

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

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Introduction

Legal Aid Queensland (LAQ) welcomes the opportunity to make a submission in relation to the *Breach of Bail, Go to Jail and Other Legislation Amendment Bill 2026*.

LAQ provides input into State and Commonwealth policy development and law reform processes to advance its organisational objectives. Under the *Legal Aid Queensland Act 1997*, LAQ is established for the purpose of “giving legal assistance to financially disadvantaged persons in the most effective, efficient and economical way” and is required to give this “legal assistance at a reasonable cost to the community and on an equitable basis throughout the State”. Consistent with these statutory objects, LAQ contributes to government policy processes about proposals that will impact on the cost-effectiveness of LAQ’s services, either directly or consequentially through impacts on the efficient functioning of the justice system.

LAQ seeks to provide policy input that is constructive and is informed by the extensive experience of LAQ’s lawyers in the day-to-day application of the law in courts, tribunals and Ombudsman schemes. LAQ believes that this experience provides valuable knowledge and insights into the operation of the justice system that can contribute to government policy development. LAQ also endeavours to offer policy options that may enable government to pursue policy objectives in the most effective and efficient way.

This submission calls upon the knowledge and experience of LAQ’s Criminal Law Practice, Public Defenders Chambers, Civil Justice Services and Grants Division. LAQ’s Criminal Law Practice is the largest criminal law legal practice in Queensland and provides advice and representation across the full range of criminal law offences. Youth Legal Aid is a division within the criminal practice and provides extensive advice and representation services to children across the full range of criminal law offences. LAQ’s practitioners possess valuable knowledge and insight into potential impacts of this legislation on criminal legal practice and the practical implications for defendants.

Submissions

LAQ opposes the *Breach of Bail, Go to Jail and Other Legislation Amendment Bill 2026*. Consistent with previous submissions made by LAQ in relation to various Adult Crime, Adult Time amendments LAQ maintains that increasing periods of incarceration are not an effective long-term response to offending behaviour and do not address the underlying causes of crime.

LAQ notes the Statement of Compatibility prepared in accordance with Part 3 of the *Human Rights Act 2019* (HR Act). We agree with the assessment that the Bill will limit the following rights:

- The right to liberty under section 29(1);
- The right to humane treatment when deprived of liberty under section 30(1);
- The right to protection from cruel, inhuman or degrading treatment under section 17(b);
- The right that persons awaiting trial should not automatically be detained in custody under section 29(6);
- The right to presumption of innocence under section 26(2); and
- The right for a child charged with a criminal offence to procedures that take account of the child’s age and desirability of rehabilitation under section 32(3).

LAQ notes that the Government has declared these rights to be overridden insofar as they apply to the relevant sections of the *Youth Justice Act*. We note also the insertion of override declarations into the relevant sections of the *Police Powers and Responsibilities Act 2000*. In LAQ's view, these override declarations cannot be justified. We do not support such a significant departure from the ordinary operation of the HR Act.

The continued detention of children within watchhouses when capacity considerations in youth detention centres 'may require it', is particularly concerning. There is compelling evidence that watchhouses lack appropriate facilities for long-term care. Their infrastructure is unsuitable, often lacking natural light, fresh air, privacy in toilet facilities, and adequate access to medical assessments and education.¹ LAQ also notes media reporting concerning conditions, including:

- Smee, Ben, 'Psychologist treating children in Cairns watch house warns of 'horrendous' and 'inhumane' conditions', *The Guardian* (online, 16 January 2024);
- Smee, Ben, 'Assaults, isolation and deprivation: what life is like at Cairns watch house for children and staff', *The Guardian* (online, 21 January 2024); and
- Smee, Ben, 'Cairns watch house worker sounds alarm over 'massive deterioration' in children's physical and mental health', *The Guardian* (online, 24 January 2024).

LAQ further notes the decision of *BA & Ors v State of Queensland* [2026] QCAT 298 and the finding of the Tribunal that several limitations of rights that occurred during the Applicants' time in detention was not justified, including of the right under s 30(1) (treatment with humanity and respect), s 33(1) (children must be segregated from adults), s 36(1) (right to education), and s 26(2) (right of child to protection) of the HR Act. The concerns identified in *BA & Ors v State of Queensland* must also be considered in the broader context of increasing pressure on detention infrastructure throughout Queensland.

The Bill is likely to exacerbate overcrowding of already stretched correctional facilities and watchhouses and, as a result, will have a real and significant impact on all people in custody, not just those who are serious repeat offenders.² In the experience of LAQ practitioners, defendants who are detained in custody, across the State, already experience overcrowding.³ That issue is more pronounced in some locations than others. However, overcrowding has a number of flow-on effects, including deteriorating living conditions, insufficient bedding, limited access to medical treatment, and restrictions on legal practitioners conferencing with clients, which result in court matters being delayed. Lockdowns are likely to become more frequent. LAQ clients already experience these conditions and lockdowns across the custodial system, including youth detention centres such as Cleveland Youth Detention Centre and adult facilities such as Lotus Glen Correctional Centre. Lockdowns negatively impact on a prisoner's access to programs, education, medical treatment, and legal advice and representation. These issues will be faced by all prisoners, not just those targeted by this Bill. LAQ considers the infringement on their rights are unjustified.

These practical consequences are not confined to domestic statutory obligations and engage Queensland's broader international human rights commitments. LAQ notes that the Bill may be inconsistent with the 'Mandela Rules'⁴, the United Nations Standard Minimum

¹ Inspector of Detention Services, Office of the Queensland Ombudsman, Cairns and Murgon watch-houses inspection report: Focus on detention of children, September 2024.

² Ministerial Statement, *Crisafulli Government introduces strongest bail laws in the nation* (27 August 2026).

³ Overcrowding has been an issue since at least 2014-15: Queensland Ombudsman, *Prison overcrowding and other matters report*, February 2024, p12.

⁴ United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by the United Nations General Assembly on 17 December 2015.

Rules for the Treatment of Prisoners. While not legally binding, the Mandela Rules provide internationally recognised minimum standards for the treatment of people held in prisons and other forms of custody. In particular, the rules in relation to minimum standards of accommodation, personal hygiene, clothing, bedding, exercise and medical services are at risk of being undermined by the Bill.

LAQ also notes Queensland's obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT is an international agreement to establish a system of regular visits by independent international and national bodies to places where people are deprived of their liberty, to prevent torture and other cruel, inhuman or degrading treatment or punishment. The *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2022* was passed by the Queensland Parliament in May 2023. The purpose of this Act is to facilitate visits by the United Nations Subcommittee to places of detention in Queensland.

