

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

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Office of the Victims' Commissioner

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Submission to the Justice, Integrity and
Community Safety Committee

7 September 2026

Commissioner's introduction

The Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026 (the Bill) responds to community concerns that existing bail laws do not adequately deter or hold accountable recidivist offenders who commit serious offences while on bail.

I welcome measures that enhance community safety, strengthen accountability for offending while on bail, and reduce the risk of future victimisation.

Through our engagement with victims and victim advocates, we have heard strong support for reforms that seek to prevent further offending and ensure offenders are held accountable for breaches of bail. Victims have expressed firsthand their profound frustration and distress when an offender is charged and then released on bail only to return to cause them or someone else in their community more harm. This can lead to a fundamental lack of confidence in the criminal justice system, and a sense of crime being 'out of control' within a community. I have observed that these sentiments can be particularly strong in areas of our state that experience higher rates of crime, such as north and far north Queensland.

Importantly, achieving the Bill's objectives will depend not only on stronger legislative responses, but also on the justice system's ability to accurately identify risks of reoffending, provide effective rehabilitation, and ensure offenders are released on conditions that support lawful behaviour and community safety.

This submission suggests two key areas of inquiry that I believe victims of crime would like this Committee and the Parliament to give consideration to before the Bill is passed:

1. ensuring agencies responsible for informing and making bail decision-making have the resources and expertise to assess risk of offending ahead of each bail decision.
2. ensuring the increased numbers of prisoners and youth offenders that will be in custody due to these reforms can access appropriate rehabilitation and reintegration programs .

Finally, I ask the Committee to consider whether, given the scope of the reform proposed in the Bill, there should be a statutory review included in the Bill to provide the community with confidence that the reforms are delivering reduced victimisation.

Kate Connors

Victims' Commissioner

Role of the Victims' Commissioner

The role of the Victims' Commissioner is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024 (Qld)* (VCSVRB Act). My role is to protect and promote the rights and needs of victims of crime. My statutory functions include:

- providing information to victims of crime to help them navigate the criminal justice system
- dealing with complaints under the Charter of Victims' Rights
- conducting systemic reviews
- listening to victims to hear about their own, lived experiences
- advocating for victims' rights by making recommendations and providing advice to government and non-government entities about improvements to policy, practices, procedures and systems to uphold the rights of victims and better meet their needs.
- monitoring the implementation of recommendations.

Under section 6 of the VCSVRB Act, a victim includes a person who suffers harm because a criminal offence (including domestic violence) is committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependants of a person who has a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.¹

The VCSVRB Act defines harm as including physical, psychological or emotional harm, damage to or loss of property, and financial or economic loss.² This definition recognises the range of impacts that a crime can have on an individual.

Review of the Charter of Victims' Rights

In February 2025, the Office of the Victims' Commissioner (OVC) commenced a systemic review of the Charter of Victims' Rights, pursuant to my functions under section 9(a) of the VCSVRB Act. The review aims to ensure the Charter of Victims' Rights effectively promotes and protects the rights of diverse victims of crime, in line with recommendations by the Women's Safety and Justice Taskforce³ and the Queensland Parliament's Legal Affairs and Safety Committee's Inquiry into support provided to victims of crime.⁴

The review is being informed by engagement with victims of crime, their advocates, family members and professionals who work with victims of crime. I will provide a report to the Minister for Youth Justice and Victim Support and Minister for Corrective Services by December 2026. More information about the review can be found on the OVC's [website](#).

This submission is informed, in part, by the views and experiences shared with the OVC thus far, as well as the victims who have provided feedback or made complaints to the OVC.

