

Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026

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Queensland Aboriginal and Torres Strait Islander
Child Protection Peak Limited

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Bill**

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Acknowledgement of Country

QATSICPP acknowledges the Traditional Custodians across all the lands that make up the State of Queensland. We acknowledge the oldest living cultures of Aboriginal and Torres Strait Islander peoples and the continued connections to Country, language and tradition.

We pay our respect to Elders past and present and acknowledge future generations of Aboriginal and Torres Strait Islander children and young people and the bright future they will have.

About QATSICPP

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) is the peak body for Aboriginal and Torres Strait Islander community-controlled organisations delivering child, youth and family support services in Queensland. QATSICPP is also Queensland's Youth Justice Peak, collaborating with Aboriginal and Torres Strait Islander and non-Indigenous service providers to strengthen outcomes across the child protection and youth justice systems.

Our membership includes 41 Aboriginal and Torres Strait Islander Community-Controlled Organisations (ATSICCOs), delivering vital services, guidance and culturally grounded supports to ensure the safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and families. As the Youth Justice peak, we represent over 80 Youth Justice funded organisations in addition to our member base.

QATSICPP's vision is that all Aboriginal and Torres Strait Islander children and young people are physically, emotionally and spiritually strong; live in safe, caring and nurturing environments within their families and communities; and are afforded the same life opportunities as other children and young people to reach their full potential.

Introduction

All Queenslanders expect and deserve to feel safe in their homes and communities. Community safety matters to all families and communities across the state, including Aboriginal and Torres Strait Islander Elders, parents and communities, who want their children to grow up safe, connected and thriving.

Most children who come into contact with the youth justice system do not offend in isolation. Their behaviour is often shaped by cognitive impairment, trauma, disability, unmet health and wellbeing needs and repeated system failure. A range of evidence, including that from systemic reviews and longitudinal studies, consistently shows that punitive responses can deepen trauma, increase disconnection from family and support services, and result in worse long-term safety outcomes for the community.¹

As Queensland's Aboriginal and Torres Strait Islander Child Protection Peak and Youth Justice Peak, QATSICPP advocates for evidence-based youth justice reforms that strengthen outcomes for children, families and communities.

We understand the importance of providing a submission on the *Breach Bail, Go to Jail Other Legislation Amendment Bill* (the 'Bill').

To develop this submission, QATSICPP has drawn on:

- Sector insights and frontline experience, including recent consultation with 64 youth justice-funded members about the Bill.
- Evidence on what works to reduce reoffending and improve long-term community safety.
- Alignment with Queensland, national and international policy and human rights frameworks.

Alongside the Queensland Government, we seek to address the underlying causes of offending, uphold the rights of victims and support children to make positive contributions to their communities. We recognise an urgent need for timely, effective interventions that reduce recidivism among the small cohort of children in contact with the youth justice system.



We acknowledge the need to reduce offending on bail and strengthen bail compliance, so communities are safer. We also recognise the profound and often enduring impacts of serious crime on victims, families and communities, including physical harm, trauma, grief, financial hardship and a loss of safety and trust. The scale of these impacts demands reform that delivers sustained reductions in serious offending.

This submission provides QATSICPP's position on the legislation and provides practical, evidence-informed recommendations to assist the Queensland Government in creating safer communities, including proposed refinements to the Bill and advice for its implementation. **This includes recommendations to exclude 10–13-year-olds from the new Breach of Bail offence if the Government proceeds with this aspect of the Bill**, and recommendations for mandating regular independent reviews of the Bill's impact. These recommendations aim to ensure the significant judicial reforms proposed by the Bill are consistent with the evidence on what reduces reoffending, strengthens community safety and upholds the principle of proportionality, recognising that sentencing responses must remain capable of reflecting the seriousness of the offending, the child's needs and circumstances and what works best to reduce offending.ⁱⁱ

Our position

QATSICPP's position is that the primary objective of youth justice reform must be reducing serious and repeat offending through prevention, early intervention, diversion and rehabilitation. Community safety is strengthened when children receive timely responses that address the factors driving offending behaviour and support long-term behaviour change.

