

7 September 2026

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

Thank you for the opportunity to provide this submission to the Justice, Integrity and Community Safety Committee on the *Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026* (the Bill). We write to express our growing concern about the cumulative direction of youth justice legislation introduced by the Queensland Government.

PeakCare is the peak body representing organisations that work to improve the safety, wellbeing and life outcomes of Queensland's children, young people and families. Our members are non-government organisations involved in the delivery of child protection, out-of-home care and related services. Due to the intersection between the child protection system and youth justice system, with common drivers resulting in over-use of both tertiary systems, youth justice is an issue of importance to PeakCare's members.

We share the Government's commitment to keeping Queensland communities safe and recognise the very real harm experienced by victims of crime. However, community safety is not strengthened simply by increasing the number of children detained or the length of time they spend in detention. It is strengthened when our youth justice system successfully reduces offending and reoffending in the long term.

The Queensland Child Safety Commission of Inquiry found that, on any given day, almost one-third of children and young people under youth justice supervision are also on a child protection order. When broader prior involvement with the child protection system is considered, more than 70 per cent of young people under youth justice supervision have previously had contact with Child Safety.¹ These figures remind us that many of the children appearing before the youth justice system are themselves victims of abuse, neglect and significant adversity. For those children for whom the State holds corporate parenting responsibilities, there is an obligation to respond in ways that support healing, stability and rehabilitation, and address the underlying circumstances that may be contributing to their offending behaviour.

Since taking office, the Queensland Government has introduced seven youth justice related bills referred to the Justice, Integrity and Community Safety Committee. PeakCare has made a submission to the Committee on all seven, including:

- [The Making Queensland Safer Bill 2024](#)
- [The Youth Justice \(Monitoring Devices\) Amendment Bill 2025](#)
- [The Making Queensland Safer \(Adult Crime, Adult Time\) Amendment Bill 2025](#)
- [The Police Powers and Responsibilities \(Making Jack's Law Permanent\) and Other Legislation Amendment Bill 2025 \(Bill\)](#)
- [The Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Bill 2026](#)
- [The Youth Justice \(Circuit Breaker\) Amendment Bill 2026](#)
- *Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026 (Current)*

¹ Queensland Child Safety Commission of Inquiry (2026). [*From Pressure to Purpose: Reforming Child Protection in Queensland.*](#)

We remain concerned with the pattern of legislative changes that limit or override human rights, particularly for young people. Our review of the seven youth justice related legislative changes introduced by the Government, identified that four were expressly incompatible with human rights and were subject to an override of the Human Rights Act 2019 and the remaining three included significant limitations on human rights, the justifications for which were challenged in many of the submissions made to the Committee.

The *Human Rights Act 2019* was established to protect and promote rights, build a culture within government that respects those rights, and ensure that proposed laws are scrutinised against them. The Act expressly provides that an override should occur only in exceptional circumstances. Repeated reliance on override provisions in youth justice legislation is inconsistent with the principle of an exceptional mechanism in lawmaking affecting children and young people.

Across all our abovementioned submissions, we have consistently raised concerns about an increasing reliance on punitive responses to youth offending in the absence of therapeutic alternatives to detention. While we strongly support effective measures to improve community safety, the research and evidence do not support the proposition that increasingly severe punishment will deter children from offending or deliver sustained reductions in crime. Longer sentences often result in higher recidivism rates, as young people are placed in environments that may reinforce and further encourage criminal behaviour, leading to institutionalisation and further detachment from positive social networks.^{2,3} There is also a lack of evidence to support the efficacy of mandatory minimum sentencing in deterring or reducing youth crime.⁴

This is particularly important because the children who become deeply involved in Queensland's youth justice system are often experiencing significant and overlapping disadvantage. Trauma and maltreatment, disability and cognitive impairment, disengagement from education, unstable housing, poor mental health, substance use, family adversity and involvement with the child protection system can all contribute to the circumstances in which offending occurs.

We support investment in evidence-informed, therapeutic and developmentally appropriate interventions that address the factors driving offending. This includes prevention and early intervention, intensive therapeutic support, mental health and disability support, culturally safe responses, family-focused interventions, stable housing and effective reintegration into the community. These approaches are not alternatives to community safety. They are fundamental to achieving it.

PeakCare therefore does not support the Bill, particularly the provision for mandatory minimum sentencing and the impacts of placing children and young people in an already over-crowded youth justice system. We share the Queensland Law Society's concerns that mandatory sentencing fetters judicial discretion and prevents courts from responding to the individual circumstances of the case.⁵ This is particularly concerning in the youth justice context, where the individual circumstances, developmental needs and vulnerabilities of a child are fundamental considerations in determining an appropriate response. These risks are particularly relevant to the children and young people who are already over-represented in Queensland's youth justice system. We are concerned that mandatory sentencing will disproportionately impact

² Health in Partnership (2017). [*Juvenile In Justice: Charging Youth as Adults is Ineffective, Biased, and Harmful.*](#)

³ National Institute of Justice (2016). [*Five Things About Deterrence.*](#)

⁴ Australian Law Reform Commission (2017). [*Impact of mandatory sentencing.*](#)

⁵ Queensland Law Society. [*Mandatory sentencing laws policy position.*](#)

Aboriginal and Torres Strait Islander children and young people, children with disability or mental health needs, children in out-of-home care, and those experiencing significant disadvantage.

We urge the Queensland Government to rebalance its youth justice agenda towards what the evidence tells us works: preventing offending wherever possible, intervening early when children begin to come into contact with the justice system, addressing the underlying causes of serious and repeat offending, and reserving detention as a last resort for circumstances where it is genuinely necessary.

Thank you for your consideration of this submission, if additional information is required, please do not hesitate to contact us via email at <mailto:office@peakcare.org.au>.

Yours sincerely,



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