

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

**PeakCare's Submission to the Justice,
Integrity and Community Safety Committee**

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Introduction

Thank you for the opportunity to provide a submission in response to the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026*. PeakCare has previously provided submissions on prior expansions to the Adult Crime Adult Time Bills and welcomes the Committee's further consideration of evidence-based impacts for children, young people and communities.

This submission focuses on the impact of the additional offences being considered by the Bill, as well as the position taken on drug and substance misuse that often presents in anti-social behaviour. We emphasise the importance of explicitly recognising children and young people are often victims even when on occasion they may also be perpetrators. PeakCare acknowledges the Queensland Government's intent to strengthen community safety and respond to serious youth offending. However, the proposed expansion of the Adult Crime, Adult Time framework risks further entrenching a punitive approach that has consistently been shown to be ineffective in reducing youth offending and may unintentionally undermine long-term community safety.

About PeakCare

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare represents small, medium, and large local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations also provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems.

A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing, and equitable access to life opportunities.

PeakCare's Submission

Expanded Offences – Adult Crime Adult Time

PeakCare acknowledges legitimate community concerns about serious youth offending and supports efforts to improve public safety. However, the proposed expansion of the Adult Crime Adult Time framework risks deepening reliance on punitive measures, which evidence consistently shows, do not reduce youth offending or improve long-term community safety.

Children who come into contact with the youth justice system are overwhelmingly those who have already experienced significant trauma, victimisation, and systemic disadvantage. Many have been exposed to domestic and family violence, experienced housing instability, or live with undiagnosed mental health conditions, disability, or neurodevelopmental challenges. These realities demonstrate that youth offending is often rooted in unmet developmental and social needs rather than calculated criminal intent. Legislative responses that fail to recognise this complexity risk entrenching cycles of harm rather than preventing them.

Expanding provisions that impose adult sentencing frameworks on children will not make communities safer. Evidence repeatedly shows that detention disrupts children’s development, increases exposure to further violence and criminal networks, and significantly increases the likelihood of reoffending. In Queensland, more than 90 per cent of children released from detention reoffend within 12 months, underscoring the reality that harsher penalties alone are not an effective deterrent.

*“We’re victims too. I’m a victim of being shown drug use when I was little.
I’m a victim of growing up with violence.”*

– child in a youth detention centre

“I had a school friend come over and she asked, ‘why is your dad bashing your mum?’ I told her, ‘They’re just fighting’. It was normal for me, but she hadn’t seen that before.”

– child in a youth detention centre¹

Many of the offences proposed for inclusion in Bill, while serious, are not behaviours of which children would necessarily understand legal consequences, social harm or other impacts. Children who have been exposed to sexual and physical violence are often unaware, or cognitively unable to understand the implication of their actions. The Australian Childhood Maltreatment Study 2024² shows that child maltreatment is widespread in Australia. In total 62.2 per cent of the Australian population had experienced at least one type of child maltreatment. Exposure to domestic violence was the most common form of maltreatment at 39.6 per cent, followed by physical abuse, emotional abuse, and 28.5 per cent experiencing sexual abuse.

More than a decade since the release of the 2013 Smallbones Report, “*Preventing Youth Sexual Violence in West Cairns and Aurukun*”³ and the 2017 Final Report from the Queensland Youth Sexual Violence and Abuse Steering Committee⁴, there remains a documented pattern of normalised peer-to-peer sexual violence in some remote and discrete communities.

These reports identified entrenched harmful sexual behaviours, particularly among young people aged 12 to 16, with children frequently appearing as both victims and perpetrators. Such behaviours are often linked to early school disengagement, substance misuse, general delinquency, and nonsexual violence”.⁵ Sexual violence must never be excused or minimised, nor can we ignore the complex and often intergenerational circumstances that contribute to harmful behaviours. However, expecting a child who has lived with violence and instability their entire life to fully comprehend the impact of replicating that harm is unrealistic and risks perpetuating further trauma.

¹ Young people’s voices: Submissions 2023–24, PeakCare, 2024. [Young people’s Voices 2023-24](#)

² Australian Childhood Maltreatment Study (ACMS), Queensland University of Technology, 2024. [82e052_829178ea2c8c4999bad8a221e0cc10ed.pdf](#)

³ Preventing youth sexual violence and abuse in West Cairns and Aurukun: Establishing the scope, dimensions and dynamics of the problem, Griffith University, 2013. <https://nla.gov.au/nla.obj-2742545253>

⁴ Final report: Youth sexual violence and abuse in Queensland, Queensland Government Youth Sexual Violence and Abuse Steering Committee, 2017. [Youth Sexual Violence and Abuse Steering Committee Final Report - 30 March 2017](#)

