

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

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Office of the
Victims' Commissioner

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Submission to the Justice, Integrity and
Community Safety Committee

18 March 2026

Commissioner's introduction

This submission focuses solely on the implications of the first component of the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (the Bill)—the expansion of the Adult Crime, Adult Time (ACAT) framework.

I acknowledge the negative impacts that illicit drug use and anti-social behaviour may have on the community, however the proposed amendments with respect to drug enforcement and diversion and anti-social behaviour are not focused on crimes committed against the person which is the primary focus of our work at the Office of the Victims' Commissioner.

The Bill seeks to address community concerns about youth crime and enhance accountability. It is critical that the rights of victims remain at the forefront of these reforms. Victims of crime, whether impacted by youth or adult offenders, often face profound and enduring trauma, and it is essential that legislative reforms prioritise their needs and rights.

Victims have consistently expressed that the harm caused to them is not sufficiently recognised in sentencing processes in either the adult or youth justice system. Ensuring a consistent and victim-centred approach across both the youth and adult justice systems is vital to improving victim experiences and reinforcing community expectations of accountability.

Victim impact statements are a powerful tool for victims to share their experiences and contribute to the sentencing process. However, there are obstacles that hinder victims from exercising this right. Addressing these barriers, improving support mechanisms, and enhancing judicial awareness of victim harm will assist victims to be heard. Similarly, access to sentencing remarks is crucial for victims to understand how their experiences have been considered and for the broader community to see justice being served.

The Bill proposes including the offence of non-fatal strangulation, under the ACAT framework. While this reflects the seriousness of the offence, it is concerning that existing systemic barriers to successful prosecutions remain unresolved. Responding to recommendations from the Queensland Law Reform Commission's review into non-fatal strangulation should be prioritised to improve the experience of victims of this crime.

In advancing these reforms, it is imperative that the Queensland Government maintain a focus on implementing these reforms in a way that centres the rights and needs of victims.



Kate Connors
Victims' Commissioner

Note on language

I use the term 'victim' and 'victim-survivor' throughout this submission. I acknowledge some individuals may prefer 'victim' as it emphasises their experience of harm, while 'victim-survivor' acknowledges the ongoing impacts of crime and highlights the strength and resilience of individuals with lived experience. By incorporating both terms, I hope to honour these perspectives. I may also use the term 'victim' when referring to legislation as it is a term commonly used in legal frameworks.

Role of the Victims' Commissioner

The role of the Victims' Commissioner is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld)* (VCSVRB Act). My role is to protect and promote the rights and needs of victims of crime. My statutory functions include:

- Providing information to victims of crime to help them navigate the criminal justice system
- Dealing with complaints under the Charter of Victims' Rights
- Conducting systemic reviews
- Listening to victims to hear about their own, lived experiences
- Advocating for victims' rights by making recommendations and providing advice to government and non-government entities about improvements to policy, practices, procedures and systems to uphold the rights of victims and better meet their needs.
- Monitoring the implementation of recommendations.

Under section 6 of the VCSVRB Act, a victim includes a person who suffers harm because a criminal offence (including domestic violence) is committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependants of a person who has a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.¹

The VCSVRB Act defines harm as including physical, psychological or emotional harm, damage to or loss of property, and financial or economic loss.² This definition recognises the range of impacts that a crime can have on an individual.

Review of the Charter of Victims' Rights

In February 2025, the Office of the Victims' Commissioner (OVC) commenced a systemic review of the Charter of Victims' Rights, pursuant to my functions under section 9(a) of the VCSVRB Act. The review aims to ensure the Charter of Victims' Rights effectively promotes and protects the rights of diverse victims of crime, in line with recommendations by the Women's Safety and Justice Taskforce³ and the Queensland Parliament's Legal Affairs and Safety Committee's Inquiry into support provided to victims of crime.⁴

One of the key questions engaged throughout the review is whether the Charter of Victims' Rights should be expanded to other types of offences, such as offences against property.

The review is being informed by engagement with victims of crime, their advocates, family members and professionals who work with victims of crime. I will provide a report to the Minister for Youth Justice and Victim Support and Minister for Corrective Services by December 2026. More information about the review can be found on the OVC's [website](#).

