

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

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Summary

The stated policy objectives of the Bill are ‘to make Queensland safer and strengthen the capability of the criminal justice system to hold perpetrators to account’. Ample evidence is available which shows that increased severity of criminal justice responses is ineffective in deterring the acts which they target (Dari-Mattiacci & Raskalnikov 2021; Lacey 2012; Raskalnikov 2021; Robinson & Darley 2004). It is clear from this evidence that extending the list of offences subject to ‘adult crime, adult time’, reducing non-criminal pathways for minor drug offences, or increasing police powers in public spaces will not of itself make Queensland safer. Indeed, in the longer term, by criminalising people who would not otherwise be exposed to the criminal justice system, or increasing the severity of this exposure, this Bill may have the effect of increasing lifelong criminality, therefore making Queensland less safe.

I also contend that the proposed Bill will inequitably impact already disadvantaged and marginalised members of our community and young people impacted by structural disadvantage (Duarte, Salas-Hernandez & Griffin 2020). The Bill does nothing to address the causes of disadvantage and marginalisation, causes which if addressed robustly, would have the desired effect of making Queensland safer.

Adult Crime, Adult Time

As with the original Adult Time, Adult Crime provisions in the *Making Queensland Safer Act 2024*, these amendments will apply to children from the age of 10, well below the internationally accepted age of criminal responsibility (14). Research indicates that criminalizing children at 10–13 creates a cycle of recidivism and adversely impacts brain development. Adult Crime, Adult Time laws, and any extension thereof, disproportionately target vulnerable children, particularly Indigenous youth, without addressing underlying and structural causes of vulnerability, disadvantage and marginalisation (Australian Human Rights Commission [AHRC] 2021). The “Help way earlier!': How Australia can transform child justice to improve safety and wellbeing’ report (AHRC 2021), states that a lack of political commitment to evidence-based reform and pervasive ‘tough on crime’ rhetoric are significant barriers to reform of children’s rights. Both of these elements feature heavily in Adult Time, Adult Crime provisions. The AHRC also found that if children at risk are supported earlier on - whether in the community, in detention, or when released from detention – they are less likely to be involved in criminal activity, keeping them and our communities safer.

Illicit Drug Enforcement and Diversion Framework

The repealing of the PDDP and its replacement by the IDEDF will reduce diversionary pathways for individuals found to be in possession of small quantities of illicit drugs. It will increase the exposure to criminal proceedings and the criminal justice system for such

individuals. Criminal prosecution for minor drug offences may have lifelong implications for those impacted, far in excess of the severity of the offense (Doherty, Green & Ensminger 2021; Powell 2021). I would however like the Queensland Government to justify its comment that ‘the current PDDP risks conveying that illicit drug use is tolerable while simultaneously weakening the deterrent effect of criminal offences’. In my experience working with people who use illicit drugs, the legal consequences of possession and use of these substances is not a factor influencing behaviour. Rather, in many, if not most cases, drug use is often a coping mechanism used to manage significant life stressors such as trauma, poverty, homelessness, exposure to violence and mental health issues.

Once again, the people most likely to be impacted by the removal of the PDDP are amongst the most marginalised and disadvantaged in our society. These provisions will disproportionately impact people with low or no income, through the use of PINs, with decreased opportunity for these to be offset via a diversionary program.

I contend that these proposed changes will not significantly decrease the use of illicit drugs nor the impact this use has on individuals and society. Rather, it will see an increase of people subjected to criminalisation with all of the negative consequences to life outcomes and community wellbeing that this entails.

Designated Business and Community Precincts

The establishment of designated business and community precincts, along with significant increases to police powers within these precincts is a legislative over-reach to concerns regarding public safety and business amenity in public spaces. There appears to be little actual oversight or accountability for the establishment and continuance of DBCPs with both the initial prescription and subsequent reviews made by the Minister.

This Bill will disproportionately affect and harm the most disadvantaged and marginalised in our community, particularly those experiencing homelessness, mental health issues, or often, both. People experiencing homelessness rely on public spaces for survival. Through the move on and banning provisions of this Bill, access to these essential spaces may be denied to those who need them most. I note that no actual anti-social behaviour is needed to trigger a move on order. The mere presence of a person in a DBCP is enough to warrant removal if a police officer reasonably believes their presence constitutes a relevant act. The subjectivity of this provision and its potential for misuse and discrimination is too great. Under the provision of the Bill, the police may move people on if their presence causes ‘anxiety’. Anxiety to who? How will an assessment be made regarding the validity of this anxiety or its level?

The proposed amendment requiring people subject to a move on order to provide their address also discriminates against people experiencing homelessness, who may be unable to provide this information. Many people experiencing homelessness do not have ID documents.

As with the other provisions of the proposed Bill, provisions of the DBPC and increased police powers within these makes no reference to systemic and societal determinants of

disadvantage, discrimination and marginalisation. All three major provisions will have disproportionate impacts on society's most vulnerable and disadvantaged, with no acknowledgement or addressing of the causes of vulnerability and disadvantage. Here we have yet another example of the problematisation of individuals and groups of people, without any indication of commensurate supports.

If government is to preclude, on a disproportionate scale, people experiencing homelessness from public spaces, it should be an obligation of government to provide infrastructure for people to access required supports and basic life necessities (toilets, showers, safe spaces etc). Government is also responsible for the provision of mental health and AOD supports. These services currently available, from my experience, are grossly inadequate for the level of need. Where is the necessary government interventions to make these services accessible to those who desperately need them, for the benefit of all and for the furtherance of public safety? Where is an adequate government response to housing, an issue that is driving more and more Queensland people and families into poverty and homelessness?

Rather than criminalising marginalised and disadvantaged people, why are police not required to use responsible referral pathways?

Is it simply too easy, electorally, to blame a section of our community and to appear to be addressing community concerns through criminalising these groups? Is it too difficult to do the hard work of addressing the systemic, underlying issues that increase vulnerability, disadvantage, poverty, homelessness, drug and alcohol abuse and violence in our communities?

References

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