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

Luke Twyford, Principal Commissioner

Submission to the Justice, Integrity and Community Safety Committee

Introduction

The Queensland Family and Child Commission (the Commission) welcomes the opportunity to provide a submission to the Justice, Integrity and Community Safety Committee on the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026* (the Bill).

The Commission's statutory role includes promoting the safety, wellbeing and best interests of Queensland children and young people, particularly those who are vulnerable or in contact with statutory systems. The Commission also hosts the Child Death Review Board (the Board), which examines the circumstances of child deaths and makes recommendations to prevent future harm.

In performing these functions, the Commission has a strong interest in legislative reforms that may impact children and young people, particularly those who are already vulnerable due to involvement with the youth justice, child protection or health systems.

This submission focuses on aspects of the Bill that may have direct or indirect impacts on children and young people:

- expansion of offences captured by the Adult Crime, Adult Time (ACAT) framework
- repeal of the Police Drug Diversion Program and introduction of the Illicit Drug Enforcement and Diversion Framework (IDEDF)
- expanded police powers in Designated Business and Community Precincts.

The Commission acknowledges community concern about crime, drug use and anti-social behaviour. However, legislative responses should be informed by evidence about what works to improve long-term outcomes for communities and vulnerable children. Responses that focus only on enforcement risk missing the underlying reasons for offending, especially for children who have experienced trauma, instability or involvement with statutory systems.

Expansion of Adult Crime, Adult Time offences

The Bill proposes to add 12 offences to the ACAT framework, increasing the total to 45 offences.

The Commission has previously provided multiple submissions to youth justice inquiries emphasising the importance of evidence-based responses and cautioned against reforms that increase punishment without addressing the underlying causes of offending. This advocacy is directly relevant to the proposed expansion of ACAT offences under the Bill. Key submissions include:

- the *Youth Justice (Electronic Monitoring) Bill* inquiry
- the Federal Parliament *Inquiry into the Youth Justice and Incarceration System*
- the *Making Queensland Safer* legislative reforms.

Analysis of the offences proposed for inclusion in the ACAT framework based on available sentencing data indicates that several are not high-volume offences in relation to children.¹ This suggests the proposed expansion is primarily directed at the seriousness of potential harm rather than the prevalence of these offences among children. The Minister responsible for the youth justice portfolio has indicated that the rationale for expanding ACAT is focused primarily on the seriousness of potential harm to

¹ Queensland Sentencing Advisory Council, *Sentencing Hub*, Queensland sentencing statistics (accessed March 2026).

victims. In this regard, sentencing is only a deterrent if the potential offender has knowledge of the law, and a clear mindset to rationalise the Youth Justice Act with their behaviour.

The Commission recognises the significant impact serious offending can have on victims, families and communities. At the same time, it is important that policy responses are informed by evidence about what interventions are most effective in preventing reoffending and improving long-term community safety. Legislative responses that focus primarily on increasing penalties will not address the underlying drivers of offending behaviour among children, particularly those who have experienced trauma, instability or involvement with statutory systems.

Stronger penalties do not replace the need to address the underlying causes of offending and provide rehabilitative support. Evidence consistently shows that approaches focused on rehabilitation, early intervention, addressing underlying trauma, and supporting disengaged young people are more effective in reducing offending and improving long-term community safety than punitive measures alone.

Addressing the root causes of offending behaviour should remain the central focus of youth justice policy. Addressing these underlying drivers is essential not only for the wellbeing of children and young people, but also for preventing further victimisation and strengthening community safety.

Repeal of the Police Drug Diversion Program and introduction of the Illicit Drug Enforcement and Diversion Framework

The Bill proposes to repeal the existing *Police Drug Diversion Program* and replace it with IDEDF. The current *Police Drug Diversion Program* operates as a 3-tier model, allowing participants to engage in progressively more intensive diversionary responses tailored to their needs.

Under the proposed IDEDF, two pathways are introduced:

- Minor Cannabis Offence – individuals may complete a drug diversion program
- Minor Drug Offence – a Penalty Infringement Notice (PIN) may be issued, with the option for police to substitute a diversionary program.

Children will remain eligible to complete a drug diversion program for minor cannabis offences and may receive a PIN for minor drug offences. Police must continue to consider alternatives to commencing proceedings against a child in accordance with section 11 of the *Youth Justice Act 1992*. The Commission notes that limited detail has been provided regarding the design and delivery of diversionary programs under the new framework.

The current *Police Drug Diversion Program* operates as a graduated model that allows responses to escalate depending on an individual's circumstances and needs. Based on the information currently available, the proposed framework appears to provide fewer structured diversion pathways. Reducing the availability of graduated diversion responses may limit the ability of the system to tailor interventions to individuals and respond proportionately to emerging patterns of substance use.