The *Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026* seeks to reduce serious offending committed while on bail and strengthen community safety. QATSICPP supports these objectives. However, it is our view that several key mechanisms within the Bill are unlikely to achieve sustained reductions in serious offending over the long term, create significant risk of further system entrenchment for vulnerable children and increase the likelihood of disproportionate responses by limiting judicial discretion to consider the individual circumstances of each case. This approach sits uneasily alongside broader government investment in initiatives such as *Staying on Track* and *Circuit Breaker*, which are founded on the recognition that serious repeat offending is often driven by complex needs requiring intensive, individualised intervention.

Furthermore, the Bill increases reliance on detention and remand as primary responses to offending behaviour, despite limited evidence that these approaches reduce recidivism or improve community safety over the long term.

Elements of the Bill QATSICPP does not support:

- the new offence under section 29AA of the *Bail Act 1980*
- the proposed mandatory minimum period of detention
- the new "high degree of confidence" bail threshold
- the removal of mandatory requirements for police to consider diversionary options
- the continuation and expansion of Human Rights Act override provisions relating to detention centres and watch houses

QATSICPP's position is informed by youth justice research, evidence regarding child development, available data on detention and recidivism, and consultation with more than 60 youth justice service providers across Queensland. This evidence highlights four key concerns with the Bill:

1. That it does not appear informed by evidence on what reduces offending
2. Its impact on an already constrained youth custodial system
3. The extent to which the Bill maintains proportionate responses to offending, and;
4. The implications for children for whom the State already holds significant parental responsibility.

A substantial body of Australian and international evidence demonstrates that children achieve stronger outcomes when responses address the underlying causes of offending through prevention, early intervention, diversion and



rehabilitation.ⁱⁱⁱ Drawing on a review of more than 3,000 recommendations from 61 Australian child protection and youth justice inquiries and reports, an Australian Institute of Family Studies report published in 2024 identified that underlying causes driving offending behaviour included trauma, disability, developmental vulnerability, educational disengagement, housing instability, family stress and a lack of cultural identity.^{iv}

Evidence also demonstrates that detention is a limited deterrent for children, whose developmental stage affects impulse control, decision-making and susceptibility to peer influence.^v For the 60 per cent of children and young people involved with Queensland's youth justice system who have a disability (assessed or suspected), the deterrent value of punitive responses may be further diminished, with research indicating that these children often experience cognitive, behavioural and developmental impairments that affect their capacity to understand, process and respond to punishment in the way assumed by traditional deterrence models.^{vi} Conversely, maintaining access to family, education, therapeutic supports and positive community connections is associated with stronger rehabilitation outcomes and reduced reoffending. The evidence is particularly significant for Aboriginal and Torres Strait Islander children. Findings from *Footprints in Time*, Australia's nationally significant longitudinal study of more than 1,600 Aboriginal and Torres Strait Islander children and their families, identify connection to family, kinship, community, culture and Country as foundational protective factors that support children's social and emotional wellbeing across the life course.^{vii}

QATSICPP's consultation with youth justice service providers confirmed many of the concerns identified in the evidence base highlighted above. Participants consistently reported that the Bill is at odds with what they see works to reduce reoffending through reliance on remand and detention while reducing opportunities for diversion, therapeutic intervention and tailored responses. Services expressed particular concern that children with disability, developmental delay, trauma-related behaviours and other complex needs will face increased exposure to custodial environments, while opportunities for therapeutic and individualised responses are reduced.

Youth justice service providers reported that overcrowding in youth detention is already reducing access to education, disability services, therapeutic interventions, rehabilitation programs and family contact. Several providers described children spending extended periods in watch houses and detention environments where access to assessments, treatment and support services is limited. Participants consistently warned that reducing opportunities for diversion will draw more children into custodial pathways, placing further pressure on already strained environments while increasing risks to children's health, safety and wellbeing. Services emphasised that lasting community safety depends on courts retaining the capacity to tailor responses to the seriousness of the offending and the individual circumstances of the child.

These issues are not only relevant to whether the Bill will reduce reoffending, but also to whether it maintains the principle of proportionality that underpins Queensland's youth justice system. Section 150 of the *Youth Justice Act 1992* requires sentencing responses to be proportionate to the seriousness of the offending and the circumstances of the child.^{viii} Judicial discretion is the mechanism that allows courts to consider the unique reality of each case, including the child's age, developmental maturity, disability, personal circumstances and level of involvement in the offending.

