

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

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Introduction

Legal Aid Queensland (LAQ) welcomes the opportunity to make a submission in relation to the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026*.

LAQ provides input into State and Commonwealth policy development and law reform processes to advance its organisational objectives. Under the *Legal Aid Queensland Act 1997*, LAQ is established for the purpose of “giving legal assistance to financially disadvantaged persons in the most effective, efficient and economical way” and is required to give this “legal assistance at a reasonable cost to the community and on an equitable basis throughout the State”. Consistent with these statutory objects, LAQ contributes to government policy processes about proposals that will impact on the cost-effectiveness of LAQ’s services, either directly or consequentially through impacts on the efficient functioning of the justice system.

LAQ always seeks to offer policy input that is constructive and is based on the extensive experience of LAQ’s lawyers in the day-to-day application of the law in courts, tribunals and Ombudsman schemes. LAQ believes that this experience provides LAQ with valuable knowledge and insights into the operation of the justice system that can contribute to government policy development. LAQ also endeavours to offer policy options that may enable government to pursue policy objectives in the most effective and efficient way.

This submission calls upon the knowledge and experience of LAQ’s Criminal Law Services (CLS), which is the largest criminal law legal practice in Queensland and provides advice and representation across the full range of criminal law offences, and the Public Defenders Chambers. Youth Legal Aid is a division within CLS, which provides extensive advice and representation services to children across the full range of criminal law offences. CLS lawyers and the Public Defenders Chambers possess valuable knowledge and insight into potential impacts of this policy on criminal legal practice and the practical implications for defendants.

Submissions

The *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026* was introduced by the Hon. Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services, on Tuesday 3 March 2026. The Bill was referred to the Justice, Integrity and Community Safety Committee for detailed consideration.

The objective of the Bill is to make Queensland safer and strengthen the capability of the criminal justice system to hold perpetrators to account. The Bill will:

- amend the *Youth Justice Act 1992* (YJA) to prescribe new Adult Crime, Adult Time offences;
- repeal the current Police Drug Diversion Program (PDDP) and introduce a new Illicit Drug Enforcement and Diversion Framework (IDEDF); and
- introduce new and expanded police powers within prescribed Designated Business and Community Precincts (DBCPs).

Amendments to the Youth Justice Act

LAQ continues its previously stated position regarding the Adult Crime, Adult Time amendments that commenced with the *Making Queensland Safer Act 2024* and opposes the inclusion of additional offences to YJA s.175A. Incarceration is failing to rehabilitate children within the youth justice system, and LAQ maintains that the solution is not to incarcerate children for longer periods of time.

Children within the youth justice system are often disadvantaged and vulnerable. Over 53% have experienced or been impacted by domestic and family violence, 44% have a mental health and/or behavioural disorder (diagnosed or suspected) and 44% have a disability (diagnosed or suspected).¹

Longitudinal studies and expert evidence into youth offending consistently demonstrate that the incarceration of children can exacerbate a child's vulnerabilities,² and have a crime-causing effect.³ It also disproportionately impacts those in the community already experiencing vulnerability, marginalisation, and disadvantage, particularly First Nations children.

First Nations children are already significantly overrepresented in the criminal justice system, comprising 56% of children in detention on an average night.⁴ Queensland continues to have the highest number of children in detention than any other State or Territory,⁵ and nationally almost 4 in five First Nations children in detention were unsentenced.⁶

LAQ maintains that YJA s.176 already, and continues, to provide the ability for the courts to sentence children beyond the existing legislated maximums for these offences, and that the application of sentences over and above that outlined within the YJA is best placed with the judicial officer hearing all of the relevant facts on sentence. LAQ does not support the amendments and considers that they continue to unjustifiably infringe upon international standards including the *Convention on the Rights of the Child* and the *Standard Minimum Rules for the Administration of Juvenile Justice*.

Police Drug Diversion Program changes

LAQ supports the availability of diversionary options for the criminal justice system, as a means of guiding individuals from a criminal justice pathway, reducing recidivism for low-risk or first-time offenders, and also as a more humane, just, and health-based response to minor drug offending. The criminal justice system is a poor substitute to address the root causes of minor offending. LAQ echoes the concerns of the Australian Medical Association Queensland in its media release, that the amendments "*will not meaningfully reduce drug use and will only add more costs onto the police, courts and taxpayers*".⁷

Data provided by the Queensland Network of Alcohol and Other Drug Agencies Ltd ('QNADA') speaks to the effectiveness of the expanded Police Drug Diversion Program ('PDDP') that these amendments seek to scale back.⁸

¹ Youth Justice Pocket Stats 2023-24, Department of Youth Justice and Victim Support.

² G Clancey, S Wang and B Lin, 'Youth Justice in Australia: Themes from recent inquiries' (2020) 605 *Trends & Issues in Crime and Criminal Justice* (Australian Institute of Criminology).

³ Walsh, T, 'Safety Through Support: Building safer communities by supporting vulnerable children in Queensland's Youth Justice System' (2023).

⁴ Australian Institute of Health and Welfare (2025) *Youth detention population in Australia 2025*.

⁵ See Figure 4.1: Young people in detention on an average night, by state and territory, June Quarter 2021 to June quarter 2025 (number and rate) Australian Institute of Health and Welfare (2025) *Youth detention population in Australia 2025*.

⁶ Australian Institute of Health and Welfare (2025) *Youth detention population in Australia 2025*.

⁷ Australian Medical Association Queensland, *Drug diversion changes a short-sighted, disappointing move*, (Media release), 4 March 2026.

