

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

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Queensland
*Expanding
Adult Crime,
Adult Time*
Policy
Submission

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About NAPCAN

The National Association for Prevention of Child Abuse and Neglect (NAPCAN) is Australia's leading national organisation dedicated to the prevention of child abuse and neglect through advocacy, education, and community engagement.

We promote the message that child abuse is preventable by addressing the underlying social issues that lead to cycles of abuse, building community capability through evidence-based programs such as Love Bites and Safer Communities for Children, and leading the national conversation through National Child Protection Week.

Our work places the rights of the child at the centre. NAPCAN believes that children and young people are the experts on their own experiences and need to be included in decision-making spaces. As part of NAPCAN's commitment to giving children and young people a voice on issues that affect them, this submission has been prepared by members of the NAPCAN Youth Speak Out council, a diverse group of 20 young people aged 13-25 from every state and territory of Australia. This submission is informed by our own varied experiences, the expertise of NAPCAN staff, and the perspectives of many young people across the country that we have spoken to, including young people with lived experience of youth detention.

NAPCAN's prevention efforts have been funded by respective Queensland governments for over 20 years. We are proud to have 2 current youth advisors in Queensland, one in Brisbane and one in Atherton. NAPCAN has an extensive network across Queensland and a highly engaged prevention workforce, who deliver respectful relationship education programs, protective behaviours training, child safe organisation training and mandatory reporter training, all with a prevention lens.

Executive Summary

The Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 takes a 'tough on crime' approach to youth offending. This punitive attitude harms children, their families, their communities, and the taxpayer. It will disproportionately affect already marginalised communities, particularly First Nations, people with disability, and low socioeconomic status. Our key concerns with this bill are:

1. It is largely being driven by a media frenzy over a youth crime crisis that does not appear to exist in the available data.
2. It does not address the underlying social causes of youth crime, and instead intervenes far too late.
3. It does not uphold the rights of children or meet Australia's international human rights obligations.
4. It punishes young people who instead need support.

5. The increased contact between children and the justice system will not achieve the goal of making Queensland safer, due to the long term impacts of recidivism and repeat offending that come from early contact with the justice system.
6. It contributes to a political landscape that antagonises young people and makes the world less safe for them.

We do support the focus on prevention and early intervention solutions, and strongly encourage the government to invest heavily in primary prevention initiatives that address the social conditions that cause crime. Successive Queensland governments have a long history of investing in prevention initiatives, including NAPCAN's, and this should be continued. It is a far better use of taxpayer money than the extremely expensive option of youth detention.

The youth crime crisis

This bill has been premised on tackling the youth crime crisis sweeping Queensland. In the explanatory speech, Minister Gerber highlighted how there has been a substantial increase in youth crime under the previous Labor government and provided several statistics as evidence. NAPCAN disagrees with the idea that Queensland is facing a youth crime crisis. We believe the data overall tells a story of a drop in youth crime in recent years. Youth crime rates in Queensland have been falling since a peak in 2009-2010, and are falling even faster than adult crime rates (ABS, 2025). Some of the rising crimes listed in the explanatory speech can be explained by greater public awareness and reporting confidence, as well as changing classifications of certain crimes. We do agree that there has been an increase in the number of young people in detention in Queensland over time, with Queensland now making up 34% of all youth detention in Australia as of June 2025 (AIHW, 2025), but we do not think this should be a point of pride for the government.

Crime is a social justice issue

However even if there was a substantial increase in rates of youth crime across Queensland, NAPCAN still does not believe that an 'adult crime, adult time' approach provides meaningful long-term solutions to addressing the issue. Youth crime occurs when children and young people are failed by the networks and support systems that are supposed to help them grow into healthy adults. The connection between youth crime and social disadvantage is clear. The Australian Human Rights Commission's *Help Way Earlier!* report (AHRC, 2024) highlights that for young people in the child justice system in Queensland:

- 53% of children have experienced or been impacted by domestic and family violence
- 44% have a mental health and/or behavioural disorder (diagnosed or suspected)
- 48% are disengaged from education, training or employment
- 25% have at least one parent who has spent time in adult custody
- 30% are in unstable and/or unsuitable accommodation
- 44% have a disability (assessed or suspected) and
- Compared to non-Indigenous children, Aboriginal and Torres Strait Islander children were 27 times more likely to be held in youth justice custody.

