

Department of Youth Justice and Victim Support

Responses to submissions to the Justice, Integrity and Community Safety Committee's enquiry into the Youth Justice (Circuit Breaker) Amendment Bill 2026.

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56. [Australian Human Rights Commission](#)

Acronyms:

DYJVS – Department of Youth Justice and Victim Support

QFCC – Queensland Family and Child Commission

Youth Justice Act – *Youth Justice Act 1992* (Qld)

Submitter comments	Submitter	DYJVS Response
General		
Supports the Bill	15, 16, 17, 18, 20, 32, 34, 36, 37, 38, 39, 44, 49, 54	Noted.
Does not support the Bill	27, 45, 47, 55, 56	Noted.
Supports the intention to provide an alternative to detention or remand	1, 15, 16, 20, 48	Noted.
Supports the Bill insofar as implementation of the program focuses on rehabilitation and reintegration rather than compliance.	1, 3, 19, 48	Noted.
Community safety should be a priority	6, 11, 12, 15, 16, 18, 35, 37, 38, 39, 44, 49, 54	Noted. DYJVS contributes to the Government's objectives for the community: <i>safety where you live</i> by delivering Government election commitments and supporting actions to address youth crime and reduce the number of Queenslanders becoming victims of crime. Circuit Breaker aims to ensure that youth are held accountable for their actions, while offering rehabilitation.
Community safety and rehabilitation are complementary goals, not opposing ones	2, 3, 25, 30	
Programs that hold offenders accountable while offering rehabilitation and support are important	2, 7, 15, 16, 31, 37, 39, 44, 49, 48, 54	
Accountability and consequences should be prioritised	4, 6, 7, 12, 13, 17, 18	Noted. The Government is focused on restoring consequences for actions through stronger laws.
Trauma, domestic and family violence, disability, educational disengagement, unstable housing and disconnection from family and community contribute to involvement of children in the youth justice system. Some submitters also noted a high prevalence of cognitive disability, ADHD, PTSD, autism, FASD and speech and language	3, 31, 33, 36, 40, 43, 45, 46, 47, 48, 53, 55, 56	The amendments are complemented by supports and services being administered by DYJVS which are intended to address the causes of youth crime. DYJVS is implementing Government Election Commitments which include significant new investment in early intervention and rehabilitation supports and services intended to address the causes of youth crime.

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difficulties among children in the youth justice system. Reponses to youth offending should address these and other underlying drivers of offending and invest in prevention, early intervention and therapeutic supports		This includes: • \$65 million over 5 years and \$15 million per annum ongoing for Gold Standard Early Intervention, community-led • and outcomes focused programs that reduce youth offending • \$50 million over 4 years for the Kickstarter program to deliver early intervention models • \$50 million over 4 years for the Regional Reset program which features a one-to-three-week live-in component and intensive intervention and support for youths at risk of offending to address anti-social behaviours and connect them with education and training opportunities and develop employment skills.
Program should be available as an early intervention program for at-risk youth	25	• \$50 million over 5 years and \$10 million per annum ongoing for Crime Prevention Schools, operating as special assistance schools with additional wrap-around support in four locations across Queensland to re-engage youth who are in grades 7 to 12, have disengaged from mainstream education, are at risk of offending and have needs that cannot be accommodated within a conventional school setting. • \$40 million over 2 years for two new Youth Justice Schools, run by Ohana for Youth, in Logan and Cairns. Youth Justice Schools will provide a project-based curriculum with specialist teachers and extracurricular activities, including 12 hours of daily supervision five days a week, to enhance educational outcomes and reduce reoffending. These specialist schools will work with high-risk youth offenders on youth justice orders. • \$225 million over 5 years and \$50 million ongoing per annum for the Staying on Track program to provide support to youth offenders leaving detention, delivering a comprehensive program for up to 12-months, including six months of intensive, targeted support for youths transitioning back into the community. Staying on Track complements a youth's existing supervised youth justice orders and works collaboratively with other government departments and non-