In LAQ's view, the increase in overcrowding brought about by the Bill, and the subsequent flow-on effects for the standards of accommodation, personal hygiene, clothing, bedding, exercise and medical services, will place Queensland at risk of breaching its obligations under OPCAT.

Disproportionate impact on First Nations defendants and defendants with impairments of the mind or disabilities

This Bill will disproportionately and unfairly impact some of the most vulnerable and disadvantaged members of the community, including First Nations people, children who are reliant upon the State to provide for them, and people experiencing mental illnesses and disabilities.

Aboriginal and Torres Strait Islander people are significantly over-represented in the criminal justice system as a result of intergenerational trauma, racism, and discriminatory treatment including over-policing and reduced use of diversionary options.⁵ The targets set in 2020 by the National Agreement to Close the Gap included that, by 2031, young people are not overrepresented in the criminal justice system,⁶ and that the rate of Aboriginal and Torres Strait Islander adults held in incarceration is reduced by at least 15%.⁷ However, data relating to both Outcomes 10 and 11 indicate those targets continue to be unmet, and that specifically in Queensland, our progress is worsening.⁸

⁵ Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 10: Aboriginal and Torres Strait Islander adults are not overrepresented in the criminal justice system* (3 September 2026); Queensland Sentencing Advisory Council, *Sentencing of offences committed by children aged under 14 years in Queensland*, (Research Brief, March 2023), 5, citing Bob Atkinson, *Report on Youth Justice* (8 June 2018), 107; Royal Commission into the Protection and Detention of Children in the Northern Territory, *Report of the Royal Commission into the Protection and Detention of Children in the Northern Territory: Volume 1 (Final Report, November 2017)* Ch 4; Garner Clancey, Sindy Wang and Brenda Lin, *Youth Justice in Australia: Themes from Recent Inquiries (Trends & Issues in Crime and Criminal Justice No. 605, Australian Institute of Criminology, October 2020)* 7-8.

⁶ Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Closing the Gap Target and Outcomes* (July 2020) Outcome 11.

⁷ Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 10: Aboriginal and Torres Strait Islander adults are not overrepresented in the criminal justice system* (3 September 2026).

⁸ Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 10: Aboriginal and Torres Strait Islander adults are not overrepresented in the criminal justice system* (3 September 2026); Productivity Commission, *Closing the Gap Information Repository*

Nationally, the rate of Aboriginal and Torres Strait Islander children in detention has increased over the last four years.⁹ In Queensland specifically, the rate of Aboriginal and Torres Strait Islander young people in detention on an average day has increased from 37.6 per 10,000 in the baseline 2018-19 year, to 40.6 per 10,000 in 2024-25.¹⁰ By comparison, the rate of non-Indigenous children in custody in 2024-25 is 1.5 per 10,000 people.¹¹

For adults nationally, as at 30 June 2025 the rate of Aboriginal and Torres Strait Islander prisoners was 2,500.2 per 100,000 adult population,¹² and progress to the target of reducing incarceration by at least 15% is worsening. Queensland's rate of incarcerating adult Aboriginal and Torres Strait Islander people for 2024-25 (2269.9 per 100,000) is only exceeded by the Northern Territory (3802.9 per 100,000), Western Australia (4008 per 100,000), and South Australia (2526.1 per 100,000).¹³ This legislation will disproportionately impact upon our First Nations people

Incarcerated people are disproportionately affected by poorer physical, mental, and social outcomes, with higher health care needs than the wider population.¹⁴ They have higher rates of mental illnesses and substance use disorders compared with the general community.¹⁵ In some cases, emphasis on punishment and denunciation holds less significance due to reduced moral culpability.¹⁶

*General deterrence should often be given very little weight in the case of an offender suffering from a mental disorder or abnormality because such an offender is not an appropriate medium for making an example to others.*¹⁷

Further,

[The] significance [of general deterrence] in a particular case will, however, at least usually be related to the kindred concept of retribution or punishment in which is involved an element of instinctive appreciation of the appropriateness of the sentence to the case. A sentence imposed with deterrence in view will not be

Dashboard: Socio-economic outcome area 11: Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system (3 September 2026).

⁹ Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 11: Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system* (3 September 2026)

¹⁰ Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 11: Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system* (3 September 2026).

¹¹ Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 11: Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system* (3 September 2026).

¹² Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 10: Aboriginal and Torres Strait Islander adults are not overrepresented in the criminal justice system* (3 September 2026).

¹³ Productivity Commission, *Closing the Gap Information Repository Dashboard: Socio-economic outcome area 10: Aboriginal and Torres Strait Islander adults are not overrepresented in the criminal justice system* (3 September 2026).

¹⁴ Australian Institute of Health and Welfare, *Health of people in prison*, 27 August 2026.

¹⁵ Australian Institute of Health and Welfare, *The health of people in Australia's prisons 2025*, 27 August 2026

¹⁶ *Muldrock v The Queen* (2011) 244 CLR 120, [53].

¹⁷ *R v Mooney* unreported, Victorian Court of Criminal Appeal, 21 June 1978 at 5, cited in *R v Anderson* [1981] VR 155 at 160 and also *Muldrock v The Queen* (2011) 244 CLR 120, [53].

*acceptable if its retributive effect on the offender is felt to be inappropriate to his situation and to the needs of the community.*¹⁸

Mental impairments falling short of providing a defence can be relevant to imposing a sentence that is just in all the circumstances for the following reasons (*emphasis added*):¹⁹

- The condition reduces moral rather than legal responsibility – denunciation is less likely to be a relevant sentencing objective.
- It may have a bearing on the kind of sentence imposed and the conditions in which it should be served.
- The weight of general deterrence and specific deterrence will depend upon the specific circumstances of the offender and the condition's impact on the capacity of the offender.
- The existence of that condition as at sentence (or its foreseeable recurrence) may mean that a sentence will weigh more heavily than on an offender in normal health.
- Where there is a serious risk of imprisonment having a significant adverse effect on the offender's mental health, this will be a factor tending to mitigate punishment.

The mandatory nature of the punishment for the s 29AA offence leaves no room for a sentencing court to impose a sentence that properly takes into account the individual circumstances of the offender, particularly where the main intention of this legislation – deterrence²⁰, should be moderated having regard to the individual circumstances of the offender.

Ineffectiveness of mandatory minimum sentencing

It was said that this Bill is intended to provide a 'strong deterrent message' and 'protect the community'.²¹ Changes to sentencing legislation should only occur where there is evidence-based research to support the ability of those changes to achieve its intended purpose.

There is no evidentiary rationale to support the effectiveness of the changes within this Bill, and LAQ opposes the continued erosion of judicial discretion in sentencing.

