b) it is impracticable for the person to undertake the necessary task outside of the place; and
 - (c) the person remains in the place only for the period necessary to undertake the necessary task and then immediately leave the place.

(3) In this section—

necessary task—

(a) means any of the following—

- (i) receive medical treatment;
- (ii) comply with an obligation imposed by law;
- (iii) access a service provided by, or on behalf of, a government;
- (iv) access a support service;
- (v) obtain food, medicine or petrol;
- (vi) use a banking service;
- (vii) access public transport;
- (viii) travel through a relevant public place to access another place outside the relevant public place; and

(b) includes a task undertaken for the welfare of a person or animal in the care of the person undertaking the task.

obligation imposed by law includes—

(a) an obligation imposed on a person by a court or tribunal, including, for example, any of the following—

- (i) a community based order within the meaning of the *Youth Justice Act 1992*;
- (ii) a restorative justice process within the meaning of the *Youth Justice Act 1992*;
- (iii) a community based sentence within the meaning of the *Community Based Sentences (Interstate Transfer) Act 2020*; and

(b) a requirement for a person to appear before a court or tribunal; and

- (c) an obligation imposed on a person under an Act; and
- (d) for a person released on bail or parole—a condition of that bail or parole.

support service means a service provided by an organisation and intended to provide a person with counselling, housing, protection or other assistance.

31 Amendment of s 633 (Safeguards for oral directions or requirements—police officers)

Section 633—

insert—

- (4) Also, if the direction is a move on direction relating to a designated business and community precinct, the police officer must warn the person that failing to comply with the direction may result in the person being given a police banning notice under section 602C.

32 Insertion of new s 808D

After section 808C—

insert—

808D Designated business and community precincts

- (1) A regulation may prescribe an area of the State to be a designated business and community precinct.

Note—

A police officer may do the following in relation to a designated business and community precinct—

- require a person to submit to the use of a hand held scanner under section 39BA
- require a person to state the person's name and address under section 40

- give a person a move on direction under section 48
 - give particular persons a police banning notice under section 602C
- (2) In recommending that the Governor in Council make a regulation under subsection (1), the Minister must be satisfied that the regulation is necessary to achieve 1 or more the following purposes—
- (a) enhance public safety or public amenity in the area to be prescribed;
 - (b) reduce anti-social behaviour occurring in the area to be prescribed;
 - (c) reduce or prevent disruption to businesses in the area to be prescribed.
- (3) Before making a recommendation under subsection (2), the Minister must consult with the local government for any local government area in which the proposed designated business and community precinct is located.
- (4) The Minister must review each designated business and community precinct to consider whether prescribing the area continues to achieve the purpose for which it was prescribed.
- (5) A review of a designated business and community precinct must be started no later than 3 years after the day—
- (a) the area is prescribed; and
 - (b) a previous review of the designated business and community precinct conducted under this section is completed.
- (6) If, after conducting a review of a designated business and community precinct, the Minister is no longer satisfied that prescription of the area under subsection (1) is necessary to achieve the purposes for which it was prescribed, the Minister

must recommend to the Governor in Council the making of a regulation to change or revoke the prescription.

33 Insertion of new ch 24, pt 29

Chapter 24—

insert—

Part 29 Transitional provisions for Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026

902 Definitions for part

In this part—

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement of the transitional provision in which the term is used.

new, in relation to a provision of this Act, means the provision as in force from the commencement of the transitional provision in which the term is used.

transitional provision means a provision of this part.

903 Application of new ch 14, pt 4, div 5

- (1) New chapter 14, part 4, division 5, subdivision 1 applies in relation to a minor cannabis offence whether it was committed before or after the

commencement.

- (2) New chapter 14, part 4, division 5, subdivision 2 applies in relation to a minor drug offence whether it was committed before or after the commencement.
- (3) This section applies subject to section 905.

904 Drug diversion warnings

- (1) This section applies if a person was given a drug diversion warning under former section 378C before the commencement.
- (2) Despite the repeal of that section—
 - (a) the drug diversion warning continues in effect; and
 - (b) former section 378C(8) continues in effect in relation to the person.

905 Offers to participate in drug diversion assessment programs

- (1) This section applies if, before the commencement, a person was offered the opportunity to participate in a drug diversion assessment program under former section 379 or former section 379AA.
- (2) New chapter 14, part 4, division 5, subdivisions 1 and 2 do not apply to the person.

