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# ***JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE***

**Members present:**

Mr MA Hunt MP—Chair  
Mr MC Berkman MP  
Mr RD Field MP  
Ms ND Marr MP  
Hon. MAJ Scanlon  
Hon. DE Farmer

**Staff present:**

Ms F Denny—Committee Secretary  
Ms H Radunz—Assistant Committee Secretary

## **PUBLIC HEARING—INQUIRY INTO THE EXPANDING ADULT CRIME, ADULT TIME AND TAKING A STRONG STANCE ON DRUGS AND ANTI-SOCIAL BEHAVIOUR AMENDMENT BILL 2026**

### **TRANSCRIPT OF PROCEEDINGS**

**Friday, 27 March 2026**

**Brisbane**

## FRIDAY, 27 MARCH 2026

### **The committee met at 11.45 am.**

**CHAIR:** Good morning, everyone. I declare open this public hearing for the committee's inquiry into the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026. My name is Marty Hunt MP. I am the member for Nicklin and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today. With me here today are the Hon. Di Farmer MP, member for Bulimba and acting deputy chair, substituting for Peter Russo MP, member for Toohey; Michael Berkman MP, member for Maiwar; Russell Field MP, member for Capalaba; Natalie Marr MP, member for Thuringowa; and the Hon. Meaghan Scanlon MP, member for Gaven, substituting for Melissa McMahon MP, member for Macalister.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and, in fact, are present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings, and images may also appear on the parliament's website or social media pages. Please remember to press your microphones on before you start speaking and off when you are finished, and please turn your mobile phones off or to silent mode.

**CHADWICK, Ms Wren, Manager, Policy and Systemic Review, Office of the Victims' Commissioner**

**KAY, Ms Sarah, Executive Director, Office of the Victims' Commissioner**

**THOMS, Ms Dimity, Director, Policy and Systemic Review, Office of the Victims' Commissioner**

**CHAIR:** I now welcome representatives from the Office of the Victims' Commissioner. Good morning. I invite you to make an opening statement before questions.

**Ms Kay:** Thank you, Chair and committee. I begin by acknowledging the traditional owners of the lands on which I join you today, and I pay my respects to elders past and present. Consistent with the commissioner's written submission, our evidence before you today will be confined to the amendments proposed to expand the Adult Crime, Adult Time framework which, for ease of reference, I will refer to as the ACAT framework. The Office of the Victims' Commissioner is committed to better protecting and promoting the rights of children who are victims of crime, including those who are in foster care, residential care or youth detention. It is one of the focused areas of our current systemic review of the Charter of Victims' Rights which will be delivered to the government at the end of this year.

While we acknowledge the troubled backgrounds of many young offenders, the consistent and clear message we receive from victims of youth crime is this: the difficult background of a young offender does not make the consequences of the crime they commit against others any less harmful, devastating or traumatic. Victims of both youth and adult crime continue to tell us the sentencing process in Queensland has not got the balance right. Victims tell us too much time is spent focusing on the offender's difficult background and the impact that different forms of punishment might have on the offender and the family, and too little time is spent considering the harm that the offender's behaviour has caused to the victim and their family. The OVC continues to hear from victims that they are not advised about court processes or dates, and they are not being provided with sufficient time and support to make a victim's statement at all, compounding the sense of injustice they feel about the sentencing process as a whole.

This feedback from victims is why the commissioner, in her submission, has highlighted for the committee the importance of the holistic review of section 9 of the Penalties and Sentences Act and the victim impact regime, as recommended by the Queensland Sentencing Advisory Council and which we note the government has committed to.

The commissioner also wishes to highlight her concerns about the offence of choking, suffocation or strangulation in a domestic setting. While the commissioner supports the inclusion of this offence in the ACAT framework, it is important to bring to the committee's attention that there are systemic issues that are currently impeding the effective investigation, prosecution and sentencing of this offence.

Three independent reports in the last five years from the Queensland Audit Office in 2022, the Queensland Sentencing Advisory Council in 2024 and the Queensland Law Reform Commission in 2025 have identified issues that could, if addressed, increase both general deterrence and perpetrator accountability. As our submission outlines, the need to address these issue for young people is particularly pressing. The offence does not cover strangulation and choking that occurs in dating relationships which are more common for young people. This means the offence does not provide accountability and justice for young victims who are subjected to strangulation and choking by their peers who in turn have been influenced by their exposure to violent pornography which normalises this dangerous practice. That is why our submission asks the committee to consider a recommendation in its report to parliament that the issues identified in the reports of the three independent bodies should be addressed as a priority to ensure appropriate accountability for young people or adults who engage in this dangerous behaviour which can leave victims with permanent physical and cognitive impairment and is strongly associated with future lethality.

Finally, the commissioner also raises for the committee's consideration the issue of equitable and fair access to transcripts of sentencing remarks for victims of crime and greater access for the wider Queensland community. Not every victim wants to, or is able to, attend a sentencing hearing for the offence that was committed against them. However, for some victims, having a record of the sentencing remarks provides important closure, particularly if the remarks referenced their victim impact statement.

Our submission points out the relevant offences proposed to be included in the ACAT framework that can be heard in the Magistrates Court if the offender makes that election. Victims of offences that are heard in the Magistrates Court are not eligible for a free copy of the transcript or the audio recording that they would receive if the sentencing hearing took place in the District Court. These victims have to apply for a transcript at their own cost and the transcripts are not cheap; it can be hundreds of dollars.

The commissioner's submission also points out that if one of the key objectives of the ACAT framework is to be realised, that is greater general deterrence through higher sentences, the community at large must know about those sentences. Currently, sentencing remarks from the District and Supreme courts are published entirely at the discretion of the sentencing judge and often several months after the date of the sentence. This discretion is exercised only in a small number of cases relative to the total number of sentencing hearings that occur. Magistrates Court sentencing remarks are rarely published at all. That is why our submission asks the committee to consider making recommendations in its report to parliament on this bill to strengthen victim and community access to sentencing remarks. Thank you. My colleagues and I are happy to take any questions the committee may have about our submission.

**CHAIR:** Thank you for your appearance today and the wonderful work you do in supporting victims of crime. In your submission you noted that victims feel the harm that has been caused to them is not sufficiently acknowledged in sentencing. The Adult Crime, Adult Time sentencing framework is designed to put victims first and ensure there are consequences for actions. Does this reform at least take steps in the right direction? Noting the Premier's consistent message that there is a long way to go, but with a 7.2 per cent reduction in victim numbers, are we taking steps in the right direction?

**Ms Kay:** Before I answer it, I do want to make clear that victims of crime are not a homogenous group. They do not have the same view on every issue. But certainly when victims of crime come to our office and they tell us their stories, one of the reasons they do that, they tell us, is they do not want that to happen to another person ever again. In terms of that have at least, I think a drop in victims' numbers would be very welcomed by any victim of crime, but particularly they want the process—the whole criminal justice process, I think—to be more attuned to their needs, and that is what we try to help them with at the commission.

**Ms SCANLON:** Several stakeholders have referred to anecdotal evidence that because there are fewer pleas under the ACAT laws, cases are taking longer in court, meaning longer waiting times for victims to see justice. The department briefing paper states that the winding back of drug diversion Brisbane

laws will have a similar pathway to New South Wales where analysis has shown that of nearly 4,000 instances of drug possession, 3,347 were proceeded against court, suggesting again that wait times for resolution of charges would blow out. Would a delay in justice as a result of these proposed changes be of concern to the commission?

**Ms Kay:** Delay in the criminal justice system is a concern for victims, and there are several sources of delay at the moment that victims talk to us about. For example, the problems with DNA have caused significant delay. There is also significant delay currently caused by counselling privilege notes. There are many areas in the criminal justice system systemically that affect the time it takes for matters to finalise. Victims often, during a period of delay, will just give up on the process altogether—it is too traumatic. Delay is negative for victims, but largely, I must be frank with the committee, what they tell us is that it is the way that they are treated during the course of their journey through the criminal justice system; that is by all government agencies and by the sentencing courts themselves, and that is where victims tell us they want to see real reform.

**Ms MARR:** The public have had a lot to say about antisocial behaviour currently in our community and the impact that it has to our community as well. Can you please talk to the committee about what you have heard from victims of youth crime in that antisocial behaviour environment and how it has impacted their daily lives once they have had to get past the actual crime? How does it affect them in their daily lives moving forward?

**Ms Kay:** Certainly what victims of crime tell us is that the crime that was committed against them affects their entire sense of safety in their own community. They would definitely welcome any steps that would make them feel safe within the community. However, when victims come to us, they tend to come to us with respect to a crime committed against them specifically, not about the antisocial behaviour. As a general comment, I think it is fair to say that that sense of safety that they had in their community can really be damaged by being a victim of personal crime. Anything that makes them feel safer in their community is definitely a positive.

**Mr BERKMAN:** We just this morning, at the start of the briefing, received some information from the Expert Legal Panel. It was suggested during the introductory speech we would get their advice. This is something different. It outlines that the panel undertook some face-to-face consultation and conducted a round table. Can you tell us to what extent the commission was consulted by the Expert Legal Panel in any of those processes?

**Ms Kay:** I have not had a chance to look at that document that you refer to, but what I can tell you is the panel did reach out to the former commissioner in July 2025. A meeting did not end up occurring, through no fault of either party, but the panel did advise the office that they would take into account the former Victims' Commissioner's submission on the second ACAT bill as part of their deliberations.

**Mr BERKMAN:** So that submission to the committee would effectively be the extent of the consultation?

**Ms Kay:** That is correct.

**Mr FIELD:** In your submission, you said it is critical that the rights of victims remain at the forefront of these reforms and that it is essential that legislative reforms prioritise their needs and rights. I know for a fact what it is like. Could you tell others on the committee of some of the trauma you hear from victims when you talk to them? I know what it is like, but others on the committee obviously do not.

**Ms Kay:** I do not want to disclose personal stories that people have told me obviously in confidence, but what I can definitely tell the committee is the impact on their life is often devastating, and on their families, and it is not confined to a single moment of time; it is ongoing. It is their sense of personal safety, it is their sense of psychological safety, and it is their sense of being safe in the community and their family being safe, and that anxiety really lives with those victims on and on. For many victims, there is no end to the grief and trauma.

We try as best we can at the commission to take a really trauma informed approach with everyone who comes to our service. We have a fantastic client and community engagement service. Our officers are very highly trained. When they take telephone calls, they spend all the time they need with victims. We have specially designed facilities at our offices. They are not like an office; they are like a comfortable lounge space, a place where they can bring their children and they can come and tell us their stories in their own time. It is a privilege to hear every single one of those stories and to support those victims and do the work that we do.

**Mr FIELD:** In our particular instance, we got no support whatsoever. Admittedly, it was five years ago. We did not even get a phone call from anybody in government to express how they felt. In a sense, we badly fell through the cracks, as they say, so it is good to see that something is happening now. Thank you.

**CHAIR:** Thank you, member for Capalaba. I acknowledge your courage in serving on this committee with the trauma that your family went through.

**Ms FARMER:** Thank you to you and your team for the great work that you do. It is much appreciated. It is a shame that you were not given an opportunity to see the final report of the Expert Legal Panel. I am sure that would have been helpful.

In your submission you highlight issues around victim impact statements and you suggest mechanisms that could be introduced to improve the quality and increase the quantity of the victim impact statements being provided to Queensland courts, such as adjournments to enable victim-survivors time to prepare statements and expanded options for providing them such as having the option to prerecord. Have you raised these concerns and suggestions directly with the minister, the Attorney-General or the relevant directors-general more broadly and, if so, what was the response?

**Ms Kay:** We have had correspondence with the Attorney-General. The Attorney-General has written to the Office of the Victims' Commissioner and confirmed that the Department of Justice will work with us on that systemic review. There have been some informal conversations about how that will occur. It is a dialogue that we really want to keep going with the Department of Justice and the Attorney-General. We have been given every indication that that dialogue will continue.

**CHAIR:** I note that in your submission you welcome the Attorney-General's recent comments that the next stage of addressing the QSAC recommendations will include holistic reviews of section 9 of the Penalties and Sentences Act. Thank you for that. With regard to the offence of non-fatal strangulation included in the ACAT offences in the bill before us, you made comments around the difficulties of proving this offence in court. Can you expand on some of the difficulties there?