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		government organisations to deliver meaningful support for youths exiting detention.
Human rights		
The Bill requires scrutiny as to whether the limitations on human rights are justifiable.	45, 46, 47, 56	The Statement of Compatibility that was tabled with the Bill considers the compatibility of the Bill with human rights and provides that ‘a <i>Circuit Breaker condition of bail can only be imposed where the youth would otherwise have been remanded in custody. A Circuit Breaker order also presents as an alternative to detention in a youth detention centre. Further, having regard to community concern around youth crime and community safety, [the Minister] consider[s] that on balance, the purpose of the Bill outweighs the limitations on human rights.</i>
The Bill does not have sufficient human rights safeguards.	31, 47	
The Bill expands custodial and quasi-custodial responses to youth offending which conflicts with human rights.	45, 46, 27	
Program model		
Concerned that the Bill does not sufficiently explain the program’s operational model.	26, 27	The Bill sets out minimum requirements for circuit breaker programs. These include that the program must provide intensive and practical support for youth, including education, training and mentoring, access to a rural property where youth can gain knowledge, skills and experience, and activities and programs to support youth to reintegrate into the community. Proposed section 282S also provides that circuit breaker providers must facilitate access to education that is appropriate to the youth’s age and development and must appropriately support the youth’s engagement in the education. Further details on program design will be subject to the appointment of circuit breaker providers following the procurement process.
Concerned that the Bill does not define the minimum cultural, therapeutic, or developmental components required for effective rehabilitation.	1	
Circuit Breaker should include access to wraparound services, case management and psychosocial, wellbeing and therapeutic supports and healthcare that is responsive to the complex needs of young offenders.	36, 46, 51, 53	
Program should provide individualised rehabilitation plans, family engagement, cultural responsiveness, trauma-informed practice, education and employment pathways, community reintegration	3, 43.	

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Skills and experiences offered at circuit breaker should be relevant to the life that a young person is likely to return to after the program, rather than practical experience relating to a remote or rural property.	33	
Vocational and education training that enables participants to attain a qualification should be a mandatory component of the program.	32	
Bail provisions should be amended so that a child cannot be required to participate in circuit breaker on bail for longer than is necessary or proportionate.	48, 52	Program periods are not prescribed for circuit breaker conditions imposed on bail in the same way that they are for circuit breaker orders imposed on sentence. Bail is a point in time assessment and conditions are imposed on bail based on the court's assessment of risk and the ability of conditions to manage that risk.
There should be a maximum time for a circuit breaker condition to operate.	23	Although the Bill does not prescribe a maximum duration for which a youth can be subject to a circuit breaker condition, a youth can make an application to vary their bail under the existing provisions of the <i>Bail Act 1980</i>. The Bill also explicitly provides a mechanism for a youth to make an application to vary or revoke bail where the youth is no longer willing to comply with the bail condition. In practice, a youth's bail order for a particular offence is in place until the date of their next court appearance and the court may then extend their bail undertaking to the next court date if the offence remains outstanding and is further adjourned. Accordingly, there are avenues for the imposition of the circuit breaker condition to be re-considered by the court if a youth were subject to a condition for an extended period or the condition was no longer necessary.
Minimum length for participation should be removed and maximum length should be amended to 3 months.	35, 48	This is a policy matter for the Government.

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The number of locations should be increased to provide greater accessibility.	48	This is a policy matter for the Government.
Youth should be able to choose between Circuit Breaker and detention.	7	This is a policy matter for the Government. A legal representative for a youth is able to make submissions during their sentencing about the appropriate sentencing options for the court to consider in an individual case. Circuit Breaker is intended to offer an alternative to detention, providing rehabilitation and support to youth.
Where a detention order is imposed, the youth should be given the opportunity to attend Circuit Breaker as part of their sentence.	15, 16	
Young people should not be escalated to detention for minor breaches of a Circuit Breaker order.	1	To ensure consistency with other community-based orders, non-compliance for circuit breaker orders imposed on sentenced will be dealt with under existing processes for community based orders, with some modification. This means that if a youth breaches a requirement of a circuit breaker order, the department may commence a contravention application with the court. If a court is satisfied that the order has been contravened, the court may take no action, vary the order, or resentence the youth, including to detention. Where a youth contravenes a condition on bail, they could be charged with a breach of bail condition offence and could ultimately have their bail revoked. The court retains discretion as to the appropriate mechanism upon breach of conditions or requirements.
If a youth does not comply with Circuit Breaker, they should go to detention.	15, 16, 32	
To ensure fairness and safety, responses to non-compliance must be proportionate, culturally informed and designed to maintain engagement.	1	
Enabling the combination of detention orders and circuit breaker orders under proposed section 180B may be problematic. There is a risk that on release from detention, there may no longer be an available place in a circuit breaker program or the youth may no longer be suitable.	23	Proposed section 180B is intended to prevent a youth from being concurrently subject to a circuit breaker order and a detention order, as a youth in a detention centre would be unable to comply with the requirements of a circuit breaker order. If a youth becomes unsuitable for circuit breaker, the chief executive or the youth may apply to the court to have the order varied or discharged and/or resented in the interests of justice under section 247 of the Youth Justice Act.