This submission is informed, in part, by the views and experiences shared with the OVC thus far, as well as the victims who have provided feedback or made complaints to the OVC.

Victims' Commissioner's submission on the Bill

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

1. prescribing 12 new Adult Crime, Adult Time offences, making youth offenders liable to the same maximum, minimum and mandatory penalties as adults for the specified offences. The Bill also amends the *Youth Justice Act 1992* (Qld) (YJ Act) to provide that section 175A applies to general attempts and conspiracy to commit, and accessories after the fact to any Adult Crime offence, as well as the standalone offence of attempted robbery simpliciter.
2. repealing the current Police Drug Diversion Program (PDDP) and introducing the new Illicit Drug Enforcement and Diversion Framework (IDEDF), narrowing drug diversion opportunities to first-time and low-risk individuals; and
3. introducing a framework to prescribe a 'Designated Business and Community Precinct' (DBCP) by regulation, to designate areas where there is a need for new and expanded police powers to enhance public safety or public amenity, reduce anti-social behaviour, or reduce or prevent disruption of businesses.

This submission is focused only on the implications of the first component relating to the expansion of the Adult Crime, Adult Time framework.

Recognising victim harm in sentencing

Victims and communities impacted by youth crime have shared with the OVC the impact that young people's offending has had on their lives and sense of safety, including in their own homes and in their community. These feelings are shared by victims of adult offenders.

Victims of both adult and young offenders have shared with the OVC that they feel the harm that has been caused to them is not sufficiently acknowledged. To better address the concerns of victims, the proposed ACAT amendments should be supported by improved processes and procedures across law enforcement, prosecution and the courts that centre the victims' perspective and facilitate victims' participation in the justice process.

Victim impact statements

Victims often share with the OVC that being able to participate in the justice process and share their experiences in their own words is vital for their healing and sense of empowerment. This applies for victims of crimes committed by both adults and young people or children.

Under the Charter of Victims' Rights, victims of violent crime, or domestic and family violence, including family members or dependants of those harmed or killed, have the right to make a victim impact statement (VIS).⁵

Section 150(2) of the *Youth Justice Act 1992* (YJ Act), as amended by the *Making Queensland Safer Act 2024*, requires the court to have primary regard to any impact of the offence on a victim, including harm mentioned relating to the victim given to the court in a VIS.

However, the OVC regularly hears from victims about the difficulties they experience in making a VIS and having it considered during sentencing. Some of the issues raised include:

- victims not being advised about court processes and dates or the option to provide a VIS, more commonly in the Magistrates Courts
- victims being provided with insufficient time to prepare a VIS
- victims being misinformed about the nature of a court process (e.g. being told that a court date was for a plea only, not sentencing).

These experiences are consistent with the findings and observation of previous reviews. For example, the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence noted that many victims complained of a lack of police contact or updates in relation to court proceedings, including criminal proceedings.⁶ The Women's Safety and Justice Taskforce heard that victim impact statements are often not provided to Magistrates Courts for sentencing.⁷

The Queensland Sentencing Advisory Council (QSAC) in its 2024 report, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (the QSAC report), highlighted several challenges with the VIS regime, sharing victim-survivors experiences providing VIS in relation to rape or sexual assault offences committed by adults:

It's cathartic in a way, and, and the way a trial runs ... The opposing counsel questioned me for over 2 hours ... So being able to, to write the impact statement and then share it out loud, I found very valuable, and I was grateful for that. We

were told that the judge 'quickly mentioned that it has done harm to [XXX] and our family ... it was just mainly focused on how he's trying to fix his life, not really acknowledging how it has changed our life forever.'⁸

The QSAC report considered the use of VIS,⁹ finding:

There is strong dissatisfaction among victim survivors and members of the community with respect to the victim impact statement regime. This dissatisfaction permeates all aspects of the process, including with respect to its purpose, content, form of presentation, arrangements for cross-examination, timeframes and degree of acknowledgement of the victim survivor and the harm they have suffered by the sentencing court...¹⁰

Whether a victim exercises their right to provide a VIS is often dependent on whether they are informed and supported to prepare a statement that is admissible in court. Organisations, volunteers, friends, and family members provide critical support to victims in preparing VIS. However, this support is often fragmented, and information is not proactively provided. Consequently, victims may lack awareness of their right to submit a VIS. Clarification is necessary around which agencies are funded to assist victim-survivors through the preparation of their VIS in accordance with procedural requirements.