**Ms Kay:** We have highlighted, particularly with respect to the ACAT amendment, the difficulty for young people. The offence introduced in 2016 was very much introduced with longer term domestic relationships in mind, and that was when we were at a very early stage of our understanding of this offence and the nature of the offending. I have to pay tribute to the excellent work of the Red Rose Foundation in this state, who do a fabulous job of educating us all, and the Queensland Police Service and the DPP. We know so much more now. What we do know is that teenagers particularly are just not in those long-term domestic relationships. The offence as it is drafted does not cover them, so our concern is that they do not have coverage. We know that through exposure to violent pornography quite frequently online this is becoming more of an issue. There are many studies—some of which we have referred to in our submission—that outline that it is a real issue for young people.

The other systemic issues that are highlighted—they are really important—through the QAO report particularly are the withdrawal from prosecution. We talked about delay, and that can be one of the reasons it is withdrawn, but it also can be victims not being supported during the process. That support for a victim through what can be a very long period of time between the offence and the trial is really very important. I think there are a lot of great suggestions around community education in some of those reports as well. Queensland has been a leader in the country with respect to this offence and this conduct. It is a great opportunity for us to continue to lead because the more we learn about what happens to victims of this offence and the long-term consequences of this kind of behaviour—strangulation—the more we know about the cognitive impairment and the long-term physical impairment that is not always evident at the time the offence it is committed, it is just so important that we continue to update the offence and make sure it aligns with what we know now.

**CHAIR:** Thank you for that feedback and for your advocacy in that area. That concludes the amount of time allocated for you as witnesses today.

**BAXTER, Ms Josephine, Executive Director, Drug Free Australia (via videoconference)**

**CHAIR:** Welcome. I invite you to make an opening statement to the committee before we go to questions.

**Ms Baxter:** Firstly, I would like to say that I am representing a number of bodies. We are in the Australian taskforce for drug prevention, plus a couple of overseas groups called the World Federation Against Drugs and One Voice One Message in the Netherlands, plus I am in the Rotary Action Group for Addiction Prevention so we are actually quite well represented, I hope. Recently I was a representative at the United Nations Commission on Narcotic Drugs in Vienna. We concur that the three-strike program launched by the former Queensland Labor government allows those caught with small quantities of dangerous illicit substances like Fentanyl, ice and heroin multiple times to have three chances before they can actually be really helped. In reality, we believe that it could be—perhaps unintentionally—a gateway to addiction and criminal offending.

My message today is clear: in conjunction with the legal aspects of the new legislation it is vital to build effective prevention measures in consultation with young people who are concerned about their friends being hooked on drugs. I am using the vernacular because that is how we talk to them. We think a prevention campaign needs to be designed, in consultation with young people—and hopefully their parents and carers can be brought in as well—and include positive peer pressure showing kids effective ways to say no to unwanted social requests. When I worked with Life Education we did a lot of that in our secondary schools—helping them to find ways just to walk away without threatening any relationships they might want to keep.

Communication techniques for parents and teens finding time to do things together—sometimes parents can feel shut out by teens but, secretly, I think they actually do want them to be at least available, so perhaps take an interest in helping them, transporting them to sporting events or other activities that they do. Certainly, get to know the parents of their friends. Know who your kids are actually mixing with. Reducing and stopping intergenerational drug use and associated child neglect is a very important part of prevention. I would like to share with you a Rotary project that we are embarking on. For the last three years we have been promoting to Rotary clubs around the country and around the world, in fact, our youth prevention influencer program. I was very privileged to be joined by two young people—one from Brussels and one from Australia—at the UN convention on narcotic drugs because they were able to present as well and they received standing ovations. People are ready to listen to youth, particularly in the area of prevention.

There are two other examples that have had positive results. It was a long time back but I think still there is the Swedish model which used their young policemen. I was lucky to go to Sweden and meet some of the young trained policemen who would go to the venues that young people go to and talk to them at their level. They were just dressed as young people but if they could see that there was a drug deal going down or even some sort of threat to a young person at those venues, they could step in and at the appropriate time bring in the parents as well. That worked really well.

The other one was Australia's Tough on Drugs strategy that John Howard brought in around the time that our heroin problem was really quite extraordinary in Australia. The Tough on Drugs policy actually notified households—some of you may remember it; some may have heard of it—about drugs and what harms they could do and outlined some strategies for parents. They had very good, quite graphic, television ads as well. There is an argument to say, 'Don't go overboard with the graphical side of it,' but at some stage or another we have to face the reality that these illicit substances are strong and very powerful on the young developing brain.

**CHAIR:** I am loath to interrupt you, but we do have limited time and we wanted to get some insights into your opinions of the bill.

**Ms SCANLON:** You state in your submission, 'The evidence is unequivocal: the threat and perception of being caught using and selling illicit drugs prevents people from doing so.' Given this runs counter to the bulk of established research and expert advice in this area, can you outline the specific evidence or sources you relied on to support that claim? I am curious as to what evidence or sources you relied upon to support that claim.

**Ms Baxter:** I think police forces have found that if they have legislation that backs them up they can probably make some great inroads into reducing street dealing anyway. A lot of the dealing also happens at schools and it is important to train up staff in schools to notice the telltale signs. One of three people in Australia have tried vaping and we are really concerned about that. I think we have to say that, as with any health issue, prevention is better than cure. I do not think you could get better evidence than that.

**Ms SCANLON:** Can you confirm that there is no particular evidence you have that you are able to provide the committee with—just those general comments that you have made? That is all?

**Ms Baxter:** I would be happy to send you some papers after the event if that helps.

**Ms SCANLON:** That would be great, thank you.

**CHAIR:** Can you take it on notice to provide that evidence to the committee?

**Ms Baxter:** Sure.

**CHAIR:** Is Drug Free Australia an international organisation? I think there was an international liaison director who provided a submission?

**Ms Baxter:** Yes. We have international links but we are an Australian-based charity. Our representative in Queensland, Herschel Baker, would have sent you information earlier in the piece that probably allowed us to present to you.

**CHAIR:** That was the submitter, yes. He was described as the international liaison director.

**Ms Baxter:** He liaises internationally with other groups because we know that sometimes what is happening in other places can be mirrored here or could be on the way here.

**CHAIR:** My question was going to go to that. You mentioned the current laws and the three-strikes policy, and that is mentioned in the submission as well. Do you have any other insights into other areas internationally? Some parts of the US have adopted a soft-on-drugs approach similar to that three-strikes policy. What are your observations about whether that has worked?

**Ms FARMER:** Point of order, Chair: as you have guided us on many occasions previously, we are asking for evidence rather than opinions.

**CHAIR:** Is your organisation aware of any evidence or observations of how that has worked or not worked?

**Ms Baxter:** We are probably more in favour of one strike because at least we can see that the kids will take it more seriously. Is your legislation aiming for one strike or two?

**CHAIR:** The bill before us has a provision to issue a penalty infringement notice on the first offence. However, the person may elect to not pay that and take a drug diversion instead. There is that health pathway, but a second and third offence would result in a charge. Is that something that your organisation would support rather than a three strikes policy?

**Ms Baxter:** Yes, definitely. We like your legislation.

**Mr BERKMAN:** I want to clarify one thing. There is a paragraph in your submission. It appears that the submission we have received on this bill is essentially the previous submission on the expanded drug diversion program and the explanatory notes for this bill and that is the extent of it. Is that right?

**Ms Baxter:** That was back in 2023, I think.

**Mr BERKMAN:** Yes.

**Ms Baxter:** Herschel Baker was right onto it at that point. We are very pleased that finally it has been seen in a similar light.

**Mr BERKMAN:** I just wanted to clarify the composition of the submission. There is one paragraph in that 2023 submission that says—

Policies that focus on reducing harm and providing treatment, education, and prevention, not punishment, can prevent problematic drug use and heal those dependent on drugs, without involving the criminal justice system.

I presume it is a position you still agree with because it is in your submission to this bill. The question is: does that not stand directly in contrast with the watering down of the punitive measures and the increase in criminal justice interventions that are proposed by this bill?

**Ms Baxter:** I do not think so. I think it is about how they are introduced. I hark back to the police training in Sweden and how they did not come across in any way as judgemental or punitive, just concerned. If police can be trained in that way, it does not have to be punitive; people do not have to feel frightened of it. They will feel helped.

**Mr BERKMAN:** The bill that is in front of us removes opportunities for police to intervene in a way that is not punitive. It removes those diversionary opportunities on the second and third occasion and, in fact, pushes explicitly in the direction of punitive measures—of criminal charges and prosecution and whatever punishment comes with that. I am still confused about the contrast between your apparent position in the submission and what we are hearing from you today.

**Ms Baxter:** We did not take it that it would be necessarily punitive simply because there would be one diversion opportunity. We saw it as that they could then move in and be effective. It does not put off the whole situation.

**Mr BERKMAN:** We have heard this morning from Queensland Police that in the two years since this scheme commenced there were 13,778 instances of a tier 2 and tier 3 diversion, meaning that there are that many people who are now subject to a punitive measure—charges or whatever punishment comes from prosecution. Does that concern you?

**Ms Baxter:** It does. Yes, it does.

**Ms FARMER:** Point of order, Chair: I think the committee does have an expectation that all of the witnesses appearing before us have actually read the bill and have evidence to back up their claims. This is not a committee to hear people's opinions. Could I ask, Chair, that you guide the witness to answer with evidence rather than opinion?

**CHAIR:** It might be helpful, Ms Baxter, if you could give us a very brief overview of Drug Free Australia and what your objectives are and how you are set up—very brief, 20 or 30 seconds—so we can understand where you are coming from.

**Ms Baxter:** Basically, we believe that a drug-free Australia is an ideal and something to strive towards. Obviously that is not going to happen because people will be people. However, if you set the bar too low it will be far worse. That is why harm reduction only fails. There needs to be, first of all, as with any health issue—

**Ms FARMER:** Point of order, Chair: we have asked that witnesses can provide evidence to back up their claims. You have guided us on many occasions that submissions from witnesses need to be based on evidence and not on opinion. Could I ask for you to guide the witness?

**CHAIR:** I will move to the next question and, Ms Baxter, we are dealing with a bill before the parliament into which the committee is conducting an inquiry, so you will find the questions will be relevant to that bill. Do your best to answer them the best way you can. That is the guidance I can give you at this stage, but I will be listening carefully in terms of relevance.

**Ms MARR:** I will ask a question that you can answer based on your experience of travelling to forums and advocating in this space. Are you able to explain the problems you have experienced that drugs posed not only to individuals but how it has actually affected communities that are dealing with it?

**Ms FARMER:** Point of order, Chair: this is not a forum for opinions or experience; it is a forum for evidence. If the witness is unable to provide evidence, she should be discharged from the committee hearing.

**CHAIR:** Thank you for your point of order, member for Bulimba. The witnesses who appear before us are allowed to provide opinions—that is my advice—but it has to be relevant to the bill. The question relates to her experience as a campaigner for a drug-free Australia and conferences she has attended. The question relates to the bill. Could you repeat the question, please, member for Thuringowa, for the benefit of Ms Baxter?

**Ms MARR:** In your experience travelling around advocating for communities that have experienced similar behaviour to what is talked about in the bill, can you please tell us how drugs can harm individuals but also how it has affected communities?

**Ms Baxter:** It goes to the very core of family disruption. Let's take a few cases. I worked at Odyssey House in Victoria and there were three main cases that stood out to me. One was a young girl, a teenager from quite a well-off family. She did not really communicate well with her parents. Many 16-year-olds do not. They get to a point where maybe their independence takes over. The parents were very professional and not there for her at times when she really needed them to be. She became pregnant. She came to Odyssey House and we looked after her. We were able to give her accommodation and then we were able to bring the parents in to be with her and to bring them together. Basically, the lack of communication in families can often cause kids to change their direction at a fairly key time in life.

Another one was a little boy, Oli—that is not his real name; that is the name I am using for this. He was often going next door and knocking on their door asking for dinner because his mum just was not there or she was out of it and could not cook him anything, not even a sandwich. There are families that do reach those dreadful stages.

Another one was a boy who was heading for the football, an AFL player. At 17 he joined the older players at the bar and became quite used to alcohol and then it became part of his regime. He dropped all his opportunities and nearly lost his life through the whole process. We know how clearly these drugs do affect people and not just the person taking them but their families, their wider community and their relationships.