⁵ Preventing youth sexual violence and abuse in West Cairns and Aurukun: Establishing the scope, dimensions and dynamics of the problem, Griffith University, 2013. <https://nla.gov.au/nla.obj-2742545253>

Queensland court data shows an alarming increase in family and domestic violence, with the number of male defendants for domestic violence related offences nearly doubling since 2019-20.⁶ Children who offend often do so in the context of their own unmet needs and unresolved trauma. Legislative responses must acknowledge the underlying complexity of these behaviours and offer balanced and evidence-based pathways to resolution. Punitive approaches that fail to address root causes are not only ineffective, but risk further entrenching the very behaviours they seek to prevent. A more considered, developmentally appropriate response is essential if Queensland is to reduce reoffending and build safer communities.

Recent legislative changes under the *Queensland Community Safety Bill 2024*⁷ assented to in August 2024 by the former government and enacted through proclamation in April 2025, have altered how children are recognised in domestic and family violence incidents. Under these changes, children are no longer identified or recorded as victims when police respond to domestic and family violence incidents involving a child and a family member.

In practice, this means police officers may now consider an “alternative” response when attending these incidents. The obligation to investigate as a domestic and family violence matter may cease if one of the people involved is under 18.

As a result, children who were previously recognised as victims in these circumstances may instead be treated as perpetrators under proposed additional offences, without adequate consideration of context, circumstances, or their understanding of the behaviour they may be charged with.

Punitive Response Implications

The Adult Crime, Adult Time approach relies on a youth justice system that is already overburdened and failing to deliver the outcomes Queenslanders expect. Data shows that detention is ineffective in reducing reoffending, with up to 90 per cent of children released from detention going on to reoffend. Increasing the number of children in detention, for longer periods of time, is unlikely to deliver different outcomes. Instead, it risks compounding the very factors that contribute to offending in the first place.

Expanding the use of detention without corresponding investment in early intervention, prevention and the supporting infrastructure of the legal and court systems will continue to result in more children being held in adult watchhouses for extended periods. These environments are inappropriate for children and contrary to principles of rehabilitation and child safety.

Being tough on youth crime will not make communities safer unless there is equal commitment to being tough on the causes of youth crime. The Youth Justice Census highlights the entrenched disadvantage faced by many young people who enter the youth justice system:

- Over half have been witnesses to or victims of domestic and family violence
- Over half identify as Aboriginal and Torres Strait Islander
- One third experience housing instability or unsafe accommodation
- One in four have had a parent incarcerated
- 44 per cent have a mental health condition or disability, often undiagnosed until they enter the youth justice system.⁸

⁶ Queensland Courts’ domestic and family violence (DFV) statistics, Queensland Courts, webpage, accessed 12 March 2026. [DFV statistics | Queensland Courts](#)

⁷ Queensland Community Safety Bill 2024, Queensland Government, Queensland Legislation, 2024. [Queensland Community Safety Bill 2024 - Queensland Legislation - Queensland Government](#)

⁸ Youth Justice Pocket Stats, Department of Youth Justice, Queensland Government, 2024. [Youth Justice pocket stats 2024](#)

There is significant clear evidence from jurisdictions in Australia and across the globe that the threat of harsher sentencing does not deter children from offending. Instead, longer sentences often result in increased rates of recidivism, as children are placed in environments that can reinforce harmful behaviours, contribute to institutionalisation, and sever connections with positive social supports. There is also little evidence to support the efficacy of mandatory minimum sentencing in deterring or reducing youth crime.

The proposed expansion also fails to adequately recognise that many children who commit serious offences are themselves victims of crime, abuse or neglect. Responses that focus exclusively on punishment risk ignoring the structural drivers of youth crime and the responsibility of systems to intervene earlier to prevent harm. Without addressing these drivers, the legislation risks reinforcing a revolving door between disadvantage, detention and reoffending.

There are also serious concerns that expanding Adult Crime Adult Time provisions will increase the number of children held in detention, placing additional pressure on a system that is already struggling to meet basic standards for children's safety, rehabilitation and human rights. The likely consequence is more children held in unsuitable environments such as police watchhouses and overcrowded detention centres, settings that undermine rehabilitation and compound trauma.⁹

Address First Nations over-representation

Queensland's youth detention centres (YDCs) are constantly at capacity, with children as young as 10 being held in adult watchhouses. The overall utilisation rate of Queensland's YDCs in 2024 was 99.6%, well above the safe capacity. This was the highest utilisation rate in Australia. Aboriginal and Torres Strait Islander children are significantly over-represented, with the Queensland Ombudsman Inspectorate combined report of 2024 inspections of three Queensland YDCs – West Moreton, Brisbane and Cleveland, finding First Nations children and young people represented between 62 to 94 per cent of the youth detention population, despite comprising only five per cent of the Queensland's 10 to 17-year-old population.¹⁰ They are 23 times more likely to be detained than their non-Indigenous peers.