When a young person has all these social factors working against them, the threat of tough criminal penalties is an intervention that comes too late. Systemic and substantial investment is needed to address the underlying social causes that drive children and young people towards crime.

We do believe it is the government's responsibility to keep kids safe and away from the youth justice system, especially seeing as many young people who engage with the youth justice system have been in some form of state care. In 2022-2023, more than 65% of young people under youth justice supervision in Australia in the previous 10 years had prior contact with the child protection system (AIHW, 2024a). Among First Nations young people, 64% under justice supervision had child protection contact within 5 years, and they are more than 28 times more likely to be in detention than non-Indigenous children (AIHW, 2024b; AHRC, 2024). This relationship extends to out-of-home care (OOHC), with young people in OOHC being significantly overrepresented in youth justice supervision and court proceedings. Although they comprise a small proportion of the general youth population, approximately 25% of young people in OOHC report youth justice involvement in the past 10 years (AIHW, 2024a). The intersection between care systems and justice systems reflects systemic shortcomings across multiple areas and details a significant driver towards the criminal justice system. The government must take responsibility for how these children are cared for. Strategies to reduce or prevent offending must therefore centre around child and family wrap-around support to avoid initial contact with child protection and to reduce child maltreatment.

Focusing on crime as a social issue also allows it to be addressed through a human rights and children's rights lens. Many governments' youth crime policies around Australia are already at odds with Australia's international human rights obligations and do not uphold the United Nations Convention on the Rights of the Child. The 'adult crime, adult time' approach to youth justice will further violate our international obligations and entrench our lack of commitment to providing our children with an upbringing that prioritises their inherent value, needs, and rights.

The government's responsibility does not begin at the punishment phase once a crime has already occurred. Truly solving youth crime means investing in creating the social conditions for children and their families to thrive.

Teaching consequences

One of the key talking points for this bill is that a harsh approach to crime teaches young people the consequences of their actions. We believe that this rhetoric ignores the reality of both human brain development and the intersection between intellectual disability and youth offending.

One study found that 89% of young people in youth detention had at least one domain of severe neurodevelopmental impairment and 36% had Foetal Alcohol Spectrum Disorder (FASD) (Bower et al., 2018). Young people affected by FASD are estimated to be 19 times more likely to be incarcerated (Popova et al., 2011). One study that came out of Fitzroy Valley in Western Australia indicated some of the highest levels of FASD internationally in the region around 2002, noting that those with FASD are

particularly vulnerable to contact with the criminal justice system due to low levels of understanding, lack of diagnosis and disability support (Fitzpatrick et al., 2015; McCausland et al., 2017). Proper diagnosis, coupled with appropriate support, is essential for young people with a disability, particularly FASD. Upon release from youth detention, they are generally not given the support needed to access the NDIS supports they are entitled to in the first place. Disabilities, poor mental health and alcohol and other drug issues are all substantial drivers for initial and sustained contact with the criminal justice system and further incarceration.

This bill does not help teach young people the consequences of their actions, but rather puts young people in a traumatic environment where they lose access to disability supports that help them navigate the rules of society.

Prevention

In Minister Gerber's explanatory speech of the bill, she highlighted the importance of prevention and early intervention initiatives in reducing youth crime. NAPCAN welcomes this approach and strongly endorses the use of evidence-based community-led initiatives to prevent youth crime. We further stress the importance of universal primary prevention initiatives, which are often deprioritised in favour of later interventions. But prevention works and it saves governments money.