**Ms SCANLON:** These are really serious laws and so you could provide the committee with whether you have actually read the bill or even the explanatory notes in preparation for today's hearing?

**Ms Baxter:** I certainly have.

**CHAIR:** Thank you, Ms Baxter, for appearing before us today. That concludes the time allocated for your appearance.

**Ms Baxter:** May I just read one statement?

**CHAIR:** I am sorry, Ms Baxter, I have closed that portion of the hearing, I am afraid.

**Ms Baxter:** I wish you luck with everything you are doing.

**CHAIR:** You could email that to the secretariat. We will get in touch with you and get that statement from you. Thank you for your appearance today. You took a question on notice to provide some evidence about the effect the unequivocal threat and perception of being caught using and selling illicit drugs has on preventing people from doing so. If someone from Drug Free Australia could provide that evidence referred to in your submission to the committee by 7 April, that would be helpful.

**Ms Baxter:** Could that be emailed to me, please?

**CHAIR:** Yes. We will be in touch with you about that question on notice.

**MERLEHAN, Ms Natalie, Director and Victim Survivor, Voice for Victims Foundation**

**READING, Ms Trudy, Chief Advocacy Officer and Director, Voice for Victims Foundation**

**CHAIR:** Good afternoon. Thank you so much for your appearance today. I invite you to make an opening statement to the committee before we go to questions.

**Ms Reading:** Personally, thank you for the opportunity to hear from us today and the victims we represent. The Voice for Victims Foundation is a Queensland-based charity supporting victims of violent crime. Our work ensures victims are not left to navigate the justice system alone and that their safety, participation and long-term outcomes are recognised. I was really heartened to see the representation from the Victims' Commissioner's office here today as they also represent victims.

One key observation that we had made is that of the 180-plus submissions made to this committee there is limited consideration of victims' experience, with many instead purely focusing on the legal and system impacts on offenders. Victims are still treated as witnesses to their own crime and it is clear that we remain a long way from a balanced justice system in Queensland.

While the Youth Justice Act states the courts are to prioritise the impact on victims and no longer treat detention as a last resort, we continue to see victim harm minimised in practice by the courts. Thousands of dollars are invested in preparing a sentence report that explains an offender's circumstances, yet a victim's voice is often limited to a single victim impact statement and that is sometimes redacted by courts or not heard at all.

With respect to the bill, our support is conditional. Sentencing reform alone will not reduce offending without addressing underlying causes and investing in early intervention and rehabilitation. We risk creating more victims, not fewer. We support strong accountability for serious harm alongside targeted interventions that reduce offending and protect the community. However, we have some reservations with respect to some of the expansions largely due to the lack of information around why they have been included.

Ultimately without system capacity and coordinated support, these changes risk increasing pressure on the system while prolonging trauma for victims. From a victim perspective, this matters because if we do not get this right, the number of victims will grow and not decline. I will hand over to Natalie to complete.

**Ms Merlehan:** In relation to the proposed changes regarding drug diversion, we support the principle that actions should have meaningful consequences. However, narrowing diversion and increasing punitive early responses may not drive behavioural change. For many young people, offending with respect to this is linked to underlying vulnerability. If these drivers are not addressed, escalation becomes more likely, resulting in serious offending and more victims.

A balanced approach is needed, combining accountability with early intervention, education and access to supports. We also support the introduction of the designated business and community precincts as a practical measure to improve safety. Embedding early intervention to disrupt antisocial behaviour aligns with a victim centred approach, providing these powers are applied proportionately. Our recommendation focuses on balance and effectiveness. Investment in system capacity must accompany any expansion of the Adult Crime, Adult Time legislation. Ongoing funding for victim support services must reflect that growing demand. Strong data collection and independent evaluation must measure the impacts of reoffending, system performance and victim outcomes. Continued access to rehabilitation and diversion must remain available to young people.

In closing, accountability is necessary but not sufficient. From a victim perspective, success is measured by fewer people experiencing harm. What victims consistently tell us is simple: they do not want anyone else to go through what they did. We urge the committee to ensure this bill delivers not just stronger penalties but also prevention and better outcomes for victims and Queenslanders.

**CHAIR:** I note your comments around a lot of the submissions and the lack of acknowledgement of victims. It is something that I noticed as well. I acknowledge the comments in your submission around increased penalties for young people needing to be coupled with early intervention and prevention measures. Certainly this government is committed to those principles. With a 7.2 per cent reduction in victim numbers last year and acknowledgement from the Premier that there is a long way to go, is Voice for Victims generally supportive of the sentencing reforms in the current bill and do you have any suggestions for the committee about how we can better support victims?

**Ms Reading:** As you have recognised, yes, there have been numerous programs put in place to assist with rehabilitation and early intervention and they are all things that we had called for and do support. As a whole, yes, we do support the expansion of Adult Crime, Adult Time. There are a couple Brisbane

of things, which we mention in our submission, that we were unable to support in whole just due to the lack of information around two points. They were in relation to aiding suicide, section 311, and 316. That was purely because, as a layperson, we did not have enough information to make a statement with regard to those offences.

**CHAIR:** Going to the second part of my question, how can we better support victims in this space?

**Ms Reading:** I think the Office of the Victim's Commissioner is a really positive step in the right direction and they made some comments earlier about having better support for victims, having court support and that immediate wraparound service. That is one of the reasons that we exist. The Voice for Victims Foundation was founded to be able to support victims right from the moment that they find themselves in this situation, through no fault of their own. It is to provide wraparound services from the beginning, right through the sentencing process and beyond in peer support. We would like to see more support for organisations like ours that will be there to support those people. We have focused on violent crime because that was a gap in the market, but there are obviously some other really good charities out there that are supporting domestic violence and sexual violence victims. I think more resources to those organisations.

I also think it is about the language that is used. One thing that victims have repeatedly said to us is that they do not feel included in the process; they are just a witness. Some victims have been told that: you are just a witness in your own crime. The language that is used right throughout the process, whether it is QPS, the court systems—everybody needs to start thinking: 'How does this affect a victim? How will what I am about to say to this person impact them?' We think about the offender, we think about the system that we have designed to fit the offender, but nobody has designed a system to fit the victim. I think that is where we really need to start to pick up the slack.

**Ms FARMER:** I thank both of you for your really excellent submission and also congratulations on officially launching the organisation recently. We are looking forward to more good work from you. Trudy, you referred before to not having enough information available to necessarily be able to submit a completely informed submission. Would it have been helpful for you to have seen the full advice from the Expert Legal Panel, not just a final report, which we acknowledge has only been made available today? Would it have been helpful to you to see the full advice of the Expert Legal Panel so that you can understand the reasons for these offences being introduced?

**Ms Reading:** Potentially yes, if that information was in the report. I have not had a chance to look at it properly. I have only just skimmed it.

**Ms FARMER:** It is not. The full advice is not.

**Ms Reading:** In being able to make an informed position on any of these things, obviously the more information available to you then the more detail you can go into. Essentially, our position here today is to be the voice of victims. It is to bring the spotlight back onto victims. Ultimately, we just want fewer victims and if we can have laws that support fewer victims then that is something that we will support.

**Ms MARR:** It is important that we hear the voices of victims. Sometimes it is difficult for them to make themselves available. What encourages a victim to contact you? What are the hurdles that victims experience to make that first point of contact?

**Ms Merlehan:** Currently we have a website live. We have a Facebook group that allows people to contact us. We have a phone service that operates from 8 am to 8 pm during business days. Obviously, as you are aware, we are only a relatively new foundation and charity so ultimately it comes down to funding and the capacity of people to volunteer to do that. It also comes down to members like yourselves being aware of us and the police and emergency services, broadly, being able to direct people when they are not sure where to send them.

**Ms MARR:** Going to the first part of the question, what encourages a victim to contact you? At what point are they at that they reach out to you to advocate for them in this space where we are trying to change legislation?

**Ms Merlehan:** I think every victim that we have encountered has been on a different part of their journey. Realistically, it is an important decision on where they are and the capacity that they feel they have to engage. For some people, they want that engagement very early on; others want it at a particular point. Our intention is to be there and to support them at whatever point that is for them and at whatever capacity they need during that time.

**Mr BERKMAN:** I return to the point that you were making about some of the charges being without evidence to support them, essentially. We had some data this morning from the department that tells us that, of the new offences listed, five of those offences have not a single instance of a

conviction over the past 10 years of data. Under section 216, abuse of persons with impairment of the mind, there are two convictions. Looking at riot, if you exclude the Brisbane Youth Detention Centre riot in 2017, there were only two convictions for that as well. Where there are effectively no or such minimal conviction numbers, does that call into question the basis for adding these offences to the Adult Crime, Adult Time list?

**Ms Reading:** I think the fact that they are crimes that have not necessarily been popular or where there are not a lot of charges against people is not necessarily a reason not to include them. If it is an offence that is really quite serious and is going to cause significant harm to a victim, I cannot see a reason for excluding it just based on the fact that it does not happen very often. There are not that many charges of murder against a child but it is incredibly important that we include murder. I think it is more about what harm is going to be done to a potential victim and is that a reason for including it.

The fact that I was not confident on aiding suicide was purely that I did not understand what that might mean. Is it a case where a child has encouraged somebody else to commit suicide? Is it a case where a child is aiding a sick parent in suicide? I did not have enough information. Just because there have not been many cases brought before the court, I do not think that is a reason to exclude it, no.

**Mr BERKMAN:** Obviously the advice from the Expert Legal Panel, if it was made available to us, would assist us in understanding those offences and the basis on which they have been put forward, I suppose.

**Ms Reading:** The only thing I would probably dispute on that is that if they are basing it on the history of what has been brought before the courts already then that does not speak to what that crime impact will be on future victims. That is my point.

**Mr BERKMAN:** Of course, I am sorry.

**CHAIR:** You rightly observe that the impact of harm is the primary concern.

**Ms Reading:** Correct, and I am speaking about the impact of crime on those victims.

**Mr BERKMAN:** Just to clarify, it is not so much those successful charge numbers; it is about the broader advice from the Expert Legal Panel—

**CHAIR:** Member!

**Mr BERKMAN:** Yes, Chair?

**CHAIR:** Please do not ignore me.

**Mr FIELD:** Rudy and Natalie, your group helped our family tremendously. It is good to see you now have that charity status and I was happy to be at the launch. Going forward from where we were five years ago, it is a big plus as far as we are concerned. Most people would know that the individual who caused our accident was drug affected. Do you believe that drug use is linked to the rise in violent crime in our state and, other than ours, have you seen any examples of that or have people come to you for help in those sorts of situations?

**Ms Reading:** Obviously I cannot go into detail about the victims who have contacted us. Yes, people have come to us who have found themselves as a victim and the reason for them becoming a victim has largely been driven by someone being drug affected. I will let Natalie talk to the rest of the question.

**Ms Merlehan:** It would not come as a surprise to anyone that there would be a correlation between drug use and serious violent offences because obviously there is an inhibition of your capacity to understand what an action is going to do. If I am reading between the lines correctly, I am assuming that the question is in relation to our not so much support around the change to three strikes rather than one strike; is that correct?

**Mr FIELD:** Yes.

**Ms Merlehan:** I think the removal and the intended change to that section of the legislation is a concern because it limits the capacity for a real understanding of why children are partaking in that type of behaviour. I do not know how appropriately and adequately, from one instance of an interaction with police, a suitable assessment could be made as to how they found this person in this particular situation, if we are specifically talking about youth crime. In relation to adults, I believe it is usually a trajectory from childhood use up through adult use. That is not always the case but there is obviously significant trends in that regard. In relation to adults, I think it is a different thing because you are an adult and you have a different capacity. There is a higher expectation that you take accountability whereas for a child there needs to be additional safeguards and assessment on why that type of behaviour is occurring as opposed to giving a fine or making other options available rather than rehabilitation and deterrence in other ways.

**CHAIR:** Noting that the Youth Justice Act does offer police alternatives for young people in terms of cautioning and diversions, more so than adults, as well.

**Ms SCANLON:** I note in your introductory remarks you raised some concerns around the inclusion of section 311, aiding suicide. I think some comments were made about the fact that you did not feel as though you had enough information. Do you feel as though you have enough information now noting that none of us had seen the expert legal advice? Do you have any recommendations to government about the inclusion of that particular provision noting, as you mentioned before, sometimes the complexity of family arrangements in some of these circumstances?