Deterrence associated with conviction is higher than it is from incarceration.²² There are numerous studies analysing the relationship between sentence severity and offending, the findings of which note:

- the probability of arrest or conviction consistently provides a meaningful level of general deterrence;²³
- the perception or risk upon which deterrence depends does not change according to punishment levels.²⁴

¹⁸ R v Mooney unreported, Victorian Court of Criminal Appeal, 21 June 1978 at 5, cited in R v Anderson [1981] VR 155 at 160 and also Muldrock v The Queen (2011) 244 CLR 120 at [53].

¹⁹ Per R v Verdins (2007) 16 VR 269, [32].

²⁰ Queensland, *Parliamentary Debates*, 27 August 2026, p2680 (Deb Frecklington, Attorney-General and Minister for Justice and Minister for Integrity).

²¹ Queensland, *Parliamentary Debates*, 27 August 2026, p2680 (Deb Frecklington, Attorney-General and Minister for Justice and Minister for Integrity).

²² Australian Productivity Commission, *Australia's prison dilemma: a research paper*, (Report, October 2021) 49, citing Bun et al. (2020) 'Crime, deterrence and punishment revisited', *Empirical Economics*, vol 59, no 5, 2303-2333.

²³ Australian Productivity Commission, *Australia's prison dilemma: a research paper*, (Report, October 2021) 50; see also Donald Ritchie, Sentencing Advisory Council 'Does Imprisonment Deter? A Review of the Evidence' (Report, 2011),

- while a doubling of a sentence length may still provide a deterrent effect, the reduction in likelihood of the offender committing the crime is not diminished by the same margin.²⁵

As outlined by Wai-Yin Wan et al in 2012:

*“Increasing the length of stay in prison beyond current levels does not appear to impact on the crime rate after accounting for increases in arrest and imprisonment likelihood. Policy makers should focus more attention on strategies that increase the risk of arrest and less on strategies that increase the severity of punishment.”*²⁶

There is no rationale for requiring imprisonment to be wholly served in a correctional facility. Furthermore, there is no rationale as to why the mandatory minimum is 12 months. Twelve months is a significant and disproportionate period of imprisonment and will have the most unjust, adverse and disproportionate impact on those offenders who find themselves at a critical point in their engagement with the criminal justice system. It is more likely to increase their criminogenic behaviour through exposure to custody and criminal peer association. It will have an adverse impact on those offenders who would otherwise benefit from community-based sentences, including probation, or immediate parole.

Clause 12: Offence to commit particular offences while on bail, unlawfully at large or failing to appear

It was said during the introduction of this Bill that it will ‘provide a strong deterrent message for those offenders who continue to commit serious offences while on bail.’²⁷ This Bill, in fact, will capture and adversely impact upon those who offend while on bail, for the very first time.

Proposed s 29AA does not require the person to have previously served a term of imprisonment for a prescribed or serious offence. It does not even require someone to have been previously convicted of a prescribed or serious offence, or any offence at all. In fact, it does not even require that person to have been on bail, unlawfully at large, or to have failed to appear, in relation to a prescribed or serious offence. The person could be on bail for any offence, including public nuisance,²⁸ urinating in a public place,²⁹ trespass,³⁰ leaving a hotel without payment,³¹ fraud,³² or wilful damage.³³ It will have a significant and detrimental effect on those offenders who, but for the mandatory nature of the penalty for the s 29AA offence, would receive, and serve, their penalty in the community.

²⁴ Donald Ritchie, Sentencing Advisory Council ‘Does Imprisonment Deter? A Review of the Evidence’ (Report, 2011), 13, citing Gary Kleck et al, ‘The Missing Link in General Deterrence Research’ (2005) 43(3) *Criminology* 623, 653.

²⁵ Queensland Productivity Commission, *Inquiry into Imprisonment and Recidivism* (Final Report (appendices), August 2019) Appendix J, 600 citing Steven N. Durlauf and Daniel S. Nagin, ‘Imprisonment and crime: Can both be reduced?’ (2011) 10(1) *Criminology & Public Policy* 13.

²⁶ Wai-Yin Wan et al, ‘The effect of arrest and imprisonment on crime’ (2012) (158) *NSW Bureau of Crime Statistics and Research – Contemporary Issues in Crime and Justice*, 1.

²⁷ Queensland, *Parliamentary Debates*, 27 August 2026, p2681 (Deb Frecklington, Attorney-General and Minister for Justice and Minister for Integrity).

²⁸ *Summary Offences Act 2005* (Qld) s 6.

²⁹ *Summary Offences Act 2005* (Qld) s 7.

³⁰ *Summary Offences Act 2005* (Qld) s 11.

³¹ *Regulatory Offences Act 1985* (Qld) s 6.

³² *Criminal Code 1899* (Qld) s 408C.

³³ *Criminal Code 1899* (Qld) s 469.

The mandatory minimum sentence also fails to account for the varied conduct that may constitute one of these offences. This will make it increasingly difficult, if not impossible, for a sentencing court, particularly, but not exclusively, one in the summary jurisdiction³⁴ to impose a sentence that is just in all the circumstances.³⁵ The sentencing considerations in s 9 *Penalties and Sentences Act 1992* (Qld) that a court must have regard to, will be completely overwhelmed by the mandatory minimum s 29AA sentence. These considerations include:

- that a sentence of imprisonment should only be imposed as a last resort and that a sentence that allows the offender to stay in the community is preferable³⁶
- the offender's character, antecedents, age and intellectual capacity³⁷
- the hardship that any sentence imposed would have on the offender, having regard to the offender's characteristics, including age, disability, gender identity, parental status, race, religion, sex, sex characteristics and sexuality.³⁸
- The probable effect that any sentence imposed would have on a person with whom the offender is in a family relationship and for whom the offender is the primary caregiver; a person with whom the offender is in an informal care relationship; and if the offender is pregnant, the child of the pregnancy.³⁹
- Whether the offender is a victim of domestic violence, whether the commission of the offence is wholly or partially attributable to the effect of the domestic violence on the offender, and the offender's history of being abused or victimised.⁴⁰
- How much assistance the offender gave to law enforcement agencies in the investigation of the offence or other offences.⁴¹
- If the offender is an Aboriginal or Torres Strait Islander person – any cultural considerations, including the effect of systemic disadvantage and intergenerational trauma on the offender.⁴²

This will result in sentences that are disproportionate to the total criminality of the offending conduct, offending the principles of proportionality, totality, and parity (in the case of co-offenders). An offender on the fringes of involvement (but sufficiently involved to amount to criminal liability) will receive the same penalty as a principal offender who has directly committed the offence. In the case of primary caregivers being incarcerated, this has the potential for significant downstream impact on the child protection system, including increased involvement of child protection services and the additional systemic resource pressures.

Further, the mandatory minimum overlooks the beneficial impacts of post-release supervision.⁴³ In most cases, an offender will be incarcerated for 12 months for the s 29AA

³⁴ But this will also be relevant to the higher courts in some cases.

