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

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Centre for Justice

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

Summary

The amendments proposed in the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026* (the Bill), introduced into the Queensland Parliament on 3 March 2026, will lead to significant breaches of the human rights of young people, particularly Aboriginal and Torres Strait Islander youth, will contribute to the criminalisation of young people, and fails to uphold diversionary and restorative justice principles and practices. The supporting material for the Bill concedes that it is made contrary to the *Human Rights Act 2019* (Qld). To treat the human rights of young people with such disregard is unacceptable. The children and young people who are targeted by this policy are vulnerable, and many carry the scars of disadvantage and trauma. This Bill and the policy which it facilitates are unnecessarily cruel, ineffective and contrary to law and best practice.

This submission outlines the most concerning aspects of the Bill, and draws on research from scholars in law, education, youth justice, health and trauma-informed practice. The evidence suggests that the Bill is unlikely to improve community safety and will instead exacerbate existing inequalities in the youth justice system, and ultimately lead to more, not less, offending. Unless otherwise stated, all references to legislation are references to Queensland legislation.

We recommend that the Bill should not be passed.

What does the Bill propose to change?

The Bill's most serious impacts on Queensland children are its proposed changes to the *Youth Justice Act 1992* to:

- Send more children to prison unnecessarily because expanding the list of eligible offences may capture more youth into the criminal justice system who otherwise could have been diverted through restorative justice programs.
- Lose opportunities for successful reintegration because detention environments undermine rehabilitation.
- Create a net-widening effect. By expanding the list of eligible offences, the Bill may unnecessarily capture more youth into the criminal justice system that otherwise could have been diverted away through diversionary and restorative justice programs.
- Cost Queenslanders more money because it is estimated to cost $3,600 per day per child to imprison a child in Australia and Queensland spends around $300 million each year on youth detention (Productivity Commission, 2026). This money could be much more productively spent investing in community programs that support social, cultural, and emotional development of young people, which are proven to prevent offending.
- Apply adult penalties to young people in 12 additional offences, including general attempts, conspiracy to commit or accessories after the fact.
- Establishes attempted robbery simpliciter as a standalone offence.
- Recalibrates police responses to minor drug offences involving young persons.
- Lessens opportunities for young people to access restorative justice as a sentence.
- Grants the court wider discretion in deciding the release date of a young person's detention sentence.

What are the key issues?

The Bill is strongly criticised by legal, education, and criminology experts because:

- The use of override declaration under the *Human Rights Act 2019* occurs in the absence of substantiated evidence of an "exceptional crisis constituting a threat to public safety, health or order," which is a requirement for an override declaration to be valid. While recidivist offending has slightly increased in the state of Queensland, overall youth crime has been decreasing since 2012/2013, up until the enactment of the initial 'Adult Crime, Adult Time' laws via the *Making Queensland Safer Act 2024*.

- The override declarations have allowed children as young as 10 years of age and youth to be detained in Queensland police watchhouses alongside adults. This poses serious risks to their physical and emotional safety. The Bill is therefore incompatible with both international and Queensland human rights law, which require children to be separated from adults in detention and detention to be used as a last resort for children.
- The Bill will exacerbate the pre-existing discrimination against Aboriginal and Torres Strait Islander youth and intensify racist and ableist state violence against children (Institute for Collaborative Race Research, 2024). With the continued suspension of the *Human Rights Act*, we can see how easily laws can be changed to suit the political will of those in power, which subsequently disadvantages Aboriginal and Torres Strait Islander children and young people. Aboriginal and Torres Strait Islander children as young as 10 are frequent targets of police (Sentas and Pandolfini, 2017; McAlister et al, 2025).
- The Bill will lead to more Aboriginal and Torres Strait Islander deaths in custody. There have been at least 617 Aboriginal or Torres Strait Islander deaths in police or prison custody since the 1991 Royal Commission into Aboriginal Deaths in Custody. This includes 33 Indigenous deaths in the year 2025 alone, the highest number since records began in 1979 (McAlister et al, 2025).
- The Bill fails to adequately incorporate *doli incapax* and the principles underpinning the minimum age of criminal responsibility. According to Hidderley, Jeffs and O'Leary (2023), the minimum age of responsibility exists for two main reasons:
  (1) young children do not have the requisite capacity to be held responsible for crime because they cannot adequately understand what legal rules or morality require, and do not have the ability to reason and control their conduct; and
  (2) the best interests of young children require support and protection rather than criminal intervention.
- The Bill criminalises young people as adults. Children and young people would no longer have the right to seek detention as a "last resort" and in some instances, may be sentenced more harshly than their adult counterparts. These amendments fail to "recognise that children charged with offences are often victims" of trauma and abuse (Human Rights Law Centre).
- The Bill will disproportionately impact children who are already marginalised and vulnerable. According to the Law Council of Australia (2025), sentencing children as adults will severely impact Aboriginal and Torres Strait Islander children and youth, as well as those children and young people who experience disability, trauma, or mental health issues.