**Ms Merlehan:** As Trudy said before, we have obviously only had a very preliminary skim of that. There is very limited detail and it does not necessarily give a detailed description as to why decisions were made to include or exclude information. I would hope that there may be some additional information forthcoming, but at this point I do not think our position has changed in that there are some questions around the inclusion of that and the capacity of what that means. Is that in relation to bullying? Is that in relation to a child not stepping in if a parent is intending to take their own life for whatever reason? There are obviously some serious repercussions from both of those things if they are the intended outcome of that change.

**CHAIR:** That concludes the time allocated. We really appreciate you attending today and being the voice for victims. Certainly, ours is a government that is focused on the rights of victims. Thank you for that important perspective.

**EVERETT, Mr Oliver, Senior Adviser, Shopping Centre Council of Australia  
(via videoconference)**

**NARDI, Mr Angus, Chief Executive, Shopping Centre Council of Australia  
(via videoconference)**

**CHAIR:** I invite you to make an opening submission to the committee before we go to questions,

**Mr Nardi:** Thank you for the opportunity to make a submission to this important inquiry and to appear before you today. We have appeared before several committees in our time in terms of our advocacy in and around community safety and security. We have a longstanding engagement on community safety and security issues across all governments in Australia, including the Queensland government, and we work very closely with agencies, including the Queensland Police Service.

Our industry supports the intent of the bill that is before the parliament. While most safety and security incidents in shopping centres are resolved peacefully, there has been an ongoing issue with violent and aggressive incidents which can include the use of weapons along with youth offending. There are often victims of these incidents. Along with others involved, that can include our own staff and security guards that are often first on scene and often part of a response. A high-profile incident occurred, as an example, at Westfield Helensvale in August 2023 where one of our guards was seriously injured by youths who were charged. Those types of incidents highlight the nature of some of the matters that can occur within our shopping centres. In the case of security guards, they are not police, they are not licensed, trained or equipped to deter such violent incidents and in some cases, like the one at Helensvale, sadly some of our guards do get harmed. We therefore welcome measures that strengthen community safety by aligning penalties with community expectation and giving police the tools they need to protect businesses, staff and customers.

Our strong preference, as a final comment, is, of course, that violent and criminal incidents do not occur in the first place so we support measures that will deter such incidents, but ultimately we also are very keen to ensure that we are standing up for our staff and our customers who are often the victims of these crimes. We make a note in our submission that we ran a campaign called the Be Kind in Retail campaign over the Christmas period that encourages customers to be kind to retail staff, cleaners and our security guards. It is very sad that we have to run such a campaign, but in recent times we have stood up that campaign because a lot of our staff do, sadly, see very poor antisocial behaviour and violent and aggressive behaviour towards them. To give one incident, in recent times one of our security guards had a youth pull up his shirt and reveal in his tracksuit pants a knife and said to our guard, 'I dare you to touch me', clearly, possibly, trying to elicit a response or get in some kind of altercation. It is those types of things that we continue to see in our shopping centres and ultimately are keen to see them not occurring at all. Thank you, Chair and members.

**CHAIR:** Have your members reported an increase over time in the types of antisocial behaviour and violent offences and, if so, how has that impacted on retail business, if at all?

**Mr Nardi:** The incidence of violence and aggression has generally increased in recent years. Others, including groups like the shop assistants union, have also noted an increase, along with a lot of major retailers. Probably the worst trend that we have seen in recent years is the use of edged weapons. For that reason under the previous government we supported restrictions on the sale of knives to minors, obviously Jack's Law, from the advocacy of the Beasley family, and associated law within police operations. It has obviously been very welcome in our sector. It certainly can harm retail businesses. As an example, we have just had a recent police operation in Victoria. One of the things that we did was survey and poll the community. A lot of the community highlighted that they feel a lot safer with police around, but a lot of the tenants, importantly, also highlighted that they feel a lot safer and just even for their staff, their staff working at night, noting that a lot of retail workers are young people and part-time workers so it certainly has an impact on them.

**Ms FARMER:** Thank you, both for your submission and for appearing today. I completely support your campaign. I proudly wear a 'No One Deserves a Serve' T-shirt on a regular basis. In reference to the designated business and community precincts, if people are moved away from a central business district under this proposal and they are moved to perhaps somewhere on the outer suburbs—for example, they might be moved from Townsville CBD to Fairfield Central Shopping Centre—does it concern you that those people exhibiting antisocial behaviour will just be moved from one place where there are policing powers to another place where there are not and no support services?

**Mr Nardi:** We work very closely with police, including in regional centres like the one that you have described. It is not an immediate concern because we often take advice from police in terms of if any of their activities increase the risk in terms of another location. It is not something that we have

experienced to date where we have seen Jack's Law wandering operations at certain shopping centres. We have not seen where that has simply pushed—there has been a direct increase in activity in nearby centres. It is certainly not something that we have experienced of that nature today, at least under the current laws.

**Ms FARMER:** With respect, in a regional area it is possibly more difficult to actually just absorb people who are exhibiting antisocial behaviour. In a regional centre those people will have to go somewhere, they will have to be moved somewhere. Would you like to see the government making more definite commitments about how those people will be dealt with if they are moved?

**Mr Nardi:** We certainly have a lot of centres in those regional areas, including Townsville. We have read through Townsville council's submissions. Some of our member centres are located just outside the CBD. Ultimately, we would be keen to work with police about how those activities are operationalised and work in concert with them. We certainly would have some concerns if there was a displacement of people to some of those other locations, particularly in regional areas. It is not something that we have seen to date, but we are always open to working with government and police to make sure there is the best solution.

**CHAIR:** Noting, of course, that there are options available to police in terms of arrest and dealing with those matters in other ways if the behaviour is to that extent.

**Ms MARR:** I would like to acknowledge the proactive campaign that you have had. Congratulations on that. It is nice to see people trying to get one step ahead. Besides the security guards that you have at the centre, can you talk to us about some of the biggest challenges that some of the businesses need to deal with in relation to antisocial behaviour.

**Mr Nardi:** From an overall approach, we have behind the scenes and in-front-of-house security arrangements that include the use of CCTV and our guards. Our guards are not police, as you know. They are there to really observe, monitor, report and escalate things to police when needed. One of the things that we see—and it depends on the location—is a lot of our retail tenants experience increased levels of theft and increased levels of customer aggression towards staff. We ourselves can see aggression towards our staff, including cleaners cleaning up a food court table and people get impatient and are quite rude and aggressive towards them. It is certainly part of our overall security approach. Each centre has a risk-based approach, depending on their relevant circumstances, but ultimately we try to do our best, noting we are not law enforcement, to help deter crime and engage closely with police to escalate things where it needs to be escalated.

**Ms SCANLON:** I note your comments repeatedly during this committee that police have powers to deal with a number of these instances and I also note this morning, just for the witnesses' interests, that the Queensland Police Service has suggested that designated areas are not intended to target people experiencing homelessness. I am just interested in your views about why locations like Australia Fair and the Southport CBD, which are areas widely reported as trial sites, have been identified given their known concentration of vulnerable people, and obviously a lot of support services as well, particularly given also some of the comments we have heard from members of the Liberal National Party who have said they, and we assume they are talking about people experiencing homelessness, could go to less populated and less busy areas. Why do you think these sites have been identified if they are areas that are known for having concentrations of vulnerable and homeless Queenslanders?

**Mr Nardi:** Obviously I cannot speak as to why others have identified those areas, but using that location that was mentioned, Australia Fair on the Gold Coast, a member of ours owns and operates that centre. I can say from our perspective there certainly has been issues that our industry has experienced on that northern part of the Gold Coast with youth offending, knife crime and other types of matters. Certainly from those types of metrics that we engage with government on, there certainly has been some elevated issues in and around those locations. The homelessness point of view is not something that we specifically engage with government on; it is more to do with criminal activity and violent and aggressive incidents.

**Mr FIELD:** Going back to shopping centres and the types of security you have to employ, there is always a cost involved with that. Who ends up paying at the end of the day? Is it the consumer? Is that cost borne by the average person going in to buy products at any of those particular shopping centres?

**Mr Nardi:** In our industry, like in others, security guarding is on a contracted model. We contract security guards and in some cases some of the retail stores contract their own security guards. For example, some of the major supermarkets can actually contract their own guards, but by and large centre security guards are contracted by us. Ultimately, it is an operating cost that we pay that ultimately flows through to the end user, like all things. It is no different to statutory charges or non-statutory

charges. It ultimately does get priced all the way through to the end user. The way that costs in our sector works under the Retail Shop Leases Act, a Queensland piece of legislation, we can recover certain costs from tenants so long as they are disclosed and then that has to be a matter for them to factor into their own business costs. Ultimately, yes, it is a cost borne by the private sector—mindful, as mentioned, that they are obviously licensed guards. They are licensed under acts of parliament and they are really just there to do the limited functions that they are able to under Queensland legislation and their licence.

**Mr FIELD:** At the end of the day, we are all paying for that antisocial behaviour; is that right?

**Mr Nardi:** Yes, that is correct.

**Ms FARMER:** I want to refer to the safe night precincts on which these designated precincts are based. Significant support services are allocated to support those safe night precincts. It is pretty well described and regulated. Would you like to see a commitment from the government if this bill is passed to providing the same support services in your shopping centres or districts, given we all want the problem to disappear, rather than just be moved somewhere else? Would you like to see that prescribed as they are with safe night precincts?

**Mr Everett:** We are pretty open and supportive of any measure that reduces the prospect of violence and antisocial incidents in our shopping centres, whether that is the same system of safe night precincts or other preventative measures, or signals to deter violent crime and antisocial behaviour from occurring, whether it is support to those who might be potential offenders before they offend or support afterwards. We are very supportive of any measure that assists.

**CHAIR:** The bill has some expansion of the police powers in relation to Jack's Law. Can you describe how Jack's Law has been received by local businesses and do you support the use of handheld scanners in designated business and community precincts?

**Mr Nardi:** We do. We supported, including through the parliamentary inquiry process, Jack's Law when it was initially in the parliament and when it was expanded to shopping centres. In our view, it has been a massive success. In the advice we gave to government on previous occasions, our view was whether it is sharp, dangerous, whether it is a controlled or prohibited weapon, it has absolutely no place within a shopping centre. We have seen too many incidences, noting that we track these incidences, which cause serious harm to people. They are used to threaten, intimidate or physically harm people. In our view, we very much welcome those police operations under Jack's Law within our centres. Obviously we just need to look at the statistics from police in terms of the knives and other weapons that they seize. In our view, it has been positive and generally very welcomed by the centre and the tenants within the centre.

**Ms SCANLON:** My last question will be to understand if your organisation has been briefed on what the existing laws are and, in those instances you referred to, whether in those circumstances those individuals were charged under existing laws and what the rationale was about the expansion of the establishment of designated precincts and why. What I am trying to understand is why the existing laws were not able to address the violent incidents that you referred to.

**Mr Nardi:** Firstly, yes, we have had discussions with the government about the bill that is before the parliament. It was not an organised briefing, per se; it was a meeting we arranged and had with government. As we outlined in our submission, we have gone through just so we understood the difference between the existing Jack's Law application, say, at shopping centres and the new designated precincts arrangements, and for that reason we have picked up, as we understand, there is a different ability for police to issue banning notices as an example. We were just trying to understand and get that clarity between the two. In terms of the charging of some of the incidents within the centres, we received a briefing to say that some of those incidents have not been picked up by the current law and hence an expansion of the law is needed.

**CHAIR:** There being no further questions for you today, we thank you for your appearance here today. We appreciate you giving evidence before the committee.

**BLENEY, Ms Alysha, Director, Policy and Programs, Queensland Network of Alcohol and Other Drug Agencies**

**LANG, Ms Rebecca, Chief Executive Officer, Queensland Network of Alcohol and Other Drug Agencies**

**CHAIR:** Good afternoon. I invite you to make an opening statement.

**Ms Lang:** Thank you for the invitation to speak with you today. We are the peak organisation for the non-government treatment and harm reduction sector in Queensland. Our members deliver services across more than 100 locations around the state and service around 20,000 Queenslanders a year who are experiencing problems with their substance use. We have long been an advocate for reducing contact with police for people for simple drug possession. There is a library's worth of evidence to support health-based responses for individual drug use. There are a range of other ways the justice system can deal with violent crime. I would just make the point that almost nobody who uses drugs also commits violence, that people's propensity for violence operates independently of their substance use, acknowledging that where someone who uses violence also uses substances, it can increase the violence that they might perpetrate on other people, so it is definitely something we should keep in frame. The most important thing here, though, is to remember that we do not want to catch people in the justice system unnecessarily. It can actually escalate people's drug problems which can then mean when they do present for treatment that we have a harder time helping them achieve their recovery goals.

