

Telephone:

Reference:

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

Via email:

Dear Mr Hunt

Thank you for the opportunity to comment on the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026*. The Bill has three parts. In this letter I comment briefly on all three.

My responsibilities as the Aboriginal and Torres Strait Islander Children's Commissioner include promoting and advocating for the safety and wellbeing of children and young people, particularly children in need of protection or in the youth justice system, and giving expert advice to relevant agencies about laws, policies, practices and services.¹

As you know from previous submissions I have not supported any of the punitive changes made to Queensland's *Youth Justice Act 1992* over the last four years and I do not support this latest round of inclusions into the Act. These changes again displace the long-standing principle that children in conflict with the law should be treated in a manner that prioritises rehabilitation, proportionality and their best interests, with detention and punishment used only as a last resort.²

Community safety, victims' rights and the rights of young people who have offended, are interdependent. Often in the public discourse, and during processes, such as this, we witness the juxtaposition of children's rights and victims' rights accompanied by loud proclamations about putting victims' rights ahead of the rights of "criminals". It is unhelpful, particularly if justice is in fact a core goal. Children's rights and victims' rights are not mutually exclusive - they are mutually reinforcing. It is not only possible, but far more likely, to produce outcomes that are in the interests of justice and strong communities, when we respond to the needs of victims without neglecting the rights of children. A preparedness to discard, or make invisible, cohorts of children, the "soft bigotry of low expectations",³ and the comfort of proceeding without fear of criticism from an under-informed or misinformed electorate, merely results in flimsy policy and poor outcomes for children and families in Queensland.

¹ Family and Child Commission Act s.9(1)(b) and (g).

² See UN Convention on the Rights of the Child, articles 3, 37 and 40, available from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³ G.W. Bush, N. Pearson and others.

Adult Crime, Adult Time

I welcome the funding of various early intervention programs for children at risk of being caught up in the statutory youth justice system, as well as the *Staying on Track* funding to support children when they leave detention. I look forward to seeing the results of this multi-faceted work once it has had time to bed down. I hope these programs will transparently demonstrate measurable outcomes that improved the lives of children and their families, and that they will demonstrably assist in diverting children away from the youth justice system and towards having the health, disability, housing and education support this cohort desperately needs.

I am disappointed that these preventive programs were not fully implemented before or, at least, at the same time as, the introduction of Adult Crime Adult Time amendments, so that as many children and families as possible could benefit from them. Instead, the government moved swiftly to enact punitive measures despite a long-term decline in youth offender numbers.

I have attached my submissions about the previous two Adult crime, Adult time Bills that introduced adult sentences for a total of 33 offences. The information in those submissions and the position I outlined, remains relevant.

In summary, Adult crime, Adult time laws

- further criminalise children, particularly Aboriginal and Torres Strait Islander children
- contradict Queensland's human rights obligations, including multiple articles of the UN Convention on the Rights of the Child (the Convention)
- prioritise punitive responses over evidence-based, effective community safety strategies, including removing restorative justice orders as an option, and increasing time on probation, where that has been ordered
- divert resources away from early intervention, disability support, mental health, family services and education into detention services and related operational costs (I note the new Woodford centre is costing nearly \$1 billion just to build)
- increase the prolonged and harmful unsentenced detention of children
- fail to consider the best interests of the child, developmental and cultural support needs, and the effects of systemic disadvantage.

The Queensland parliament should not proceed with an expansion of legislation the Government itself accepts is rights-incompatible, and where the justification offered is insufficiently evidence-based. The government has repeatedly acknowledged, and does so again, that these laws are not compatible with the *Human Rights Act 2019 (Qld)*. Yet, they have been introduced because they “are supported by Queenslanders and are a direct response to growing community concern and outrage over crimes being perpetrated by youth offenders.”⁴ While community concern about crime is a legitimate consideration for governments, asserting public support alone cannot justify legislation that limits human rights. Under the *Human Rights Act*, any limitation on rights must be shown to be reasonable, necessary and proportionate, and the purpose of the limitation (in this case improving community safety) must be supported by evidence that less restrictive alternatives are not available (s 13).