906 Drug diversion agreements under former s 379AB

- (1) This section applies if a person—
 - (a) signed a drug diversion agreement before the commencement under former section 379AB; and

- (b) did not complete a drug diversion assessment program under the agreement before the commencement.
- (2) Despite the repeal of former section 379AB—
 - (a) the agreement continues in effect; and
 - (b) a requirement given under former section 379AB(3) continues in effect.

907 Approved programs

- (1) This section applies in relation to a program that, immediately before the commencement, was a drug diversion assessment program conducted with the approval of the chief executive (health).
- (2) The program is taken to have been approved under new section 378M.

34 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definitions *drug diversion agreement*, *drug diversion assessment program*, *drug diversion warning*, *initial police banning notice*, *minor drugs matter* and *minor drugs offence*—

omit.

- (2) Schedule 6—

insert—

designated business and community precinct means an area prescribed to be a designated business and community precinct under section 808D.

drug diversion program means a program provided or approved under section 378M.

initial police banning notice, for chapter 19, part 5A, see section 602A.

insert—

- (d) for a notice served on the alleged offender for a minor drug offence—elect to complete a drug diversion program under the *Police Powers and Responsibilities Act 2000*, section 378I.

(2) Section 22—

insert—

- (3) If the alleged offender acts under subsection (1)(a) or (2), the alleged offender may not make an election under subsection (1)(d).

42 Amendment of s 30 (Application to cancel infringement notice for mistake of fact)

Section 30(1), ‘section 33(1)’—

omit, insert—

section 33

43 Insertion of new pt 3, div 5

Part 3—

insert—

Division 5 Minor drug offences

32A Proceedings for particular minor drug offence

- (1) A reference in this Act to the matter of an offence being decided in a Magistrates Court is, in relation to a minor drug offence against the *Drugs Misuse Act 1986*, section 9, taken to be a reference to the matter of an offence being decided in a proceeding for the offence taken under that Act.
- (2) A reference in this Act to a proceeding for an offence being started under the *Justices Act 1886*

is, in relation to a minor drug offence against the *Drugs Misuse Act 1986*, section 9, taken to be a reference to a proceeding for the offence being started in the way stated in section 118 of that Act.

32B Drug diversion programs

- (1) This section applies if a person—
 - (a) is served with an infringement notice for a minor drug offence; and
 - (b) elects to complete a drug diversion program under the *Police Powers and Responsibilities Act 2000*, section 378I.
- (2) The person may not elect to have the matter of the offence decided in a Magistrates Court or in a proceeding for the offence taken under the *Drugs Misuse Act 1986*, whichever is relevant.
- (3) If the person completes the program within the limitation period, sections 25 and 28 apply as if the person had paid the fine for the offence in full to the administering authority as required by the infringement notice.
- (4) If the person does not complete the program within the limitation period, action may be taken under this Act as if the person had not made the election, including the starting of a proceeding for the offence.

Note—

See also section 33(2).

44 Amendment of s 33 (Default by person served with infringement notice)

- (1) Section 33(1)—
insert—

- (e) if relevant, elected to complete a drug diversion program under the *Police Powers and Responsibilities Act 2000*, section 378I;
- (2) Section 33—
insert—
 - (1A) Also, if a person served with an infringement notice for a minor drug offence—
 - (a) has made an election mentioned in subsection (1)(e); but
 - (b) has not completed the drug diversion program within the limitation period;the administering authority may give to SPER for registration a default certificate for the offence.
- (3) Section 33(3), after ‘subsection (1)’—
insert—
 - or (2)
- (4) Section 33(8), ‘Subsection (5)’—
omit, insert—
 - Subsection (6)
- (5) Section 33(9), ‘subsection (3)’—
omit, insert—
 - subsection (4)
- (6) Section 33(9), ‘subsection (6)(b)’—
omit, insert—
 - subsection (7)(b)
- (7) Section 33(1A) to (10)—
renumber as section 33(2) to (11).

45 Amendment of s 35 (Effect of registration under this division)

(1) Section 35(3), ‘section 33(3)’—

omit, insert—

section 33(4)

(2) Section 35(4), ‘section 33(7)’—

omit, insert—

section 33(8)

46 Insertion of new s 57A

After section 57—

insert—

57A Issue of fresh infringement notice for minor drug offence

(1) This section applies if—

- (a) the relevant enforcement order is for a minor drug offence; and
- (b) the registrar cancels the relevant enforcement order; and
- (c) the administering authority issues a fresh infringement notice for the offence.