⁸ QNADA, *Queensland Police Drug Diversion Program Briefing Note*.

- 83% of people provided with a Drug Diversion Warning had no further contact with the program.
- Almost 8,000 people accessed the Tier 3 Subsequent Drug Diversion Program. These people were more likely to have accessed a previous diversion scheme and were not eligible for a Tier 1 or 2 response.
- The PDDP is estimated to have removed approximately 50% of drug possession offences from the criminal justice system.
- The expanded program has avoided approximately \$4.58 million in Magistrates costs, and a further \$2.27 million in police resources that would have otherwise been spent processing charges for drug possession. The full cost benefit of the expanded program is likely to be more significant when looking beyond simply salary costs for Magistrates and police, having regard to increased defendants appearing before the courts.

If the PDDP is to be replaced with the IDEDF, LAQ welcomes any diversionary option for low-level first-time offenders; however, LAQ has some concern regarding the introduction of infringement notices under the Minor Drug Offence Pathway and for minor possession of utensils charges. In particular, that this will disproportionately impact on those already experiencing health and social disadvantages, and risks circumventing the intended diversionary approach without appropriate supports being in place.

The Law and Justice Foundation of New South Wales has identified that those experiencing disadvantage are less likely to have the financial and legal capabilities to handle their fines satisfactorily, and were less likely to take any type of action.⁹ Further, an examination of the New South Wales Early Drug Diversion Initiative (referred to in the Explanatory Notes for this Bill) identified that between 1 March 2024 and 30 June 2024, of the 331 Criminal Infringement Notices that were issued, as at 21 August 2024 only 43 people had completed a health intervention.¹⁰ It also identified that significant numbers of people were still being prosecuted through court, indicating a low up-take of the initiative.¹¹ Another analysis reviewing data from 29 February 2024 – 11 August 2024 noted that where the individual identified as non-Indigenous, 7% of offences resulted in a diversion, as compared with only 2.7% where the individual identified as Indigenous.¹²

In light of the New South Wales experience, the introduction of the Minor Drug Offence Pathway should be accompanied by sufficient encouragement for police to exercise their discretion in favour of diversionary options where available, and that the election to complete a drug diversion program be suitably explained to the person, including by an appropriately worded information notice in compliance with clause 24 proposed s.378H.

LAQ also urges reconsideration of excluding the possession of drug utensils from the new IDEDF where the possession is related to an offence eligible for diversion under a Minor Cannabis Offence Pathway or Minor Drug Offence Pathway. The exclusion of these offences from diversion may otherwise disincentivise, and thus disadvantage individuals who may otherwise elect diversion.

⁹ Wei, Z, McDonald, H and Coumarelos, C, *Fines: are disadvantaged people at a disadvantage?* Law and Justice Foundation of New South Wales, Justice Issues Paper 27 (February 2019).

¹⁰ New South Wales Government, Communities and Justice, *Fact Sheet: Drug data trends and the criminal justice system* (November 2024), 7.

¹¹ Of 3,678 legal actions for drug possession between 1 March 2024 and 30 June 2024, 3,347 (91%) proceeded to court: New South Wales Government, Communities and Justice, *Fact Sheet: Drug data trends and the criminal justice system* (November 2024), 7.

¹² University of New South Wales, Social Policy Research Centre, *How is the Early Drug Diversion Initiative going?* (2024).

Designated Business and Community Precincts-related amendments

LAQ notes the ability for the Police Minister to declare a 'Designated Business and Commercial Precinct ('DBCP'), the designation having to be reviewed after 3 years. These changes include expanded powers for police to issue move on directions to include a DBCP, as well as issuing banning notices, and provides for the power to request a person's name and address when issuing a move on direction.

LAQ expresses serious concern about Clause 17 of the Bill, which amends s.39BA of the *Police Powers and Responsibilities Act 2000* (PPRA) to permit police officers to use hand-held scanners on any person without a warrant or reasonable suspicion of wrongdoing just because they are within a DBCP.

With the amendment permitting such to occur in any DBCP, that power can exist for several years, noting that each DBCP designation only requires review by the Minister every three years. Moreover, the criteria under the proposed s. 808D PPRA provide a very low bar for designating an area as a DBCP – the criteria can be satisfied by the Minister forming the view that it is necessary simply to 'enhance... public amenity' or 'reduce... disruption to businesses.' Those goals, of enhancing amenity or reducing disruption to business, are not related to the risk of a person carrying a knife or other weapon, which is presumably the goal of police having the exceptional power to use a hand-held scanner without requiring reasonable suspicion.

LAQ considers that many of the locations anticipated to be within a DBCP already fall within the current definition of a 'relevant place', including licensed premises, retail premises, shopping centres, and sporting or entertainment venues. LAQ is troubled that the designation of DBCPs, and the use of these police powers, are therefore apt to be used to target areas where unhoused people seek shelter and/or congregate because others might view the presence of them as reducing the beauty or amenity of an area, and thereby expose such unhoused persons to hand-held scanning when there is very little risk such people will commit violent crimes with a knife or other weapon.

These laws will therefore target and negatively impact some of the most disadvantaged in Queensland rather than those likely to commit violent crime. Further, the unchecked power of police to subject unhoused and disadvantaged people to hand-held scanning, which is an intrusive act, increases the risk of those people feeling violated and resentful of police and the occurrence of terse and potentially dangerous interactions between the person and police officer that are entirely unnecessary. The downsides and inequitable effect of the combination of the proposed PPRA ss. 39BA and 808D are deeply concerning and should be reconsidered.

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