

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

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Queensland Aboriginal and Torres Strait Islander
Child Protection Peak Limited

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

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Acknowledgement of Country

QATSICPP acknowledges the Traditional Custodians across all the lands that make up the State of Queensland. We acknowledge the oldest living cultures of Aboriginal and Torres Strait Islander peoples and the continued connections to Country, language and tradition.

We pay our respect to Elders past and present and acknowledge future generations of Aboriginal and Torres Strait Islander children and young people and the bright future they will have.

About QATSICPP

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) is the peak body for Aboriginal and Torres Strait Islander community-controlled organisations delivering child, youth and family support services in Queensland. QATSICPP is also Queensland's Youth Justice Peak, collaborating with Aboriginal and Torres Strait Islander and non-Indigenous service providers to strengthen outcomes across the child protection and youth justice systems.

Our membership includes 38 Aboriginal and Torres Strait Islander community-controlled organisations (ATSICCOs), delivering vital services, guidance and culturally grounded supports to ensure the safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and families. As the Youth Justice peak, we represent over 75 Youth Justice funded organisations in addition to our member base.

QATSICPP's vision is that all Aboriginal and Torres Strait Islander children and young people are physically, emotionally and spiritually strong; live in safe, caring and nurturing environments within their families and communities; and are afforded the same life opportunities as other children and young people to reach their full potential.

Over its 21 years, QATSICPP has worked in partnership with Aboriginal and Torres Strait Islander leaders and the Queensland Government to promote approaches that are culturally responsive and community-led. With a strong history of collaboration, QATSICPP continues to lead the development of solutions that respond to the unique strengths and needs of Aboriginal and Torres Strait Islander children, families, and communities.



Introduction

All Queenslanders expect and deserve to feel safe in their homes and communities. Community safety matters to all families and communities across the state, including Aboriginal and Torres Strait Islander Elders, parents and communities, who want their children to grow up safe, connected and thriving.

Most children who come into contact with the youth justice system do not offend in isolation. Their behaviour is often shaped by cognitive impairment, trauma, disability, unmet health and wellbeing needs and repeated system failure. Evidence consistently shows that punitive responses, exclusion from services that divert and heal and early contact with the criminal justice system can deepen harm, increase disconnection from family and community, and make long-term safety outcomes worse rather than better.

As Queensland's Aboriginal and Torres Strait Islander Child Protection Peak and Youth Justice Peak, QATSICPP advocates for policies that prioritise culturally safe, community-led, and evidence-based responses to youth justice with a strong focus on improving outcomes for children, families and communities.

We understand the importance of providing a submission on the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026* (the 'Bill').

This Bill forms part of the Queensland Government's broader *Keeping Queensland Safe* reforms, including the *Adult Time, Adult Crime* (ACTC) framework, which seeks to improve community safety and public confidence in the youth justice system. Our submission focuses on two key legislative amendments contained in the Bill:

- the addition of new offences to the current list of adult crime adult time offences
- the introduction of a new Illicit Drug Enforcement and Diversion Framework (IDEDF), focused on reducing drug diversion opportunities and increasing enforcement responses.

QATSICPP's submission is grounded in evidence, sector expertise, and the voices of Aboriginal and Torres Strait Islander communities. It draws on QATSICPP's ongoing engagement and expertise with Aboriginal and Torres Strait Islander Community Controlled Organisations (ATSICCOs), youth justice service providers, sector peaks and frontline practitioners, alongside consideration of available evidence, evaluation findings and best-practice youth justice approaches.

QATSICPP has drawn on:

- Sector insights and frontline experience regarding ACAT and the drug diversion opportunities (including a sector consultation session held on 10th March 2026).
- Analysis on implications for young people and if the additional offences genuinely increase community safety.
- Evidence on what works to reduce reoffending and improve long-term community safety.
- Alignment with Queensland, national and international policy and human rights frameworks.

This submission provides practical, evidence informed recommendations to assist the Queensland Government in creating safer communities, including refining the proposed amendments, strengthening monitoring of the impacts of the ACAT framework, supporting early intervention and diversion for young people through tailored investment and promoting equitable outcomes for Aboriginal and Torres Strait Islander children and young people.