Victims' Commissioner's submission on the Bill

The stated objectives of the Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026 (the Bill) are to 'protect the community from serious offending; deter offending while on bail and promote compliance with bail orders; ensure that offenders who commit serious offences while on bail are appropriately held accountable; and strengthen community safety and improve public confidence in the bail system.'⁵

To achieve these objectives, the Bill proposes amendments to the *Bail Act 1980*, the *Police Powers and Responsibilities Act 2000* (PPRA), the *Young Offenders (Interstate Transfer) Act 1987* and the *Youth Justice Act 1992* (YJA), to:

- 'introduce a 'high degree of confidence' test for defendants charged with a prescribed offence (for adults) or a significant offence (for youths, also known as an Adult Crime, Adult Time offence) while on bail, unlawfully at large or failing to appear;
- create a standalone offence in the Bail Act for committing a prescribed offence (for adults) or a significant offence (for youths, also known as an Adult Crime, Adult Time offence), while on bail, unlawfully at large or failing to appear, carrying a mandatory minimum sentence of 1 year's imprisonment to be wholly served in custody;
- require police and courts to provide a warning to defendants about the new offence and the mandatory minimum penalty when a defendant is granted bail for any offence;
- remove the mandatory requirement under section 11 of the YJA for police officers to consider diversionary options before commencing proceedings against a child, converting this obligation to an operational discretion; and
- remake the existing human rights overrides and exemptions in the Youth Justice Act which relate to the detention of youths in watch-houses and other relevant facilities, and introduce a new exemption from section 58 of the *Human Rights Act 2019* into the PPRA which relates to the management of detainees in watch-houses.

Both the proposed new offence and new bail threshold apply to youths who commit or are charged with either a 'significant offence' as listed in section 175A of the YJA, and adults who are charged with a 'prescribed offence' as set out in a proposed new Schedule 1 of the *Bail Act 1980* which includes all significant offences as well as additional serious offences (including coercive control and child sex offences). Significant and prescribed offences include both offences against the person as well as property offences such as Attempted robbery, Burglary, Entering or being in premises and committing an indictable offence, Unlawful entry of vehicle for committing an indictable offence and Dangerous operation of a motor vehicle.

Through our office's engagement with victims, we have heard firsthand the profound frustration and sense of despair that can result when an offender who has caused them harm goes on to commit further offences against others. These feelings are particularly acute when the reoffending occurs while the offender is on bail. When this occurs, victims can understandably feel a complete lack of confidence in the criminal justice system and its ability to prevent harm to victims and the community.

Data provided by the government recently to the media states:

*'more than 6000 Queenslanders – 5248 adults and 859 children – would have been sent to prison in the last 12 months for committing serious crimes while on bail if the government's breach bail laws were in effect.'*⁶

These reforms seek to address a key concern expressed to me by victims that it is not acceptable for people charged with serious offence to be released only to reoffend in a similar way with apparent disregard for their bail conditions. As Ben Cannon, co-founder of Voice for Victims Foundations stated in the media:

*People are sick of this revolving door of the justice system where people come into the system, turnstile out, and then go out and commit more crimes and more pain on the community.*⁷

Victims and victim advocates that I have spoken to are supportive of this Bill's proposed stricter parameters around the granting of bail and stronger accountability when bail is breached. Put simply, victims want offenders held accountable for their actions and deterred from causing more harm.

Identifying risks of reoffending upon charge for the first significant or prescribed offence

Victims have expressed to our office their legitimate expectation that the justice system will effectively utilise the mechanisms available to reduce the likelihood of reoffending and prevent future victimisation.

The Bill proposes to reverse the presumption in favour of bail for both adults and youth who are charged with a *second* significant or prescribed offence committed while on bail. At this point, defendants will need to show cause why their detention in custody is not justified. However, only requiring the high degree of confidence test *after* an offender has breached bail for the *first* significant or prescribed offence raises questions about whether existing risk assessment processes are adequate for accurately identifying offenders' risk of reoffending when bail eligibility was originally considered for their *first* significant or prescribed offence. It must be remembered that this Bill will only provide additional accountability once a second person/s have been victimised.

While I support the reforms in this Bill which seek greater accountability for those offenders who are charged with a second serious offence, the fact that so many offenders are doing so remains troubling. I believe these reforms should be accompanied by greater efforts to ensure there is no second offence committed at all and thus no second victim of crime.