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There does not appear to be a mechanism to revisit the making of the circuit breaker order when there is a delay before the child can commence, due to a detention order, lack of availability of electronic monitoring devices and/or lack of availability at circuit breaker sites. This may result in a child being arbitrarily deprived of their liberty for unknown periods of time.	23	Proposed sections 52AB(1) and 206AB(b) provide that a court can only impose a circuit breaker condition or circuit breaker order if the chief executive has advised that there is a place available in a circuit breaker program that is appropriate for the youth. Therefore, a youth cannot be ordered to circuit breaker if the appropriate accommodations are not available.
There should be an appeals mechanism for youth ordered to circuit breaker	41	As noted above, the Bill enables youth who are subject to a circuit breaker condition to bring an application to vary or revoke their bail. A youth who is subject to a circuit breaker order could bring an application to vary the order in the interests of justice. Further, existing sentence and bail review and appeal mechanisms will continue to apply.
The Bill does not sufficiently consider how young people may be held accountable to those they have harmed, how victims may be afforded meaningful opportunities for participation where appropriate, or how relationships within families and communities may be repaired.	30, 31	Circuit breaker is an additional option for courts to consider as a condition of bail or when a youth is sentenced for an offence. The existing provisions in the Youth Justice Act that apply to a court's consideration of whether to grant bail to a youth and guide judicial decision making when a youth is sentenced continue to apply.
Concerned about the use of electronic monitoring, recording of images and sounds and/or privacy safeguards. One submitter noted that electronic monitoring was unnecessary given the 'round the clock' supervision of youth.	33, 43, 51, 55, 56	The inclusion of electronic monitoring and provisions regarding the recording of images and sounds is intended to be provide an additional safeguard for the community, youth and circuit breaker providers. Any recordings at circuit breaker sites will be subject to the safeguards set out on proposed sections 282T and 282U. Notably, the chief executive must make guidelines regarding recordings at circuit breaker sites and a regulation may prescribe further safeguards. Information regarding youth participating in circuit breaker will be subject to the provisions about disclosure of information under Part 9 of the Youth Justice Act.

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A circuit breaker condition or order does not uphold principle 10(c), 12, 18, 20 or 21(b) of the Youth Justice Principles.	23	Noted. Circuit breaker is an additional option for courts to consider as a condition of bail or when a youth is sentenced for an offence. The existing provisions in the Youth Justice Act that apply to a court's consideration of whether to grant bail to a youth and guide judicial decision making when a youth is sentenced continue to apply.
Concerned that matters including searches, discipline, detention powers and surveillance are left to delegated legislation. Delegated legislation receives less scrutiny.	45, 50, 51	Noted. This is a policy matter for Government.
The bail provisions of the Bill function in practice as a form of detention or punishment applied to children who have not been found guilty of an offence. It fails to distinguish between measures aimed at diverting children from formal judicial processes and sanctions imposed following a finding of guilt	46, 56	Under the existing bail laws, a court can only impose a circuit breaker condition if the court is satisfied that there is a risk that the youth would commit an offence that endangers the safety of the community if released, would not surrender into custody in accordance with a bail condition, would commit an offence or would interfere with a witness or otherwise obstruct the course of justice and the condition would mitigate this risk. Accordingly, circuit breaker as a condition of bail is not intended to punish youth who have not been convicted of offences. Further, a circuit breaker condition can only be imposed where the court would have otherwise remanded the youth in custody.
Eligibility and suitability		
Suitability reports should assess a child's cultural identity and connections to family, kin, community and/or seek input from those who understand the child's needs	40, 48, 47	The Bill proposes to insert sections 52AB and 206B, which provide that a court may only order a youth to Circuit Breaker if the chief executive has advised the court in a suitability report that the youth is suitable to participate in a circuit breaker program, and that there is a place available in a program that is appropriate for the youth.
Suitability reports should be strengthened in the Bill. Some submitted suggested that views of stakeholders outside of the Department are critical to making suitability assessments.	27, 40, 48, 53	Proposed sections 52AC and 206C provide that suitability reports must contain the chief executive's assessment of whether the youth is suitable to participate in circuit breaker, the reasons for making that assessment and advice on whether there is a place available in a