Allard et al. (2007) conducted a meta analysis of eight Australian prevention and early intervention programs. It examined the short- and long-term outcomes of these programs on offending, and found the programs had a reduction in offending of between 18% and 91%. They also found that the cost of intervention was generally offset by the future economic savings. This is important, given that in Australia the cost of housing a young person in detention is now \$1.3 million per young person per year (SCRGSP, 2026).

The 2023 Jailing is Failing report from the Justice Reform Initiative had similar findings, showing that early intervention and prevention strategies have helped reduce anti-social and problematic behaviours up to 48% and have a 5-31% annual reduction on specific crimes. It also found that prevention methods prove extremely effective when compared to pre-sentencing detention methods that have shown a 33% increase in recidivism for children and young people (JRI, 2023).

There are numerous forms that this prevention can take. NAPCAN's programs which aim to equip workers and young people with the skills to end intergenerational cycles of abuse are one example. Similarly vocational, training, employment, and mentoring initiatives for young people are effective as prevention strategies to reduce initial contact with the justice system. A joint study between the University of Sydney and the NSW Department of Communities and Justice reviewed five evidence-based mentoring programs for adolescents and found they reduced the risk of entry into the youth justice system, anti-social behaviour, and criminal activity (Youth Justice NSW, 2021). They further found improvements in substance use, self-perception and autonomy, school participation and engagement, prosocial behaviours and peer/family relationships. Similarly, Sotiri et al. (2024) found that

after-school mentoring and training programs led to a reduction in anti-social behaviour of between 6-14%.

We would also like to highlight the work of several early intervention programs in Queensland that have demonstrated success in reducing youth crime rates. These are the types of programs the government should continue to invest in.

Community Youth Response and Diversion, Queensland Department of Youth Justice

The Queensland Department of Youth Justice's Community Youth Response and Diversion program has supported 1,400 young people aged 10-15 at high risk of offending or reoffending across Queensland. Some of its key initiatives include supporting police to divert young people toward support rather than charging or remanding them in custody, providing intensive case management for young people and their families, providing support for alternative education options for young people who have disengaged from mainstream education, and providing Aboriginal and Torres Strait Islander cultural mentoring support.

A 2023 evaluation of the program (Nous Group, 2023) found strong success, with young people reporting increased prosocial behaviour and positive sense of belonging. In the medium term, 85% of participants improved or maintained their assessed rating against youth justice outcomes. There was a substantial decrease in offending among participants, including a 14% reduction in arson of building, dangerous driving, and non-aggravated sexual assault offences, compared to a 2% reduction for the control group. It also estimated that the program saved between \$7.4 million and \$10.6 million in reduced costs in the 12 months following the program due to reduced offending.

Pathways to Prevention, Griffith University

Griffith University's Pathways to Prevention Project is based in a disadvantaged, high-crime region of Brisbane (Bowley, 2024). This program operated as a research-practice partnership involving families, state preschools and primary schools, and community agency Mission Australia. It focused on the development of oral language and communication skills for 4-year-olds in 2002-03 and saw the reduction of court-adjudicated youth crime among participating children by age 17.

Making Queensland safer?

The stated purpose of this bill is to make Queensland safer from youth crime. We are concerned this is based only on the short term safety that may come from removing children and young people from community and placing them into detention, and does not consider the long term impacts on crime from having larger numbers of young people with experience of the criminal justice system.

A consistent finding across Australian and international research is the strong relationship between youth detention and later adult imprisonment (Ewenson, 2024). The earlier a young person comes into

contact with the youth justice system in their life, the more likely they are to repeatedly come into contact with the justice system throughout their life. Young people who experience detention are significantly more likely to have continued contact with the justice system as adults compared to those who are diverted or supported in the community.

Detention can disrupt education, employment pathways and social development at a critical stage of life. Time spent in custody often interrupts schooling and reduces engagement with positive supports. As a result, young people may return to the community with fewer opportunities and increased disadvantage, which can contribute to further offending (Ewenson, 2024).