These concerns are particularly relevant given the breadth of offending captured by the Adult Crime, Adult Time framework. The framework encompasses offences carrying markedly different maximum penalties, ranging from:

- life imprisonment for murder,
- 14 years imprisonment for offences such as grievous bodily harm and robbery,
- 10 to 14 years imprisonment for certain vehicle-related offences,
- 7 years imprisonment for wounding, serious assault and attempted robbery, and;
- 5 years imprisonment for particular stealing offences.^{ix}

The circumstances surrounding these offences can also vary significantly. For example, a burglary may involve entering a home through an unlocked door, while a vehicle offence may involve a child driving a stolen vehicle without dangerous operation. Some offences may arise in the context of poverty, homelessness, family violence, neglect, substance dependence, coercion, exploitation or other forms of disadvantage, and children may also be captured through attempt, conspiracy or accessory provisions despite not being the principal instigators of the offending.^x In this context, imposing an additional mandatory period of detention risks diminishing the court's ability to match the punishment to the seriousness of the offending and the individual circumstances of the child.



Finally, consideration of the Bill must recognise the significant overlap between the child protection and youth justice systems. As at 31 March 2025, 220 children in Queensland were subject to both a child protection order and a supervised youth justice order, with many experiencing complex disability, mental health, education and placement stability needs.^{xi} When these children come into contact with the youth justice system, the State is responding not only as justice administrator but also as parent and guardian. This makes it necessary to consider whether reforms that increase children's exposure to detention, remand and watch houses are consistent with the State's obligations to provide safe, developmentally appropriate care, particularly given recent concerns about overcrowding, hygiene, maintenance and other health and safety issues within Queensland watch houses and the standards of care the State requires for children in out-of-home care.^{xii}

For these reasons, QATSI CPP considers that the Bill requires significant amendment if it is to achieve its stated objective of creating safer communities while remaining consistent with the evidence on what reduces reoffending, supports rehabilitation and delivers long-term community safety outcomes. QATSI CPP's position on the specific provisions of the Bill, and the reasons we oppose or support particular measures, are outlined in the following sections.

Elements of the Bill we oppose

Section 29AA and mandatory detention

QATSI CPP opposes the creation of the new offence under section 29AA of the Bail Act 1980.

The Bill creates a new standalone offence that applies where a child is convicted of an Adult Crime, Adult Time offence while on bail. In these circumstances, the child becomes liable to a mandatory minimum period of 12 months detention. The Explanatory Notes acknowledge that the provision limits judicial discretion and may result in children receiving an additional penalty arising from conduct already before the court.

QATSI CPP is concerned that section 29AA prioritises a uniform punitive response over consideration of the child's individual circumstances, developmental maturity, disability, support needs and prospects for rehabilitation. Youth justice service providers, disability advocates and legal services consistently identified the loss of judicial discretion as one of the most significant concerns arising from the Bill. Consultation participants emphasised that many children appearing before the courts present with cognitive impairment, neurodevelopmental disability, Foetal Alcohol Syndrome Disorder (FASD), trauma-related behaviours or other complex support needs, and that courts require flexibility to respond to these circumstances when determining appropriate outcomes.

Stakeholders also highlighted the practical consequences of increased detention for children with disability. Participants noted that children entering custody can lose access to established National Disability Insurance Scheme supports, including disability support workers, allied health services, Positive Behaviour Support Plans and other interventions designed to reduce offending and improve functioning in the community. They expressed concern that the Bill may increase the number of children who are separated from these supports despite requiring therapeutic and disability responses rather than increasingly punitive justice interventions.

These concerns are heightened by existing pressures on Queensland's custodial system. Queensland Police Union data indicates that, since 4 March 2026, 27 watch houses have recorded critical workplace health and safety failures due to occupancy exceeding 100 per cent capacity on 177 separate days.^{xiii} These figures suggest Queensland's custodial system is already operating under significant strain and raise questions about the impact on watch house conditions of measures very likely to increase both the number of children entering custody and the length of time they spend there.