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The Bill should specify clear criteria for determining suitability for Circuit Breaker. Suggestions included cultural connections, family contact, disability needs, trauma history, developmental needs, potential risks to the safety of the child, compatibility with cohort of other children at the circuit breaker site.	1, 21, 35, 43, 47, 50, 52	circuit breaker program that is appropriate for the youth. Those provisions also provide that it may contain other relevant information that may inform the court of the appropriateness of a circuit breaker order for the youth and that a regulation may prescribe other matters the chief executive must or may consider.
Circuit breaker should be supported by comprehensive mental health assessment and treatment.	53	Some considerations in the suitability report may include the youth's age, gender, health history, parental support and offending behaviour. Other considerations may include the mixing of co-accused youth, gang related offending youth or victims and their offenders, mixing older and younger youth or youth with different risks of reoffending. However, it is likely that a range of factors may influence a youth's suitability for circuit breaker.
Expressed concerns over lack of minimum age for participation	40, 46	It is not intended to restrict the matters that may be relevant for consideration in an individual circumstance for a particular youth.
The Bill should be amended so that Circuit breaker can only be imposed where the court is satisfied that it is necessary, proportionate and in the child's best interests, and less restrictive and culturally appropriate alternatives have been considered and are not available	47	
The Bill should not restrict eligibility so that youth only have one opportunity to be sentenced to Circuit Breaker.	22, 50, 52	This is a policy matter for Government. It is intended that Circuit Breaker is a last stop before detention.
Cultural considerations		
Aboriginal and Torres Strait Islander youth are over-represented in the youth justice system and the Bill may disproportionately impact Aboriginal and Torres Strait Islander youth.	1, 26, 27, 30 36, 40, 43, 45, 47, 48, 53, 55, 56	Noted.
Before being ordered to circuit breaker, the courts and chief executive should be required to	47	

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consider the impact of the placement on an Aboriginal and Torres Strait Islander child's connection to family, kin, community, culture and Country, and should require a cultural connection plan before placement.		Circuit breaker is an additional option for courts to consider as a condition of bail or when a youth is sentenced for an offence. The existing provisions in the Youth Justice Act that apply to a court's consideration of whether to grant bail to a youth and guide judicial decision making when a youth is sentenced continue to apply. Circuit breaker is not a placement option, but rather a court order in youth justice proceedings. When sentencing a youth under the Youth Justice Act, the court must have regard to the sentencing principles in section 150 and the youth justice principles in Schedule 1. Section 150(3)(ha) requires the court to have regard to cultural considerations for Aboriginal and Torres Strait Islander youth, including the effect of systemic disadvantage and intergenerational trauma. Youth justice principle 15 provides that if practicable, an Aboriginal or Torres Strait Islander youth should be dealt with in a way that involves the youth's community. Further details on program design will be subject to the appointment of circuit breaker providers following the procurement process.
ATSICCOs, Aboriginal and Torres Strait Islander leaders, Elders and the broader youth justice sector should be involved in the design and implementation of Circuit Breaker before it commences	26, 27, 30, 33, 35, 43, 48, 47, 55	
Circuit breaker programs should provide culturally safe care, meaningful family contact, access to Elders, cultural mentors and ATSICCO-led supports, as well as activities that strengthen cultural connection and support rehabilitation.	3, 35, 48, 47, 53	
Circuit Breaker should embed cultural safety, trauma informed practice, and First Nations leadership in program design and delivery. Aboriginal and Torres Strait Islander community involvement in program design and governance is recommended.	1, 26, 47, 48, 53, 55	
Rehabilitation programs should recognise the diverse cultural and linguistic backgrounds of young people.	3	
Concerned that the Child Placement Principle is absent from the legislative framework	27	
There should be mandatory cultural capability standards for Circuit Breaker providers	3	