I acknowledge that the court environment can be unpredictable, for example, late pleas of guilty may result in a sentence hearing occurring earlier than expected. However, all agencies involved in the justice system, including the courts, need to recognise the frustration and despair victims may experience at missing their opportunity to be heard and adjust their processes accordingly.

There is an existing obligation to provide a victim with the opportunity to make a VIS, except in certain circumstances. For example, section 179K(2) of the *Penalties and Sentences Act 1992* states that a prosecutor may continue with a sentencing proceeding without having permitted a victim to give details of the harm if it is reasonable to do so in the circumstances, having regard to:

- the interests of justice,
- whether providing the opportunity would unreasonably delay the sentence, and
- anything else that would adversely affect the reasonableness or practicality of permitting details of the harm to be given.

The QSAC report provided a number of examples where adjournment was not sought to enable the victim to have an opportunity to provide a VIS. The report also found positive

examples where the sentencing judge provided an opportunity for defence counsel to take the offender through the VIS, despite it being provided on the day before, or morning of, the sentence.¹¹

There are additional mechanisms which could be introduced to improve the quality and increase the quantity of VIS being provided to Queensland courts, including adjournments to enable victim-survivors time to prepare a VIS, and expanded options for providing a VIS, such as having the option to pre-record.

The Australian Law Reform Commission also recently recommended that all victims' charters in Australia should include a right to be informed of, and make use of, flexible arrangements for giving a VIS.¹²

The QSAC report also identified the need for the development of enhanced resources to improve awareness among members of the judiciary, prosecution services and defence practitioners about how the language they use, as well as how they refer to victim-survivors and the harm they have experienced, can positively or negatively impact victim-survivors.¹³

I am pleased to note that, in response to a recommendation in the QSAC report¹⁴, the *Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025* included an amendment to ensure a court does not draw any inference about whether the offence had little or no harm caused to the victim survivor from the fact that a victim impact statement was not given.¹⁵

I am also pleased to note that, in her introductory speech for the Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Bill 2025, the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, noted that the next stage of addressing the QSAC recommendations will include 'holistic reviews of section 9 of the Penalties and Sentences Act and the victim impact statements regime'.¹⁶ I look forward to working with the Department of Justice on that important review.

Non-fatal strangulation

The Bill proposes that the offence of Choking, suffocation or strangulation in a domestic setting (section 315A of the *Criminal Code 1899*) be subject to the ACAT framework.

The section 315A offence was enacted as a specific standalone offence in response to the *Not Now, Not Ever* report of the 2015 Special Taskforce on Domestic and Family Violence in Queensland.¹⁷ Commencing on 5 May 2016, the provision criminalises domestic non-fatal strangulation in limited circumstances, prohibiting the unlawful choking,

suffocation or strangulation of a person, without their consent, where the perpetrator is in a domestic relationship with that other person, being a 'relevant relationship' as defined by section 13 of the *Domestic and Family Violence Protection Act 2012* (Qld).

The poor prosecution outcomes for the offence of choking, suffocation, or strangulation in a domestic setting have been well-documented in reports undertaken by the Queensland Audit Office (QAO) in 2022¹⁸, the QSAC in 2024¹⁹ and most recently in the Queensland Law Reform Commission's (QLRC) September 2025 report, *Non-fatal strangulation: Section 315A review - Education, accountability and support: Improving Queensland's response to non-fatal strangulation*.²⁰ The QLRC report's findings about victims' experience align with the statements of victims of non-fatal strangulation who have made Charter of Victims' Rights complaints to the OVC.

