

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

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**Submission By:** Bar Association of Queensland

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**BAR ASSOCIATION  
OF QUEENSLAND**

24 March 2026

Committee Secretary  
Justice, Integrity and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**By email: [JICSC@parliament.qld.gov.au](mailto:JICSC@parliament.qld.gov.au)**

Dear Committee Secretary,

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

The Association appreciates the opportunity to make submissions in respect of the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026* (“**the Bill**”).

This submission is concerned with amendments to the *Youth Justice Act 1992* (“**YJA**”) and the drug diversion provisions contained in the *Drugs Misuse Act 1986* (“**DMA**”) and *Police Powers and Responsibilities Act 2000* (“**PPRA**”).

***Changes to the Youth Justice Act 1992***

At the outset, it is noted that Minister Gerber’s Explanatory Speech indicated that the advice of the Expert Legal Panel (“**the Panel**”) on proposed changes to the YJA would be released as part of the committee process. Despite the Association’s request for provision of the Panel’s advice, it has not been provided before the due date for submissions. Access to the advice of the Panel would assist the Association to address the proposed additional offences in the context of that advice and any data available to the Panel.

Consistent with its position on the first and second tranches of the amendments to the YJA and related legislation in the *Making Queensland Safer Act 2024*, the Association submits that no further offences should be included in the new legislative regime for sentencing children.

The position that has been maintained consistently by the Association on all questions of reform of the criminal law is that such reforms should be evidence-based and should preserve judicial discretion in sentencing. We reiterate our previous submission to the Committee on 3 December 2024, in response to the first tranche of “Adult Crime, Adult Time” amendments in the *Making Queensland Safer Act 2024*:

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*Constituent Member of the  
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*The Association maintains its position that any reform to the criminal law should be evidence-based. There is no evidence that the Bill will fulfil its titular object of “making Queensland safer”. In the statement of compatibility the purposes of the Bill are said to be “punishment and denunciation”. There is no evidence that either of these sentencing philosophies will have a correlative positive effect on public safety. This creates the spectre of a new sentencing regime which will achieve the stated aim of punishing children more harshly, but will do no more than that.*

[...]

*The Association also supports the maintenance and protection of judicial discretion in sentencing. It is a foundation stone of the rule of law. That discretion allows for a balancing process involving the objective seriousness of the offending and its impact on victims, and the relative moral culpability of the individual child, mitigating features of their presentation and their prospects for rehabilitation.*

The addition of 12 further offences to section 175A of the YJA takes the total number of offences to which “Adult Crime, Adult Time” applies to 47 in total. This expansion occurs with limited time to observe what impact the existing “Adult Crime, Adult Time” regime has had on community safety and access to justice.

As has been emphasised in previous submissions, Queensland’s laws on this subject constitute a departure from the principles of the *International Convention on the Rights of the Child*. Those principles reflect a body of evidence about child development (in particular in relation to decision making and consequential thinking) and the important role for rehabilitative measures to improve the life of a child and the community that a child lives in.

The Association also notes with concern the acknowledgement in the statement of compatibility for the Bill that these amendments are expected to have a greater impact on Aboriginal and Torres Strait Islander children, who are already disproportionately represented in the criminal justice system.

The proposed amendments to the YJA are noted in the statement of compatibility for the Bill as being subject to the *Human Rights Act 2019* override declaration in existing section 175A. Minister Gerber states:

“I am of the view that the current situation with respect to youth crime in Queensland presents an exceptional crisis situation constituting a threat to public safety such that the addition of the new offences within the scope of the override declaration in section 175A of the *Youth Justice Act* is justified.”

On the question of whether the continued override of the *Human Rights Act* is justified, and on the stated basis, the Association notes that the list of 12 further offences includes offences that children would rarely, if ever, be prosecuted for committing, like riot, assisting suicide and conspiracy to murder. No data is provided in any of the briefing material to indicate the incidence of these offences or whether children are committing them.

While the list of 12 offences is generally defined by the harm caused to a victim, it is noted that the outlier is the inclusion of section 339(2) – Assault Occasioning Bodily Harm where the

offender publishes material on a social media platform or an online social network. This provision captures offending which does not result in harm which is as objectively serious as the other offences included.

### **Changes to drug diversion provisions**

Referable to 'taking a strong stance on drugs' the Bill will repeal the current Police Drug Diversion Program (PDDP) and introduce a new Illicit Drug Enforcement and Diversion Framework (IDEDF).