(2) The following provisions do not apply in relation to the fresh infringement notice—

- (a) section 15(2)(f)(iv);
- (b) section 22(1)(d);
- (c) section 32B;
- (d) section 33(1)(e) or (2);
- (e) section 135(e)(iv).

47 Amendment of s 135 (Default certificate for infringement notice offence)

Section 135(e)—

insert—

(iv) for a minor drug offence—

(A) elect to complete a drug diversion program under the *Police Powers and Responsibilities Act 2000*, section 378I; or

(B) having made an election mentioned in subsubparagraph (A), complete the program within the limitation period;

48 Amendment of s 157 (Evidentiary provisions)

Section 157(2)—

insert—

(l) a stated person—

(i) did not elect to complete a drug diversion program under the *Police Powers and Responsibilities Act 2000*, section 378I; or

(ii) made an election mentioned in subparagraph (i) but did not complete the program within the limitation period.

49 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

limitation period, for a person's completion of a drug diversion program under the *Police Powers and Responsibilities Act 2000*, means the period,

mentioned in section 378H(1)(d) of that Act, stated in the information notice given to the person.

minor drug offence see the *Police Powers and Responsibilities Act 2000*, section 378F.

Part 8 Amendment of State Penalties Enforcement Regulation 2014

50 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

51 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

(1) Schedule 1, entry for *Drugs Misuse Act 1986*—

insert—

s 9(1) if the offence is an offence mentioned in s 15(1) 3

s 10(4) 2

s 10A(1)(a), (b) or (c) 2

(2) Schedule 1, entry for *Drugs Misuse Act 1986*—

insert—

Administering authority for an infringement notice offence that is an offence against a provision of the *Drugs Misuse Act 1986*, or an infringement notice about the offence—the registrar

(3) Schedule 1, entry for *Medicines and Poisons Act 2019*—

insert—

s 34(1) if the offence is a minor drug offence under the *Police Powers and Responsibilities Act 2000*, section 378F 3

(4) Schedule 1, entry for *Medicines and Poisons Act 2019*, authorised person for service of infringement notices entry—
omit, insert—

Authorised person for service of infringement notices—

(a) for an offence against section 34(1)—a police officer; or

(b) otherwise—an inspector appointed under the *Medicines and Poisons Act 2019*, section 131

(5) Schedule 1, entry for *Medicines and Poisons Act 2019*—
insert—

Administering authority for an infringement notice offence that is an offence against the *Medicines and Poisons Act 2019*, section 34(1), or an infringement notice about the offence—the registrar

(6) Schedule 1, entry for *Police Powers and Responsibilities Act 2000*, 5th entry for section 791(2), ‘section 379(8) to participate in and complete a drug diversion assessment program’—

omit, insert—

section 378D(4) to complete a drug diversion program

longer elect to have the matter of the offence decided in a Magistrates Court or in a proceeding for the offence taken under the *Drugs Misuse Act 1986*, whichever is relevant.

(9) In this section—

dangerous drug see the *Drugs Misuse Act 1986*, section 4.

minor cannabis offence see the *Police Powers and Responsibilities Act 2000*, section 378A.

minor drug offence see the *Police Powers and Responsibilities Act 2000*, section 378F.

relevant drug or medicine, in relation to an offence, means the cannabis or other dangerous drug, S4 medicine or S8 medicine the subject of the offence.

S4 medicine see the *Medicines and Poisons Act 2019*, section 11(1)(c).

S8 medicine see the *Medicines and Poisons Act 2019*, section 11(1)(d).

54 Amendment of s 68 (Infringement notices)

Section 68—

insert—

(2) A reference in subsection (1) to a simple offence includes a reference to an offence mentioned in the *Drugs Misuse Act 1986*, section 15(1).