³⁵ This is acutely so given the override of s 16 and 17 *Criminal Code 1899* (Qld) in relation to a person not being punished for the same offence twice.

³⁶ *Penalties and Sentences Act 1992* (Qld) s 9(2)(a); subject to the exceptions in s 9(2A) regarding the use of violence or physical harm.

³⁷ *Penalties and Sentences Act 1992* (Qld) s 9(2)(f).

³⁸ *Penalties and Sentences Act 1992* (Qld) s 9(2)(fa).

³⁹ *Penalties and Sentences Act 1992* (Qld) s 9(2)(fb).

⁴⁰ *Penalties and Sentences Act 1992* (Qld) s 9(2)(gb) – see also s 9(10B).

⁴¹ *Penalties and Sentences Act 1992* (Qld) s 9(2)(i).

⁴² *Penalties and Sentences Act 1992* (Qld) s 9(2)(oa).

⁴³ See *R v Clark* [2016] QCA 173, [5]–[6] and [69], and the commentary surrounding the difficulties of mandatory minimum sentencing, particularly in cases where it would be in the community interest for

offence, where otherwise a short period of probation would have been well within range and appropriate for the prescribed or serious offence. That person will then be released from custody without any supervision in the community. This is more likely to have a negative impact on offending rates. Domestic and international literature shows that for short-term prison sentences, there are reduced recidivism rates amongst those who are supervised upon release compared with those released without supervision.⁴⁴

The 'serious repeat offenders'⁴⁵ that this Bill aims to target would often receive relatively significant sentences for their prescribed offence,⁴⁶ irrespective of any mandatory minimum penalty for the s 29AA offence.

The mandatory term of imprisonment may also impact on the court making orders of restitution and compensation:

In the absence of cogent evidence that an offender has the capacity to pay compensation after release from a term of actual imprisonment imposed as part of a sentence, courts are reluctant to order offenders to pay compensation after serving a term of imprisonment. To do so may jeopardise the offender's prospects of rehabilitation; it would be apt to amount to a crushing sentence and would risk setting up the offender to fail at the time of release from prison when most in need of support to reintegrate into society.⁴⁷

LAQ anticipates that cases involving the s 29AA offence will likely require sentencing hearings that are more complex than standard sentencing matters, which are generally limited to 20 minutes or less. Cases requiring longer hearings will need to be listed as lengthy pleas, for which there can often be lengthy waits, and no duty lawyer service available.

LAQ also anticipates that the mandatory nature of the penalty provision will result in an increased number of matters proceeding to trial in relation to the relevant prescribed or serious offence. This will have real impacts on stakeholder resources for defence representatives, prosecutions, and the courts.

Clause 9 and 28: Refusal of bail for defendants charged with prescribed or significant offence committed while on bail, unlawfully at large or failing to appear

There is no rationale for the introduction of the 'high degree of confidence' test. It is a test unknown in criminal law with the significant potential to be unevenly applied.⁴⁸ It does not require the court to be certain that the person will not commit a further prescribed or serious offence.⁴⁹ However, it appears unlikely that delay, which may arise as a result of lengthy evidence wait times, limited court availability, or where psychiatric or psychological

extended supervision on parole. In that case legislative change required those convicted of trafficking in a Schedule 1 drug and sentenced to a term of imprisonment to serve at least 80% of the sentence before being released on parole (unless sentenced to an intensive correction order or suspended sentence). The provision requiring a person to serve a minimum of 80% of the prisoner's term of imprisonment was subsequently removed in December 2016 by the *Serious and Organised Crime Legislation Amendment Act 2016* (Qld) s 164(2).

⁴⁴ See Ooi, E. J. & Wang, J. J. (2022). The effect of parole supervision on recidivism (Crime and Justice Bulletin No. 245).

⁴⁵ Ministerial Statement, *Crisafulli Government introduces strongest bail laws in the nation* (27 August 2026).

⁴⁶ For an adult, most of the prescribed or serious offences must proceed on indictment, such as murder, unlawful striking causing death, grievous bodily harm, torture, and rape.

⁴⁷ *R v Flint* [2015] QCA 275, [24].

⁴⁸ *R v RB* [2024] NSWSC 471, [6]; cited in *RB v R (No 2)* [2024] NSWSC 845, [69].

⁴⁹ *RB v R (No 2)* [2024] NSWSC 845, [69]; *R v JS* [2025] NSWSC 116, [12].

investigations, including those regard an offender's fitness or unsoundness of mind, need to occur, has any bearing on that assessment.⁵⁰

LAQ notes the test's far more limited application in New South Wales, which only applies to a child who is 14 – 17 years old who has allegedly committed a 'relevant offence', while on bail for another 'relevant offence'.⁵¹ There is also a broadened version of the test in the Northern Territory currently subject to a High Court challenge.⁵²

For the same reasons we have outlined earlier in this submission, this amendment will likely lead to some of Queensland's most vulnerable and disabled people, including children, remaining in custody and being unable to satisfy the threshold for release on bail. The broad applicability of Clauses 9 and 28 are such that the test is likely to be an incursion on the presumption of innocence (a basic but important principle of the criminal law⁵³).

It will be extremely difficult for duty lawyers within already limited preparation time, to meet the 'high confidence' threshold. There is also likely to be a consequential increase in the number of Supreme Court bail applications.

Matters specific to children

The amendments in this Bill will disproportionately impact the most vulnerable and undeserving children involved in the Youth Justice System. Over 53% of children in the Youth Justice System (YJS) have experienced or been impacted by domestic and family violence, 44% have a mental health and/or behavioural disorder (diagnosed or suspected) and 44% have a disability (diagnosed or suspected).⁵⁴

Longitudinal studies and expert evidence into youth offending consistently demonstrate that the incarceration of children can exacerbate a child's vulnerabilities,⁵⁵ and have a crime-causing effect.⁵⁶ It also disproportionately impacts those in the community already experiencing vulnerability, marginalisation, and disadvantage, particularly First Nations children.

First Nations children are already significantly overrepresented in the criminal justice system, comprising 56% of children in detention on an average night.⁵⁷ Queensland continues to have the highest number of children in detention than any other State or Territory,⁵⁸ and nationally almost four in five First Nations children in detention were unsentenced.⁵⁹

⁵⁰ *R v JS* [2025] NSWSC 116, [12].

⁵¹ *Bail Act 2013* (NSW) s 22C – a 'relevant young person' is someone aged 14-17, and a relevant offence is a motor theft offence, a serious breaking and entering offence or a 'performance crime offence' where the underlying offence is a motor theft offence or serious breaking and entering offence.