The NAPCAN Youth Speak Out council has talked to several young people with lived experience of youth detention, and one of the key challenges that they have consistently raised is the difficulty of transitioning out of youth detention and the sudden loss of support upon release. Young people report struggling to navigate systems they have been isolated from and facing discrimination due to their criminal history when trying to access housing, employment, and education. This greatly raises the risk of recidivism. Therefore robust vocational, training, employment, and mentoring initiatives are essential to support young people in this critical period and reduce the risk of reoffending.

Custodial environments may expose young people to more serious offending behaviours and peer influences. While detention can provide temporary safety and structure, young people often form close peer bonds within custody that, although supportive, can also normalize justice system involvement and reinforce criminal identity (Ewenson, 2024). Exposure to punishing practices and violence, including from staff, further embeds these patterns. Research indicates that over half of young people released from detention return to some form of criminal justice supervision within 12 months, suggesting that early contact with detention can contribute to ongoing justice system involvement and potentially create a pathway from youth detention into the adult prison system (Ewenson, 2024).

In addition, the long term consequences of having a criminal record, including barriers to employment, housing and education, can limit a young person's ability to reintegrate successfully. These structural barriers increase the risk that justice involvement becomes entrenched over time (Ewenson, 2024).

The extent of this disadvantage is not just limited to the individual; it is intergenerational. The Queensland Youth Justice Census survey in 2023 showed that 25% of the young people surveyed had at least one parent who spent time in adult custody (AHRC, 2024). Putting children in detention from a young age risks setting them on a trajectory of repeat offending and of the socioeconomic conditions to cause their future families to engage in offending too.

Fair Youth Coverage

It is important to highlight the political context of this bill. Despite an overall reduction in rates of youth crime (AIHW, 2025), politicians and the media have increasingly focused on youth crime as a key issue, and voters have responded. State and territory elections have been won on a 'tough on crime' approach

to young people, and we see increasingly punitive laws being passed that harm children and put Australia at odds with our human rights obligations. When an entire cohort of young people is stigmatised, it becomes harder to address the issues they face. Community leaders no longer speak positively about youth and public support is compromised.

The representation of children and young people in the media is one of the issues that the NAPCAN Youth Speak Out council has consistently identified as one of the key issues affecting them. NYSO members report increasing experiences of stigma and racial profiling from the general public, worse than they have ever experienced. For this reason we have been running our Fair Youth Coverage campaign with the support of Her Excellency the Governor General Sam Mostyn AC. This campaign aims to spotlight the strength of young people and showcase the many young people doing positive work in their communities around the country, while calling on media and journalism courses to raise their standards.

Young people are feeling consistently disengaged and antagonised by politicians and the media. As the next generation of leaders and future voters, they are seeing a political cohort that does not value or respect them. We have heard this from young people all across the country from all walks of life, and this can be seen in the 100 young people we spotlighted in our Fair Youth Coverage campaign. We challenge politicians and the media to engage with a strengths-based narrative that supports the wellbeing of children and young people and that creates the political will for meaningful positive initiatives for communities.

Conclusion

NAPCAN and the Queensland Government are in agreement that we should be working towards creating a Queensland where all people feel safe in their communities. But this bill will not achieve that aim. Safety for Queenslanders will be achieved through prevention initiatives that stop intergenerational cycles of domestic violence, disability discrimination, First Nations disadvantage, housing instability, and poverty, which all lead to youth crime. NAPCAN is a proud proponent of consultation with young people on issues that matter to them; this policy submission has been written by the young people of the NAPCAN Youth Speak Out Council. We encourage the government to do the same and meaningfully consult with young people, especially young people with lived and living experience of youth detention. Those are the voices that understand the youth justice system and the drivers of youth crime the best. Those are the voices that hold the solution to addressing youth crime in Queensland. Work with young people, not against us.

