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18th March 2026

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

By email: JICSC@parliament.qld.gov.au

Dear Committee Secretary,

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

Thank you for the opportunity to provide comments on the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026 (**Bill**) which proposes to amend a number of pieces of legislation including the *Drugs Misuse Act 1986*, *Penalties and Sentences Act 1992*, *Police Powers and Responsibilities Act 2000* (**PPRA**), Police Powers and Responsibilities Regulation 2012, *State Penalties Enforcement Act 1999*, State Penalties and Enforcement Regulation 2014, and the *YJ Act 1992* (**YJ Act**) to: add 12 offences to the existing Adult Crime, Adult Time regime; repeal the existing Police Drug Diversion Program and introduce a more limited program for drug diversion; further expand Jack's law; and expand the police move on powers along with expanding the framework relating to police banning notices. We do not support the majority of the Bill as drafted on the basis that we question the utility of most of the proposed suite of changes for the reasons outlined in this submission.

Preliminary consideration: Our background to comment

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander

peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

Comments on Bill

Due to the compressed timeframe for submissions on this Bill, we have elected to provide our position on the various proposals contained in this Bill at a high level.

Adding 12 offences to the existing Adult, Crime, Adult Time offences

The Bill proposes to add 12 offences to the existing group of Adult Crime, Adult Time (**ACAT**) offences to which the ACAT regime applies. Furthermore, the Bill proposes to amend the YJ Act to provide that section 175A applies to general attempts and conspiracy to commit, and accessories after the fact to any Adult Crime offence, as well as the standalone offence of attempted robbery simpliciter.

ATSILS strongly opposed the introduction of ACAT and each proposed subsequent expansion of the ACAT regime. Our submissions are on the public record, including the reasons for opposition. Our position has not changed. Accordingly, we do not support the proposed expansion of the ACAT regime as expressed in the Bill. Of particular concern are the proposed amendments to section 175A of the YJ Act, which would extend application of the ACAT regime to general attempts and conspiracy to commit, and accessories after the fact to any ACAT offence, as well as the standalone offence of attempted robbery simpliciter. In our view, this will cast the net far too wide and is not justified based on the well-established evidence that incarceration of

children simply does not work in reducing recidivism (we respectfully refer to our earlier submissions, a copy of which is provided, in which we have set out the evidence in detail).

Repeal of the existing Police Drug Diversion Program and proposed introduction of a more limited program for drug diversion called the 'Illicit Drug Enforcement and Diversion Framework'

We do not support the proposed repeal of the existing 3-tiered Police Drug Diversion Program (**PDDP**) and introduction of a more limited drug diversion program, namely the Illicit Drug Enforcement and Diversion Framework (**IDEDF**). The proposed IDEDF limits eligible individuals to a single diversion opportunity and otherwise relies upon infringement notices or prosecution for repeat minor possession, reducing access to health-based responses. The existing PDDP model gives far more opportunities for individuals to be referred to a drug diversion program, and therefore, a health and welfare-based response which would address the root causes of the relevant behaviour.

Expanding Jack's Law

The Bill proposes to create a framework wherein a 'Designated Business and Community Precinct' (**DBCP**) can be prescribed by regulation and proposes to extend the application of the Jack's Law wanding powers to these designated areas. The purpose for such a designation is described as being 'where there is a need to enhance public safety or public amenity, reduce anti-social behaviour, or reduce or prevent disruption of businesses' (p6, Explanatory Notes). The Bill proposes to streamline authorisation requirements with respect to DBCPs, at the expense of safeguards, to enable police to conduct metal detection wanding within DBCPs with less prior approvals and procedural checks than would otherwise apply. The Explanatory Notes relevantly state, 'This will remove the current obligation that hand held scanning can only be authorised in public places, that are not relevant places, for 12 hours, and where the authorising officer is satisfied the use of hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon' (p6, Explanatory Notes).

ATSILS remains opposed to the police having powers to arbitrarily search individuals. Whilst we appreciate the seriousness of knife crime, we were not convinced that there was a sufficient evidence base to support the creation of these powers, i.e., that they were proven to show that they reduced serious/violent knife crime, based on the independent review of the pilot undertaken by Griffith University. We cannot see any

evidence in the supporting materials for the Bill that justify this new suite of proposed amendments to the Jack's Law framework.

We are particularly concerned about the key safeguards that the Bill proposes to remove which serve as key checks and balances to protect against the misuse or overuse of these powers, noting they are a significant limitation on the human rights of everyday individuals.

Accordingly, we do not support these proposed amendments.

Expanding Move On Powers and the Application of Police Banning Notices

The Bill proposes to make a number of amendments to expand the existing police move on powers framework and the application of police banning notices including, but not limited to: inserting a new category of move on direction that will apply to DBCPs which enables police to direct a person to leave and not return to a stated DBCP for a period of up to 24hrs; requiring a person to state their correct name and address when a police officer is about to give or is giving a person a move on direction in a DBCP *and* public places. That said, utilised appropriately, we also recognise that 'move-on' powers can de-escalate situations and indeed, potential lead to what otherwise might end up being an arrest scenario. One challenge of course is that the reality at the coal face can see grey areas between appropriate and inappropriate use. For this reason, whilst we do not actively support the proposed move-on changes – we also do not oppose same.

Extending the application of police banning notices to DBCPs which enables police to temporarily prohibit a person from entering or remaining in a DBCP where they have behaved in a disorderly, offensive, threatening or violent way an the person's ongoing presence posses an unacceptable risk of causing violence, impacting the safety of others or disrupting or interfering with the reasonable use and enjoyment of the stated area (noting that the Bill proposes to include where a person is using abusive or indecent language as an example of what constitutes 'disorderly, offensive, threatening or violent behaviour').

We do hold strong reservations that the Bill proposes to enable police to issue police banning notices to children. Extending police banning notice powers to children and broadening the grounds for issuing such notices to include the use of abuse or indecent language (i.e., including swearing) risks disproportionately criminalising low-level and otherwise common adolescent behaviour. It thus has the potential to further entrench children in the criminal justice system. Police banning notices already are a

considerable restriction on a person's right to freedom of movement and access to public space. Applying banning notices to children for low-level conduct such as offensive language effectively turns this common, developmentally typical behaviour into a mechanism for exclusion from community spaces. Evidence shows that public order policing powers are often applied unevenly and have historically had a disproportionate impact on Aboriginal and Torres Strait Islander peoples. Expanding these powers therefore risks replicating patterns of over-policing and exclusion rather than addressing underlying causes of distress or conflict involving young people. Instead of this proposed punitive-type response, there should be a child-appropriate response which focuses on engagement, diversion and support rather than punitive exclusion from public places. Additionally, we note that the offence of contravening a police banning notice has a maximum penalty of 60 penalty units. Failure to pay the fine could lead to imprisonment.

Conclusion

For the reasons outlined in this submission, ATSILS does not support the passage of this Bill as drafted.

Yours faithfully,

Shane Duffy
Chief Executive Officer