⁵² Case No. D15/2025, Northern Australian Aboriginal Justice Agency Limited v Northern Territory of Australia.

⁵³ *Truswell-Mobbs v Director of Public Prosecutions* [2026] QSC 119, [26]; citing *Clumpoint v Director Public Prosecutions (Qld)* [2005] QCA 043 at [17].

⁵⁴ Youth Justice Pocket Stats 2023-24, Department of Youth Justice and Victim Support.

⁵⁵ G Clancey, S Wang and B Lin, 'Youth Justice in Australia: Themes from recent inquiries' (2020) 605 *Trends & Issues in Crime and Criminal Justice* (Australian Institute of Criminology).

⁵⁶ Walsh, Tamara, Beilby, Jane, Lim, Phylcia, and Cornwell, Lucy (2023). *Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system*. Brisbane, QLD Australia: The University of Queensland.

⁵⁷ Australian Institute of Health and Welfare (2025) *Youth detention population in Australia 2025*.

⁵⁸ See Figure 4.1: Young people in detention on an average night, by state and territory, June Quarter 2021 to June quarter 2025 (number and rate) Australian Institute of Health and Welfare (2025) *Youth detention population in Australia 2025*.

⁵⁹ Australian Institute of Health and Welfare (2025) *Youth detention population in Australia 2025*.

LAQ does not support the amendments and considers that they continue to unjustifiably infringe upon international standards including the *Convention on the Rights of the Child* and the *Standard Minimum Rules for the Administration of Juvenile Justice*.

As noted above, the 'serious repeat offenders'⁶⁰ that this Bill aims to target would often receive relatively severe sentences in any event,⁶¹ irrespective of any mandatory minimum penalty. This inevitably means that the children at the very beginning of their introduction into the YJS, or those committing offences at the lower end of the scale in terms of seriousness, will be the most impacted by the mandatory penalty. That is at odds with the proposed purpose of targeting serious repeat offenders and keeping the community safer.

The Youth Justice Principles

The Youth Justice Principles underlie the operation of the *Youth Justice Act 1992* (Qld).⁶² When a Court sentences a child for the significant offence alongside the proposed new s 29AA offence, the Court must apply the sentencing principles in s 150 YJA to the sentence for that significant offence.⁶³

Section 150(3)(b) YJA states that the Court must have regard to the Youth Justice Principles. However, it is difficult to see how a Court will be able to properly have regard to the Youth Justice Principles in a sentence proceeding where there is a requirement for a sentence of 12 months to be served wholly within a correctional centre for the s 29AA offence, irrespective of the penalty that would otherwise be appropriate to impose for the significant offence. The mandatory minimum prevents the Court from legitimately applying the Youth Justice Principles in the sentence for the significant offence.

The mandatory sentence is irreconcilable with the following Youth Justice Principles:

- The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.⁶⁴
- If a child commits an offence, the child should be treated in a way that diverts the child from the courts' criminal justice system, unless the nature of the offence and the child's criminal history indicate that a proceeding for the offence should be started.⁶⁵
- A child who commits an offence should be—
 - (a) held accountable and encouraged to accept responsibility for the offending behaviour; and
 - (b) dealt with in a way that will give the child the opportunity to develop in responsible, beneficial and socially acceptable ways; and
 - (c) dealt with in a way that strengthens the child's family; and
 - (d) dealt with in a way that recognises the child's need for guidance and assistance because children tend to be dependent and immature.⁶⁶
- A parent of a child should be encouraged to fulfil the parent's responsibility for the care and supervision of the child, and supported in the parent's efforts to fulfil this responsibility.⁶⁷

⁶⁰ Ministerial Statement, *Crisafulli Government introduces strongest bail laws in the nation* (27 August 2026).

⁶¹ Most of the prescribed or serious offences must proceed on indictment, such as murder, unlawful striking causing death, grievous bodily harm, torture, rape.

⁶² *Youth Justice Act 1992* (Qld) s 3(2).

⁶³ *Youth Justice Act 1992* (Qld) s 149(1).

⁶⁴ *Youth Justice Act 1992* (Qld) Schedule 1 Charter of youth justice principles, 3.

⁶⁵ *Youth Justice Act 1992* (Qld) Schedule 1 Charter of youth justice principles, 6.

⁶⁶ *Youth Justice Act 1992* (Qld) Schedule 1 Charter of youth justice principles, 10.

⁶⁷ *Youth Justice Act 1992* (Qld) Schedule 1 Charter of youth justice principles, 12.

- A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.⁶⁸
- If practicable, a child of Aboriginal or Torres Strait Islander background should be dealt with in a way that involves the child's community.⁶⁹
- A child should be dealt with under this Act in a way that allows the child—
 - (a) to be reintegrated into the community; and
 - (b) to continue the child's education, training or employment without interruption or disturbance, if practicable; and
 - (c) to continue to reside in the child's home, if practicable.⁷⁰

Clause 24: removal of requirement for police to consider alternatives to proceeding against child

Diversion from the criminal justice system is an integral part improving community safety. It is also a successful and functional aspect of the YJS in Queensland. In LAQ's view, it is unnecessary for this new Bill to amend ss 11 and 59A YJA to achieve the objective of stopping repeat offenders from offending while on bail.

The current ss 11 and s 59A afford an obligation for the police to consider diversions, or alternatives to arrest, but gives them a discretion to consider the relevant features (an offender's age, criminal history, the seriousness of the offences etc) in deciding whether to divert them from court or arrest them. It is the experience of LAQ's youth lawyers that for serious repeat offenders, the police frequently exercise the discretion to charge and send them to court.

Clause 24 may have a significant detrimental impact. It removes this obligation for police to exercise their own discretion in considering diversion. This is at odds with Youth Justice Principle 6 and will place further unnecessary burden on the court and detention centres in circumstances where children will likely now be charged and released on bail rather than dealt with immediately.

Punitive responses to a child's offending behaviour do not lead to lower rates of youth crime, because they fail to address the root cause of the offending behaviour.⁷¹ Decades of research suggest that community safety is achieved through the rehabilitation of offenders, particularly children.⁷² Rehabilitation is best achieved when a child has limited contact with the Youth Justice system and receives interventions close in time to the offending behaviour.

Reducing the emphasis on diversion is inconsistent with the central objectives of the YJA. Further, the younger children are when they encounter the justice system, the more likely they are to have sustained contact. By removing the obligation to divert children away from the system, a child will be introduced much earlier to other offending cohorts, which would decrease community safety.

⁶⁸ *Youth Justice Act 1992* (Qld) Schedule 1 Charter of youth justice principles, 14.

⁶⁹ *Youth Justice Act 1992* (Qld) Schedule 1 Charter of youth justice principles, 15.