The high degree of confidence test

QATSI CPP opposes the proposed "high degree of confidence test" as part of the new bail threshold proposed by adding new section 48AG to the Youth Justice Act.

The Bill requires police and courts to refuse bail unless satisfied to a high degree of confidence that a child will not commit a further significant offence while released. The Explanatory Notes acknowledge that the proposal substantially raises the threshold for release and increases the likelihood that children will be remanded into custody.



Australian evidence demonstrates that increasingly restrictive bail laws contribute to rising remand populations and can disproportionately impact vulnerable groups, including Aboriginal and Torres Strait Islander peoples and those experiencing social disadvantage.^{xiv} Research has also highlighted the importance of evidence-based bail reform and the need for ongoing evaluation of outcomes associated with restrictive bail measures.^{xv}

QATSICPP is concerned that the proposed threshold limits the ability of decision-makers to appropriately consider the broader circumstances of a child, including disability, trauma, housing stability, family and community supports, existing intervention plans and cultural connections. These factors are often critical to understanding both risk and rehabilitation potential for each individual child, and for ensuring decision making is fair, proportionate and in line with the *Youth Justice Act's* commitment to rehabilitation. Youth justice stakeholders raised particular concerns about children with cognitive impairment, neurodevelopmental disability and other complex support needs, including children who may ultimately be found unfit for trial or to plead, or not criminally responsible because of disability. Participants reported that these children already experience lengthy delays while assessments and legal processes are completed and warned that a more restrictive bail threshold is likely to increase their exposure to remand despite many requiring therapeutic and disability responses rather than custodial intervention.

The right to liberty and the presumption of innocence must be balanced against community safety considerations when determining bail.^{xvi} Measures that significantly increase remand populations should be supported by evidence demonstrating they reduce offending, particularly given that remand itself can increase children's exposure to the criminogenic effects of detention.

Removal of mandatory requirement for police to consider diversion

QATSICPP opposes the Bill's proposed amendments to Section 11 of the Youth Justice Act which remove the requirement for police to consider diversionary options before proceeding against a child **for any alleged offence**.

Diversion is a foundational component of an effective youth justice system because it prevents unnecessary escalation into formal justice processes, keeps children connected to family, community and support services, and provides opportunities to address offending behaviour before it becomes entrenched. Evidence demonstrates that diversionary and bail support approaches can reduce remand populations, improve compliance and contribute to lower rates of reoffending, particularly when they are strengths-based, community-based and capable of responding to housing, health, disability and family support needs.

QATSICPP is concerned that the proposed amendment removes an important safeguard requiring police to actively consider alternatives to custody before progressing children further into the justice system. During consultation, youth justice service providers, disability advocates and legal services consistently raised concerns that this change will reduce referrals into therapeutic, disability and community-based supports and increase reliance on formal enforcement responses. Participants provided examples of children with disability whose existing support plans, behavioural interventions and community-based services had successfully de-escalated situations that may otherwise have resulted in detention. Providers expressed concern that these pathways may be less likely to be considered once diversion ceases to be a mandatory requirement.

Consultation participants also raised concerns that conscious and unconscious bias can influence decision making across the justice system. Retaining a requirement to consider diversion would provide an important safeguard to ensure children with disability are not unnecessarily drawn into formal justice responses where reasonable adjustments, supports or community-based interventions may be more appropriate.

Continuation of Human Rights Act override

QATSICPP opposes the continuation and expansion of the Human Rights Act override provisions contained within the Bill.

The Explanatory Notes acknowledge that these provisions permit arrangements that significantly limit the rights of children, including the continued use of watch houses and other custodial settings that are not designed for the detention, care or rehabilitation of children. The original justification for these measures was that they were required to respond to exceptional circumstances. Their continued extension risks transforming what was presented as a temporary emergency response into a normalised feature of Queensland's youth justice system.



QATSI CPP is particularly concerned that the Bill seeks to maintain these extraordinary powers while also introducing reforms that are likely to increase remand populations, increase the number of children entering custody and place additional pressure on already constrained detention infrastructure. Rather than addressing the underlying causes of overcrowding, the Bill risks increasing demand on the system and then relying on continued limitations of children's rights to manage the consequences of that demand.

