

20 March 2026

Our ref: MC:BC

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

By email: [REDACTED]

Dear Committee,

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

Thank you for the opportunity to provide a submission in response to the parliamentary committee inquiry into the Bill.

This response has been prepared with the assistance of the Queensland Law Society's (**the Society**) Criminal Law Committee, Childrens Law Committee, Human Rights and Public Law Committee and First Nations and Legal Policy Committee, who have substantial experience in this area.

The Society supports evidence-based reforms that are designed to enhance community safety while preserving the fundamental principles of the rule of law. It is critical that law reform achieve a fair and balanced approach, ensuring justice and equality before the law while addressing concerns around public safety.

The Society has repeatedly reaffirmed its position that children must be treated differently to adults due to their age, vulnerability and cognitive development. The Society supports adherence to previously articulated standards that fosters the rule of law and continues the Society's consistent support for recognising that children's diminished culpability and greater prospects for rehabilitation make them different from adults for sentencing purposes, and children whose crimes reflect transient immaturity should not be subject to life imprisonment with a minimum parole period of 15 years.

Disappointingly, the Bill was developed without meaningful consultation with key stakeholders and peak body organisations, including health experts and Aboriginal and Torres Strait Islander communities. The absence of structured and meaningful consultation undermines the effectiveness and credibility of the reforms.

The Society recommends that the Bill as currently drafted should not proceed.

## Executive summary

- The Society does not support the addition of any further serious offences to the Adult Crime Adult Time laws.
- The Society calls for the release of the expert evidence panel reports and recommendations in relation to the proposed inclusion of each tranche of criminal offences, including the additional offences the subject of this Bill.
- The Society urges the Government to prioritise intervention and rehabilitation approaches such as culturally appropriate diversion programs, education and training and family support services that are well known to breaking the cycle of offending and reducing reliance on custodial sentences.
- The Society recommends deferring the introduction of amendments to the Police Drug Diversion Program (**PDDP**) until after the completion of the Independent Research and Evaluation of the Police Drug Diversion Program by the University of Queensland and publication of the evaluation report due in May 2026.
- The Bill should be amended to include a requirement for senior police officer authorisation in relation to the use of handheld scanners in designated business and community precincts.

## Expanding Adult Crime Adult Time

Community safety is not advanced by policies and law reform that increase the number of children held in custody for low-level or non-violent offending, nor by criminal laws that conflate developmental misbehaviour with adult criminality.

The Government has reported success with the Adult Crime Adult Time policy, however, the Childrens Court of Queensland Annual Report 2024-2025 provides a more cautious perspective, stating it is not yet possible to definitively link observed reductions to the legislation, as many of the observed decreases in finalised charges began before the new laws took effect<sup>1</sup>.

The Childrens Court's further data emphasises that youth appearing before it, possess extreme complex needs, with 81% having substance abuse issues and nearly half being impacted by domestic violence, mental health disorders, or disabilities<sup>2</sup>.

As set out in the Society's submissions to previous adult crime adult time reforms, these laws have a net-widening effect where children whose behaviour is episodic, developmentally driven or linked to unmet therapeutic needs, rather than criminal intent being disproportionately punished, further entrenching them in the criminal justice system. This approach represents a marked departure from the foundational principle that youth justice interventions must be developmentally appropriate, proportionate and orientated toward early intervention and rehabilitation. These laws will overwhelmingly affect children who are already overrepresented

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<sup>1</sup> Childrens Court of Queensland Annual Report 2024-2025 pg.2

<sup>2</sup> Childrens Court of Queensland Annual Report 2024-2025 pg.3

in the criminal justice system, children with disabilities, and those with histories of trauma, state care or socio-economic marginalisation.

One outcome of the Adult Crime Adult Time reforms will be the disproportionate impact they will have on Aboriginal and Torres Strait Islander peoples, and consequently this will compromise the twin objective of closing the gap.

#### *Human rights considerations*

We also note the override provision in the *Human Rights Act 2019* (Qld) is a mechanism intended for genuinely exceptional circumstances, yet it is being used to absorb a third tranche of offences without any offence specific justification. The Statement of Compatibility provides no qualitative or quantitative analysis demonstrating why each additional offence meets the high threshold for overriding protected rights, nor does it identify any evidence gap in the existing sentencing framework that would necessitate treating children as adults. Instead, the Bill relies on the existence of the override itself to justify further expansion. This approach undermines the proportionality and necessity tests required for rights-limiting legislation and accelerates override creep, normalising the bypassing of human rights scrutiny for increasingly broad categories of youth offending.

The expansion of punitive measures is inconsistent with Australia's obligations under the United Nations Convention on the Rights of the Child, which requires that detention be used only as a measure of last resort and for the shortest appropriate time.

#### *Broadening scope and increasing complexity*

As the scope of the Adult Crime Adult Time law reforms continue to broaden, solicitors must grapple with the complexities this creates in advising their clients who are navigating the legal process. This requires solicitors to not only stay up to date with the reforms but to continuously adapt their advice in accordance with an evolving legislative framework. The legal uncertainty caused by such iterative changes can result in inconsistencies in how matters are adjudicated and resolved, placing additional burdens on solicitors, their clients, complainants and the Courts.