⁷⁰ *Youth Justice Act 1992* (Qld) Schedule 1 Charter of youth justice principles, 18.

⁷¹ Tamara Walsh, 'Making Queensland Safer?' *A New Wave of Punitive Populism in Youth Justice*, (2025) 25(3) *Youth Justice* 25(3), 282, at 286, citing Goldson et al (2021) *Youth Justice and Penalty in Comparative Context*. London: Routledge.

⁷² Tamara Walsh, 'Making Queensland Safer?' *A New Wave of Punitive Populism in Youth Justice*, (2025) 25(3) *Youth Justice* 25(3), 282, at 286, citing UN Committee on the Rights of the Child (2019) *General Comment No. 24 on Children's Rights in the Child Justice System*.

The intention of Clause 24 is to *'streamline police responses and simplify operational provisions regarding diversionary options.... It is intended that removing the mandatory prerequisite to consider these options will provide greater certainty when initiating formal proceedings against repeat youth offenders'*.⁷³

The removal of the prerequisite has far reaching consequences. It does not just target repeat youth offenders. It will impact all children who attend a police station in relation to an offence and the officer's response to that offence. The benefits of diversion, and the training and instruction provided to police regarding dealing with children, will inevitably have to change should these amendments be made. This culture shift may have adverse consequences for all participants in the YJS.

Further, these amendments will likely create a misleading appearance of success or 'need' for further legislative intervention. With the incentive for police to divert children rather than arrest them removed, an entirely new cohort of children will be captured in the YJS in circumstances where they otherwise wouldn't have been, and need not be.

New s 29AB Bail Act v s 29(2) Criminal Code

There are inherent issues with the proposed s 29AB Bail Act provision, to the extent that it appears to require the police and the judiciary to stray into providing legal advice. This provision is also likely to create difficulties in relation to trials and committals where a no-case submission is made that focusses on capacity pursuant to s 29(2) *Criminal Code 1899* (Qld). It may be that the police officer or Magistrate who warned the child in accordance with s 29AB, will be required to give evidence as to whether they believed the child appreciated that the act or omission in breaching bail by committing one of approximately 44 or so offences currently captured by the provision ⁷⁴ is sufficient to rebut the presumption of incapacity.

There are significant issues surrounding this for children in particular, including inherent bias, and it fails to give consideration to the power imbalance between a child and a Magistrate in particular, where gratuitous concurrence (a tendency toward acquiescence to authority figures) is present in interactions. In the face of a mandatory 12 months to be served wholly in custody, it may be that s 29(2) *Criminal Code 1899* (Qld) becomes more contested.

Pre-Sentence Reports

This Bill fails to address the requirements in s 207 YJA:

A court may make a detention order against a child only if it has first—

- (a) ordered the chief executive to prepare a pre-sentence report; and
- (b) received and considered the report.

The requirement to impose the mandatory minimum period of imprisonment for a s 29AA offence will likely require a court to order and receive a pre-sentence report. Currently, these reports are ordered for children who have been sentenced to community-based orders previously and who have continued to offend, or children who have committed offences so serious that detention is going to be imposed.

The mandatory minimum imprisonment in s 29AA is going to capture an entirely new category of children, who potentially have no criminal history or Youth Justice involvement, and for whom a pre-sentence report would be required for their first ever sentence in a court.

⁷³ Explanatory Notes, Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026, p5.

⁷⁴ Significant offences in accordance with *Youth Justice Act 1992* (Qld) s 175A.

This will create an substantial additional pressure on Youth Justice, who prepare these reports, particularly so in circumstances where the significant offence being sentenced for alongside the s 29AA offence would most likely not attract a sentence of detention.

In the experience of LAQ practitioners, Youth Justice already struggles to prepare pre-sentence reports for children. These amendments will cause considerable delay in the sentencing process in circumstances where the utility of a pre-sentence report may be significantly diminished. A presentence report must address a child's suitability for a conditional release order, and advise on an appropriate conditional release order program.⁷⁵ A conditional release order is not a sentencing option available for a s 29AA offence.

A pre-sentence report must also contain the information prescribed in the Youth Justice Regulation, in which Regulation 5 prescribes that a pre-sentence report must include, amongst other general information, the following:

- (g) an assessment of factors the chief executive believes may have contributed to the child committing the offence;
- (h) the child's attitude to the offence and to the victim of the offence;
- (i) if the chief executive is aware of any consequences that have happened to the child as a result of the act or omission that constitutes the offence—details of the consequences; Example— The child may have been disciplined by the child's parents or by a member of the child's community
- (j) information about sentencing options suitable for the child.

None of these considerations, that by law are required to be in the pre-sentence report, will be relevant to the mandatory sentencing.

Review Mechanism

LAQ considers that a requirement to review the operation of these provisions should be inserted, should the Bill pass despite the concerns raised. This would ensure that the provisions are analysed as to their use, their efficacy in achieving their intended purpose, and any unintended consequences that arise as a result.

Cost implications

The new 29AA offence will have real and substantial cost implications for LAQ arising from increased grants of aid for summary proceedings. It is also expected that there will be an increase in grants of aid for contested matters Childrens Court of Queensland and Supreme Court for child defendants.

Where possible, LAQ funded duty lawyers aim to resolve matters at first instance. The impact of the proposed legislative change will likely result in altered operational processes and deter the finalisation of matters by a duty lawyer, increasing court and solicitor time. Under LAQ's duty lawyer service guidelines, a duty lawyer service will be provided, without a grant of legal aid, for summary pleas of guilty which are not complex or lengthy. This includes indictable offences that are dealt with summarily and the defendant does not meet the summary plea guidelines for a grant of legal aid.

⁷⁵ *Youth Justice Act 1992* (Qld) s 223.

Adult defendants

LAQ provides a grant of aid for adult defendants who are financially eligible for matters proceeding summarily where they meet 'Guideline 3 – pleas of guilty in the magistrates court' or 'Guideline 2 – summary trials in the magistrates court'.

Guideline 3 - Pleas of guilty in the magistrates court

Legal assistance is not usually granted when a plea is taken in a court where there is a duty lawyer scheme operating, unless it would be unreasonable to expect the duty lawyer to enter the plea. Legal assistance is not available for minor traffic prosecutions or regulatory offences.

Pleas of guilty will be entered by a duty lawyer unless:

- the defendant faces a real likelihood of being sentenced to a term of imprisonment that will result in immediate incarceration in a correctional centre for the first time (*emphasis added*), or
- the defendant faces a real likelihood of being sentenced to a lengthy term of imprisonment, which is generally interpreted to mean six months or more immediate incarceration in a correctional centre, (*emphasis added*) or
- the requirement for the representing solicitor to gather additional information/evidence means that the matter cannot be dealt with by a duty lawyer, or
- the defendant has limited ability to give instructions because of a disability or disadvantage.