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The Bill does not ensure culturally safe service delivery. The program should be required to ensure services are culturally appropriate and trauma-informed.	21, 23, 53	
The Bill should be amended to include explicit consideration of Closing the Gap commitments and youth detention reduction targets.	27	
Safeguards		
The model does not have adequate safeguards and/or safeguards should be strengthened.	27, 40, 41, 48, 47, 51	The Bill contains a number of safeguards for youth participating in Circuit Breaker, including independent oversight of programs. The Bill prescribes circuit breaker providers as child safe entities and reporting entities under the <i>Child Safe Organisations Act 2024</i>. This ensures that the child safe standards and the reportable conduct scheme apply to circuit breaker providers. Child safe standards and the reportable conduct scheme were recommended by the Royal Commission into Institutional Child Sexual Abuse and are critical to ensuring that programs are delivered safely and misconduct from employees does not go unreported. The Bill also amends the <i>Public Guardian Act 2014</i> to ensure that the Office of the Public Guardian Community Visitor Program applies to youth at circuit breaker sites. The community visitor program safeguards the rights, interests and wellbeing of youth in care or detention and provides a safe, transparent and independent mechanism of oversight. The Bill also builds additional safeguards into the Youth Justice Act. The Bill includes an obligation on circuit breaker providers and their staff to report harm or suspected harm suffered by youth participating in a circuit breaker program to the chief executive.
Strong safeguards are required as circuit breaker will operate in residential settings and children will be separated from their usual communities and support networks.	43	
Significant safeguards should be in the legislative framework rather than being left to contractual negotiations.	47	
The Bill does not contain appropriate cultural, disability and communication safeguards.	48, 47, 51, 52	
There should be mechanisms to ensure the programs are appropriately staffed to ensure the safety and wellbeing of the children.	23	

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		The Bill also creates a complaints mechanism, which enables a youth participating in circuit breaker or their parent to make a complaint about a matter that affects the youth. Another feature of the Bill which may safeguard youth includes the provision enabling the recording of images and sound at circuit breaker sites, and the requirement of a circuit breaker provider to do so at the direction of the chief executive. The use of this technology may provide another important accountability measure for circuit breaker providers.
Legal assistance safeguards should be strengthened in the Bill	35, 47, 48, 55	It is intended that youth at circuit breaker have access to legal representatives. This is reflected in new section 282ZB, which provides that the circuit breaker provider and staff must give reasonable help to a youth to access a lawyer if they are asked. New section 282ZC also provides for the protection of a lawyer representing a youth at circuit breaker.
Reporting harm, complaints and oversight mechanisms		
Raised concerns that new proposed section 282X may mean that reporting entities are not required to report harm where reporting may tend to incriminate that entity. Further, the provision may overlap with the <i>Child Safe Organisations Act 2024</i> .	23, 43, 48, 51, 55	The Bill creates two distinct pathways that require harm to be reported, under the reportable conduct scheme and proposed section 282X of the Youth Justice Act. These two mechanisms provide an important safeguard for youth participating in circuit breaker and ensure that both the Queensland Family and Child Commission (QFCC) and the chief executive of the department are notified of harm as appropriate. <u>Reportable conduct scheme</u> The Bill prescribes circuit breaker providers as reporting entities under the <i>Child Safe Organisations Act 2024</i>, meaning they are subject to the reportable conduct scheme. Under the scheme, a worker of the reporting entity that becomes aware of a reportable allegation or conviction of a worker of the reporting entity, must report the matter to the head of the reporting