Our position

QATSICPP's position is that the primary objective of youth justice reform must be early intervention, prevention and diversion through family support and community-led, culturally safe responses.

New offences added to the ACAT framework

Similarly to our advice on previous Adult Crime and Adult Time amendments, it is QATSICPP's position that the amendments in the Bill:

- Position detention as the primary mechanism through which the judiciary facilitates rehabilitation, despite conclusive evidence that Queensland's youth detention system often fails to provide the effective rehabilitative environments needed to reduce recidivism and improve community safety long term. Increasing reliance on detention risks missing critical opportunities to intervene early, address underlying drivers of behaviour, and prevent escalation into serious or persistent offending.
- Diminishes Queensland's compliance with domestic and international human rights obligations, by imposing developmentally inappropriate, punitive consequences on children that are inconsistent with principles of proportionality, rehabilitation and detention as a last resort (particularly for children under 14 years of age and those charged with non-violent offences).
- Further entrenches the disproportionate over-representation of Aboriginal and Torres Strait Islander children in the youth justice system, undermining the Queensland Government's own prevention and early intervention reform agenda. It also places the State at risk of falling further behind in progress towards its commitments under the National Agreement on Closing the Gap, including Target 11 to reduce First Nations youth detention.ⁱ

The Bill fails to acknowledge children's offending behaviour occurs in very different contexts to adults and developmental behaviour is also fundamentally different.ⁱⁱ The context and meaning of an offence can be vastly different when the accused is a young person or child; where conduct may be impulsive, peer influenced, or exploratory, compared to an adult acting with entrenched intent, power or coercion. For example, the different nature and context of a child aged 14 years committing the offence of *Indecent treatment of children under 16*, compared to a 30 year old adult. While the legal elements are the same, children's participation often lacks the purpose, capacity, and intent that the offence presumes in adults.

The National Research Council (US)'s developmental science research shows adolescents are less capable of self-regulation, more sensitive to peers and immediate rewards, and still maturing neurologically. Because brain development continues into the mid 20s, adult justice responses overestimate young people's culpability and deterrability, while underestimating their capacity for rehabilitation.ⁱⁱⁱ International research shows sentencing children with adult frameworks fails to reduce recidivism and is associated with equal or higher rates of reoffending.^{iv} Additionally, systematic review findings show higher recidivism among youth exposed to adult courts and custody (for example, a 34% higher rearrest risk in some instances), underscoring that adult regimes are ineffective and counterproductive for children.^v By failing to acknowledge the different needs of children, these changes risk unnecessary entrenchment of children in youth and criminal justice systems rather than providing opportunities for rehabilitation.

Further additions to the ACAT framework will disproportionately impact Aboriginal and Torres Strait Islander children. As such, investment in culturally-grounded and community-led early interventions must also be expanded alongside these amendments to ensure Queensland does not fall further off-track with Target 11 of the National Agreement on Closing the Gap, where every jurisdiction must take reasonable efforts to reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by at least 30%.^{vi}

The Proposed Illicit Drug Enforcement and Diversion Framework (IDEDF)

QATSICPP opposes the inclusion of children in the Illicit Drug Enforcement and Diversion Framework (IDEDF) proposed by the Bill. The new IDEDF will reduce the drug diversion opportunities from three, under the current Police Drug Diversion Program (PDDP), to one. This approach inadvertently and incorrectly locates responsibility for health-based assessments with police instead of health professionals.

Again, this approach fails to recognise children’s drug use sits within a distinct developmental context: adolescents have lower self-regulation, heightened peer sensitivity and a greater capacity for change than adults. International reviews show punitive justice systems, especially for non-violent crimes, increase reoffending rather than reducing it.^{vii} This is counterproductive for drug related behaviours, which are more effectively addressed through treatment, harm reduction and community-based supports.^{viii} This is echoed by concerns expressed by the youth justice sector to QATSICPP regarding the bill that the “one chance” model will penalise relapse, an expected part of recovery. Stakeholders have also raised concerns that the introduction of the IDEDF also pre-empts the completion of evaluations currently underway into the Police Drug Diversion Program (PDDP), which the framework proposes to replace.