55 Amendment of s 168 (Meaning of *eligible child*)

(1) Section 168(4)(a)(ii)—

omit, insert—

(ii) the child has both—

-
- (A) signed a cannabis diversion agreement under the *Police Powers and Responsibilities Act 2000*, section 378D; and
- (B) been given an information notice under the *Police Powers and Responsibilities Act 2000*, section 378H; or
- (ia) the child has, at any time before the commencement of the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026*, section 24, agreed to an offer under the *Police Powers and Responsibilities Act 2000*, section 379AA, as in force at that time, to participate in a drug diversion assessment program; or
- (2) Section 168(4)(a)(ia) and (iii)—
renumber as section 168(4)(a)(iii) and (iv).
- (3) Section 168(5), definition *prescribed diversion alternative*, ‘subsection (4)(a)(i) or (ii)’—
omit, insert—
subsection (4)(a)(i), (ii) or (iii)

56 Amendment of s 175A (Sentence orders—significant offences to which adult penalties apply)

- (1) Section 175A(1), before paragraph (a)—
insert—
(aa) section 61(1), if the circumstance stated in paragraph (a) of the penalty for section 61(1) applies;
- (2) Section 175A(1)—
insert—

- (ba) section 210, if the circumstance stated in section 210(3) or (4A) applies;
 - (bb) section 216;
- (3) Section 175A(1)—
insert—
 - (fa) section 309;
 - (fb) section 311;
- (4) Section 175A(1)—
insert—
 - (ha) section 315;
 - (hb) section 315A;
 - (hc) section 316;
- (5) Section 175A(1)—
insert—
 - (ia) section 319;
- (6) Section 175A(1)—
insert—
 - (ka) section 322, if the circumstance stated in paragraph (a) of the penalty for the section applies;
- (7) Section 175A(1)—
insert—
 - (oa) section 339, if the circumstance stated in section 339(2) or (3) applies;
- (8) Section 175A(1)—
insert—
 - (wa) section 359E;
- (9) Section 175A(1)(za), ‘, if the circumstance stated in section 412(2) or (3) applies’—

omit.

(10) Section 175A(1)(aa) to (zf)—

renumber as section 175A(1)(a) to (zr).

(11) Section 175A—

insert—

(1C) Also, this section applies if a court is sentencing a child—

(a) for an offence against the Criminal Code, section 535 of attempting to commit an offence mentioned in subsection (1), (1A) or (1B); or

(b) for an offence against the Criminal Code, section 541 or 542 of conspiring with another person to commit an offence mentioned in subsection (1), (1A) or (1B); or

(c) for an offence against the Criminal Code, section 544 of becoming an accessory after the fact to an offence mentioned in subsection (1), (1A) or (1B).

57 Amendment of s 176 (Sentence orders—other significant offences)

Section 176(7), definition *relevant offence*, paragraph (a), ‘section 175A(1) or (1B)’—

omit, insert—

section 175A(1), (1A), (1B) or (1C)

58 Insertion of new pt 11, div 28

Part 11—

insert—

Division 28 **Transitional provisions for Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026**

444 Application of s 175A

Section 175A, as amended by the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026*, applies in relation to an offence only if the offence was committed after the commencement.

445 Application of s 176

To remove any doubt, it is declared that section 176(7), as amended by the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026*, applies to an offence mentioned in section 175A whether the offence was committed before or after the commencement.

Part 10 **Other amendments**

59 **Legislation amended**

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 59

Bail Act 1980

1 Section 14(1B), ‘either’—

omit, insert—

any

2 Section 14(1B)(b)—

omit, insert—

- (b) a person charged with a minor cannabis offence within the meaning of the *Police Powers and Responsibilities Act 2000*, section 378A signs a cannabis diversion agreement under section 378D of that Act;
- (c) a person charged with a minor drug offence within the meaning of the *Police Powers and Responsibilities Act 2000*, section 378F is served with an infringement notice for the offence.

Justice and Other Information Disclosure Act 2008

1 Schedule, definition *person in the criminal justice system*, paragraph (f)—

omit, insert—

- (f) a person to whom a police officer has offered the opportunity to complete a drug diversion program under the *Police Powers and Responsibilities Act 2000*, chapter 14, part 4, division 5, subdivision 1; or

Police Powers and Responsibilities Act 2000

1 Chapter 14, part 4, division 4, heading—

omit.

State Penalties Enforcement Act 1999

1 Section 26(2), ‘by’—

omit, insert—

in

2 Section 27(1)(a), ‘by’—

omit, insert—

in

Youth Justice Act 1992

1 Section 50(3), ‘379’—

omit, insert—

378D(7)

2 Section 289(e), ‘section 379’—

omit, insert—

chapter 14, part 4, division 5, subdivision 1

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