In 2024, the Queensland Audit Office (QAO) has reported (the QAO 2024 report) that the Queensland Police Service (QPS) and the Department of Youth Justice (Youth Justice) do not have a consistent way of identifying young offenders with high risks of reoffending.⁸ The QAO 2024 report has called for a more consistent approach that is agreed to by all relevant entities, as differing approaches increase the risk that offenders may miss out on accessing rehabilitation needed to address their offending behaviour.⁹ **I encourage the Committee to inquire as to what steps have or will been taken to improve risk identification for young offenders.**

Bail decisions should also consider the specialist needs of offenders which, if left unaddressed, may lead to further offending behaviour. For example, a recent case reported in the media of a teenage girl with Fetal Alcohol Spectrum Disorder (FASD) who was to be sentenced for violent robbery in Townsville.¹⁰ FASD can affect brain development, memory, behaviour and impulse control. In this case the sentencing judge paused the sentencing after raising concerns about the lack of information before the court related to the availability of specialised support for young people with FASD. The judge highlighted concerns about releasing the girl back into the community without proper access to services. He noted that this was her first offence and asked, 'Is this not

the time to do everything that can be done?’¹¹ Studies of young people in detention in Australia indicate that over 30% could be impacted by FASD.¹² Research published in 2025 which examined youth offending in Australia found that contact with mental health services between offence episodes was associated with a substantial reduction in reoffending risk across both community and custody settings, as well as for both violent and non-violent offences.¹³ **I encourage the Committee to make inquiries as to the availability of FASD and mental health assessments for young people charged with a first significant or prescribed offence and their access to proper services to reduce their risk of reoffending while on bail.**

Reoffending while on bail creates another set of victims or causes further harm to those originally victimised. It is important that an offender’s risk of future offending is stringently assessed from the outset. Justice agencies, including prosecutors and judicial officers, need sufficient time and resources to interrogate defence submissions in order to ensure complete and accurate information is available to the court when making decisions regarding bail. This includes adequate time to prepare Conditional Bail Programs that properly address the specific risk of reoffending for each individual young person. **I encourage the Committee to consider whether youth justice, community corrections, prosecution agencies and judicial officers have sufficient validated, evidence-based risk assessment tools, time and training to properly assess the re-offending risks and appropriate bail conditions for both adult and young offenders for every bail decision.**

Rehabilitation and reintegration of offenders

The government has reiterated the importance of ‘strong laws’ being introduced in combination with a focus on and investment in early intervention and rehabilitation.¹⁴ This aligns with the views many victims have expressed to me and my office that it is not enough to ‘just lock offenders up’ – victims want to see meaningful rehabilitation to prevent future offending and victimisation.

The mandatory minimum sentence of one year to be served in custody may have implications for the rehabilitation and reintegration of both adult and young offenders. In the case of youth justice, an argument can be made that a longer period in detention can stop the ‘churn’ of offenders through the system for short periods where they are unable to fully access education, health and programs. However, increased number of detainees and prisoners may make it more difficult to deliver these services. A QAO report released this year (the QAO 2026 report) states:

*'An increasing prisoner population places pressure on staffing and infrastructure, heightens safety and security risks, and disrupts routine operations. More prisoners mean greater demand for existing programs and services. If not managed effectively it can impact delivery to programs, training and education, and employment opportunities that are fundamental to effective rehabilitation and successful transition into the community.'*¹⁵

Research into reoffending risk for Australian prisoners published in the British Journal of Criminology in July 2026 showed that there was a statistically significant correlation between the quality of rehabilitation and the safety and security of prisoners during their time in custody and the likelihood that they would offend again after their release.¹⁶

It would be devastating if the reforms in this Bill, which victims of crime overwhelmingly support, provided increased community safety only in the short term. While many victims I speak to are desperate for immediate respite from high rates of crime in their local communities they also do not want to see an unrehabilitated cohort of offenders released back into their community to offend against them again or find new victims.

The QAO 2026 report found that while Queensland Corrective Services has a suite of evidence-based rehabilitation programs, only some prisoners are completing them.¹⁷ The QAO 2026 report also found that QCS does not have an effective approach to reintegration of offenders back into the community.¹⁸

Further, research published in 2025 suggests that some adult offenders are forming informal networks of support in Queensland prisons that may be increasing their risk of reoffending.¹⁹ This research, focused on offenders of domestic violence and strangulation, showed that prisoners sharing stories and ideas through these networks is helping the offenders to justify their criminal actions, rather than understand the harm they have caused. The research highlights that men leaving prison may pose more danger to women than when they were originally sentenced.²⁰

As noted in my office's previous submissions to this Committee, sentencing remarks from the Childrens Court of Queensland frequently reveal that many young offenders are also victims of crime who have been subjected to criminal neglect, cruelty and violence, which has in turn contributed to the young offender's own trajectory into criminality.