⁴ L. Gerber, Minister for Youth Justice and Victims Support, *Statement of compatibility*, p.8, available from <https://documents.parliament.qld.gov.au/bills/2026/4277/Expanding-Adult-Crime,-Adult-Time-and-Taking-a-Strong-Stance-on-Drugs-and-Anti-Social-Behaviour-Amendment-Bill-2026---Statement-of-Compatibility-f97f.pdf>



I ask that all members of the Queensland parliament answer this question: Why is one small cohort of Queensland children who are mainly living with a disability or from tough family backgrounds, or black, finding themselves excoriated by government ministers and some members of the public – the adults whose role it is to support and protect them? A more successful long-term strategy would be for political leaders to engage the broader community in a dialogue about how we can better care for our children and young people, including ensuring their best interests, and access to health, housing, education, cultural rights and the right to participate in decisions affecting them. This will, over time, improve social cohesion, and diminish the voices of racists and vigilantes.

The lack of transparency of the work of the Expert Panel across all three sets of amendments, including no provision of public advice on who it consulted with, is completely at odds with public service values and good governance. While remaining unclear, it appears unlikely there was consultation with First Nations communities, immigrant communities, or people living with a disability or in poverty, who are the groups most likely to be imprisoned and therefore most affected by these punitive laws. I look forward to the Expert Panel advice, being made public during the committee process. I hope it includes the advice provided on all three rounds of Adult Crime, Adult Time changes and the results of stakeholder engagements,

Expansion of Adult crime, Adult time in the current Bill

It is an indictment on successive Queensland governments that all legislation found incompatible with human rights so far has been related to how the State treats our children. The State can be a source of harm just as much as parental or stranger abuse of children and requires at least the same level of oversight and active efforts in harm reduction. Under the Convention, the State has a clear obligation to prevent harm, including risk of harm that is foreseeable and produced by its own systems. Australia has committed to these standards and therefore states and territories are accountable for their implementation.

Harm is being perpetrated through

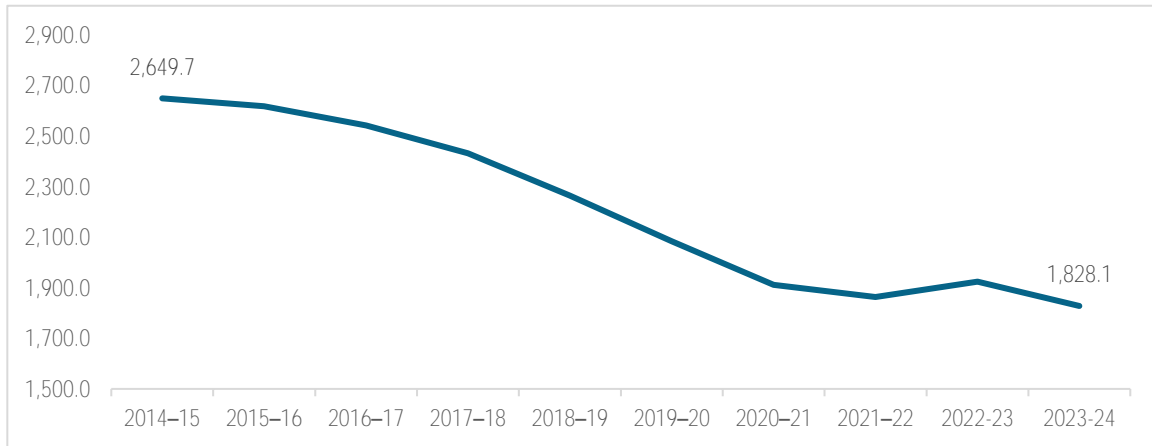
- reduced flexibility held by the Queensland Police Service to divert children, particularly younger or disabled children, away from statutory systems
- tougher bail laws, that consequently increase numbers in unsentenced detention
- longer sentences creating despair and fractured communities
- refusal to act on the Inspector of Detention Services concerns about separation and safety in detention centres
- refusal to incorporate safety improvements recommended by the Inspector of Detention Services into the construction of the Woodford youth detention centre
- insufficient rehabilitation programs for serious offences such as sexual abuse, rape or domestic and family violence or for drug and alcohol misuse
- an inability by the system to recognise that a child who has (or is alleged to have) committed an offence, can also be a victim, and responding to the “offending behaviour”, not the trauma (or any other unmet need) that sits behind it.