Further to the above, the proposed IDEDF’s reliance on variable police discretion risks net widening for First Nations children by increasing the likelihood that behaviours previously addressed through informal, community-based or health responses will instead be addressed through judicial processes. Aboriginal and Torres Strait Islander children involved in the youth justice system experience high levels of co-occurring health challenges, developmental disabilities and trauma.^x Unfortunately, support needs for these children are far too often unmet, which further exacerbates mental health challenges and drug use.^x To respond to these challenges, QATSICPP therefore calls for health led, culturally safe and place-based diversion tailored to young people who use or possess drugs and alcohol, embedding screening for trauma, disability and neurodevelopmental needs and enabling rapid access to Alcohol and Other Drugs (AOD) treatment.

The consequences of stripping back early diversion opportunities can be lifelong for children: a quantitative study published in 2025 using over decades of data found that children who continue to be institutionalised in the youth justice system face a mortality rate more than four times than that of their peers, with most deaths occurring before the age of 25 and accidental misuse of substances being one of the leading causes of death.^{xi}

When young people are engaged with community-led diversion programs and services, this improves long-term social determinant outcomes and reduces recidivism rates.^{xii} QATSICPP is concerned that reducing or narrowing diversion opportunities for substance use will increase the criminalisation of children and young people, particularly those already experiencing vulnerability, while simultaneously reducing their capacity to rehabilitate and disengage from the justice system.

Legislative alignment with the Youth Justice Act 1992

While the Bill seeks to strengthen community safety through increased deterrence, the proposed expansion of the Adult Crime Adult Time (ACAT) appears to be in conflict with the foundational principles of the *Youth Justice Act 1992*, which emphasise diversion, rehabilitation and age-appropriate responses to children’s offending. In particular, the application of adult sentencing consequences to children risks departing from the Act’s requirement that accountability be developmentally appropriate and responsive to children’s reduced maturity, greater capacity for change, and differing pathways into offending.

There is therefore a need to carefully assess whether expanding ACAT in this way will achieve the Bill’s stated objectives, or whether unintended, but predictable, consequences may undermine rehabilitation, early intervention and long-term community safety outcomes.



Recommendations

1: Establish an independent statutory review into the effectiveness of ACAT framework

An independent statutory review of the ACAT framework is essential to examining the effectiveness, outcomes and risks of the framework's performance of increasing community safety. Given the frameworks' punitive approach and the impacts on children, families and communities, the framework **should** be subject to transparent, evidence-based examination. Critically, such a review must assess ACAT's effectiveness using appropriate indicators such as reductions in reoffending, repeat offending and the progression of children into the adult criminal justice system, rather than relying on proxy measures such as increases in the number of children remanded or detained.

Regular and legislated review of ACAT would also allow the justice sector to identify unintended consequences, such as increased custodial remand, disproportionate impacts on vulnerable cohorts, or reduced access to rehabilitative supports. These insights are vital to understanding whether the framework is delivering sustainable improvements in community safety or inadvertently entrenching cycles of offending.

Importantly, an ongoing review mechanism would support continuous improvement for the sector by identifying opportunities to strengthen community-led early intervention and diversionary responses, preventing escalations in young people's behavior and the associated use of custodial responses as the primary method with which to ensure community safety.

2: Release Legal Panel Expert advice and victims of crime data source

During our discussions with the youth justice sector to inform this submission, services expressed interest in understanding the evidence base informing the proposed reforms, including the advice of the appointed Legal Expert Panel and the data on victims of crime referenced by the Queensland Government in a [media release](#) on March 1 2026.

Public access to this material would contribute to transparency and support informed public debate, helping to build confidence that the proposed measures are grounded in robust evidence and balanced consideration of impacts. This approach is consistent with the Bill's stated aim of strengthening public trust in the justice system, and with Priority Reform 4 of the National Agreement on Closing the Gap, which emphasises shared access to data and information used in decision making.

QATSICPP therefore encourages the Queensland Government to make the Legal Panel's advice, and the source data on victims of crime cited publicly, available to stakeholders. This information would support continuous improvement of youth justice responses and enhance public confidence in the implementation and evaluation of ongoing youth justice reforms.

