

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

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

## Introduction

While Basic Rights Queensland recognises the importance of providing communities with safe access to public spaces, we also acknowledge that people experiencing homelessness, people living with disability, and First Nations peoples are disproportionately affected by police powers. These impacts are exacerbated where police wield wide-ranging powers to restrict access to certain places, often targeted at behaviours which stem from experiencing homelessness and living with disability.

The proposed expansion in police powers related to designated business and community precincts (**DBCP**), move on orders, and police banning notices in the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (Qld)* raises significant concerns regarding:

- the risk of overreach, especially in relation to the ability to displace people experiencing homelessness from their communities and possessions;
- the lengthy time periods for which these powers can be exercised when compared to similar provisions in other jurisdictions; and
- proportionality under the *Human Rights Act 2019 (Qld)* (**HRA**).

Many of BRQ's clients experience disadvantage and discrimination due to their living situations, disabilities, race, and gender. As some of our most mistreated citizens, it is important that police powers disproportionately affecting these people are adequately tapered to prevent over-policing and further harm.

We urge the Committee to ensure that any expansion in police powers is:

- confined to conduct involving serious or imminent threat of intimidation or harm;
- in line with similar provisions in other jurisdictions; and
- demonstrably necessary and proportionate.

## Legislative changes and risk of overreach

The proposed amendments have the potential to significantly impact people experiencing homelessness.

To recommend a DBCP for the Governor in Council to declare, the Minister must be satisfied that the declaration will be necessary to achieve the enhancement of public safety, or reduce anti-social behaviour, or reduce disruption to businesses. While the power to declare a DBCP appears to be limited at first glance, the lack of clarity around what constitutes 'anti-social behaviour' significantly expands how this power can be applied. Further, DBCPs are only required to be reviewed every 3 years. Once a DBCP area is declared, people experiencing homelessness could be continually banned from their community for up to 3 years.

There is no limit on how large a DBCP may be. Considering the ability to issue move on orders and police banning notices for conduct which occurs in only one part of a DBCP, this could see people experiencing homelessness restricted from areas much further away from where the alleged conduct occurred. These powers also allow a person to be banned from areas within a reasonable distance of a DBCP.

Exceptions exist under section 602Q of the *Police Powers and Responsibilities Act 2000* (Qld) for when a person has a reasonable excuse not to comply with a police banning notice. However, none of these instances would allow a person experiencing homelessness to re-enter the area to collect or protect their belongings.

If a person is issued a move on order in the previous seven days, and they exhibit certain behaviours, then a police banning notice can be given. The types of behaviours which a move on order or police banning notice may target are broad, and include disorderly conduct which may disrupt the reasonable enjoyment of other people. The ability to ban a person for up to 3 months' time for 'disorderly' behaviour is extremely concerning.

## Other jurisdictions

Other jurisdictions in Australia which allow police officers to issue move on orders and banning notices generally limit these actions to certain behaviours disrupting public order or posing safety concerns for other people. The table below summarises each State and Territories' positions as mentioned in the Briefing Note to the Justice, Integrity and Community Safety Committee.

Most jurisdictions around Australia do not utilise the declaration of specific areas to implement broader move on and banning powers. These powers are limited to time periods of up to 24 hours. The proposed amendments would allow people in Queensland to be banned for up to 3 months.

Table of similar provisions in other jurisdictions

Jurisdiction	Powers		
	Area	Move on orders	Banning notices
<b>South Australia</b>  <i>Summary Offences Act 1953 (SA)</i>	Declared public precinct can only be declared for 12 hours maximum in any 24 hour period unless special circumstances exist	Person must leave the declared public precinct for period of the declaration or maximum of 24 hours if reasonable grounds to believe the person's presence poses a risk to public order and safety	Person is banned from entering or remaining in the precinct for period of the declaration or maximum of 24 hours if behaving offensively or in a disorderly manner
<b>New South Wales</b>  <i>Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)</i>	Public place	Person must leave the place and not return for a specified period if reasonable belief the person's behaviour constitutes harassment or intimidation, or causing fear to another person	Powers only relate to dispersing groups of people to protect public safety in serious situations, such as riots or major disturbances
<b>Australian Capital Territory</b>  <i>Crime Act 1990 (ACT)</i>	Exclusion zone, meaning public places or places prescribed by regulation	Person must leave and remain outside the exclusion zone for maximum of 6 hours if recently engaged or engaged in violent or intimidating behaviour, or damaging property, which would cause fear	N/A