The changes to Queensland youth justice law since 2023, alongside years of insufficient spending on health, disability and early childhood support for families – particularly for poor families and those living in regional and remote Queensland – has created significant financial and reputational risk for the



Queensland government, just as the number of children proceeded against by police was already slowly declining:

Figure 1: Queensland youth offender rates per 100,000 children aged 10-17 years, 2014–15 to 2023–24



Source: Australian Bureau of Statistics: Recorded Crime - Offenders

With the introduction of Adult Crime, Adult Time laws the State is likely to see

- more sentence reviews
- increasing numbers of discrimination and human rights complaints
- more assaults in watch houses and detention centres, leading to serious injury claims or even death
- increased self-harming and suicide attempts in detention centres* and possibly completion of suicide
- children found to have committed the most serious offences remaining unrehabilitated and continuing to offend into adulthood, creating more victims.

Administrative burden

In 2024-25, the average time taken to finalise proceedings in the Magistrates (Children's) Court was 112 days, 27 days more than the 85 days taken in 2023–24.⁵ This not only negatively affects the child in unsentenced detention, but also victims. The length of time some children spend in unsentenced detention can mean immediate release upon sentencing, due to time served. In a few cases they may have been in jail longer than was required by the sentence. Every child has the right to prompt access to legal assistance and to a prompt sentencing decision Queensland *Human Rights Act 2019* s 32, the Convention Art.37).

Court cases cannot proceed without defence lawyers, yet legal aid services in regions are struggling to find them. More adult time sentences will lead to more appeals, further stretching the court system. With

*Public data from the 2026 *Report on Government Services* shows a significant increase in both the number and rate of incidents of self-harm and attempted suicide by children in Queensland detention requiring psychological or medical treatment, or hospitalisation, when comparing 2023-4 (50 incidents) with 2024-5 (112 incidents).

⁵ Children's Court of Queensland, *Annual report 2024-25*, p. 32, https://www.courts.qld.gov.au/__data/assets/pdf_file/0010/891640/cc-ar-2024-2025.pdf



each new law passed, the load on police increases – the Queensland Police Union has already expressed discomfort with the extra administrative workload of issuing and maintaining electronic monitoring devices.⁶

Illicit Drug Enforcement and Diversion Framework

The Illicit Drug Enforcement and Diversion Framework (the Framework) narrows eligibility for diversion to first-time and low-risk individuals. For a minor cannabis offence or minor drug offence, a diversion program may be offered and accepted only once (currently twice). This proposed legislative change does not respond to the reasons behind the limited success of the current approach, which has been significantly affected by divestment of rehabilitative responses to substance use/misuse, a lack of residential/inpatient treatment options for young people and a lack of timely support service access and availability.

The Statement of Compatibility concludes this part of the Bill is compatible with human rights, on the grounds that

the initiative largely promotes a broad range of rights by reducing unnecessary criminalisation of low-level drug use and supporting proportionate, health-focused responses (p.9).

However, the design of the framework raises significant concerns about whether it will, in practice, deliver the health-focused responses claimed. Within the Bill, they consist of just one opportunity to accept drug diversion, and only for possession of small amounts of cannabis or other drugs, when it is known that reducing or ceasing dependence on alcohol or illicit drugs can take several years and several rounds of rehabilitation. In the case of possession of small amounts of other drugs, police can issue a fine. Fines are often out of reach for young people and adults from low-income families and this part is therefore discriminatory.

While drug and alcohol misuse causes family and community disruption, for long term change to occur misuse must be primarily treated as a health issue to avoid stigmatisation and consequent refusal to access treatment. This is the position of the Royal Australasian College of Physicians which also supports moves towards decriminalisation of drug use and possession for personal use.⁷ The longer-term consequences of not funding alcohol and drug rehabilitation alongside or instead of punitive measures, appear to not have been considered when preparing the Bill and the Statement of Compatibility.

Taken together, these changes risk net widening, where individuals possessing small quantities of drugs for personal use become more likely to enter the criminal justice system rather than receive health-based support.

The Statement of Compatibility and Explanatory Notes advise that police have more discretion when responding to children carrying minor quantities of cannabis:

“An eligible adult who is arrested for, or is questioned about, a minor cannabis offence, must be offered the opportunity to complete a drug diversion program however, an officer retains discretion when responding to children noting other options under the Youth Justice Act may be more appropriate” (Statement of compatibility pp.3 and 10).