As outlined earlier in this submission, these concerns cannot be separated from the current conditions within Queensland's detention and watch house system. There is considerable documented evidence regarding the impacts of children being held in Queensland watch houses for extended periods. This evidence shows:

- children having limited access to education, fresh air, hygiene facilities and healthcare
- children being exposed to environments designed for adult detainees rather than children and;
- extended separation, isolation and the absence of trauma-informed responses within custodial settings.^{xvii}

The risks are particularly significant given the profile of children who come into contact with Queensland's youth justice system as outlined earlier in this submission. Research consistently demonstrates these children require coordinated therapeutic, educational, disability and family support responses.^{xviii} However, evidence from both Queensland and national reviews indicates that as children move into increasingly restrictive environments, access to these supports often decreases rather than increases.^{xix} Children with the highest levels of need frequently receive the least individualised support and experience the greatest disruption to the factors known to protect against future offending.^{xx}

Rather than extending exceptional powers, Queensland should prioritise measures that reduce reliance on detention, strengthen diversion and rehabilitation, improve community-based supports and address the drivers of remand and overcrowding. QATSI CPP's recommendations later in this submission provide practical alternatives that are more likely to improve community safety while reducing the need for continued reliance on human rights override provisions.

Elements of the Bill QATSI CPP supports, with conditions

Offence warning provisions

QATSI CPP supports the proposed offence warning provisions outlined in section 29AB.

The requirement for courts and police to warn defendants about the operation of section 29AA and the consequences of offending while on bail promotes transparency and procedural fairness. Children and families should understand the legal consequences associated with offending behaviour and bail compliance.

QATSI CPP also recommends that offence warnings be available in accessible formats and delivered in a manner that can be understood by children, particularly those with disability, including where communication, cognitive or literacy needs are identified. This will help ensure the intent of the provision is realised in practice.

Recommendations

Amendments to the Bill

Whilst QATSI CPP opposes the Bill's key measures, including the creation of the new section 29AA offence, the proposed mandatory minimum period of detention and the reduced use of diversionary responses, we recognise the Queensland Government's stated commitment to progressing this legislation. If Parliament proceeds with the Bill, QATSI CPP strongly recommends the following amendments to reduce the risk of unintended harm to children, support more proportionate decision making and strengthen the likelihood of achieving the Bill's stated objectives.

1. Increase the age limit of the s29AA offence to 14 years old

QATSI CPP recommends the Queensland Government amend the Bill so the new section 29AA offence and associated mandatory minimum detention period apply only to children aged 14 years and over.



There is extensive evidence demonstrating that the younger a child is when they first come into contact with the youth justice system, the greater their likelihood of becoming entrenched in ongoing criminal justice involvement.^{xxi} Children are less likely to reoffend when system responses prioritise diversion, rehabilitation and minimal intervention, while earlier exposure to court-imposed sanctions is associated with higher rates of reoffending and continued contact with the justice system into adulthood.^{xxii}

Children aged 10 to 13 years are at a critical stage of cognitive, emotional and social development. As mentioned earlier in this submission, Youth justice service providers across Queensland consistently reported concerns that overcrowding is already limiting children's access to these protective supports and increasing risks to their wellbeing. These impacts are likely to be especially harmful for younger children, whose developmental needs differ significantly from those of older adolescents.¹

While QATSI CPP opposes the introduction of mandatory minimum detention, at a minimum the Bill should preserve judicial discretion for children aged 10 to 13 years by excluding this cohort from the operation of section 29AA. Children who come into contact with the youth justice system often experience trauma, disability, neurodevelopmental difference, disrupted schooling, child protection involvement, poverty, and other forms of social and systemic disadvantage. As a result, many children have levels of developmental maturity, cognitive functioning and decision-making capacity substantially below what would ordinarily be expected for their chronological age. A child may be 13 years old in law, while functioning developmentally at a significantly younger age. Courts should retain the ability to consider these factors when determining an appropriate response.