- The Bill contributes to the over-surveillance of Aboriginal and Torres Strait Islander children in Queensland. Aboriginal and Torres Strait Islander children and young people are over-surveilled by police in Queensland and questioned without cause resulting in a direct invasion of their right to privacy under the United Nations Convention on the Rights of the Child. This inadvertently leads to substantially higher contact with police and therefore more police charges (O'Brien, 2021).
- The policy of 'Adult Crime, Adult Time' fails to recognise the evidence that diversionary and restorative justice programs can produce better outcomes for Queenslanders than punitive measures and ignores the negative end result that criminalising young people has on Queenslanders in the long run. Imprisoning children deprives them, their communities and society more broadly of the opportunity for the sort of transformative support that can allow them to heal and contribute to society in positive ways.
- The Bill facilitates state violence against children and expands a colonial, carceral project that contributes to the ongoing genocide of Aboriginal and Torres Strait Islander people.

These issues are elaborated on below.

The Bill will disproportionately impact Aboriginal and Torres Strait Islander youth

The amendments breach the human rights of Aboriginal and Torres Strait Islander young people, especially the right to enjoy culture, language, and kinship and the right to equal protection of the law.

Queensland's Human Rights Act protects the cultural rights of Aboriginal and Torres Strait Islander peoples, including rights to maintain cultural practices, languages and kinship ties (Human Rights Act s28). Imprisonment and detention disrupt these rights and can have particularly deleterious effects on young people's connection to Community and Country.

The Human Rights Act (s15) guarantees equal protection of the law and prohibits discrimination. The minister has conceded that Aboriginal and Torres Strait Islander children will likely be disproportionately impacted due to their overrepresentation in the youth justice system but stated that this does not constitute discrimination because the law applies equally to all young people.

This reasoning incorrectly assumes all people begin at a level playing field and ignores the extensive evidence and expert opinion that the law is not applied equally. Repeated studies have documented the ways that Aboriginal and Torres Strait Islander youth are frequent targets of police, the ways that police often incite behaviour that leads to arrest, the ways that racism shapes police and prison practices, the ways that colonial violence, dispossession and

systemic racism in housing, healthcare, social services and employment contribute to Aboriginal and Torres Strait Islander youth offending.

The Bill is incompatible with human rights

The application of adult sentences to children across an extended range of offences is a breach of human rights law because it is not necessary or proportionate.

There is no evidence that imposing adult sentences on young offenders is effective in preventing youth crime. Evidence suggests that harsher sentencing leads to more trauma and increases the likelihood of recidivism. Without evidence that harsher sentences reduce crime, the breach of human rights cannot be said to be necessary or proportionate and is therefore not justified (Human Rights Act s13; International Covenant on Civil and Political Rights (ICCPR) 1966; Siracusa Principles).

The attempt to use the override provision in the *Human Rights Act* is unlawful where there is no evidence that youth offending constitutes an "exceptional crisis situation constituting a threat to public safety, health or order" (Human Rights Act s43; ICCPR art 4). The Minister has conceded that the Bill is in direct contradiction to international human rights laws and standards. This demonstrates a disregard for international law and the human rights of young Queenslanders.

The amendments also contravene specific rules governing children's rights in detention. These include that the best interests and wellbeing of a child should come first, detention should only be used as a last resort and for the shortest appropriate time, and a child should be treated in a manner that accounts for their age and promotes reintegration into society (Convention on the Rights of the Child; Beijing Rules). There are many highly effective community-based programs across the country that enable children and young people to remain in their communities, engage with Elders and mentors who recognise their pain as well as their strengths and potential, and assist their healing and identity development. Currently most of these programs are severely underfunded and held back from growing and reaching their full potential to meet the needs of young people at risk (Haswell et al., 2013). These programs should be the preferred response to young offending.

Additional concerns arise regarding Clause 24 (387c Offer to complete drug diversion program). The provisions raise human rights violations and child rights violations due to a lack of family involvement, support and consultation, informed consent provided by family or kinship carers, and a lack of support for families. When informed consent is not obtained, young people may be subjected to interventions without adequate understanding or voluntary agreement. This undermines their evolving capacity for autonomous decision-making, a recognised ethical requirement in adolescent health and justice settings.

Without robust consent procedures and supportive adults helping youth navigate programs, there is a heightened risk that young people enter diversion or treatment programs under implicit pressure or misinformation. These inconsistencies can reinforce power imbalances,

leaving youth vulnerable to coercion or treatment decisions that fail to respect their best interests or needs.

Parents and guardians have established ethical and legal rights to participate in medical, health and justice-related decision-making for minors. Failure to involve them can violate these rights and compromise the integrity of the decision-making process.