⁶ M. Dansie, *Electronic monitoring bill strengthening bail laws passes Qld parliament*, ABC News, 12 February, 2026, available from <https://www.abc.net.au/news/2026-02-12/electronic-monitoring-bill-passes-qld-parliament/106335736>.

⁷ Royal Australasian College of Physicians, *Position statement: achieving a health-focused approach to drug policy in Australia and Aotearoa New Zealand*, 2024, available from https://www.racp.edu.au/docs/default-source/advocacy-library/racp-position-statement-achieving-a-health-focused-approach-to-drug-policy-in-australia-and-aotearoa-new-zealand.pdf?sfvrsn=7f8a01a_20



The Statement of Compatibility also notes that police discretion in charging may disproportionately fall on

“First Nations peoples, individuals with mental health conditions, those who are culturally and linguistically diverse and people with low socio-economic status [who] face greater prejudicial bias (p.10).

This raises important concerns about consistency and equity in decision-making. Leaving diversion decisions entirely to police discretion risks producing uneven outcomes and may exacerbate existing disparities in the justice system.

Section 11 of the *Youth Justice Act 1992* already provides a clear framework prioritising non-criminal responses for children, including:

- taking no action
- cautioning
- restorative justice processes
- diversion programs.

Maintaining these provisions as the primary response for children would provide greater clarity and consistency while ensuring responses remain aligned with the rehabilitative objectives of youth justice legislation.

Meanwhile, alcohol misuse is a leading addition to the burden of disease in Australia and is associated with a range of health and social harms including violence, accidents, hospitalisation and death. The estimated social cost of alcohol use in Australia was \$72.9 billion in 2020–21, projected to rise to \$75.0 billion in 2022–23.⁸ This compares to the social cost of cannabis use, estimated to be \$5.2 billion with more than half that related to costs in the criminal justice system, that is cost of imprisonment, community supervision orders and victims of crime.⁹

Designated Business and Community Precincts

The provisions establishing Designated Business and Community Precincts engage several rights protected under the *Human Rights Act 2019*, as outlined in the Statement of Compatibility. In addition to those outlined, the use of broad discretionary powers in public spaces may also engage the right to equality before the law and protection against discrimination (s.15). In this part of the Bill, the Statement of Compatibility has not acknowledged the potential for disproportionate effects of banning orders on groups already subject to prejudice or bias, including Aboriginal and Torres Strait Islander peoples, immigrants and individuals experiencing socio-economic disadvantage.¹⁰ Should this Bill proceed, it will be crucial to have transparent record keeping for the bans and move on orders in these designated precincts so that independent evaluations of their application can be conducted. I suggest a review period for this legislation must also be established to offer public transparency, given the precincts can be established by regulation.

Under s.13 of the *Human Rights Act 2019*, any limitation on rights must be reasonable and justifiable, including that the measure is necessary and proportionate and that less restrictive alternatives are not

⁸ Australian Institute of Health and Welfare, December 2025, *Alcohol, tobacco and other drugs in Australia*, available from <https://www.aihw.gov.au/reports/alcohol/alcohol-tobacco-other-drugs-australia/contents/drug-types/alcohol>

⁹ Australian Institute of Health and Welfare, December 2025, *Illicit drug use*, available from <https://www.aihw.gov.au/reports/illlicit-use-of-drugs/illlicit-drug-use>

¹⁰ Schaefer and Mazerolle (2018), quoted in Moir, Prenzler, Rayment-McHugh; et al. *Nambour Community Safety Review Phase 2: Final Report*. p.29.



reasonably available. Where existing powers such as move-on directions may achieve similar objectives in preventing escalation of conflict, the use of longer bans affecting children should be carefully considered by your committee.

Banning some members of a community can have potentially significant consequences. Banning a child teaches them they are not welcome in spaces intentionally established for the whole community.

Alternative, less punitive approaches could be canvassed through stakeholder engagement with community groups and young people in regional centres. I suggest this part of the Bill be delayed until this can be done. The committee could invite young people to speak to them about the issues they face in business and community precincts, and possible solutions.

Yours sincerely

Natalie Lewis

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18 March 2026

Attachments

Submission to the Justice, Integrity and Community Safety Committee 3 December 2024
Submission to the Justice, Integrity and Community Safety Committee 16 April 2025