The other element of this bill that we provided a submission on was the designated business and community precincts. We make note of the fact that they were modelled on the safe night out precincts, and it does not appear in the current framing of the bill that there is consideration for those additional support services to be made available for people who are subjected to banning notices. Often where people are subjected to these banning notices there is a cohort of that group who are experiencing social or cultural problems, and if we can help them to address those issues, then they will not be in those precincts for police to need to move on. It is about how our justice system works with our health and community services system to deliver a result that gives Queenslanders the best chance of living happy and safe lives.

**CHAIR:** With regard to *Report 24—National Wastewater Drug Monitoring Program to August 2024*, whilst I will not do a deep dive into the data, it reveals 22.2 tonnes of methamphetamine, cocaine, heroin and MDMA was consumed between August 2023 and August 2024 and that is a 34 per cent increase overall than the previous year. Would you accept that this evidence might suggest that as Australian states, including Queensland, have progressively relaxed the criminalisation of drug possession that drug use has increased dramatically in our community?

**Ms Lang:** No. Wastewater analysis cannot be used to determine how many people use drugs or what the quantity is of a substance being consumed by an individual. All wastewater analysis can tell us is which drugs people are using based on the metabolites they find. They cannot tell the difference between heroin and prescribed opioids which get prescribed quite a lot in Queensland for post-surgical pain and chronic pain. It cannot tell the difference between medicinal cannabis and illicit cannabis. What wastewater can tell us is the general trend. It is useful for knowing that methamphetamine has made its way out into the regions, for instance. It cannot tell us anything about what the response to that should be. It also cannot account for differences in purity. You might see an increase in the metabolites. Is that because more people are using or the same number of people are using more, or is it just that we have a particularly pure batch of methamphetamine in circulation in that community? It is really important in our space to triangulate our data sources and never rely on any one data source to make decisions about whether we can see a trend one way or the other.

**CHAIR:** I accept what you are saying there and possibly if it was a small percentage, but 34 per cent is quite a big increase; would you agree?

**Ms Lang:** I do not want to get into the technical bit of it because I am not an epidemiologist, but my understanding is there is a lot of assumptions that go into what a dose is, for instance. They use that assumption on top of their assumption of what the likely metabolites mean in terms of the number of doses. That is the increase they are citing. If there was a 34 per cent increase in the number of people using methamphetamine, I would be 100 per cent with you on that is something we need to be super concerned about, but it could be that it is the same number of people using more often, which would again indicate a treatment response was more effective because that would indicate a dependent-using population. That is why we need to work together to understand what the data is telling us, and then what the response we deploy should be.

**Ms FARMER:** Thank you for your excellent submission and for the excellent work that you do. In fact, just to comment on that, the Bar Association makes quite a detailed reference to that wastewater report and notes that there is no cogent evidence within the report to create a link between the existing program and a greater contribution, and in fact an increase in detection in waterways started well before the existing program was put in place. As a peak body in this space, and highly regarded body, were you consulted on the proposals contained within this bill?

**Ms Lang:** We were invited to a meeting with the police minister, the Department of Health and Queensland Police to discuss the program, and I had a follow-up meeting with the police minister's advisers to provide them with our briefing.

**Ms FARMER:** To clarify, were you actually consulted? Did you see a proposal about this bill?

**Ms Lang:** Not the proposed changes, no—not until a draft bill was released.

**Ms FARMER:** You did not know about the proposed changes and you did not provide feedback on that?

**Ms Lang:** No.

**CHAIR:** You are providing feedback now, however—

**Ms Lang:** Yes absolutely.

**CHAIR:**—under a committee process that is designed to provide feedback. Thank you, member.

**Ms FARMER:** Which is not consultation on legislation.

**Ms MARR:** In your submission you stated that the requirement for senior police approval for wandering should be retained as it does not represent a significant impost on police. How did you come to that conclusion on the police process?

**Ms Lang:** A colleague of ours has knowledge of the police process. It is usually only the officer in charge that needs to approve the designation. Our concern with the operation of Jack's Law is that it finds more people in possession of small quantities of drugs than it does people carrying knives. It is that unintended net-widening effect. We are not seeking to look for people who are carrying small amounts of drugs around, but we are finding that quite a lot. We are worried that anything that makes it easier for police to just do it is going to increase the number of people being charged with drug possession, and that does not necessarily make the community safer.

**Ms SCANLON:** Are you concerned that this bill has been introduced despite the data showing promising outcomes and additionally before the University of Queensland could conduct its independent evaluation, and have you been a part of any formal review process noting some of that work was underway?

**Ms Lang:** The thing we are most concerned about is what made the expanded program quite exciting to us was the introduction of the warning or caution—everyone gets one chance to not be in the justice system. We think that is a really great outcome. The initial data from Queensland Police suggests that nearly 80 per cent of people who were in the program in the first instance, in tier 1 or 2, had no further contact with police after that first warning. Given the demand on policing resources, when we think about policy, it is important to think about what is the least intrusive thing we can do to get the result we are looking for. We are quite concerned that the loss of that first step will mean that there is more police time that is required to deliver this program and also then more court time because of the reduced number of opportunities. It may work out fine because people are getting that first option. If people are electing for the diversion, maybe there is not a huge increase in the impost, but I note that even despite during that first year of operation of the expanded program, we still charged 25,000 people with drug possession. There is definitely more work to do to understand what is happening in the system and how we can improve it because not all drug possession is the same.

In terms of the review process, we have participated in the initial round of stakeholder consultations with the evaluation team. We are unclear what the status of that is. I imagine once these changes go through it becomes something of a moot point. We are aware of colleagues who have had their follow-up interviews with the evaluation team cancelled. Certainly we will be seeking a copy of the interim evaluation that was delivered because even though we are not continuing down that path, I am sure it gives us some great information that we can use to inform evidence-based policy in the future.

**Mr FIELD:** Before, you were saying with Jack's Law that they sometimes find drugs when they wand a person, which could give them an opportunity to go to a diversion program, which would be a good thing for a start. Without that wandering practice, they probably would never pick those individuals up. Do you agree that drugs in general—and we are talking about illegal drugs here—cause significant Brisbane

harm to our society through possible links to criminal activity, antisocial behaviour, mental health issues and the like? With all of those issues affecting people, at what point do you not do anything? Something has to be done to stop all of those issues, and most of them probably stem from drug use.

**Ms Lang:** I would love to catch up for a longer conversation about all of those things. Let's start with the fact that about 15 per cent of Queenslanders use cannabis in any given year. By my back-of-the-envelope maths, that is about 840,000 people. If we are arresting 50,000 people for drug possession, that says we are already not doing anything about most drug use in the community. The international statistics say that most people who use drugs do not have a drug problem and most come from higher socio-economic backgrounds. The people who are being subjected to the justice system tend to be the vulnerable cohorts we talk about: young people, First Nations communities and people who are without housing. In those circumstances, we actually end up making things worse for people.

If you are intoxicated and you commit an offence, that should be an aggravating factor, absolutely. You should not be able to excuse yourself from your responsibility because you were using drugs. The myth that drugs hijack your brain and turn you into someone else is not the experience of most people.

For 40 years in Australia we have had a policy of police working with health and social services to sort out the answer to that. There are drug harms in the community—that is undeniable. Some of our policy settings produce that harm, though. As a sideline, there is an argument to be made that the introduction of workplace drug testing pushed people from cannabis use, which can be detected for weeks after use, to things that clear your system more quickly, which maybe fuelled the growth of methamphetamine use in this country. We will never know because we do not collect the data to know that.

We do have to start thinking about why people are using drugs. For the most part, it is for the same reason people use alcohol. They are just looking to have a nice time with their family and friends. When it tips over into problematic use—whatever that looks like for people—we definitely want a health response to be the lead because that is the best way to get people back to their family and friends.

Policing is obviously really well suited to the supply and trafficking end of this. We spend billions of dollars trying to keep drugs out of this country, and we have not yet been successful in doing that. The increase in wastewater analysis is evidence of that. My colleagues at the AFP would agree that we cannot arrest our way out of this problem. We are always trying to negotiate the balance. Where is the line? I am concerned that this moves us slightly further away from where that line should be, which is why we are really keen to see an independent monitoring process so we can look at: who is getting access; which regions are people being diverted from; is there a part of the state where we are arresting more people for drug possession than others; how is this working; and how can we work together to produce a good outcome for the community?

**Mr BERKMAN:** How widely does the wastewater sampling and the detection of metabolites overlap with prescription drugs? You mentioned medicinal cannabis and prescription opiates. Do stimulant medications overlap directly with methamphetamine as well?

**Ms Lang:** That is true. I do not know if it is possible to tell the difference between methamphetamine and some ADHD medications. It is useful insofar as it demonstrates to us that people all over the state use drugs. I do not know how much more useful it is than that.

**Mr BERKMAN:** I hope that was a quick enough question to get a follow-up, Chair.

**CHAIR:** Granted.

**Mr BERKMAN:** Thank you. There are a few elements here. Winding back the diversion program and expanding wanding powers will lead to an increase in the detection of drug possession and drug charges. From a health and harm reduction perspective, that will often include, particularly for IV drug users, the possession of implements as well, which may change behaviours around whether people are using clean injecting materials or not. Can you speak to any risks in that space?

**Ms Lang:** Yes. The fine for utensils is good in one way in that it means we will never have someone in front of the courts for utensils possession. You might be surprised what counts as a utensil. When I read the list, I was surprised. Scissors, for instance, are on the list of utensils.

We know that police need to be well educated about the importance of not policing drug possession around needle and syringe programs because that is a really important part of how we avoided an HIV catastrophe in Queensland and Australia in the 1980s and nineties and is still a big part of the reason we are on track to eliminate hepatitis C by 2030. There is an exemption in the act for unused injecting equipment, where the officer is reasonably assured the person has collected it

from a local NSP. The way that a new and well-intentioned officer might approach it could be enough to then make people go and share amongst their friends, saying, 'Don't go to that NSP anymore because I got picked up coming out of it.'

The potential for this to impact harm reduction is significant. We will be keeping an eye on that. I am confident that our colleagues at the Queensland Police Service do not want to see that either. Sometimes it is not necessary for the full extent of people's concerns to be born out for them to change their behaviour. The worst thing we could see from this is people going back to sharing injecting equipment. For instance, in Fiji they went from zero cases of HIV to 1,200 cases of HIV in the last 12 months, and the driver was mostly injecting methamphetamine users. The way this can spill out into the non-drug-using population is the other concern that we have. There are some public health gains that we have made that we will be watching very carefully to make sure we are not accidentally unwinding those in an effort to make the community safer.

**CHAIR:** Noting your comment that we cannot arrest our way out of this and you generally do not support this new approach that we are taking through this bill, do you have any observations, say, internationally where drugs have been decriminalised? I think of LA and places like that where they are soft on drugs—a term an ex-copper like me uses—and the significant harms that are going on there. Do you have any observations as an organisation about how relaxing laws can lead to increased drug use, increased acceptance and an increase in the harms that go with it?

**Ms Lang:** It is really important to separate a few things out here. Sometimes the way we treat drugs is not the thing that is driving the problem that we see. In the United States 26 states have legalised cannabis for recreational use. We have not seen any great problems with that. There is, however, an opioid crisis in the United States. That is not driven by a demand for opioids that just appeared; it is driven by lax regulation of prescription opioids. When we cracked down on the prescription opioids, we assumed that people would just stop using. Instead, they transitioned to heroin use and then to fentanyl use, and then you started to see tens of thousands of people dying each year from accidental overdoses.

I would say that our risk of that outcome is much lower than the US's because we have a national regulation of opioids. It depends, I guess, a bit on which drug we are talking about. What we would like to congratulate government on with this amendment is that police retain the right to divert people for any substance. That is a positive thing, and I apologise for not saying that sooner. For us, the question becomes: if that is the right choice in the first instance, then what is different about the second time around that changes that equation? I am not clear that we have thought that part through.