In the youth justice area, the Government has introduced the Staying on Track program, a post-detention rehabilitation program providing up to 12 months of rehabilitation for all youth offenders exiting detention, including at least 6 months' intensive support to

reintegrate youth back into the community after release. It will be vital that Staying on Track is monitored to ensure that it continues to operate as intended if demand increases after the reforms in this Bill are passed.

Victims my office engages with frequently express their desire that nobody else should experience what they have gone through. I note the Government has publicly announced that extra beds will become available and I note expansion efforts are in progress²¹ but I believe victims of crime, particularly in communities impacted by high levels of crime would welcome further reassurance in this space.

I encourage the Committee to inquire into how the risk to rehabilitation and reintegration posed by higher numbers of prisoners as a result of the reforms in this Bill will be managed in both the youth justice and adult contexts, including whether the post-release arrangements for youth and adult offenders are sufficient to minimise risk of reoffending and causing further harm to victims.

Victims' Register

The proposed amendments have implications for victims who are eligible to be registered on a victims register and receive information about an offender's detention or prison sentence, and (for adults) make a submission about the offender's parole application. It is not currently clear whether victims will be eligible to receive information in relation to an offender serving a custodial sentence for the proposed breach of bail offence. I note that in her introductory speech, the Attorney-General and Minister for Justice foreshadowed further changes to the victims register later this year.²² This will be an opportunity to consider the impact of amendments in this Bill on victims register eligibility.

Review of the reforms in the Bill

The reforms in this Bill are strongly influenced by a theory of incapacitation, that is, offenders serving prison sentences are unable to commit many crimes against the public during their incarceration. It is a sentiment that enjoys support from victims of crime who I speak to regularly particularly those who live in North and Far North Queensland. Communities in that part of Queensland are tired, afraid, angry and need relief from a never-ending cycle of social disorder and violence.

Incapacitation as a means of reducing crime is not a novel policy idea, it was used with some success in lowering crime rates in the United States of America in the 1990s.²³ The cost of implementing this policy is high, it costs taxpayers \$396.14 per day, per adult prisoner²⁴ and \$2,714 per day, per youth in detention.²⁵ However, the cost of crime is

also high, victims and their families suffer economic costs in the form of loss of assets, interruption of work and business, costs to their health and wellbeing and communities pay higher insurance premiums and are forced to take additional security measures for their homes and business. **Given the scale and cost of the reforms in this Bill the Committee should consider whether an independent statutory review five years after commencement should form part of the Bill to ensure that progress can be monitored and policy adjustments can be made where necessary to deliver real benefits for victims of crime and their communities in the longer term.**

Endnotes

¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) ('VCSVRB Act') s 6.

² VCSVRB Act s 6.

³ Women's Safety and Justice Taskforce. *Hear her voice: Women and girls' experiences across the criminal justice system* (Report 2, 2021) 14.

⁴ Legal Affairs and Safety Committee, *Inquiry into support provided to victims of crime* (Report No. 48 to 57th Parliament, 2023) vi.

⁵ Explanatory notes, Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026 (Qld) 1.

⁶ Tayla Fellows, 'More than 6000 Queenslanders to face jail under proposed bail law crackdown' *The Sunday Mail (Qld)* (online 23 August 2026).

⁷ Ben Cannon, Chair, Voice for Victims Foundation on Sunrise, Channel 7, 24 August 2026.

⁸ State of Queensland, Queensland Audit Office, *Reducing serious youth crime* (Report No. 15, 2023-2024, 28 June 2024) 24 <<https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>>.

⁹ State of Queensland, Queensland Audit Office, *Reducing serious youth crime* (Report No. 15, 2023-2024, 28 June 2024) 3 <<https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>>.