The proposed changes return to a 'one strike' diversion for a minor drug offence (s 378F of the Bill) or a minor cannabis offence (s 378A of the Bill) provided that,

- a. there are no indictable offences associated with the minor possession
- b. the person has not been dealt with on a previous occasion for any offences against the *DMA 1986* pursuant to ss 5, 6, 8, 9 or 9D (including a spent conviction)
- c. a police officer reasonably believes the possession was for personal use and
- d. the individual has not previously been offered a diversion referral

The new minor cannabis offence offers a mandatory referral to a diversion program for adults<sup>1</sup> whereas the minor drug offence encapsulates a mandatory infringement notice where an individual can take up an option to alternatively complete a diversion program.<sup>2</sup>

The Bill retains the failure to comply with the agreement as an offence pursuant to section 791 of the *PPRA*.

The primary impact of the Bill will be:

- reduction of three diversionary 'offers' to one only; and
- narrowing eligibility so that if the offender has any prior entries on their history for ss 5, 6, 8, 9 or 9D of the *DMA* they are unable to take advantage of the drug diversion program.

### Basis for Legislative Change

Minister Purdie stated upon the introduction of the Bill:

*Labor's three-strikes drug policy is an absolute failure. The latest Australian Criminal Intelligence Commission national wastewater report shows that drug use in Queensland is on the rise. In 2024, more methylamphetamine was consumed than in any other year; cocaine and heroin use is the highest it has ever been. Why? It is because Labor allowed drug use to flourish. Under Labor's failed diversion scheme, offenders could be caught with dangerous drugs like fentanyl and heroin multiple times and still avoid meaningful consequences. This must end. We need to send a clear message that taking illicit drugs is not acceptable or safe. To see this we only need to look at the US, where states are now frantically trying to undo disastrous drug policies responsible for a huge spike in addiction,*

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<sup>1</sup> See Division 5, Subdivision 1

<sup>2</sup> See Division 5, Subdivision 2.

*crime and ultimately overdose deaths. The Crisafulli government is determined to not let that happen in Queensland.*

The ACIC wastewater report<sup>3</sup> is a comprehensive statistical analysis of various drugs within wastewater across multiple sites in Australian states and territories. The report collated data from August 2024 and October 2024 and details an increased consumption of heroin, MDMA, methylamphetamine and cocaine Australia wide. This was reported to be a longer-term trend that pre-dated the implementation of the PDPP as per the extract below.<sup>4</sup>

*Program longitudinal data show that for the 4 major drugs the current picture reflects a longer-term trend. For methylamphetamine there has been an overall increasing trend in consumption nationally since August 2021. For cocaine, the trend commenced in August 2022. For MDMA the trend commenced in April 2022, and in the case of heroin, a trend of general increase commenced in April 2023. In all cases these increases reflect the recovery of those markets following the impact of COVID restrictions (which saw sharp decreases in consumption) and a determination by many transnational serious and organised crime (SOC) groups to supply highly profitable markets. Health-related data concerning usage patterns in 2024 are not yet available, but it is well understood that the frequency and quantity of drugs used is related to an extent by drug type, with some having more addiction potential than others.*

Some of the relevant features contributing to the reported increase were overall increased supply, including a trend towards larger drug shipments on a more frequent basis; large increases in consumption and corresponding decreases in price.<sup>5</sup>

The Association notes that there is no cogent evidence within the Wastewater Report to create a link between the PDPP and a greater contribution to illicit drugs in the waterways. No statistics have been provided to demonstrate the levels of recidivism or escalation in the seriousness of DMA offences following a person exhausting their opportunities pursuant to the PDPP program.

The Queensland Human Rights Committee noted in their submission to the Committee secretary prior to the introduction of the PDDP<sup>6</sup> that, as recently as 1 March 2023, the United Nations Deputy High Commissioner stated:

*Harsh and punitive drug control measures, based on the unrealistic notion of a “drug free world”, hinder access to health treatment and harm reduction services, and they contribute to 1.2 million unnecessary drug related deaths per year. It also creates stigma and exacerbates discrimination.<sup>7</sup>*

The introduction of the PDDP was supported by the Queensland branch of the Australian Medical

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<sup>3</sup> National Wastewater Drug Monitoring Program, Report 24.