<p><b>Northern Territory</b></p> <p><i>Liquor Act 2019</i> (NT)</p>	N/A	N/A	Powers only relate to banning people for alcohol-related violence for maximum of 14 days
<p><b>Victoria</b></p> <p><i>Summary Offences Act 1966</i> (Vic)</p> <p><i>Liquor Control Reform Act 1998</i> (Vic)</p>	Public place (and designated areas for alcohol-related behaviour)	Person must leave a public place and not return for maximum of 24 hours	Powers only relate to banning people from licensed venues in a designated area for alcohol-related behaviour for up to 72 hours
<p><b>Western Australia</b></p> <p><i>Criminal Investigation Act 2006</i> (WA)</p>	Public place	Person must leave a public place for maximum of 24 hours if reasonable belief the person will cause a disturbance, or intimidate, harass or offend others	Similar provisions to Victoria for banning notices for alcohol-related behaviour
<p><b>Tasmania</b></p> <p><i>Police Offences Act 1935</i> (Tas)</p>	Public place	Person must leave a public place for minimum of 4 hours if reasonable belief the person will cause a disturbance or behave in a disorderly or offensive manner	N/A

## Human rights and proportionality

Section 19 of the HRA protects a person's freedom of movement. All individuals have the right to move freely and the freedom to choose where to live. Under section 24, every person has the right to own property and not be arbitrarily deprived of that property. While these rights are not absolute, any limitation must be reasonable and demonstrably justifiable. Determining whether a limitation is reasonable and justifiable includes considering whether there are any less restrictive and reasonably available ways to achieve the purpose for which the limitation was imposed.

As the recent decision of *Bobeldyk & Anor v Moreton Bay City Council; Eichin & Ors v Moreton Bay City Council* [2026] QSC 27 highlights, proportionality under the HRA is paramount to protecting the rights of people experiencing homelessness. This is even more so where “homelessness has increased significantly recently, housing affordability stress has surged, the demand for services for homeless people far exceeds supply.” We endorse Justice Smith's findings that: “when people are evicted from a public space this perpetuates a lack of connection and exclusion from broader society and it can add to isolation and stigma and creates fractures in society. If people are moved on without alternative accommodation the outcome is likely further hardship and the psychological toll can be severe.”

The failure to consult on the DBCP provisions and the expansion of police powers beyond what is acceptable in other jurisdictions raises serious questions as to whether these extensions are reasonable and justifiable.

Our position is that powers to displace vulnerable people should be reserved to conduct involving serious or imminent threat of intimidation or harm. Banning people from large areas of public space for up to 3 months and restricting access to their homes, communities and possessions may not satisfy the proportionality test under section 13 of the HRA.

The Committee should carefully assess whether existing powers relating to move on orders and police banning notices are more appropriate to address the targeted conduct.

## Drug Diversion Pathways

BRQ continues to support alcohol and other drug treatment and harm reduction services across Queensland, particularly the Queensland Police Drug Diversion Program. BRQ believes that providing eligible persons with the option to accept a police diversion as an alternative to prosecution delivers significant benefits across health, justice, economic, and social outcomes.

BRQ recommends that the Committee retain and strengthen Queensland's existing diversion framework by ensuring responses remain health-focused, evidence-informed, and proportionate. BRQ strongly supports diversion initiatives that prioritise treatment, harm reduction, and continuity of care, and that reduce unnecessary involvement with the criminal justice system.

## **Protecting our most vulnerable**

Many of BRQ's clients experience disadvantage and discrimination due to their living situations, disabilities, race, and gender. As some of our most mistreated citizens, it is important that police powers disproportionately affecting these people are adequately tapered to prevent over-policing and further harm.

To ensure that Queenslanders have safe access to public spaces without curtailing the rights of our most vulnerable members of society, we urge the Committee to ensure that any expansion of police powers is:

- confined to conduct involving serious or imminent threats of intimidation or harm;
- in line with similar provisions in other jurisdictions; and
- demonstrably necessary and proportionate.