These concerns engage several rights under the *Convention on the Rights of the Child*, including Articles 2,3,4,12 and 17. Additional protections under Articles under 19, 23 and 40 emphasise that governments must protect children from harm, support children with disabilities, and ensure that children who break the law are treated fairly and supported to become social citizens. Article 18 recognises that parents and guardians are primarily responsible for raising a child and acting in their best interests. These principles are reinforced in the *United Nations Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)*.

Recommendations to the Committee:

Based on the concerns outlined in this submission, the Committee should:

(1) Not use the override declarations under the *Human Rights Act 2019*.

Given the lack of substantiated research demonstrating an "exceptional crisis", the Committee should not rely upon the override declarations under section 43 of the Human Rights Act 2019. The limitation on human rights is not justified.

(2) Ensure youth justice policy aligns with evidence on youth crime trends.

The Committee should ensure that legislative responses are grounded in evidence, including data indicating that overall youth crime in Queensland has been decreasing since 2012/2013, rather than being driven by public perception or political pressure. The proposed Bill is not warranted by the evidence.

(3) Uphold the principles underpinning *doli incapax* and the minimum age of criminal responsibility.

The Committee should ensure that any amendments to youth justice legislation continue to recognise that young children may lack the capacity to understand legal and moral responsibility, and that their best interests require support and protection rather than criminal intervention.

(4) Reject the expansion of adult sentencing provisions for children.

The Committee should reject amendments that extend adult sentencing to children, particularly in this case, where there is no evidence that such measures reduce youth crime and where evidence suggests such measures increase trauma and recidivism.

(5) Recommend steps to stop the disproportionate and targeted policing and incarceration of Aboriginal and Torres Strait Islander youth.

The Committee should explicitly note the disproportionate impact of the Bill on Aboriginal and Torres Strait Islander children and young people, including impacts on cultural rights, over-surveillance, and systemic inequalities within the justice system, and recommend steps to end the policing and incarceration of Indigenous youth.

(6) Ensure that all legislation complies with Australia's obligations under the UN Declaration on the Rights of Indigenous Peoples.

The Committee must ensure that all legislation adheres to Australia's obligations under UNDRIP (2007), including rights to self-determination, decision-making and liberty of a person and to live without violence and discrimination.

(7) Ensure that any legislation complies with domestic and international human rights obligations.

The Committee should recommend that the Bill is not passed, given that it does not align with the *Human Rights Act 2019* or international human rights frameworks, including the *Convention on the Rights of the Child and International Covenant on Civil and Political Right*s, particularly in relation to the use of detention as a last resort.

(8) Strengthen protections for children in detention.

The Committee should ensure that any legislative changes uphold established principles that detention must be only used as a last resort, for the shortest appropriate period of time, and in a manner that promotes rehabilitation and reintegration.

(9) Introduce safeguards for informed consent and family involvement in diversion programs.

The Committee should ensure that Clause 24 (drug diversion provisions) includes clear requirements for informed consent, meaningful consultation with parents, guardians or kinship carers, and adequate support for young people and families.

(10) Avoid net-widening of the youth justice system.

The Committee should reject expanding the list of eligible offences for adult sentencing, given the risk of drawing more young people into the criminal justice system who could otherwise be diverted through restorative approaches.

(11) Consider the financial implications of increased youth detention.

Given the significant cost of youth detention, estimated at $3,600 per day per child, the Committee should recommend against expanding detention as it is an ineffective and unsustainable use of public resources.

(12) Increase funding of community-based practices.

The Committee should consider the enormous benefits of providing wider access for young people to community-based programs that effectively promote wellbeing, enable life-changing relationships, develop life and work skills, enable recognition of their strengths and self-worth, open up opportunities for education and employment and

enable young people to reach their full potential. There is now a large literature demonstrating the success of such programs to change lives and empower young people to set and focus on positive goals and stop them from falling into the trap of substance abuse and criminality. However, to date, there has been only sporadic and insufficient support for these highly cost-effective programs to make the difference they can towards a safer and happier society.

(13) Raise the age of criminal responsibility to 14.

The Committee should recommend raising the age of criminal responsibility from 10 to 14 in Queensland. Queensland's current age of criminal responsibility (10) is contrary to Australia's legal obligations under the Convention on the Rights of the Child. Recognising that there is a nationwide campaign to raise the age in all states and territories, and that Queensland is falling behind other states where this legislation is either already introduced or underway (in ACT, Tas, SA and Vic), the Committee should recommend that Queensland align with these states and adhere to its international obligations.

(14) Implement the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody

As a matter of urgency, the Committee should recommend that the Queensland government implement all recommendations of the Royal Commission into Aboriginal Deaths in Custody (1991), ranging from diversionary strategies to self-determination, to ensure that there are no more Aboriginal or Torres Strait Islander deaths in custody in this state.

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