<sup>4</sup> National Wastewater Drug Monitoring Program, Report 24, p13

<sup>5</sup> National Wastewater Drug Monitoring Program, Report 24, p14

<sup>6</sup> See Human Rights Committee Submission on the Police Powers and Responsibilities and other Legislation Amendment Bill 2023

<sup>7</sup> See page 2 of the submission.

Association<sup>8</sup> one of the key stakeholders in the impact of illicit drug use upon Queensland individuals, their families, and the greater community. The authors noted,

The need for reform has also been recognised the Queensland Parliamentary Mental Health Select Committee. In its report from the Inquiry into the opportunities to improve mental health outcomes for Queenslanders, the Committee notes:<sup>9</sup>

*The committee understands that strategies that provide people who use alcohol and other drugs with early support and divert them away from the criminal justice system are beneficial for individuals and are more cost effective than punitive responses.*

The Queensland AMA proposed an expansion of the PDDP to a two-tiered model to address the underlying causes of substance use, encourage help-seeking behaviours, increase contact with the health system, and reduce costs to the justice system.

The two-tiered model proposed, was described by the AMA as follows:<sup>10</sup>

*Tier 1: on a first occasion, an individual receives a drug diversion warning and health service information*

*Tier 2: on a second occasion, an individual receives a direct referral to a health service under a deferred prosecution agreement that requires the person to desist from further behaviour for a specified period, and comply with conditions relating to assessment, referral and treatment to address substance use.*

*The Tier 2 process should use a triage model to inform the level and path of treatment. It would facilitate assigned case managers, education and training for medical professionals, a range of therapeutic and treatment programs, and regular meeting with counsellors.*

The Queensland Productivity Commission comprehensively reviewed drug diversionary programs in 2019.<sup>11</sup> Recommendation 34 of that report was as follows:

*“To reduce interaction with the criminal justice system, the Queensland Government should expand diversionary options by establishing:*

- *an adult caution for use in situations where it is a first or infrequent offence and the police are satisfied that such a caution provides sufficient action*
- *a multi-stage caution and diversion scheme for all drug possession that allows for a staged response and supports further reform to the legal framework for drugs*
- *a three-tier deferred prosecution arrangement that provides:*
  - *a simple agreement conditional on the offender desisting from further offending for a specified period*

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<sup>8</sup> See Position Statement on Drug Law Reform, Updated June 2022, Australian Medical Association, Queensland

<sup>9</sup> *Inquiry into the opportunities to improve mental health outcomes for Queenslanders, Report No. 1, 57<sup>th</sup> Parliament Mental Health Select Committee, June 2022, page 75.*

<sup>10</sup> See paragraph 31 and 32.

<sup>11</sup> *Inquiry into Imprisonment and Recidivism, Final Report, Queensland Productivity Commission, 2019.*

- *an agreement for additional conditions relating to assessment, referral and treatment to address offending behaviours*
- *an agreement where additional conditions are developed and monitored by approved community groups, such as community justice groups*
- *local policing plans based on problem- and community-oriented policing practices, developed in partnership with community groups such as the community justice groups, for communities with high levels of offending and imprisonment.*

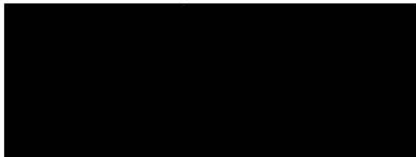
*In implementing these diversionary responses, the government should consider administrative savings for the police and courts, protections for persons from unfair agreements and net-widening.”*

The Association has historically supported and continues to support, the expansion of drug diversionary programs for minor drug offenders as this has been in keeping with the evidence-based submissions of health professionals who have first-hand experience of what is in the best interests of the individual and the community and the recommendations of the Productivity Commission.

Should the opportunity of drug diversion be reduced to ‘one opportunity’ as highlighted in the Bill the Association would recommend that the eligibility not be narrowed to exclude an individual who has any prior entries on their history for ss 5, 6, 8, 9 or 9D of the DMA and retain the exclusion to apply to a person who has been previously sentenced to serve a term of imprisonment for supply, trafficking or production of a dangerous drug or precursors.

The Association would be pleased to answer any questions you may have and make further submissions in respect of the Bill.

Yours faithfully

A solid black rectangular box used to redact the signature of Jeffrey Hunter KC.

**Jeffrey Hunter KC**  
Honorary Treasurer