3: Increase drug diversion opportunities for young people under the proposed Illicit Drug Enforcement and Diversion Framework (IDEDF)

QATSICPP strongly recommends that the Illicit Drug Enforcement and Diversion Framework (IDEDF) expand and prioritise drug diversion opportunities for children and young people. Developmental and neuroscience evidence shows young people are more likely than adults to engage in risk taking and experimentation without fully understanding longer-term health or legal consequences.^{xiii} These risks are often compounded by factors such as out-of-home care, housing instability and family drug use.^{xiv} Intensive institutional youth justice responses to these behaviours often work to disconnect children from support networks and expose them to further trauma, undermining the community and clinical support they need to cease substance use, rehabilitate and reduce further contact with the justice system.^{xv}

Evidence from a cross-sectional study of justice involved young people aged 14–17 in Queensland and Western Australia demonstrates a clear rationale for expanding and prioritising drug diversion under the IDEDF.^{xvi} The research found high levels of substance use and unmet treatment need among young people, alongside low rates

of voluntary help seeking prior to justice system contact, driven by stigma, fear of criminalisation and limited access to appropriate services. These findings support the use of early, non-punitive diversion responses as a critical intervention point to redirect children and young people away from formal justice processing and into health based, supportive responses, improving engagement with treatment, and preventing avoidable entrenchment in the youth justice system.

4: Increase investment into community-led drug diversionary programs

QATSICPP recommends dedicated funding for Aboriginal and Torres Strait Islander community-controlled, place-based AOD diversion for children, treating drug use as a health and healing issue rather than a policing matter. Evidence shows many justice involved children live with trauma, disability and child protection involvement, so punitive pathways entrench harm while therapeutic diversion reduces later contact with the system.^{xvii} Community-led diversion should include rapid culturally safe assessment, youth tailored treatment, family support, and responses to stabilise schooling and housing.^{xviii}

First Nations children are disproportionately affected by substance use issues and their associated criminogenic impacts.^{xix} Aboriginal and Torres Strait Islander communities want safe neighborhoods for their children and families, and they consistently express a desire to take shared responsibility for achieving this through locally led solutions. Communities are best placed to prevent harm and reduce reoffending when they are properly resourced to deliver culturally grounded, place-based supports that strengthen families, address trauma and respond early to risk.^{xx} Providing ATSICCOs with sustained investment and decision making authority is essential to delivering lasting community safety outcomes in diverse local contexts across Queensland.

Investment should expand ATSICCO capacity across regions, enable multiple, developmentally appropriate diversion opportunities before any prosecution, and integrate warm referral pathways from schools, health and child protection. This aligns with Australian evidence that earlier, community controlled, therapeutic responses are more effective than punitive pathways at reducing reoffending and improving community safety.^{xxi}



Conclusion

QATSICPP supports the Bill's goal of safer communities and reduced youth offending. We believe these aims are best achieved by responses that are developmentally appropriate, culturally safe and evidence led, prioritising early intervention, diversion, and health-based supports. Alongside this, there is a need for judicial decisions which sufficiently manage risks to community safety. Expanding ACAT and narrowing drug diversion risks drawing children further into punitive pathways that have traditionally failed to reduce reoffending, while the Youth Justice Act's Charter points to approaches that keep children connected to family, culture and school, and address the causes of harm.

Reforming and expanding investment in early, timely and culturally grounded supports that address the root causes of offending, alongside suitably rehabilitative detention environments and robust post release care (for First Nations children, delivered by ATSICCOs) will better position Queensland to reduce recidivism and result in sustained improvements in community safety.

QATSICPP is committed to working in partnership with the Queensland Government on the Bill's implementation, including the provision of advice how changes can best be implemented in conjunction with the community sector, how the community can be made aware of these changes and sector coordination to respond to the IDEDF framework in a way which maximises effective diversion.

We will work constructively across government and community to ensure reforms remain responsive, uphold children's rights and, over time, deliver the safer communities all Queenslanders deserve.

For more information regarding this submission please contact:

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