If we look at Canada, for instance, where they have legalised recreational cannabis, it seems like there is no negative social consequence from doing that. We do not see increases in psychosis diagnoses, for instance. We did see a little uptick in use in Canada, but it settled down after a year. It maybe turns out that everybody who wants to use cannabis is already using cannabis, so we can be relaxed about that.

We also know that, in the grand scheme of things, not in general terms, MDMA and cocaine are lower harm drugs than opioids or methamphetamine. We just need to get a bit more nuanced, I think, about the way we respond to these substances. The free market is the other end of this prohibition market, and we want neither of those things. We want somewhere in the middle where we have an eye to community harm, an eye to individual harm and an eye to economic harm as well.

**CHAIR:** That concludes the time allocated for your appearance today. We really appreciate your coming along and giving evidence before the committee. There were no questions taken on notice. The committee will now suspend proceedings for a short break until 1.40 pm. Thank you.

**Proceedings suspended from 1.25 pm to 1.40 pm.**

**BARTHOLOMEW, Mr Damien, Chair, Children’s Law Committee, Queensland Law Society**

**HODGE, Ms Kristen, Co-Chair, First Nations Legal Policy Committee, Queensland Law Society (via videoconference)**

**JUHASZ, Ms Kate, Member, Criminal Law Committee, Bar Association of Queensland**

**REECE, Ms Laura KC, Deputy Chair, Criminal Law Committee, Bar Association of Queensland**

**CHAIR:** Welcome. I invite you to make an opening statement to the committee.

**Ms Reece:** The Bar Association of Queensland acknowledges the traditional owners of the land on which we meet and thanks the committee for the opportunity to give evidence today. The bar’s Criminal Law Committee is made up of 20 experienced criminal barristers, including eight King’s Counsel. As lawyers with experience and expertise in criminal law, we are grateful for the opportunity, along with our friends from the Queensland Law Society, to provide responses to proposed reforms to the criminal law.

We note that we have just this afternoon received a copy of the advice provided to government by the Expert Legal Panel on the inclusion of further Adult Crime, Adult Time offences. As such, we are in a position to comment on it, but it has only just been provided to us. It is very much hot off the press. Generally, the core premise of our involvement in any law reform process is that we maintain that changes to the law must be evidence based and that, as an integral aspect of the rule of law, judicial discretion and sentencing must be maintained.

We have spoken previously in this place about our opposition to the Adult Crime, Adult Time laws. The addition to that scheme of further offences represents a further breach of principles which were developed based on an established body of evidence, which pointed to significant developmental and neurological differences between children and adults. Those differences have traditionally and tenaciously been considered—much like that of people who commit offences whilst severely mentally ill—to impact on the moral culpability of child offenders, warranting different treatment of them by sentencing judges.

We note that the children who typically come into repeated contact with the justice system are a particularly vulnerable cohort. The department of youth justice’s own data reveals that children within the youth justice system are often disadvantaged and vulnerable. I will not read the statistics into the record because so many stakeholders commenting on this bill have done so.

We do note that this third tranche of additions to the Adult Crime, Adult Time list of offences comes at a time when, based on compelling evidence, governments at different levels have, for example, banned social media use for under-16s and commenced a commission of inquiry in this state into the child protection system—the same system which many youth offenders have come into contact with due to parental dysfunction, abuse and neglect. These initiatives recognise the vulnerability of children and the need to protect them from harm. The children who are subject to adult punishment under this legislative scheme share those vulnerabilities. There is simply no evidence that imprisoning more children for longer periods of time will have an impact on community safety. Thank you.

**CHAIR:** Mr Bartholomew, would you like to make an opening statement?

**Mr Bartholomew:** Thank for inviting the Queensland Law Society to appear today. In opening, like our colleagues from the Bar Association, I respectfully acknowledge the traditional owners and custodians of the land on which we meet—the Yagara and Turrbal peoples—and pay my respect to their elders past and present.

The Queensland Law Society is the peak professional body for the state’s 15,000 solicitors. We are independent, apolitical and support cogent, data-driven, evidence-based policy and legislation that benefits the Queensland community. At the outset, we note the delay in the release of the Expert Legal Panel report until earlier today and the lack of transparency in the independent evaluation of the existing Police Drug Diversion Program.

Without the timely public release of these reports, the parliamentary review process is hindered and the appropriateness of the proposed amendments are unable to be properly scrutinised by the community. That said, regarding the proposed expansion of offences to the Adult Crime, Adult Time framework, the society made submissions on the first and second tranche of the Adult Crime, Adult Time laws and, consistent with our previous stated positions, we do not support the addition of further offences to the sentencing framework.

The society repeats 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 minimum parole periods.

We also consider that restricting the scope of the drug diversion framework significantly undermines established harm reduction principles. Narrowing these pathways risk funnelling more people, including children, into the criminal justice system for health related issues, representing a clear backward step. The society notes the collective voice of peak bodies across the health sector, emphasising in their respective submission that any reduction in accessibility of police-led drug diversion programs is a counterproductive move that ignores effective data-based outcomes.

I am joined today by Kristen Hodge, Co-Chair, First Nations Legal Policy Committee, and we welcome any questions.

**CHAIR:** My first question is to the Queensland Law Society. Your strategic plan under the heading 'Our Strategic opportunities' notes a goal to 'Making Queensland safer—by advocating for the rule of law, laws that serve the public good'. We had Voice for Victims give evidence to us today about their dismay at not being recognised in many of the submissions provided to the committee. Given strong community concern around safety in public spaces, don't these new laws—and I am particularly referring to police dealing with people in public spaces—address those community concerns?

**Mr Bartholomew:** There are already, of course, many powers that exist for police in dealing with public spaces. The Law Society is obviously, and always has been, an advocate for all members of the community, particularly victims, and is aware of that. Indeed, many of our members work for the rights of victims and to support them in that legal process. However, it is the view of the society that there are already sufficient powers to be able to regulate community and to be able to protect the community. Indeed, there has been a continuous expansion of those laws. It is the view of the society that it is not necessary or required to respond in the way that is stipulated in this legislation.

**CHAIR:** Is it your position that current laws are sufficient and the community concerns are not valid?

**Mr Bartholomew:** It is not that the community concerns are not valid. It is perhaps that they are not necessarily aware of the current procedures that do exist to be able to protect them and indeed are available.

**Ms SCANLON:** I appreciate that you have now been able to read the Expert Legal Panel advice, albeit at late notice. My question is to either the Bar Association or Law Society. Is this the sort of comprehensive expert legal advice you would expect from a panel that is reported to have received nearly \$10,000 a month for the work that they have done? Is there sufficient information, do you believe, to sufficiently scrutinise what are very serious laws?

**Ms Reece:** I will not comment on the payment of members of our profession who have given this advice. What I will note is that it is apparent from reading the report that it is not, in fact, the advice that was provided to government. It is a report which states that advice was provided to cabinet and it appears to be a report which essentially describes a process and then refers to advice having been provided rather than demonstrating what the advice was. To that extent, there is still an element which is unknown.

However, it also needs to be observed that the task that was given to the panel was a very narrow one. They were not asked whether children should be subject to adult sentencing processes. They were asked, having already the rubric of the Adult Crime, Adult Time provisions, which were introduced under the Making Queensland Safer Act, to recommend additional offences under the Criminal Code. It appears from what we can see in the report that the way they have gone about that is to assess the elements of various offences and whether those offences could be said to be ones the commission of which would impact on either individuals or community safety or concerns.

Of course, the comment could be made that that is what the Criminal Code is—that it is actually there because of public safety and concerns with the conduct of individuals. But it does appear that that is the extent of the advice. They have not been asked to justify whether children should be sentenced in a certain way but simply to look at our existing criminal statute and say which offences are offences which would ordinarily be of concern to the community from a safety point of view.

What we also cannot see is any reference to data which backs up the need, for example, to punish a child for conspiracy to murder in a way that an adult might be punished. We cannot see any data which refers to the incidents of children committing the offence of assisting suicide. So it is not clear whether there was any requirement for these offences to be demonstrated as posing a real risk to the community as committed by children.

The brief review of the report that we have been able to conduct in the time that we have had it—which is about 45 minutes before we came into this hearing—really allows me to comment to that extent. What we can see, consistent with the government media statements at the time, is that the question framed was a narrow one and that that question has been answered in the way which is referred to on pages 13 and 14 of the report.

**Ms MARR:** I want to return to the question from the chair earlier talking about victims. I note that in your paragraph detailing your consultation there are no victims mentioned. In drafting your submission did you talk to any of the victims of youth crime who have suffered significant trauma because of what you have described as a 'youth's episodic developmentally driven need'?

**Mr Bartholomew:** In the preparation of our report, we consult with our members and with our committees. Our committees are made up of lawyers from across the state. Those persons have represented many victims in the course of their work. So they are advocates for victims in the work that they undertake. All of our committees were indeed consulted in relation to our submission.

**Ms MARR:** So committees—no victims, just those who represent victims; is that what you are saying?

**Mr Bartholomew:** The society is made up of lawyers. We represent our members, but our members obviously talk on the interests of their clients. Indeed, many of our members do represent clients in relation to their position as a victim.

**Ms FARMER:** This is a question to both of you. The YAC submission states some very good statistics about the incidents—and you referred to this earlier—in which some of these children have been sentenced under the offences. We have been given some information from the department this morning to show that it is zero over the last 10 years for five of the offences and 10 or under for another two offences. The government has stated that adding these offences is to help make Queensland safer. By adding offences with zero sentences imposed over that period, how do you believe that contributes to community safety or a feeling of community safety?

**Ms Reece:** The commentary that the Bar Association provides is that these laws should be evidence based. If there is not an evidence base to support the change, it should not be made. In circumstances where we cannot see that children regularly commit these offences, it is difficult to understand a rationale, even on a community safety basis, that would justify the extension of adult sentencing or Adult Crime, Adult Time sentencing to young people. It also touches perhaps on the submission already made by the Bar Association that, when we are talking about an ongoing breach of the Human Rights Act under the current scheme, a justification based on a crisis of youth justice or youth offending in the community is difficult to rationalise with the low or zero instance of commission of these types of offences.

**Ms FARMER:** Would the Law Society like to comment?

**Mr Bartholomew:** The society has obviously put in its submission that it supports evidence-based laws and obviously was not able in its assessment to identify that there was any evidence that this would make the community safer, which was our concern.

**Mr FIELD:** You said before that in drafting your submission no victims were consulted but their representatives were. Through experience, that in most cases is the problem—victims are not being heard. That is where a lot of the issues come through. For years and years, victims have been yelling out for stronger laws. We have had rallies, petitions and everything else, but everything seems to be falling on deaf ears. Somewhere along the line, the criminal justice system has to ensure that the sentencing that is handed down reflects the community's expectations. That has not been happening for a very long time. Are you able to comment on that at all?

**Mr Bartholomew:** I am not sure what the question was. However, I can say that the Law Society has always been committed to providing access to justice for all members of the community, particularly those people who have difficulty in being able to obtain justice, and through its advocacy ensures that there are proper resources for all members of the community to be able to access that. It is the aim of the society to be able to provide representation for all people.

**Mr BERKMAN:** I wanted to ask about the narrowing of the Police Drug Diversion Program. We heard from QPS this morning that under tier 2 and tier 3 encounters in the last two years there were almost 14,000 of those. With the changes, they will return to not necessarily a judicial but to a criminal, punitive response. What are the consequences of that uptick for the justice system generally but particularly the judiciary in terms of the expeditious resolution of matters and even impacts on victims?

**Ms Juhasz:** If there are less diversionary opportunities available for persons who appear before the courts then of course there will be an increase in resources and use of judicial time. The basis of our submission that we provided was really in relation to whether or not there was any evidence to indicate the purpose in reducing the three-strikes policy to one and whether there was any benefit in that.

Primarily, the Bar Association took the material that was provided by the AMA as a medical base. In the report that they provided, a survey of drug diversion schemes in Australia showed consistent reductions in recidivism for those who complete drug diversion interventions. Perhaps that might give some answer to your question in the sense that, when you are looking at the statistics with regard to other diversionary systems in different states and across Australia, it has actually reduced recidivism. One would then expect a reduction in the number of times that people have come into contact with the judicial system and also, based on their reduced exposure to harm through the consumption of drugs, on an ongoing basis, their referral to treatment. That would be primarily the Bar Association's position with respect to that—that there would be a reduction in times people would appear before the courts because of the statistics provided by the AMA.