This safeguard is also important given the breadth of offending captured by the Adult Crime, Adult Time framework, including attempt, conspiracy and accessory offences. Younger children are often not the principal instigators of offending and may become involved through peer influence, coercion or association with older children. Applying a mandatory minimum detention period to children whose involvement was limited, secondary or as an accessory risks outcomes that are disproportionate to both their culpability and developmental capacity.

Removing children aged 10 to 13 years from the operation of section 29AA would better align the Bill with the principles of proportionality, rehabilitation and community safety. It would reduce the risk that Queensland's youngest and most vulnerable children are exposed to mandatory detention responses during a critical developmental period and support more effective interventions capable of reducing offending over the long term.

2. Mandate for police to consider diversionary pathways before charging a child with an offence

QATSI CPP recommends retaining section 59AA of the *Youth Justice Act 1992*, which requires police to consider alternatives to arrest for alleged bail condition breaches. Maintaining this provision helps ensure children are diverted from unnecessary justice system contact wherever appropriate, reducing avoidable pressure on watch houses and custodial settings.

Consultation participants emphasised that a significant proportion of children in the youth justice system have intellectual disability, FASD, autism spectrum disorder, cognitive impairment or other neurodevelopmental conditions. These children may have reduced capacity to understand consequences, comply with conditions, or effectively navigate the justice system. Stakeholders expressed concern that removing mandatory consideration of diversion will increase the likelihood that children with disability are drawn further into custodial pathways, despite detention being poorly equipped to address their support needs.^{xxiii} This concern is particularly significant for Aboriginal and Torres Strait Islander children, who are already disproportionately represented in watch houses and detention centres.

The sector strongly supported diversion as a mechanism for addressing the underlying drivers of offending, including trauma, disability, family instability, child protection involvement and disengagement from education. Participants highlighted that diversionary responses and youth justice conferencing can provide accountability while keeping children connected to family, community and support services. They also noted that these approaches give service providers greater opportunity to intervene early, address unmet needs and reduce future justice system contact at substantially lower cost than detention.^{xxiv}

For these reasons, QATSI CPP considers that police should remain under a statutory obligation to consider diversionary options before proceeding to arrest, particularly where a child's circumstances indicate that a community-based response may be more effective in reducing future offending and improving community safety.



3. Regular independent statutory review of the Bill's impact on detention rates, community, and children and young people's wellbeing in custody

QATSICPP strongly recommends that the Bill include a requirement for an independent statutory review within two years of commencement, with subsequent periodic reviews reported to Parliament.

The proposed reforms represent a significant shift in Queensland's youth justice framework and are likely to have substantial implications for bail decision-making, detention rates, youth justice system demand and children's wellbeing. Given the scale of these changes, it is essential that their effectiveness be assessed through a transparent and evidence-based review process.

The review framework should be developed in consultation with Aboriginal and Torres Strait Islander communities, people with lived experience, researchers, legal experts and youth justice service providers. It should examine not only changes in offending and community safety outcomes, but also broader impacts on children, families and the justice system. This should include monitoring:

- rates of remand and detention
- reoffending and long-term justice system contact
- use and availability of diversionary responses and early intervention supports
- impacts on Aboriginal and Torres Strait Islander children
- impacts on children with disability and complex support needs
- detention centre and watch house capacity, demand and conditions
- children's health, wellbeing, education and rehabilitation outcomes while in custody.

Importantly, the review should assess whether the reforms are achieving their stated objectives without creating unintended consequences, including increased system entrenchment, disproportionate outcomes for vulnerable children, or additional pressures on already constrained custodial environments.

Queensland already benefits from independent oversight of youth detention through the Inspector of Detention Services. A dedicated statutory review mechanism would complement this oversight by assessing the broader systemic impacts of the legislation and providing Parliament with a strong evidence base for future policy decisions.

Implementation

In the event of the Bill being passed by the committee, QATSICPP strongly advocates for the following recommendations to be implemented to ensure the Bill is beneficial for victims of crime, children's wellbeing, support services, watch house and detention staff, and police.

1. Strengthen monitoring of detention standards and custodial conditions

QATSICPP recommends that the Queensland Government ensure existing independent detention oversight mechanisms are adequately resourced to monitor and publicly report on the impacts of the Bill on youth detention centres and watch houses.