In the OVC's submission to the QLRC's 2025 review,²¹ it was noted that the definition of 'domestic relationship' does not extend to dating relationships and highlighted some challenges associated with this limitation. Particularly relevant to the proposed ACAT framework amendments in the Bill, the submission noted recent data showing that more than half of young people are using strangulation during sex,²² and that a 'domestic relationship' may be difficult to establish between two young people.²³ As such, the current offence of non-fatal strangulation may not provide adequate protection to young victim-survivors. The OVC supports the QLRC's recommendation to expand the non-fatal strangulation offence to contexts beyond domestic relationships²⁴ as such an amendment reflects the potential for significant harm to be caused by such acts and ensures greater protection can be provided to victim-survivors in 'dating relationships'.²⁵

I therefore welcome the proposed inclusion of the strangulation offence in the ACAT framework and further suggest that the Committee consider recommending in its report to Parliament on its inquiry into this Bill, that careful consideration of the QAO, QSAC and QLRC's findings and recommendations be prioritised in order to ensure the amendments in this Bill provide the appropriate intended accountability for victims of acts of non-fatal strangulation committed by young offenders.

Access to justice

The ACAT framework is intended to send a clear message to young offenders that crime will not be tolerated and that they will face consequences that are commensurate with the gravity of their actions.²⁶ This intention is consistent with the well-established sentencing principles of denunciation and general deterrence.²⁷ However, this intention can only be realised if the community has transparent access to the sentences that are given under the ACAT framework. This transparency would enable an assessment of the

effectiveness of the ACAT framework, impacting on community confidence and sense of safety.

Sentencing remarks are an important public record which form part of a victim-survivor's experience with the criminal justice process, as 'victims often perceive that the length of a sentence reflects the way the court viewed the seriousness of the crime and the impact of the criminal act upon them'.²⁸ It is also an important mechanism to enable victims who have made VIS to see how the information they have provided has been considered during sentencing.

There are several barriers to victim-survivors attending court for a sentencing hearing, and when they do, they do not always understand or hear the reasons for the sentence outcome.²⁹

Pursuant to the Recording of Evidence Regulation 2018, victims of personal offences who are the subject of a criminal proceeding in the Supreme Court or the District Court are entitled to one free copy of an existing transcription or an audio recording of a proceeding. However, this requires victims to know about this entitlement and make the request. Recognising the barriers many victims face in requesting a copy of the sentencing remarks they are entitled to in the higher courts, QSAC recommended victim-survivors of rape (and possibly sexual assault) be provided with a copy of the sentencing remarks as a matter of course within a reasonable period after sentence.³⁰

There is no provision for victims of personal offences whose matters have been dealt with in the Magistrates Court to obtain free recordings. While the Supreme Court Library publishes Supreme and District Court sentencing remarks, it does not publish Magistrates Court sentencing remarks. This means that few sentencing remarks dealing with offences that are dealt with summarily are published.

While the increased sentences offences covered by the Adult Crime, Adult Time framework reduces the likelihood of these offences being heard summarily, the offence of 'Unlawful stalking, intimidation, harassment or abuse'³¹ can be heard summarily on the defendant's election and the offence of 'Abuse of persons with an impairment of the mind'³² can be heard summarily on the defendant's election if the complainant was 14 or over and there is a guilty plea. Victims of these offences may therefore face challenges in accessing sentencing transcripts.

The Committee could consider recommending in its report to Parliament on its inquiry into this Bill that consideration should also be given to amending the Recording of Evidence Regulation 2018 so that a free copy of the sentencing remarks would be made available free to victims of crime, including victims of offences proposed in this Bill to be

added to the ACAT framework, regardless of which court the matter was heard in. I note that this is a suggestion also made by the QLRC³³.

Improved access to sentencing remarks would also assist the Queensland community to understand how offenders have been held accountable. Providing improved access to sentencing remarks by the media, for example, will provide greater judicial accountability and enhance the general deterrence and denunciation objectives of the ACAT framework. The Committee could consider recommending in its report to Parliament on its inquiry into this Bill that the Minister for Youth Justice and Victim Support and the Attorney General and Minister for Justice and Minister for Integrity could explore options with the Chief Justice, Chief Judge and Chief Magistrate of Queensland to facilitate the increased timely publication of sentencing remarks of all Queensland Courts to enhance judicial accountability, and the visibility and awareness of sentencing outcomes for victims and the community.