**CHAIR:** Thank you very much. That concludes the time allocated for this part of the hearing. I appreciate your appearance before the committee today.

**CANIGLIA, Ms Fiona, Chief Executive Officer, Q Shelter**

**GLASSMAN, Ms Maya, Policy and Strategic Engagement Lead, Q Shelter**

**CHAIR:** Good afternoon. I invite you to make a statement to the committee before we move to questions.

**Ms Caniglia:** Thank you very much. We appreciate the opportunity. I recognise the traditional custodians of the land where we meet, particularly in the context of the overrepresentation of First Nations people amongst Queensland's homelessness population.

We are here to say that we support the goal of safe, inclusive public spaces and we acknowledge the intent of the bill. We also recognise the importance of responding to community concerns about safety. When adverse events have occurred in the past, we have written to the Queensland state government to express our sorrow at the impacts of those events but to also suggest what deeper structural reforms might help to completely prevent these adverse events occurring in the first place. We commend also measures that intend to achieve prevention and early intervention and we acknowledge the funding of various programs. However, we are very concerned that in the context of a deep and worsening housing crisis this bill risks responding to visible disadvantage with enforcement rather than addressing the underlying causes.

In Queensland the number of people experiencing homelessness has more than doubled in recent years and there are 55,000 Queenslanders on the social housing register. For us, it is important to say that some people occupy public space not by choice. We are concerned that some populations may also be targeted including young people and people who identify as First Nations. The laws may risk empowering members of the public, who have a lower threshold for understanding the behaviours they are witnessing and therefore might invoke these laws in situations where it might not be warranted.

We propose solutions that include a housing guarantee with support, particularly for vulnerable people, and the adoption of supportive housing targets additional to the 53½ thousand target for social housing. We also call upon the state to consider the retention of investment in immediate housing responses for the foreseeable future while the housing pipeline is achieved.

We urge a systems response, which we will explain, to the integration of functions such as child safety, family support, education, health and housing to ensure that vulnerable families are identified at the earliest possible time. We propose also that intensive high-quality family support is offered, which is not universally accessible but nor is it accessible through specialist programs in Queensland as a matter of a guarantee.

We are concerned about families in hotels and motels. We also are very much aware that children exposed to adverse childhoods have a much higher likelihood of being homeless later in life. Nearly 90 per cent of children who are exposed to one adverse childhood experience go on to have later homelessness. There is an extreme correlation.

We would like to express that the vulnerability of children themselves who experience violence and abuse—sometimes chronic violence and abuse—places them in a position of being on a trajectory towards an intersection with child protection and youth justice yet they themselves have been victims. I think this dichotomy of victim and perpetrator does not bear out in the world in which many funded services and members work. In fact, the people we are working with are disproportionately victims of violence and other types of abuses.

There is a lot more to say, but I will leave it there because I would like to leave as much opportunity for conversation as possible.

**CHAIR:** Thank you very much. I acknowledge that this bill is about behaviour and community safety rather than targeted at homeless people. I also acknowledge that on page 2 of your submission you state—

Evidence indicates that discretionary public space powers are frequently applied to vulnerable groups, including people experiencing homelessness.

Can you outline for the committee what evidence you have based that assertion on? It was not footnoted as I understand in your submission.

**Ms Caniglia:** We would be very happy to take on notice to supply some additional supporting data in relation to that. We know anecdotally and through case studies that our member services collect that homeless people do experience pressure in public space to be moved. It is easy to understand—we are engaged with all of the South-East Queensland mayors as part of the Homelessness Ministerial Advisory Committee—that local councils are under extreme pressure in terms of public space. We also know that when people are moved it is more difficult to deliver services and it also puts the pressure

on another place, maybe another jurisdiction. We realise that across the South-East Queensland region people being moved on only transfers the problem somewhere else. There is definitely evidence through our member services that their clients are being moved on, and we see it around the Q Shelter headquarters: there are homeless people in space and they are asked to move on.

**CHAIR:** Thank you. I will accept that answer without taking anything on notice as experience from what your member groups say anecdotally. That is fine.

**Ms SCANLON:** Thank you to Q Shelter for appearing today. The Queensland Police Service stated this morning that the expanded police powers are not seeking to target those who are vulnerable within the community or experiencing homelessness. Do you believe that will be the real-world impact of these laws?

**Ms Caniglia:** Because homeless people sometimes have no option but to be in public space, I cannot see how that will not impact some homeless people. I am not saying that all of the people impacted by these laws will be homeless—not at all. I do think it is important that if these laws must go ahead—and we urge that they do not in their current form—there is a really robust approach to data collection about who is engaged with around these laws, what are their ages, what are their genders, and what are their ethnic and racial backgrounds so we can really understand transparently in the community who these laws impact the most. That will help us drive other solutions, deeper structural solutions, so that we know we have to work harder, for example, to house young people. We know that already, but it might just help us target our interventions more effectively.

**Ms MARR:** Thank you both for being here today. As was just mentioned—and you have explained very well—this is not about homelessness; it is about antisocial behaviour, but it does impact all people obviously and they are not as important. This bill is to help protect vulnerable people in public spaces from violent and antisocial behaviour. In your experience—and you have given some good evidence there—do you believe that drug use is contributing to some of this antisocial behaviour?

**Ms Caniglia:** Yes, it is a really important point to acknowledge that, especially when children have been exposed to adverse childhood experiences, addiction in later life is one of the possible consequences, so being affected by substance use is really important to understand. The narrowing of opportunities for diversion is a concern to us, mostly because of the way that addiction is part of people's life. It is not necessarily something that can be rationally resolved through one morning or one opportunity. We do not really have a system that is geared to provide people with all the opportunities they need to detox and experience a pathway out of addiction. That is why things like supportive housing are important because it does not assume that people will necessarily overcome their addictions, but if they are housed and supported those addictions can perhaps be managed better. They might reduce and other health factors might improve just because people have a stable home and services can be there to support them. It is very hard to support people who are on the move all the time. Addiction is a key issue and I think we need to understand addiction to understand how it is best treated. A one-off opportunity or even a few opportunities sometimes just will not be enough.

**Ms MARR:** You just put something in my mind talking about people not having options of housing. There are some people who are given options but do not take them. How do you suggest we help those people who do not want help?

**Ms Caniglia:** I really appreciate the question. We often try to address this across the community. In some of the best examples in the world of reducing homelessness there has still been a residual population of people who have struggled to take up an offer or respond to all of the different things that are available to them. I would go back to some of the impacts of those early childhood experiences where people acquire cognitive challenges, whether it is through fetal alcohol syndrome or whether it is just through what happens to the volume of children's brains as they grow if they have been abused or neglected. We are probably dealing more with cognitive disabilities than we realise. People are poorly assessed. They do not necessarily have access to cognitive tests to understand the true nature of their challenges. Many of the interventions, which are language rich and well intentioned, just are not landing because people have not got that capability.

The other set of challenges is overall trust—trust of anyone, trust of systems. We have not always got a house to offer people, either, so people sometimes put their hands up and say 'no thanks' because there is just not a sense of trust there or a guarantee that there will be a house and support.

**Ms SCANLON:** Are you aware of any legal implications on the proportionality of these designated precincts given individuals may be excluded for up to three months, which is significantly longer than any other state effectively? The court has warned in a recent decision against the Moreton Bay City Council saying—

If people are moved on without alternative accommodation, the outcome is likely further hardship and the psychological toll can be severe.

**Ms Caniglia:** We do not think moving people on really works because it is not a sustainable result. What will happen with such long periods of exclusion is that perhaps people are more difficult to find and, in fact, the solutions are far more difficult to deliver through integrated responses. I commend the councils and the state and community services, many of whom are our members, who are doing integrated outreach to public space. We all have experienced the challenges of finding people to provide follow-up care.

The other thing I think it will do is limit people's access to things that they need that are positive things. Sometimes people will go to a library, which will reduce impacts on other spaces. Sometimes people are looking to access a service or a health centre. Sometimes they just need to buy something. There are many fundamental things about life that may be really impacted by this. It is not a sustainable position. It does not help people in the medium to long term at all.

**Mr FIELD:** In relation to homelessness and the role the non-government organisations play in helping people get assistance, is enough being done by those organisations, which are being funded by the government, to help people who are homeless or addicted or are recovering from addiction?

**Ms Caniglia:** Our members are experiencing overwhelming demand and I think it has required a number of interventions—including the previous and current government sustaining higher levels of funding, which is important. There is also increased funding into immediate responses, like brokering hotels and motels. I think it is really important to say that for all of those resources, the integration of those interventions, if you like, is absolutely critical so that we are not working in silos. I am very pleased to see that outreach is being conducted collaboratively with local government, state government and the services. The reality is that a lot of interventions go for much longer than you would hope because there simply is not a house to offer people. Some people may need a lot of support with that house and those options do not exist, and there just is not enough social and affordable housing to go around.

When I think about our members, they are saying, 'We just can't do more at the moment because what we need is a house to put people in so we can support them more effectively.' Across many of the commentators, including in the private sector, there simply is not enough housing and the housing pipeline is extremely difficult to deliver due to a range of structural constraints. That is the most important impediment to our members being as effective as they can be.

**Mr BERKMAN:** I want to ask about the designated business and community precincts and the provision in these amendments that a person can return after a banning notice if they have a reasonable excuse, and that includes a necessary task. There is a shortlist of tasks that are included in the bill but it does not refer to, for example, a homeless person being able to retrieve their possessions if they are banned from an area. Can you comment on the likely or potential consequences of that in your experience?

**Ms Caniglia:** I have met people who have been utterly devastated by losing the small number of possessions they have, and some of them may be of great sentimental value. I think we need a system-wide response to how people's possessions are looked after. I know there was a period about 20 years ago where some facilities, like lockers and things like that, were provided to give people that opportunity. It has a real impact because sometimes in all of those possessions is the only ID you have and you actually cannot apply for income support or housing without valid ID, so the more times we disrupt that the more difficult it can become for services to be delivered.

**CHAIR:** I recognise your work in the housing space and the homelessness space, but this bill is about behaviour and community safety. You acknowledge in your submission—

... the intent of the Bill to improve community safety and address community concerns about crime ... and ensuring that public spaces are safe and inclusive for all Queenslanders.

Would you agree that the public are entitled to have police deal with offensive, threatening and disorderly behaviour by having people displaying these behaviours excluded from an area for a particular time?

**Ms Caniglia:** I have felt at times myself a sense of fear at the behaviours that are unfolding around me, even from my place of work. What I am inviting us all to think about is how to go well upstream and ask the question: how do we prevent those behaviours from unfolding in the first place? That is why we recommend an integrated, early life intervention where vulnerable families are identified through the health system and they are assessed appropriately and given the right integration of services and support. We need a definite systems level commitment to provide a support and housing guarantee for those families as well as definite interventions through support and housing that prevent the exposure to adverse childhood experiences. In that way, we would not see the same population rate of people coming into the system who have acquired these behaviours and who have very little hope of reducing them later in adult life because the interventions just stop becoming as effective, other

than highly structured interventions like incarceration. I want us to imagine a system that gets that piece right and then I think we would see less complex homelessness in later life, and there is data to support that.

**CHAIR:** Member for Gaven, there is one minute to go.

**Ms SCANLON:** Can I put on the record my appreciation for specialist homelessness services and the extraordinary pressure they are under. Given that the government has made changes to the Immediate Housing Response fund and other government policies have restricted assistance that is available to homeless Queenslanders, which has no doubt led to more people sleeping on the streets, why do you think it is important to have a housing summit, and do you support—

**CHAIR:** Member, that question is not relevant to the inquiry of the committee.

**Ms SCANLON:** It is directly in the submission, Chair.

**CHAIR:** I rule it—

**Ms SCANLON:** It is in the submission by Q Shelter calling for a housing summit.

**CHAIR:** Member, it does not make it relevant to the committee's inquiry into this bill. We are now out of time anyway.

**Ms FARMER:** Point of order: it was actually provided in Q Shelter's submission so therefore it is a matter before the committee.

**CHAIR:** Member, I have made a ruling on that question. That question is out of order and the time for this witness has expired. I appreciate your appearance today and the evidence you have given before the committee.

**Ms Caniglia:** Thank you.

**HAYES, Ms Katherine, Chief Executive Officer, Youth Advocacy Centre**

**CHAIR:** I now welcome the representative from the Youth Advocacy Centre. Could you state your name for the record and the capacity in which you are attending today?