This over-representation is the result of intergenerational trauma, systemic racism, socio-economic disadvantage, and over-policing of First Nations communities. Policies such as breach of bail disproportionately affect First Nations children, compounding existing inequalities.

Such incarceration rates breach the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and undermine efforts to close the gap in health, education, and justice outcomes. Culturally safe, community-led alternatives are urgently needed.

Programs led by First Nations organisations and Elders are proven to reduce recidivism and build resilience. However, the geographic isolation of detention centres creates further barriers, separating children from culture, family and Country.

⁹ Australia's Youth Justice & Incarceration System, PeakCare's Submission to the Legal and Constitutional Affairs References Committee, 10 October 2024. [Senate-Committee-Australias-Youth-Justice-and-Incarceration-System-10102024-v1.0.pdf](#)

¹⁰ Combined inspection report for youth detention centres, Inspector of Detention Services, Queensland Ombudsman, November 2025. [Combined inspection report for youth detention centres: A report on our 2024 inspections of 3 Queensland youth detention centres – West Moreton, Brisbane and Cleveland](#)

In relation to the proposed amendments to the Jack’s Law framework, PeakCare draws the Committee’s notice to the Griffith Criminology Institute Review Report.¹¹ Key Finding 7 notes: “In terms of equity, wandering has been inconsistently used across different groups in the community. While the targeting of young people was clearly intended under the legislation, and there is an evidence base for selecting more males than females, there is some evidence of inappropriate use of stereotypes and cultural assumptions by a small number of officers in determining who to select for wandering.”

We have also seen increasing issues and concerns with racial profiling and stop and search programs such as in Victoria. The Racial Profiling Data Monitoring Project,¹² an anti-racism data transparency initiative, has analysed data obtained through Freedom of Information (FOI) requests. Their findings reveal that, in 2024, Victoria Police were:

- **16 times more likely** to search individuals perceived to be Aboriginal compared to those perceived to be White.
- **9 times more likely** to search individuals perceived to be African.
- **6 times more likely** to search individuals of Middle Eastern appearance.
- **5 times more likely** to search individuals from a Pacific Islander background.

These statistics suggest a significant overrepresentation of these groups in police searches.

Human Rights Override

The Queensland Human Rights Act 2019 recognises—

1. The inherent dignity and worth of all human beings.
2. The equal and inalienable human rights of all human beings.
3. Human rights are essential in a democratic and inclusive society that respects the rule of law.
4. Human rights must be exercised in a way that respects the human rights and dignity of others.
5. Human rights should be limited only after careful consideration and should only be limited in a way that can be justified in a free and democratic society based on human dignity, equality, freedom and the rule of law.
6. Although human rights belong to all individuals, human rights have a special importance for the Aboriginal peoples and Torres Strait Islander peoples of Queensland, as Australia’s first people, with their distinctive and diverse spiritual, material and economic relationship with the lands, territories, waters, coastal seas and other resources with which they have a connection under Aboriginal tradition and Ailan Kastom. Of particular significance to Aboriginal peoples and Torres Strait Islander peoples of Queensland is the right to self-determination.

¹¹ Review of the Queensland Police Service Wandering Trial, Griffith University, 2022. <https://research-repository.griffith.edu.au/server/api/core/bitstreams/231360c5-d77d-4438-9b3e-8a12cc16af5c/content>

¹² The Racial Profile Data Monitoring Project, Key Findings (based on available data), Centre Against Racial Profiling, webpage, accessed 12 March 2026. [Key Findings | — The Racial Profiling Data Monitoring Project](#)

Everyone has a role to play in upholding the rights of a child; however, governments, policy-crafters and law-makers have a duty to take active measures that affirm, protect and promote children's rights.

Since 2024 Queensland Parliament has continued to apply a human rights override to legislation specifically targeting the rights of children and young people. Again, we see the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026* is not compatible with human rights protected by the *Human Rights Act 2019*.

The Human Rights Act was designed to create a “dialogue model” where Parliament, courts, and public authorities consider rights impacts.

Frequent use of override declarations can affect that model by:

- reducing incentives for rights-compatible policy design,
- weakening the normative authority of the Human Rights Act 2019,
- signalling that child rights protections can be consistently set aside as if their rights are less,
- creating a significant disproportion of disadvantaged groups including:
 - Aboriginal and Torres Strait Islander children;
 - children in out-of-home care; and
 - children with disability, trauma, or mental health conditions.

When human rights protections are overridden, we see safeguards intended to protect our most vulnerable children and young people not be applied, and policies that exacerbate systemic inequalities be introduced into law.