The new 29AA offence will see an increase in the number of matters eligible for Legal Aid funding under the current guidelines because of the mandatory minimum penalty of 1 year's imprisonment served wholly in a corrective services facility. An adult defendant will not necessarily be facing the real likelihood of a term of imprisonment for the prescribed offence committed while on bail, unlawfully at large or having failed to appear. However, once charged with the 29AA offence, this will trigger eligibility for plea of guilty funding, if the defendant meets the means test.

Guideline 2 - Summary trials in the magistrates court

Where the applicant has a reasonable defence to the charge and the charge does not involve a minor traffic prosecution or regulatory offence, a grant of legal assistance may be approved if one of the following criteria apply:

- conviction would be likely to result in a term of imprisonment (*emphasis added*), or
- conviction would be likely to have a detrimental effect on the defendant's livelihood or employment (actual or prospective), or
- the defendant suffers from a disability or disadvantage which prevents self representation, or
- The applicant is a child.

Summary trial funding is merit tested and any application for funding undergoes a rigorous assessment process. It is anticipated that there will be an increase in applications for funding to contest prescribed offences proceeding summarily in the Magistrate Court. If an adult defendant is refused funding under either of the above guidelines, there is a right of review, and it may progress to both an internal and external review officer for determination.

LAQ systems do not capture data on when a 'prescribed offence' is committed while an adult defendant is on bail, unlawfully at large or has failed to appear.

A comprehensive modelling exercise has not yet been completed and the forecast monetary impacts for adult defendants should therefore be regarded as preliminary and indicative only. In the 2025-26 FY, a total of 6,103 summary plea grants of aid were approved across both child and adult files, where the file included a prescribed offence, as captured in our current data systems, under the *Criminal Code Act 1899 (Qld)* and the *Drugs Misuse Act 1986 (Qld)*. This is not an exhaustive list of all grants of aid that may apply to 'prescribed' or 'significant offences' in the summary jurisdiction and does not include any grants of aid that have been assessed and refused. This figure is expected to

Based on the preliminary figures above, a 20% increase in summary plea grants of aid for solicitor-only matters would represent approximately 1,260 additional adult and child files, at an estimated cost of \$1.1 million. This estimate is provided for illustrative purposes only. In the absence of data indicating the likely impact of the proposed provisions, the assumed 20% increase should not be treated as a forecast and the estimated cost should be regarded as preliminary pending further modelling.

More broadly, in the 2025-26 FY, LAQ approved grants of legal representation for 11,933 adult files, where the file included a prescribed offence, as captured in our current data systems, under the *Criminal Code Act 1899 (Qld)* and the *Drugs Misuse Act 1986 (Qld)*.⁷⁶ It is expected that this figure will increase if the proposed legislative changes are introduced in their current form and there will be corresponding financial impacts.

The increase in applications for adult defendants who are financially eligible for matters proceeding summarily will impact on processing time and slow down the overall administration of justice. It will also create significant pressure on an already strained budget, and without additional resources, risks overwhelming our ability to meet operational demand.

Child defendants

All 'significant offences' that trigger the s29AA offence for child defendants are indictable offences.

Under current funding guidelines, LAQ provides a grant of aid for all child defendants charged with an indictable offence, subject to financial eligibility. Funding includes both pleas of guilty and summary trials in the Children's Court (Magistrate Court) jurisdiction.

Unlike adult defendants, summary trials for indictable offences are not merit tested. Although a child defendant will not necessarily be facing the real likelihood of a term of detention for the substantive offence committed while on bail, unlawfully at large or after failing to appear, the mandatory one year's detention under s29AA will result in an increase in contested matters that proceed in the summary jurisdiction. Even a modest increase in requests for summary trial funding will have a significant impact on LAQ's current budgetary position.

LAQ systems do not capture data on when a 'significant offence' is committed while a child defendant is on bail, unlawfully at large or has failed to appear.

A comprehensive modelling exercise has not yet been completed and the forecast monetary impacts for child defendants should therefore be regarded as preliminary and indicative only.

⁷⁶ LAQ data is not available for the 'prescribed offences' listed in the *Weapons Act 1990 (Qld)*.

However, in the 2025-26 FY, LAQ issued a grant of aid on 2301 child files, where the file included a 'significant offence', as captured in our current data systems, under the *Criminal Code Act 1899 (Qld)* and the *Drugs Misuse Act 1986 (Qld)*.⁷⁷

As noted above, given the data constraints it is difficult to forecast the full monetary impact for LAQ on the proposed laws.

Any increase in applications for child defendants for matters proceeding summarily will impact application processing time and slow down the overall administration of justice. It will also create significant pressure on an already strained budget, and without additional resources, risks overwhelming our ability to meet operational demand.

Legal Aid Queensland is operating in an increasingly constrained fiscal environment. LAQ recorded a deficit operating position in 2024-25 and is projected to continue facing significant budgetary pressures in 2025-26. The increased demand arising from the proposed amendments will place further pressure on an already stretched legal assistance budget.

If additional funding is not provided to respond to the increased demand generated by these legislative changes, LAQ may be required to review its funding priorities and eligibility settings to ensure finite resources are directed to matters of greatest need. Such an outcome risks reducing access to legal assistance for vulnerable Queenslanders and may contribute to an increase in self-represented defendants before Queensland courts.

Increased rates of self-representation have broader consequences for the administration of justice, including longer court proceedings, increased demands on judicial and court resources, and delays in the resolution of matters.

Alternatively, consideration should be given to establishing a dedicated funding or reimbursement mechanism to meet the additional legal assistance costs arising directly from these legislative changes. Such an approach would enable the Government to monitor and quantify the ongoing impacts of the legislation while ensuring that affected defendants continue to have access to legal representation and that pressures on the justice system are minimised.

Reduced numbers of LAQ preferred suppliers

Any increase in criminal law demand generated by the Bill must be considered in the context of existing workforce capacity constraints across the legal assistance sector. These constraints already affect access to representation and the timely progression of criminal matters throughout Queensland.

In the last 5 years there has been an overall state-wide decline in the number of law firms who are on LAQ preferred supplier panels, which is not just limited to the criminal law sector – see the graph in [Annexure "A"](#).

It must be noted that there has been a significant reduction in the numbers of legal practitioners willing to undertake criminal law work, and in particular youth justice matters. To ensure that families can receive access to justice and appropriate support during the court process, LAQ submits that it is essential that government give thoughtful consideration to providing funding that enables legal aid rates to be increased to acceptable and sustainable levels to ensure the long-term health and sustainability of the legal assistance sector.