Endnotes

- ¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) ('VCSVRB Act') s 6.
- ² *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.
- ³ Women's Safety and Justice Taskforce. *Hear her voice: Women and girls' experiences across the criminal justice system* (Report 2 Vol 1, 2021) 14
<<https://www.publications.qld.gov.au/dataset/womens-safety-and-justice-taskforce/resource/5b70727a-cc0e-4e08-8eda-e1434e6e0814>>.
- ⁴ Legal Affairs and Safety Committee, *Inquiry into support provided to victims of crime* (Report No. 48 to 57th Parliament, 2023) vi.
- ⁵ VCSVRB Act sch 1.
- ⁶ Commission of Inquiry into Queensland Police Service responses to domestic and family violence, *A Call for Change* (Report, 2022) 59
<<https://www.qpsdfvinquiry.qld.gov.au/about/assets/commission-of-inquiry-dpsdfv-report.pdf>>.
- ⁷ Women's Safety and Justice Taskforce (n 3) 245.
- ⁸ Queensland Sentencing Advisory Council, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (Report, 2024) 543-4.
- ⁹ QSAC (n 8) 571-574.
- ¹⁰ QSAC (n 8) Key Finding 16, 571.
- ¹¹ QSAC (n 8) 566.
- ¹² Australian Law Reform Commission, *Final Report: Safe, Informed, Supported: Reforming Justice Responses to Sexual Violence* (ALRC Report 143, January 2025) Recommendation 8(d).
- ¹³ QSAC (n 8) Recommendations 17-20.
- ¹⁴ QSAC (n 8) Recommendation 23, 588.
- ¹⁵ *Penalties and Sentences (Sexual Offences) and Other Legislation Amendment Act 2025* (Qld) s13.
- ¹⁶ Queensland, *Parliamentary Debates*, Legislative Assembly, 20 May 2025, 1208 (Deb Frecklington, Attorney-General)
- ¹⁷ Special Taskforce on Domestic and Family Violence in Queensland, *Not now, not ever: Putting an end to domestic and family violence reform* (Report, 2015) Recommendation 120
<<https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/533db62b-b2c9-43cc-a5ff-f9e1bc95c7c7/dfv-report-vol-one.pdf?ETag=c69c3ef47071a137ddbaedb49f7fe468>>
- ¹⁸ Queensland Audit Office, *Keeping people safe from domestic and family violence* (Report, November 2022) 16 <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5722t1875/5722t1875-de5c.pdf>>.
- ¹⁹ Queensland Sentencing Advisory Council, *Sentencing Spotlight on Choking, Suffocating or Strangulation in a Domestic Setting* (Report, May 2024)
- ²⁰ Queensland Law Reform Commission, *Non-fatal strangulation: Section 315A review Education, accountability and support: Improving Queensland's response to non-fatal strangulation* (Final report, September 2025) <https://www qlrc.qld.gov.au/_data/assets/pdf_file/0010/897490/NFS-Review-Final-Report.pdf>.
- ²¹ Office of the Victims' Commissioner (Qld), Submission 22 to Queensland Law Reform Commission, *Non-fatal Strangulation Review* (June 2025)
<https://www qlrc.qld.gov.au/_data/assets/pdf_file/0011/885854/22.-office-of-the-victims-commissioner.pdf>

²² University of Melbourne, 'Study Finds Strangling During Sex Common, but Understanding Is Low' (News Article, 2 July 2024) <<https://www.unimelb.edu.au/newsroom/news/2024/july/study-finds-strangling-during-sex-common,-but-understanding-is-low>>.

²³ Queensland Law Reform Commission, *Non-fatal strangulation: Section 315A review A holistic review of the non-fatal strangulation offence - Consultation Paper* (Consultation paper, April 2025) 26-27.

²⁴ QLRC (n 23) Recommendations 2, 6 and 7.

²⁵ Office of the Victims' Commissioner (n 25)

²⁶ Queensland, *Parliamentary Debates*, Legislative Assembly, 28 November 2024, 78 (David Crisafulli, Premier)

²⁷ *Penalties and Sentences Act 1992* (Qld), 9(1); *Youth Justice Act 1992* (Qld), 150(3)(a).

²⁸ QLRC (n 23) 520.

²⁹ QLRC (n 23) 520.

³⁰ QSAC (n 8) Recommendation 15.

³¹ *Criminal Code Act 1899* (Qld), s359E.

³² *Criminal Code Act 1899* (Qld), s216.

³³ QLRC (n 23) 147.