Prevention Focused Solutions

Stronger and safer communities start with early support for children and families.

Every child deserves the opportunity to grow, learn and thrive in communities that support families early and consistently. When our systems invest in strong foundations; stable housing, trusted local organisations, early years support and connected community services, then families are more resilient and children develop the capabilities they need for lifelong wellbeing.

The Preventative Peaks Alliance is a strategic collaboration between five peak organisations, PeakCare, QATSI CPP, QShelter, Queenslanders with Disability Network, and Neighbourhood Centres Queensland, representing key social service sectors and supported by a network of more than 30 Critical Friends, all agree, by strengthening community foundations and aligning government investment around prevention, we can create a system that works with families, not just when crisis occurs, but throughout the earliest years when support has the greatest impact. Now is the time for governments, communities and services to work together to build the conditions that allow every Queensland child and family to thrive.

The first five years of a child’s life are widely recognised as critical in shaping their lifelong health, development, learning and behaviour. Prolonged adverse childhood experiences during this period, such as neglect, violence, or unstable environments, alters brain development and increases the likelihood of poor outcomes, including contact with the justice system.

Investing in early intervention is not only more effective but also more cost-efficient than attempting to remedy harm later. As the Brighter Beginnings: The First 2000 Days report shows, for every \$1 invested in early interventions, governments save \$13 across education, health, justice, and welfare supports.¹³

Despite this, Queensland continues to pour resources into detention, where outcomes remain poor. The Queensland Audit Office report (June 2024) found that over five years, 90 per cent of the Department of Youth Justice's \$1.38 billion budget was spent on internal services such as detention centres. Only \$134 million (less than 10 per cent) was directed to outsourced services, including early intervention programs and community-led supports.¹⁴

The report also found that while the department uses youth crime data to inform investments, it does not map these investments to system gaps or assess how much is spent on prevention compared to detention. As a result, it cannot determine whether funding is going to the right types of programs in the right places.

Most young people who come into contact with youth justice services have experienced trauma, including family violence, neglect, poor mental health, substance use, and educational exclusion. These challenges are disproportionately experienced by First Nations children and families, who remain significantly overrepresented in the youth justice system, a reflection of broader social and economic inequity.

Addressing the drivers of offending behaviour is critical. It requires evidence-based strategies and programs that target the specific needs of the young offender and their individual risks. Strategies and programs need to be delivered at the right intensity and frequency. These strategies, programs and relationships need to continue if the young person spends time in detention and when they transition back into the community.

Better models of youth detention exist, but a systemwide shift is needed to redirect investment into early, intensive, and ongoing supports. Programs must be evidence-based, appropriately targeted to individual needs, and sustained regardless of the child's path, these programs must continue through detention and reintegration. Reinvestment into local, culturally safe, community-led solutions, particularly through Aboriginal and Torres Strait Islander community-controlled organisations, offers a path forward that is both cost effective and community informed.

Conclusion

PeakCare continues to call for evidence-based reforms that address the root causes of youth crime. This includes safe and stable housing, responses to domestic and family violence, access to mental health and disability supports, healing from trauma and educational inclusion. Ensuring that children are connected to role models, supported in school and training, and engaged in meaningful activities is critical to reducing recidivism and strengthening communities.

Prevention and early intervention are widely recognised as both social and economic imperatives with strong evidence base. Contemporary research suggests the need to fundamentally reorient community services, moving from reactive, crisis-driven approaches to structures that enable people and communities to thrive earlier in their journey.

¹³ Brighter Beginnings: The First 2000 Days of Life, NSW Government, April 2021.

<https://www.health.nsw.gov.au/kidsfamilies/programs/Factsheets/brighter-beginnings.pdf>

¹⁴ Reducing serious youth crime Report 15: 2023-24, Queensland Audit Office, 28 June 2024. [Reducing serious youth crime \(Report 15: 2023-24\)](#)

The drivers of youth offending closely mirror those that bring children into the child protection system. The high number of children involved in both systems reflects a systemic failure to respond early and adequately. Many of these same children have been excluded from education and denied the support they need to re-engage. Without a long-term, coordinated strategy to address these adverse childhood experiences, children, families, and communities will continue to bear the consequences.

Children who come into contact with the youth justice system remain children first and foremost. Responses to their behaviour must be developmentally appropriate, proportionate, and focused on long term outcomes rather than short term control.

Queensland now has an opportunity to refocus on what works: community-based, culturally responsive, family-focused strategies that support children to live crime-free, productive lives. This is how we build safer, stronger communities. PeakCare stands ready to work with government and the sector to advance youth justice reforms that genuinely enhance community safety while upholding the rights and dignity of children and young people.

Thank you for considering this submission.

Yours sincerely,



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