Evidence consistently demonstrates that substance dependency is most effectively addressed through trauma-informed, health-led responses rather than primarily through law enforcement measures. Maintaining strong diversion pathways that connect individuals with treatment and support services is therefore an important component of preventing escalation of harm for both individuals and families.

The Commission has previously submitted evidence to the Federal *Inquiry into the Health Impacts of Alcohol and Other Drugs in Australia*. That submission highlighted key issues affecting children and young people, including:

- the social harms associated with alcohol and other drug use for children and young people

- the role of parental substance use in driving children’s entry into statutory systems
- intersections with suicide, disability, and intergenerational trauma.

The submission also noted that Australia’s response to alcohol and other drugs has been disproportionately weighted toward supply reduction and enforcement, leaving gaps in prevention, early intervention, and harm reduction. This has been particularly evident for children in state care, families affected by methamphetamine use, and young people navigating complex systems.

Contemporaneous evidence from Board reports demonstrates that young people in residential care may turn to substance use when the system is unable to respond effectively to escalating harm and trauma. Further criminalising these young people risks perpetuating a cycle of disadvantage and despair.

Similarly, if families and parents experiencing substance dependency do not receive appropriate support, children are more likely to enter the child protection system, and parents are more likely to come into contact with the criminal justice system. Legislative reforms should therefore prioritise evidence-based diversion, treatment, and early intervention responses to protect children, support families, and reduce systemic harms.

Expanded police powers in designated business and community precincts

The Bill proposes new and expanded police powers within designated business and community precincts, including:

- the use of handheld scanners without prior senior officer authorisation
- new move-on directions
- the requirement to provide name and address information
- expanded banning notice powers.

While the Commission recognises the importance of ensuring public safety in busy public areas, these powers raise potential concerns regarding their impacts on vulnerable children and young people.

Banning notices and children in state care

The Bill expands banning notice powers to allow police to prohibit individuals, including children, from entering or remaining within designated precincts where their behaviour poses an unacceptable risk to public safety or amenity. A copy of a banning notice issued to a child must be provided to a parent, guardian, or, where the child is in the custody of the Department of Families, Seniors, Disability Services and Child Safety, the chief executive—unless it is not reasonably practicable to do so.

I am concerned that this safeguard may not be sufficient for children in state care. Children who are self-placing from residential care placements may spend significant periods in public spaces and are often highly vulnerable due to trauma, instability in placements, disconnection from services, and exposure to exploitation or violence. Banning notices of 24 hours, one month, or up to three months may increase risk to these children and push them into unsafe environments.

Where children are in the care of the state, the state assumes the role of parent and has a responsibility to ensure their safety and wellbeing. I therefore recommend that the Bill be amended to exclude children in the care of the State from the application of banning notices; or in the alternative the reasonable exception for not providing a notice to the Department of Child Safety should be removed – as it should never be impracticable for one government department to talk to another (particularly for a child they hold parental responsibility for).

Transparency and monitoring

Given the breadth of the new police powers proposed under the Bill, the Commission considers that strong transparency and monitoring mechanisms are important. The Commission considers that regular public reporting should occur on the use of these powers, including:

- the number of banning notices issued
- the number of move-on directions issued
- the number of children subject to these powers
- the number of children in state care subject to these powers
- demographic information relating to children affected, including Aboriginal and Torres Strait Islander children
- outcomes following the exercise of these powers, including breaches and further police contact.

This monitoring should include geographic location and age demographics and would support transparency, enable oversight of the use of the powers, and assist government and the community to understand whether the reforms are operating proportionately and as intended.

Conclusion

I recognise the importance of ensuring community safety and responding to community concerns regarding crime, drug use and anti-social behaviour.

Legislative responses should be informed by evidence regarding what is most effective in improving long-term outcomes for both communities and vulnerable children. Measures that focus primarily on increased penalties risk overlooking the underlying drivers of offending behaviour, particularly for children and young people.

Evidence consistently demonstrates that sustainable improvements in community safety are achieved through approaches that prioritise early intervention, prevention, reengagement and rehabilitation. These approaches address the causes of offending behaviour and support children and young people to disengage from pathways that lead to further contact with the justice system.

I encourage continued focus on coordinated cross-government responses that strengthen prevention, support families experiencing complex challenges, and provide appropriate services for children and young people at risk of entering the youth justice system.

The Commission will continue to monitor the impacts of legislative and system reforms on vulnerable children and young people, including those in state care and those involved with statutory systems.