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		entity or the QFCC. Further, any person may notify the QFCC of a reportable allegation or conviction. If the head of a reporting entity becomes aware of a reportable allegation or reportable conviction of a worker of the entity, they must notify the QFCC unless they have a reasonable excuse. Failing to notify the QFCC within the required period attracts a maximum penalty of 100 penalty units. The reportable conduct scheme also places a number of other obligations on reporting entities. <u>Proposed section 282X</u> Proposed section 282X of the Bill provides that if a circuit breaker provider, their employee or contractor (a reporting entity) becomes aware or reasonably suspects that a youth has suffered harm while participating in circuit breaker, they must report it to the chief executive unless they have a reasonable excuse. Subsection (4) provides that it is a reasonable excuse not to report a matter if reporting the matter might tend to incriminate the reporting entity. This reflects the common law privilege against self-incrimination, which is a protection that prevents a person from being compelled to provide evidence of the person's own fault or guilt. The maximum penalty for failing to report is 20 penalty units. As this mechanism is separate from the reportable conduct scheme, a 'reporting entity' for the purpose of section 282X is not the same as a reporting entity under the reportable conduct scheme. Further, a 'reasonable excuse' under section 282X is not necessarily a reasonable excuse for the purposes of the reportable conduct scheme. As such, a reporting entity could not rely on section 282X(4) as a reasonable excuse for the purposes of the reportable conduct scheme.

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		These requirements are in addition to contractual requirements included in standard terms in departmental contracts with outsourced service providers.
Concerned that maximum penalty for failing to report harm as outlined in proposed s 282X is too little.	23	This is a matter for Government. The maximum penalty under proposed section 282X is consistent with the maximum penalty for failing to report harm to youth in detention centres under section 268 of the Youth Justice Act.
Raised concerns with new section 282ZD, as it enables the chief executive to dismiss complaints that are deemed trivial or made only to cause annoyance. The following recommendations were made: • Powers to dismiss complaints on this basis should be qualified; • Written reasons for dismissing complaint should be provided; • Internal and external review pathways should be available; • The provision should be expanded so that lawyers can make complaints on behalf of a child.	51	Proposed section 282ZD(2) provides that the chief executive must issue written instructions on how a complaint may be made and dealt with. Accordingly, further detail on the complaints mechanism under this provision may be specified in written instructions. If a youth is unsatisfied with how a complaint is dealt with under this provision, there are a number of external complaints mechanisms that the youth may have access to. These mechanisms include: • Queensland Ombudsman; • Queensland Human Rights Commission; • Child-focused oversight bodies, such as the Queensland Family and Child Commission and the Office of the Public Guardian.
Robust oversight is required to ensure transparency, appropriate standards of care and accountability.	43	The Bill provides several oversight mechanisms for Circuit Breaker. The chief executive of Youth Justice will maintain appropriate oversight of Circuit Breaker. This is reflected in proposed section 282R, which requires the chief executive to monitor the operation of each circuit breaker program and circuit breaker site. The Bill also confers powers on the chief executive to direct circuit breaker providers to take certain actions. As noted above, circuit breaker providers will be subject to Child Safe Standards and the Reportable Conduct Scheme. The Office of the

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		Public Guardian Community Visitor Scheme will also apply to youth at circuit breaker sites.
Transition to community and post-program support		
Comprehensive transition planning and structured post program support and aftercare should be implemented/strengthened.	31, 35, 36, 46, 47, 48	As outlined in the Bill, an intention of circuit breaker programs is to support, rehabilitate or reintegrate youth into the community. Proposed section 282P explicitly provides that the program must provide activities and programs to support youth to reintegrate into the community. Youth are likely to be eligible for the Staying on Track Program, which provides support to youth offenders leaving detention. It delivers a comprehensive program for up to 12-months, including six months of intensive, targeted support for youths transitioning back into the community.
There is a lack of support mechanisms in place for young people returning to the community from the program.	33	
Concerned there is insufficient emphasis on reintegration and long-term outcomes.	27	
Monitoring and evaluation		
There should be robust independent monitoring and evaluation of the program to ensure it is achieving its intended outcomes.	1, 3, 21, 26, 27, 31, 42, 43, 45, 47, 48, 51, 53	The department regularly monitors performance of all key Government Election Commitments at the program, service and provider level. This includes contract management requirements including delivery of key performance outcomes to monitor impacts and outcomes delivered. DYJVS will continue to monitor and evaluate its programs' effectiveness and make improvements as evidence builds.
There should be regular and transparent public reporting on operation and outcomes of the circuit breaker framework	26, 43, 47	
There should be a mechanism for review and evaluation of the program. Statutory review was recommended after 12 months.	45, 47, 55	
Clear objectives and outcome measures should be established by the Queensland Government	48	