Another foreseeable consequence of the addition of further offences to the Adult Crime Adult Time laws is that there will be an increase in criminal trials because as there will be no tangible benefit to an accused young person to plead guilty. This places an additional burden and strain on the already under resourced criminal justice system.

The Society emphasises the importance of consultation with legal stakeholders to identify the practical consequences and develop solutions that support the efficient and fair operation of the youth justice system. We remain committed to assisting in the development of reforms that balance the interests of community safety and justice while minimising disruptions to legal practice and legal outcomes.

#### **Proposed new Illicit Drug Enforcement and Diversion Framework (IDEDF)**

The Society supports the use of pre-court diversionary schemes for possession of small amounts of prohibited drugs for personal use as swift, proportionate and efficient response to minor criminal acts committed by those who pose little risk to the community as long as safeguards are in place and diversion is administered by police in a non-discriminatory manner.

Diverting drug users towards health intervention, education and rehabilitation does not mean that this low-level offending behaviour does not have consequences. It does, however, focus on harm reduction and diverting low risk offenders away from the criminal justice system.

It is widely recognised that the use of drug diversion is more cost effective, pragmatic and consistent with a harm minimisation approach. Diversion is also favoured for its ability to reduce workloads and pressures on both police and courts, and importantly, it enables young people to avoid a criminal sanction that can have lasting deleterious consequences

It must also not be overlooked that the current statutory regime includes strict eligibility factors about prior and concurrent offences, threshold quantities and the number of times offenders can be diverted. The PDDP scheme does not equate to the legalisation of dangerous drugs, and the unlawful possession of dangerous drugs remains an offence. Importantly, the objective of this scheme is to divert people, including children, without criminal histories or concomitant violent offending, towards holistic support networks as a means of preventing their entrenchment in the criminal justice system. It is not a back door for dangerous or repeat offenders to avoid criminal sanction.

The Society's concerns with the new IDEDF relate primarily to the narrowed eligibility criteria that restrict diversion to a single opportunity per pathway. The bifurcation of the framework into distinct minor cannabis and minor drug pathways also risks creating differential treatment for comparable conduct, which may lead to inequitable outcomes for vulnerable populations.

Members are also concerned the IDEDF framework excludes individuals with any prior drug offence, including spent convictions, from accessing diversion options. These disqualifying factors will disproportionately affect First Nations people, many of whom have been historically over-policed and consequently carry older low-level drug convictions and that will act as a barrier to accessing health-based responses.

We note for minor drug offences, police may issue a penalty infringement notice instead of a warning or offering diversion, despite strong evidence that fines are an ineffective and inequitable response that disproportionately impact people experiencing disadvantage and do little to reduce drug-related harm.

Overall, the shift from a multi-tiered diversion model to a single-opportunity, split system risks increasing criminalisation, reducing access to rehabilitative support, and undermines a health-based intent of drug diversion.

We also hold concerns regarding the timing of the proposed drug diversion amendments. Introducing amendments to the PDDP before the completion of the independent research and evaluation being undertaken by the University of Queensland should be reconsidered. The final evaluation report, due in May 2026, will contain critical data on program effectiveness, participant outcomes and opportunities to strengthen diversion pathways. Proceeding with amendments ahead of that analysis would mean legislating without understanding whether current diversion settings are working, where gaps might exist, or how proposed changes might affect, health, justice and community outcomes.

### **Introduction of Designated Business and Community Precincts**

The Bill enables broad prescription of DBCPs and introduces additional police powers, including handheld wandings without a warrant, extended move on powers and expanded banning notices,

without demonstrating how current existing public nuisance offences, move-on powers or disorder related provisions are insufficient to manage the behaviours sought to be specifically addressed by this Bill.

Members are concerned that the Bill provides no clear definition of what constitutes a DBCP. Members have noted that at minimum, the use of enhanced powers within these precincts should require senior officer approval, mandatory use of body-worn cameras, and full parliamentary oversight rather than implementation through legislation.

Part 5 of the Bill expands police powers to issue a banning notice preventing, among other things, a person entering or remaining in designated business and community precincts. The increased use of handheld scanner powers in public spaces increases police interactions with public space users. To ensure appropriate safeguards are in place, the Society recommends the inclusion of the requirement to obtain authority from a senior police officer to reduce any risk of misuse of the extended powers.

Further, expanding discretionary powers for move-on directions and banning notices carries significant risks of racially discriminatory application. This concern is heightened for Aboriginal and Torres Strait Islander communities, who already experience disproportionate policing in public spaces. If the Bill is progressed, the Society recommends mandatory cultural competency training for police officers exercising these powers and the introduction of compulsory data collection and reporting on the racial demographics of individuals subject to these orders.

In addition, the new requirement for a person to provide their name and address when a move-on direction is given is troubling. It raises practical and fairness issues in enforcement, particularly where a person may not know they are in a DBCP or where compliance disputes escalate into unnecessary and avoidable criminalization. A clearer articulation of the problem, the evidence base, and the proportionality of these expanded powers is essential to ensure transparency, necessity and human rights compliant policing.

To the extent the proposed Bill is passed the government should allocate funding to finance proper evaluation of the measures to evaluate the effectiveness of the amendments.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [policy@qls.com.au](mailto:policy@qls.com.au) or by phone on [REDACTED]

Yours faithfully

[REDACTED]  
Peter Jolly  
**President**