Queensland already has an established oversight framework through the Inspector of Detention Services, including published *Inspection Standards for Queensland Youth Detention Centres*. Given the Bill's likely impact on remand and detention populations, QATSICPP considers it important that existing inspection and reporting processes expressly monitor the effects of increased custodial demand on children's access to education, healthcare, disability supports, therapeutic interventions, rehabilitation programs, family contact and cultural connection.

Young people in detention are among the most vulnerable children in Queensland, with many experiencing trauma, disability, mental health challenges and child protection involvement. Where policy settings increase reliance on custodial responses, it is critical that government can demonstrate that detention environments remain safe, developmentally appropriate and capable of providing the supports necessary to promote rehabilitation and reduce reoffending.



Enhanced monitoring would help identify emerging risks early, improve transparency and accountability, and ensure that custodial settings continue to meet acceptable standards of care while supporting community safety outcomes.

2. Comprehensive community education about the new offence and bail thresholds

In recent consultations youth justice service providers noted there has been limited public discussion about how the proposed reforms will operate in practice and highlighted the importance of ensuring children and their families are aware of the changes before they come into effect.

QATSI CPP recommends rolling out community education to inform services and community members of the new offence and bail thresholds. The education should be co-designed with community leaders and organisations to deliver culturally safe and accessible resources. Both sector advice and research tell us many families struggle to navigate the youth justice system due to a lack of educational resources needed to navigate legislative changes, which can exacerbate inequities and limit compliance with bail orders.^{xxv}

Co-designing these resources with community leaders can foster stronger relationships and limit family interactions with the justice system. This is especially important for diverse communities in regional and remote areas that are linguistically diverse and do not speak English as their first language.

When communities and families are better harnessed with information about new legislation changes, this can lead to better outcomes for ensuring young people on bail have better access to the support services they need and understand the judicial process if an incident occurs whereby a child is charged with an offence on bail.

3. Reform detention-to-community transitions for children subject to child protection orders

QATSI CPP recommends the Queensland Government reform Child Safety funding and placement policies to allow accommodation and care arrangements to be identified, secured and funded prior to a child's release from youth detention where the child is subject to a child protection order or dual child protection and youth justice involvement.

Achieving the Bill's aims will require more than stronger legal consequences. Children leaving detention need stable accommodation, trusted relationships and clear support arrangements if they are to successfully comply with bail conditions and avoid further justice system involvement. Evidence consistently identifies stable housing and planned transitions as among the strongest protective factors against reoffending.

For more than two decades, Queensland has maintained a policy position that prevents Child Safety from funding or reserving placements until a court formally orders a child's release. This results in some children leaving detention without certainty about where they will live, who will care for them or what supports will be available. These circumstances can increase the likelihood of absconding, bail breaches, reoffending and re-detention.

Where the State has assumed legal responsibility for a child, it should ensure release planning begins well before a release date. Allowing placements to be secured in advance would strengthen bail compliance, improve community safety, reduce preventable returns to detention and better uphold the State's responsibilities to children in its care. This reform should be co-designed with ATSI CCOs, youth justice practitioners and placement providers to ensure implementation is practical, culturally safe and effective.

4. Co-design and strengthen Queensland's early intervention, diversion and rehabilitation service system

QATSI CPP recommends that, if the Bill is passed, the Queensland Government partner with ATSI CCOs, QATSI CPP, youth justice service providers and communities to co-design a coordinated statewide framework for early intervention, diversion and rehabilitation services.

As outlined throughout this submission, QATSI CPP is concerned the Bill will increase the number of children entering remand and detention, reduce access to diversionary pathways and expose a broader cohort of children to deeper involvement in the youth justice system. To mitigate these risks, investment in early intervention and community-based responses must be expanded alongside the Bill's implementation. QATSI CPP welcomes the Queensland Government's recent and substantial investments in youth justice prevention, diversion and rehabilitation initiatives. However, achieving the full benefit of these investments will require more than funding individual programs. It requires a coherent service system that ensures programs work together across the prevention, diversion, bail support,

rehabilitation and post-detention continuum and are designed to address the underlying causes of offending behaviour.