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Funding and cost-effectiveness		
Funding should be linked to measurable outcomes.	25	Noted. The department regularly monitors performance of all key Government Election Commitments at the program, service and provider level. This includes contract management requirements including delivery of key performance outcomes to monitor impacts and outcomes delivered.
There is minimal information regarding the projected cost effectiveness and public value-add of the program	26	
Evidence to support the program model		
Learnings from previous youth boot camps should be considered to inform the development and delivery of circuit breaker. Some submitters observed that some of the criticised elements of youth boot camps have been replicated for Circuit Breaker.	26, 35, 40, 43, 50, 55	Circuit breaker is a new and unique rehabilitation program, separate to the sentenced youth boot camps introduced in Queensland in 2013. A key difference is that youth subject to circuit breaker will still have access to case management and support from DYJVS. Circuit breaker is available to the bail cohort as well as youths have been sentenced. This means that circuit breaker targets a much broader cohort of youth compared to sentenced youth boot camps. Circuit breaker also requires youth to reside on site for the entire duration, compared to youth boot camps which featured only a 1 month residential component. The legislative structure of a circuit breaker order is also different from that of a boot camp order.
The previous youth boot camps did not achieve the intended reduction in reoffending and/or raised concerns regarding effectiveness and value for money.	35, 47, 48, 55	It is noted that there is broadly a different operating environment in place for Circuit Breaker than existed when sentenced youth boot camps were in operation. This includes the breadth of external oversight mechanisms already outlined in this response, the inclusion of complaints processes, and Youth Justice case management processes that will operate for youth sentenced to a circuit breaker order.

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There is limited evidence provided that circuit breaker will reduce offending or improving long-term outcomes. Some submitters suggested that the program model and components are not evidence-based, and that some program elements do not reflect the evidence on effective responses for youth offending.	21, 45, 47, 56	Circuit breaker is a new and unique model informed by evidence about what works to address the risk factors that contribute to youth offending. This includes clear evidence about risk factors such as negative peer influences, disengagement from education, training and employment, and pro-criminal attitudes and behaviour. Circuit breaker provides an option for a court to include as a condition of bail or as a sentence outcome to assist to address these risk factors for youth who are assessed as being suitable.
Evidence shows that detention and quasi-custodial responses do not reduce offending.	46	Noted.
Programs should be evidence-based and/or designed around evidence-based components that support behaviour change.	45, 48	Noted.
Circuit Breaker as detention		
Concerned that despite being classified as a community-based order, the program is more akin to imprisonment. For circuit breaker conditions, the stringent conditions of the program make it more akin to being held in detention on remand than being released on bail subject to conditions.	21	Circuit breaker can be ordered as a condition of bail or a standalone sentence order, serving as an alternative to detention. Youth who are subject to circuit breaker conditions or a circuit breaker order, will reside at dedicated circuit breaker sites rather than youth detention centres. A key example in the Bill of how circuit breaker operates as an alternative to detention is clause 13 which inserts new section 52AB into the Youth Justice Act. Section 52AB(3) provides that a court can only impose a circuit breaker condition on bail if the court would have otherwise made an order remanding the youth in custody. This indicates that a circuit breaker condition is an alternative to remand for youth who have been charged with offences.
Concerned that the model risks becoming a pathway to detention rather than an alternative to it.	27	
Circuit Breaker is effectively a place of detention. Therefore, circuit breaker sites should be expressly included within the jurisdiction of the Inspector of Detention Services.	55	