**Ms Hayes:** My name is Katherine Hayes and I am the CEO of the Youth Advocacy Centre. I want to thank the committee for having the Youth Advocacy Centre appear before the committee this afternoon. We really appreciate the opportunity to participate in this very important democratic process. We do not take lightly the chance to have our voice heard, particularly because there is quite a lot to fit in in such a short period of time, so thank you very much.

We are a community legal centre and we represent young people in the youth justice system and we provide wraparound supports for children who are homeless and on bail. Success for us is when a young person reduces and ceases offending and gets onto a path where they have a safe home and live a productive life. We do not want to see any further victims, including our young people who are victims of domestic and family violence, sexual abuse and neglect, including from the department of child safety. The kids who we represent who are serious repeat offenders have almost all had long-term involvement with the department of child safety and that involvement has failed them greatly, leading to their entrenchment in the youth justice system.

It is important when we are considering the human rights override to look at the underlying data, which shows that there are no exceptional circumstances to justify this additional override of human rights. The data that I have included in my submission is taken from the Queensland Sentencing Advisory Council and it shows that children are not committing these crimes but adults are, and adults are increasingly committing them. Adult time is not working for adults so it does not make any sense to provide adult time for children.

This is important because the bill is justified on the basis that there is a crisis, but the data reveals there is no crisis. The Human Rights Act can only be overridden if a crisis is demonstrated, and it is absolutely not by any of the data whatsoever. It is also important to see that some of these offences involve domestic and family violence and show that the adults' commission of these offences is increasing. Children are a very high portion of the victims of these offences. They are not receiving the support that they need to not entrench them in the youth justice system after being victims of these offences.

A method that we see with our young people that actually does work to reduce offending is involvement in programs such as the Griffith Youth Forensic Service. It is a fantastic service known as GYFS. It reduces sexual offending by tenfold. It has a very high success rate and is one of the most highly regarded services in that area and it has a global reputation for being very effective. It is really underfunded and needs a significant injection of funding to provide support and rehabilitation for children who are committing sexual offences.

The detention centres, which is where these children are held if they are sentenced for committing ACAT crimes, are acknowledged in reports as being inhumane. Children are held in solitary confinement for long periods. They are also held in conditions of separation, which is a rubberised box where they urinate into a hole in the ground if they cannot get the guard's attention to go to the toilet. The relevance of that is that when we treat children like this they come out angry and further traumatised. The only way to rehabilitate these young people from offending is to ensure that they engage in support services and education and make sure there is a safe home for when they are released from detention. At the moment, we are not seeing that for a large number of our cohort.

We are also concerned about the low threshold for the move-on laws—that is, there is a threshold for causing anxiety. We have many young people who sleep rough, including those who are 16 and younger, and there is just nowhere for them to go so they come into our service and there is no housing available for those aged 16 and under. They should be supported by the child safety system but are not.

Every day we are trying to find accommodation for young people where there is simply none. They go back on the streets, they steal to eat and they become involved in criminal gangs. There are young girls involved with older men for drugs. It is a failure of many systems—the child safety, the youth justice, the housing and the health systems—for these young people who come from homes where there has been violence, neglect, drug use. Many young people experience significant mental health issues and are not able to access any available treatment for those conditions. That leads to the offending and that needs to be addressed so that the offending goes down.

We have spoken to many victims. When we deal with young people and their crimes, the young people themselves are victims of many crimes, and our workers deal with the restorative justice process where victims are involved in speaking to the young offenders. That is seen as one of the most successful processes for dealing with crime and has a very good success rate at reducing reoffending—one of the higher levels of success.

I think it is important to really appreciate the data. I go back to this only because when we look at the cold hard facts there is no basis for introducing this law—in fact, there is a basis for asking, ‘Why are we allowing a domestic and family violence crisis to continue rather than focusing on crimes that children are committing?’ Thank you.

**CHAIR:** Ms Hayes, were you here during the department’s briefing?

**Ms Hayes:** Yes.

**CHAIR:** I thought I saw you in the room. You would have noted some of the success they are reporting in terms of a reduction in serious repeat offenders et cetera. In your submission you state—

The Queensland detention system is failing to rehabilitate young people—

I certainly would not disagree with you that that was the case under the previous government in late 2024. Do you welcome the new approach of this government’s focus on education, rehabilitation and post-detention support of 12 months?

**Ms Hayes:** There is always a gap between what we hear from the young people and what we hear from the department of youth justice. In discussions that I have with the department, I say to them and they acknowledge that the truth is somewhere in between. We have young people who are excluded from access to education for various reasons, such as staffing, behavioural reasons or a way of regulating numbers. When the department talk about access to education and treatment services, they make it sound like it is quite good, but when we talk to the young people and when we get our presentencing reports showing how much time has been spent in solitary confinement, the facts do not seem to support that access to support in detention. In Cleveland detention centre and in Brisbane Youth Detention Centre we still have very high rates of kids being held in lockdown because of staff shortages. When they are in lockdown they do not have access to education, so I do not think it is as rosy as the department is painting.

**Ms FARMER:** Ms Hayes, I acknowledge you have appeared before this committee many times so we appreciate your commitment. Obviously we received at very late notice—and you have also seen it at very late notice—the final report of the Expert Legal Panel but with no details of the advice that was provided to the minister. Can you elaborate for the committee on exactly why it would be important for you and other stakeholders to see that detailed advice? I point to some excellent discussion earlier with Voice for Victims, for instance, who were talking about section 311 around aiding suicide. You have referred to some offences for which there have been no victims for the last 10 years. They are some examples, but I do not want to put words in your mouth. Why is it important that we see that detailed advice?

**Ms Hayes:** For me, there are two reasons. First of all, the selection of offences makes no sense when you stand back and look at it. Like I said, if we take choking, suffocating or strangulation, if you were to take a step back and look at that data, there are very few children but a huge number and an increasing number of adults. If you were to look at that problem in society and say, ‘What are we going to do about it?’ it just does not make sense to do what we are doing with adults, which is not working, to the very tiny number of kids who are offending. It makes no sense, for a start. That is the first one.

Secondly, overriding the Human Rights Act is something that should not be done lightly. We are talking about the liberty of people. It is the most significant step that a government can take in relation to its citizens. It is depriving them of their liberty. We are overriding the Human Rights Act again, but the data does not support that. There must be an exceptional circumstance, which is said to be a youth crime crisis but I can find no evidence that supports that. They are my two big concerns: we are not addressing any real problems properly and we are overriding the Human Rights Act without any basis.

**Ms MARR:** I want to go back to a comment that you made. You will be happy to hear that the Cleveland Youth Detention Centre is now has the highest strength of staff we have ever seen, we are getting really good results with education and there is less of that lockdown time that we discussed. Certainly things are improving there, and I thank you for advocating for the youth in those environments. We are very proud that that has had some good results. It has come up a few times that there is no evidence of these offences occurring with juveniles. Legislation is a sign of prevention: you know that it is wrong and this is what will happen to you if you commit this offence. Do you think we should be waiting for juveniles to do a certain offence before we put it into Adult Crime, Adult Time?

**Ms Hayes:** Firstly, like I have said, it is not working for adults. If you say that a higher sentence will prevent it, that is not borne out by the adult data. The offences that I spoke about—choking, suffocating and strangulation—have been going through the roof lately, so to make the same consequence for children, who do not have impulse control, do not have the ability to understand consequences and are more likely to act out of an emotional response, just does not make any sense whatsoever. The basic rationale does not make sense. I forgot the first part of your question.

**Ms MARR:** That is okay. I made a statement. We did hear, though, that with respect to adults some of these offences occur more in long-term relationships and that juveniles are not in those long-term relationships. It does not mean that they will not commit the offence. I do not want to disagree with you. My concern is that we are looking at offences that have not occurred and we are saying that we should not do anything about them. At the same time, if this offence happens and it is not in legislation, people will say, 'Why wasn't it?' Do you understand my—

**Ms Hayes:** I do. For me, the more immediate problem is that these offences are occurring in huge numbers by adults and we are not talking about it. For me, that is the bigger concern. In relation to Cleveland, we still get presentence reports that do report separation. Cleveland has improved dramatically, but that is a very low bar to start with.

**CHAIR:** Agreed.

**Ms MARR:** I agree with you there, thank you.

**Ms FARMER:** Your submission talks about the piecemeal introduction of these offences, and courts and prosecution and defence lawyers becoming aware of transition dates. You and a number of other submitters have also referred to the increase in lag times taken in the courts because people are not pleading and there have certainly been submissions around, if the drug offences regime changes, there being more time in the courts. Can you comment on your experience of the lag times in the courts and what you see of the potential consequences in general across these offences?

**Ms Hayes:** Particularly for children, the closer in time that a consequence is to the action the better. There are months and months and in some cases even years before they are sentenced and they can either spend that time in the community receiving services or they can spend that time in detention in less than ideal circumstances. We are already seeing a delay, and the figures are borne out by the Childrens Court, and much longer times to have a matter resolved because of the lack of an incentive to plead guilty, like you said. There is an increasing number of these cases coming through as well.

**Ms FARMER:** That, of course, means that for victims the resolution of their matter is considerably longer and will be lengthened as a result of this?

**Ms Hayes:** Yes, that is true.

**Mr FIELD:** In your submission you mentioned that there has been an insufficient focus on the steps required to reduce crime. On Wednesday the minister updated the parliament that in the last year the Crisafulli government had funded and announced 47 new early intervention programs through Kickstarter grants. Do you believe that is a step in the right direction?

**Ms Hayes:** That is a step in the right direction, but what we are still missing is early intervention, so looking at children in the child safety system and children in homes who are experiencing violence—those young kids before they come entrenched. Staying on Track is great. That is a year out of detention, though. We really want to start looking at it earlier and making sure kids are not drawn into the youth justice system in the first place, rather than trying to address it when they are in there.

**Mr BERKMAN:** In your submission and here today as well you have spoken about the experience of violence by children and the links to offending by children. I note from your submission that there has been but is no longer a funded youth domestic and family violence lawyer at YAC. As I understand it, that means there is no such service provided at all in Queensland. Can you explain to the committee what that looked like, what were the benefits and what are consequences of losing it?

**Ms Hayes:** We had the only funded specialist domestic and family violence youth service, so the lawyer would go to the duty service and represent kids who were offenders and also victims. It would help the offenders to link into support services to address their offending behaviour and try to make sure there was a path to rehabilitation for the offenders but also to help the child victims. There might be a victim of a parent committing violence or involved in a process like that, so they would help the victim through that process as well. I understand that some service providers such as the Hub can represent domestic and family violence offenders as well as being part of a broader service. This was

the only standalone one. I think it is really important to have a service. It does not need to be at YAC; it could be anywhere in Queensland. I think particularly the regional and remote areas really need a specialised youth service to try to stop that entrenchment in the cycle of domestic and family violence.

**CHAIR:** Regarding your opposition to the expansion of Jack's Law, you would be aware that these laws were advocated for by parents who sadly lost their son.

**Ms Hayes:** Yes.

**CHAIR:** Does the Youth Advocacy Centre have a role in addressing youth safety when it comes to risky behaviours such as carrying weapons?

**Ms Hayes:** We discourage all of our clients from carrying weapons. It is something that we strongly discourage. When I raised Jack's Law in the submission it was that there was no explanation as to why. I do not see what was lacking that is being addressed by expanding the application and reducing police accountability. It was a lack of any explanation in the explanatory notes, the statement of compatibility or the speeches in parliament. There was an expansion and a lack of accountability without explanation.

**CHAIR:** Does the Youth Advocacy Centre support Jack's Law in general?

**Ms Hayes:** We do not like to see the criminalisation of children and think everything should be prevention, but the number of weapons that are carried by young people and adults on a regular basis is concerning. We are very concerned about the young people who are caught up in it without there being an intention. Many of our kids do sleep rough and they carry weapons for, in their mind, protection.

**CHAIR:** Certainly we saw with the case of Balin Stewart that you are more likely to be stabbed with your own weapon if you are carrying a knife.

**Ms Hayes:** That is why we really discourage that. It is crazy.

**CHAIR:** Thank you, Ms Hayes, for appearing before the committee again today and for your advocacy in this space. I declare the hearing closed.

**The committee adjourned at 2.39 pm.**