⁷⁷ LAQ data is not available for the 'significant offences' listed in the *Weapons Act 1990 (Qld)*.

The legal assistance sector (Legal Aid Commissions, Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services (ATSILS), Women's Legal Services and Family Violence Prevention Legal Services) is an intricate and interdependent network of legal experts designed to support people with their legal issues. Despite the new National Access to Justice Partnership (NAJP), the sector is chronically underfunded. Demand is rising, and services are forced to turn away clients.

Queensland operates under a "mixed model" of service delivery, where LAQ briefs out matters to members of the private legal profession at significantly reduced fee rates compared to private practice fees. This model allows LAQ to draw on the expertise, experience, acumen, and geographic reach of the private profession.

It is important to note that a recent independent review by Dr Warren Mundy⁷⁸ highlighted unreasonably low fees are contributing to a crisis in legal aid. This has led to a shortage of private practitioners willing to take on legal aid cases and ultimately hindering access to justice for vulnerable Australians and leaving them without the legal help they need to navigate complex legal systems in times of crisis. The volume and complexity of legal issues in the community continues to outpace any growth in Legal Aid's ability to respond.⁷⁹ Alarming, a 2024 census conducted by National Legal Aid (NLA)⁸⁰ confirms that many partner law firms consider they will not be able to continue to perform legal aid work in the next 5 years because of remuneration rates.

As demonstrated in **Annexure "A"** this is already occurring in Queensland, including in criminal law and youth justice matters. The numbers of practitioners willing to take on legal aid matters has reduced significantly, particularly in remote and rural areas, and the allocation of matters is becoming increasingly delayed and difficult. In the foreseeable future LAQ expects not to have sufficient practitioners to allocate the work to, which will cause delays in the hearing of matters and the resolution of proceedings. This will have flow-on effects for the administration of justice in the Queensland Courts.

It is essential that government give thoughtful consideration funding both the anticipated increase in demand and an increase in legal aid rates for private practitioners to acceptable and sustainable levels. This funding is necessary to attract and retain partner law firms undertaking LAQ funded work and to support the long-term health and sustainability of the legal assistance sector.

Additionally, it must be noted that the current "means test"⁸¹ has remained largely unchanged for a significant period of time. As a result, some Queenslanders experiencing financial hardship may not satisfy the financial eligibility requirements for legal aid assistance.

Any consideration of changes to the means test would need to be assessed in the broader context of legal assistance funding, practitioner capacity and the ability of the legal assistance sector to respond to increased demand.

⁷⁸ [Independent Review of the National Legal Assistance Partnership 2020 - 2025](#)

⁷⁹ [NLA Impact Economics Justice on the Brink – Stronger Legal Aid for a better legal system 17 October 2024](#)

⁸⁰ [NLA Private Practitioner Census 2024 Report](#)

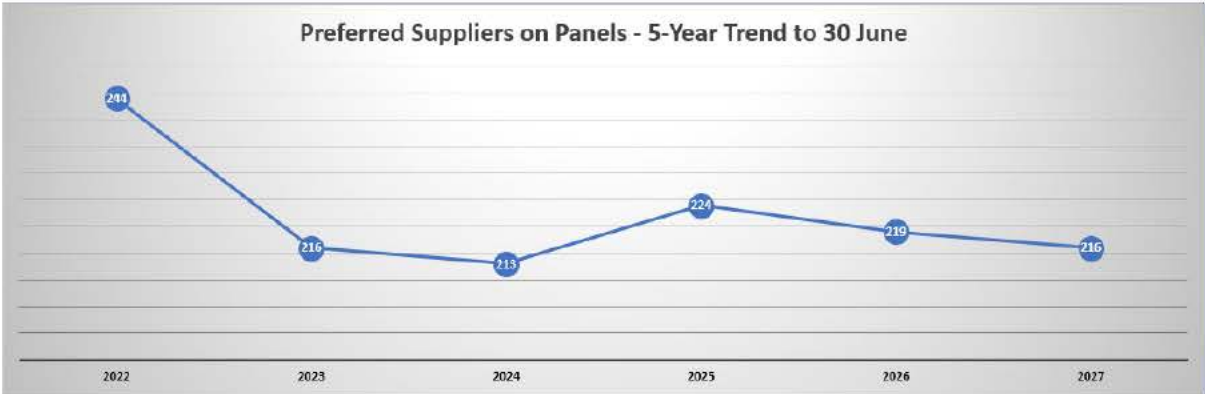
⁸¹ [LAQ Grants Policy Manual – The Means Test](#)

Similarly, if the proposed legislative changes result in increased demand for legally aided services, additional funding would be required to enable LAQ to respond to that demand in a sustainable manner. This includes both the direct costs of providing legal assistance and the broader funding required to ensure sufficient practitioner capacity is available to meet increased demand.

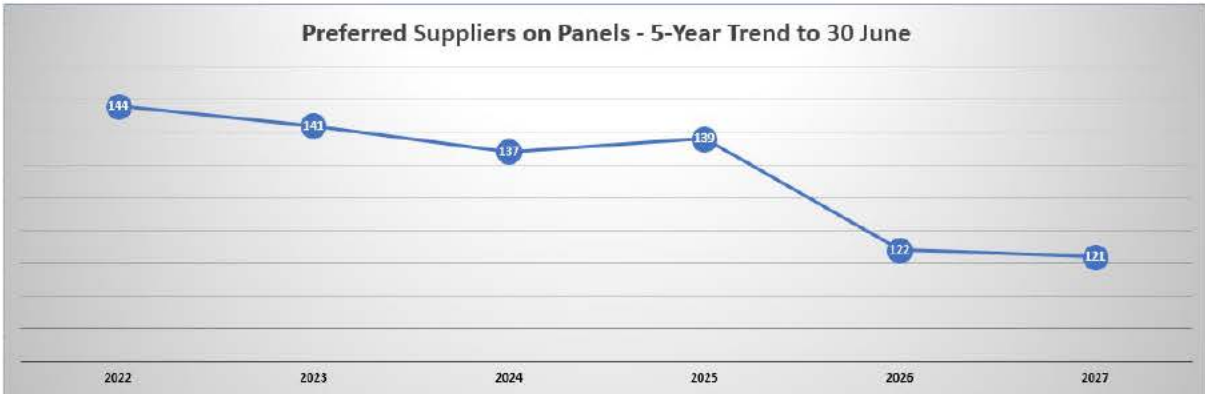
In the current environment, where the number of practitioners willing to undertake legally aided work continues to decline, any increase in demand or expansion of eligibility settings would require careful consideration of the operational and financial implications for both LAQ and the broader justice system.

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Annexure “A”



Preferred Suppliers on the Crime General Panel



Preferred Suppliers on the Crime Youth Panel