Submitter comments	Submitter	DYJVS Response
Consent		
The consent or willingness of the child to comply with a circuit breaker condition or order should be legislated.	23	This is a policy matter for the Government.
It is recommended that the model is amended so that youth must express a willingness to comply before being ordered to circuit breaker	33	Where a youth is subject to a circuit breaker condition on a bail undertaking, the Bill provides a mechanism for the youth to make an application to vary or revoke bail if the youth is not willing to comply with the condition.
Remote and rural location		
Raises concerns that the program's remote/rural nature may create barriers to accessing lawyers and/or reduce quality of access.	23, 43, 51	As outlined above, the Bill provides safeguards for youth to access a lawyer. This includes a requirement on providers to help youth gain access to a lawyer if requested. Further, engagement and collaboration with key stakeholders will be a core component of Circuit Breaker, and providers will need to ensure there is dedicated space and sufficient technology available to facilitate contact with all key stakeholders as required.
Remote residential models such as circuit breaker may limit family involvement, community integration, education access and/or cultural connection.	26, 33, 41, 43, 46, 48, 56	Engagement and collaboration with key stakeholders relevant to an individual youth and their participation in the program will be a core component of Circuit Breaker. This may include, but is not limited to, Youth Justice staff, Court and legal representatives, other government Departments, families, service providers and community organisations. Circuit breaker providers will need to ensure there is dedicated space and sufficient technology available to facilitate contact with all key stakeholders as required.
Remote locations may create barriers to engaging independent advocates, making complaints or reporting conduct, maintaining contact with family and support networks and/or receiving visits from oversight bodies.	23, 42, 43, 51	

Submitter comments	Submitter	DYJVS Response
Consideration should be given to the viability of electronic monitoring devices in remote or rural circuit breaker sites. Submitters suggested that managing electronic monitoring in remote locations may be logistically challenging, citing potential issues including signal reliability and network coverage, maintenance and false alerts. Some submitters recommended that the use of electronic monitoring devices be discretionary.	33, 50, 51, 52	This is a policy matter for the Government. Circuit breaker providers will be required to engage with DYJVS and Queensland Corrective Service to support youths to uphold their responsibilities associated with the electronic monitoring component of their orders.
Remote locations may pose difficulties to the staffing and delivery of the program.	33	In accordance with the current Expression of Interest process, the successful circuit breaker provider/s will be required to engage an appropriately skilled workforce and must demonstrate the ability to maintain an appropriate number of staff.
Concerned that the program will isolate high-risk children amongst the same offending peer group, in remote locations, and restrict their access to positive social connection.	23, 26	A court can only make a circuit breaker condition or order if a youth is assessed as suitable. A suitability assessment will consider relevant factors in an individual case related to a particular youth. Circuit breaker is an additional option for courts to consider as a condition of bail or when a youth is sentenced for an offence. The existing provisions in the Youth Justice Act that apply to a court's consideration of whether to grant bail to a youth and guide judicial decision making when a youth is sentenced continue to apply.
Other risks and impacts		
Removing youth from their family, community and country may replicate harms associated with detention	47, 48	Noted.

Submitter comments	Submitter	DYJVS Response
There is a risk that children may be placed in circuit breaker because they lack stable housing, family support or community-based alternatives	48	Noted.
Restrictive Practices		
Clear legislative or regulatory expectations and limits should be established governing the use of restrictive practices with children at circuit breaker sites	43	This is a policy matter for the Government.
Delivery and implementation		
Procurement processes should prioritise providers with demonstrated therapeutic expertise, safeguarding capability and cultural competence and/or appropriate staffing.	33, 36, 40, 51, 53	To uphold probity and protect the integrity of the procurement process, the Department is unable to comment on ongoing procurement processes.
There has been insufficient consultation and implementation has been rushed. Progressing implementation in the course of this inquiry limits practical opportunities for stakeholder feedback and opportunities to meaningfully influence the final design.	33, 47	This is a policy matter for the Government.
Issues outside the scope of the Bill		
Consideration should be given to enabling victims of violent and sexual crime to receive information about youth offenders sentenced to circuit breaker, noting that this is the case for youth	42	These matters are outside the scope of this Bill.

Submitter comments	Submitter	DYJVS Response
serving detention orders in youth detention centres.		
Consideration should be given to amending the Recording of Evidence Regulation 2018 so that a free copy of the sentencing remarks would be made available free to victims of crime, including victims of youth offences proposed in this Bill, to be added to the Circuit Breaker framework.	42	
Police Link should be revamped to ensure communities feel supported.	37	
Suggested broader youth justice reforms and/or broader system reforms.	33, 45, 56	