References

- Allard, T., Ogilvie, J., & Stewart, A. (2007). *The Efficacy of Strategies to Reduce Juvenile Offending*. <https://research-repository.griffith.edu.au/server/api/core/bitstreams/a153ae8d-eb8d-412d-8f37-7a80ae3cb4de/content>
- Australian Bureau of Statistics. (2025). Recorded Crime - Offenders. ABS. <https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-offenders/latest-release>.
- Australian Human Rights Commission. (2024). *'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing*. Australian Human Rights Commission.
- Australian Institute of Health and Welfare. (2024a). *Young people under youth justice supervision and their interaction with the child protection system 2022–23* (Cat. no. CSI 030). AIHW. <https://www.aihw.gov.au/reports/youth-justice/young-people-youth-justice-supervision-2022-23/summary>
- Australian Institute of Health and Welfare. (2024b). *Closing the Gap targets: Key findings and implications*. AIHW. <https://www.aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications/contents/child-protection>
- Australian Institute of Health and Welfare. (2025). *Youth justice*. AIHW. <https://www.aihw.gov.au/reports/australias-welfare/youth-justice>
- Bower, C., Watkins, R., & Mutch, R. (2018). Fetal Alcohol Spectrum Disorder and Youth Justice: A Prevalence Study Among Young People Sentenced to Detention in Western Australia, *8 BMJ Open* 7. <https://bmjopen.bmj.com/content/8/2/e019605>
- Bowley, C. (2024, October 24). Proven pathways to preventing youth crime. *Griffith News*. <https://news.griffith.edu.au/2024/10/24/proven-pathways-to-preventing-youth-crime/>
- Ewenson, L. (2024). Lived experiences of youth justice detention in Australia: Reframing the institution in a decarcerated state. *Australian Journal of Human Rights*, *30*(1), 1–19. <https://doi.org/10.1080/1323238x.2024.2412386>
- Mathews, B., Pacella, R. E., Scott, J. G., Finkelhor, D., Meinck, F., Higgins, D. J., Erskine, H. E., Thomas, H. J., Lawrence, D. M., Haslam, D. M., Malacova, E., & Dunne, M. P. (2023). The prevalence of child maltreatment in Australia: findings from a national survey. *Medical Journal of Australia*, *218* (6 Suppl): S13-S18. <http://dx.doi.org/10.5694/mja2.51873>
- McCausland, R., McEntyre, E., & Baldry, E. (2017). *Indigenous people, mental health, cognitive disability and the criminal justice system* (Research Brief No. 22). Indigenous Justice Clearinghouse. <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/research-brief-24-final-31-8-17.pdf>

Nous Group Pty Ltd. (2023). *Community Youth Response and Diversion Evaluation – Final Findings Report*.

<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/d380d451-d4db-49a7-b392-a12157cf3868/cyrd-evaluation.pdf>

Popova, S., Lange, S., Bekmuradov, D., Mihic, A., & Rehm, J. (2011). Fetal alcohol spectrum disorder prevalence estimates in correctional systems: A systematic literature review. *Canadian Journal of Public Health*, 102(5), 336–340. <https://doi.org/10.1007/BF03404172>

Queensland Department of Youth Justice and Victim Support. (2025, October 10). *Community Youth Response and Diversion evaluation*. Department of Youth Justice and Victim Support.

<https://www.youthjustice.qld.gov.au/our-department/research-evaluations/evaluations/cyrd>

SCRGSP (Steering Committee for the Review of Government Service Provision). (2026). *Report on Government Services 2026*, Productivity Commission, Canberra,

<https://www.pc.gov.au/ongoing/report-on-government-services>

SNAICC. (2024). Family Matters Report 2024.

<https://www.snaicc.org.au/resources/family-matters-report-2024/>

Sotiri, M., Schetzer, L., & Kerr, A. (2024). Children, Youth Justice and Alternatives to Incarceration in Australia. *Justice Reform Initiative*, Australia.

Youth Justice NSW. (2021). *Youth mentoring: Diverting young people from justice involvement* [Resource]. NSW Government.

<https://www.nsw.gov.au/legal-and-justice/youth-justice/programs-and-services/service-providers/resources-and-research/youth-mentoring-diverting-young>