¹⁰ Emma Cam, 'Townsville judge halts teen's sentencing, slams lack of support for FASD', *Townsville Bulletin* (online, 31 August 2026) <<https://www.townsvillebulletin.com.au/truecrimeaustralia/police-courts-townsville/townsville-judge-halts-teens-sentencing-slams-lack-of-support-for-fasd/news-story/69da7767970904d25a263162c86323b8?btr=ef92bb16945e1a8ab2eb8527462dcbfa>>.

¹¹ Emma Cam, 'Townsville judge halts teen's sentencing, slams lack of support for FASD', *Townsville Bulletin* (online, 31 August 2026) <<https://www.townsvillebulletin.com.au/truecrimeaustralia/police-courts-townsville/townsville-judge-halts-teens-sentencing-slams-lack-of-support-for-fasd/news-story/69da7767970904d25a263162c86323b8?btr=ef92bb16945e1a8ab2eb8527462dcbfa>>.

¹² Carol Bower et al, 'Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia' (2018) *BMJ Open* 8:e019605:1-10.

¹³ Emaediong I. Akpanekpo et al, 'Mental health disorders, adverse childhood experiences and accelerated reoffending among justice-involved youth in Australia: A longitudinal recurrent event analysis' (2025) 101 *International Journal of Law and Psychiatry* 102099: 1-12.

¹⁴ Queensland, *Parliamentary Debates*, First Session of the Fifty-eighth Parliament, 27 August 2026, 2680 (Deb Frecklington, Attorney-General and Minister for Justice and Minister for Integrity).

¹⁵ State of Queensland, Queensland Audit Office, *Rehabilitating and reintegrating prisoners* (Report No. 1, 2026-27, 7 July 2026) 8 <<https://www.qao.qld.gov.au/reports-resources/reports-parliament/rehabilitating-reintegrating-prisoners>>.

¹⁶ Jennifer Galouzis et al, 'Constructing a rehabilitation index to assess the relationship between prison environments and reoffending' (2026) *The British Journal of Criminology* azag058:1-29.

¹⁷ State of Queensland, Queensland Audit Office, *Rehabilitating and reintegrating prisoners* (Report No. 1, 2026-27, 7 July 2026) 2 <<https://www.qao.qld.gov.au/reports-resources/reports-parliament/rehabilitating-reintegrating-prisoners>>.

¹⁸ State of Queensland, Queensland Audit Office, *Rehabilitating and reintegrating prisoners* (Report No. 1, 2026–27, 7 July 2026) 2 <<https://www.qao.qld.gov.au/reports-resources/reports-parliament/rehabilitating-reintegrating-prisoners>>.

¹⁹ Robin Fitzgerald and Heather Douglas, 'Domestic violence and the role of imprisonment as a response: men's post-conviction talk about strangling women' (2025) *Current Issues in Criminal Justice* 1-21.

²⁰ Robin Fitzgerald and Heather Douglas, 'Domestic violence and the role of imprisonment as a response: men's post-conviction talk about strangling women' (2025) *Current Issues in Criminal Justice* 1-21, 16.

²¹ Worthview Media Team, '\$730M Townsville Correction Centre expansion awarded', *The Townsville Times* (online, 26 August 2026) <<https://townsvilletimes.com.au/730m-townsville-correction-centre-expansion-awarded/>>.

²² Queensland, *Parliamentary Debates*, First Session of the Fifty-eighth Parliament, Tuesday 1 April, 649 (David Crisafulli, Premier and Minister for Veterans).

²³ Steven D. Levitt, 'The Effect of Prison Population Size on Crime Rates: Evidence from Prison Overcrowding Litigation' (1996) 111(2) *Quarterly Journal of Economics* 319-351.

²⁴ Australian Government, Productivity Commission, *Report on Government Services 2026: Part C, Section 8* (Data Downloads, 3 February 2026) <<https://www.pc.gov.au/ongoing/report-on-government-services/justice/corrective-services/>>.

²⁵ Australian Government, Productivity Commission, *Report on Government Services 2026: Part F, Section 17* (Data Downloads, 29 January 2026) <<https://www.pc.gov.au/ongoing/report-on-government-services/community-services/youth-justice/>>.