The framework should include dedicated responses for children under 14 years, Aboriginal and Torres Strait Islander children, children with disability, children known to the child protection system and children at risk of persistent offending. It should map existing programs, identify service gaps, strengthen referral pathways between schools, health, child protection and youth justice services, and support the expansion of culturally safe drug diversion, therapeutic intervention, intensive case management and family support programs.

Evidence consistently demonstrates that community-led, culturally grounded and trauma-informed interventions are more effective than punitive responses in reducing reoffending and improving long-term community safety.^{xxvi} Given the significant over-representation of Aboriginal and Torres Strait Islander children in the youth justice system, Aboriginal and Torres Strait Islander communities must be centrally involved in designing, governing and delivering these responses to ensure the Government's investments achieve sustained reductions in offending and prevent further system entrenchment.

Given their current level of over-representation within the youth justice system there is a high likelihood this Bill will disproportionately impact Aboriginal and Torres Strait Islander children. As such, investment in culturally-grounded and community-led early interventions must also be expanded alongside these amendments to ensure Queensland does not fall further off-track with Target 11 of the National Agreement on Closing the Gap, where every jurisdiction must take reasonable efforts to reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by at least 30%.^{xxvii}

5. Establish Regional Remand Centres

QATSICPP recommends that, if the Bill is passed, the Queensland Government invest in smaller, regionally located remand and transition facilities as part of a broader strategy to manage increased demand on the youth justice system and reduce reliance on police watch houses.

The opening of the Wacol remand centre has provided important relief to Queensland's detention system. However, evidence provided by youth justice services during consultation on the Bill indicates detention capacity pressures are again emerging, with children continuing to be held in watch houses while awaiting admission to youth detention.^{xxviii} Service providers reported that children are already spending extended periods in watch houses and that capacity constraints are reducing access to education, rehabilitation programs, therapeutic supports and family contact. This is confirmed by publicly available data indicating that as of September 7th 2026, 30 children across the state had spent over 7 days in a watch house, with one service provider informing QATSICPP they were aware of a child who had spent 17 days in a watch house awaiting transfer.^{xxix}

As outlined throughout this submission, QATSICPP is concerned that the Bill's proposed bail and sentencing reforms are likely to increase remand and detention populations. In this context, investment in alternative remand infrastructure should be prioritised over continued reliance on watch houses and large centralised detention facilities.

Smaller facilities located in key regional centres would allow children to remain closer to family, community, culture and local support services. This would increase opportunities for family engagement, support culturally grounded rehabilitation, strengthen continuity of care between custody and community and improve transition planning. Regionally based facilities would also allow local service providers to maintain involvement with children while in custody and support seamless transitions upon release.^{xxx}

New Zealand's Youth Justice Community Homes are an example of an effective remand model. These community-based placements are designed to keep young people close to family support and access to social service providers while they're on remand or bail orders. Through this model, young people who offend can be placed in a least restrictive placement where appropriate and access the support care that already exists in their community.^{xxxi} An evaluation of the community-based remand home model found its effectiveness in limiting young people's exposure to the negative impacts of traditional custodial environments, and supporting young people being closer to their family and cultural connections.^{xxxii}

QATSICPP further recommends that any new facilities be designed as part of an integrated transition model, including community-based support teams, intensive case management and graduated release mechanisms that strengthen

children's connection to family, culture, education and support services. Keeping children connected to the people and services that will support them after release is more likely to reduce reoffending and improve community safety than continued reliance on centralised custodial responses.

Conclusion

The overwhelming majority of children who come into contact with the youth justice system do not become persistent offenders. Queensland youth justice data has consistently shown that serious and repeat offending is concentrated among a relatively small cohort of children, many of whom present with complex trauma, disability, child protection involvement and other unmet support needs.^{xxxiii} Consistent with the views of youth justice service providers across Queensland, QATSI CPP considers that the most effective response is not to broaden punitive measures across a larger group of children, but to strengthen the capacity of the system to intervene early, respond to underlying causes and provide intensive support to those at highest risk of ongoing offending. In our view, this approach is more likely to reduce reoffending, strengthen community safety and achieve the long-term outcomes the Bill seeks to deliver.

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