



16 July 2026

Our ref: [LP:MC]

Committee Secretariat
Justice, Integrity and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary

Youth Justice (Circuit Breaker) Amendment Bill 2026

Thank you for the opportunity to provide feedback on the Youth Justice (Circuit Breaker) Amendment Bill 2026. The Queensland Law Society (QLS) appreciates being consulted on this legislation. We also appreciate the extension of time for the provision of our submission. However, owing to the constrained timeframe and the availability of our volunteer committee members, we note that the views expressed herein are not intended to be exhaustive.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

Introductory remarks

QLS acknowledges the significant impact that youth offending can have upon victims, their families and the broader community. QLS recognises that community safety is a legitimate and important objectives of the youth and criminal justice system and supports measures that are directed towards reducing recidivism and enhancing community safety.

QLS further recognises that effective, evidence-based interventions for young people can contribute to safer communities, better outcomes for victims, and a reduction in future offending. Measures which successfully address offending behaviour, encourage rehabilitation and support long-term engagement with education, employment, family and community have the potential to achieve enduring benefits for both young people and the broader community.

QLS further acknowledges the legitimate expectation of the community that legislative responses to youth offending will be both effective and durable. Measures that successfully address the causes of offending, facilitate meaningful behavioural change and promote rehabilitation serve the interests of victims, offenders and the broader public alike.

These submissions focus on matters concerning the practical operation of the proposed legislative framework, consistency within the *Youth Justice Act 1992*, and the extent to which provisions accord with the Fundamental Legislative Principles contained in the *Legislative Standards Act 1992*.

QLS submits that several aspects of the Bill would benefit from further consideration.

1. Circuit Breaker Orders and Bail Conditions

1.1 Lack of consistency between sentencing and bail frameworks

The Bill provides that a child sentenced to a Circuit Breaker Order must participate in the program for a minimum period of three months and a maximum period of six months.

The inclusion of both minimum and maximum periods suggests that Parliament has formed a view regarding the period for which participation in a Circuit Breaker program is likely to be effective and appropriate. It may reasonably be inferred that a period shorter than three months is considered unlikely to achieve the intended rehabilitative outcomes, whilst a period longer than six months has not been identified as necessary or appropriate.

By contrast, the Circuit Breaker bail framework contains neither a minimum nor a maximum period of participation.

As drafted, a child who has not been convicted of an offence may be required to participate in a Circuit Breaker program for a period exceeding the maximum six-month period available upon sentence after conviction.

QLS submits that the Committee should consider whether the absence of any maximum period for a Circuit Breaker bail condition creates an unintended inconsistency within the legislative scheme.

At a minimum, consideration could be given to:

- imposing a maximum cumulative period of participation as a bail condition; or
- requiring periodic judicial review of the continued necessity and effectiveness of the condition once participation exceeds six months.

Such an approach would assist in ensuring that restrictions imposed prior to conviction remain proportionate and consistent with the legislative assumptions reflected in the sentencing regime.

From a fundamental legislative principles' perspective, the Committee may wish to consider whether the current approach strikes an appropriate balance between community protection and the rights and liberties of children subject to bail conditions.

2. Repeat participation and eligibility restrictions

The Bill restricts the ability of a child who has previously been sentenced to a Circuit Breaker Order from being sentenced to a further order.

QLS acknowledges that a child's previous participation in a Circuit Breaker program is a relevant consideration when determining whether further participation is appropriate. However, the Bill appears to adopt an absolute prohibition rather than preserving judicial discretion to consider the individual circumstances of the child. In our view, judicial discretion must be preserved

QLS submits that the effectiveness or ineffectiveness of a program undertaken by a child at 11 or 12 years of age does not necessarily indicate whether that same child may benefit from a similar intervention at 16 or 17 years of age.

The youth justice system recognises that children are continually developing in maturity, insight and decision-making capacity. A child's rehabilitative prospects may differ significantly throughout adolescence.

While previous participation should remain a significant consideration, QLS submits that the Committee may wish to consider whether an absolute exclusion is necessary, or whether judicial discretion should be preserved in appropriate cases.

Such an approach would better reflect the individualised nature of youth justice decision-making and the developmental realities of childhood and adolescence.

3. Lack of specific safeguards

The Bill contains no distinct considerations applicable to very young children who may become subject to a Circuit Breaker condition or Circuit Breaker Order.

As the youth justice jurisdiction applies to children from the age of 10 years, the proposed framework may permit the removal of very young children from their families, communities, educational settings and support networks for extended periods.

QLS submits that consideration should be given to whether the Bill ought to identify specific matters that a court must consider before imposing a Circuit Breaker condition or order on a child under 14 years of age.

Relevant considerations may include:

- the child's developmental maturity and cognitive functioning;
- family circumstances and existing caregiving arrangements;
- educational participation and support requirements;
- cultural identity and community connections;
- the availability of less restrictive alternatives; and
- the likely consequences of prolonged separation from family and support networks.

The inclusion of such considerations would promote transparency in decision-making and assist in ensuring that limitations upon the rights and liberties of younger children are proportionate and appropriately tailored to their circumstances.

The Bill also does not include any specific cultural or disability related safeguards. While proposed sections 52AC and 206C require a suitability assessment and requirements for Circuit Breaker orders, respectively, the Bill does not expressly require the consideration of cultural connection, disability or neurodevelopmental factors. We recommend consideration be given to including express recognition of these factors in proposed sections 52AC and 206C.

4. Proposed section 218A

QLS submits that the drafting of proposed section 218A should be reviewed to ensure consistency with the existing operation of section 218(1) of the *Youth Justice Act*.

Proposed section 218(1) provides that a period during which a child is detained pending a proceeding must be counted as a period of detention served.

By comparison, the formulation adopted in proposed section 218A appears narrower and may have unintended consequences where:

- proceedings involve multiple charges;
- additional charges arise during participation in a Circuit Breaker program;
- sentencing is delayed; or
- ultimate disposition occurs across a broader range of offending than originally contemplated.

QLS submits that adopting wording more closely aligned with section 218(1) would reduce uncertainty and minimise the risk of anomalies arising in the calculation of time served.

Consistency throughout the Act would also promote predictability and ease of administration for courts, practitioners and Departmental officers.

5. Access to legal representation

5.1 Proposed sections 282ZA, 282ZB and 282ZC

QLS welcomes the inclusion of provisions intended to preserve access to legal representation for children participating in Circuit Breaker programs.

However, the practical effectiveness of those provisions will depend upon the availability of appropriate resources and infrastructure.

Practitioners have previously expressed concerns regarding the limited resources available to facilitate in-person conferences with young clients held in custodial environments. In some circumstances, legal representatives are required to rely on telephone or video conferencing despite a child's communication difficulties, intellectual impairment, cognitive challenges or learning needs.

QLS submits that appropriate resourcing will be necessary if the protections contained in sections 282ZA, 282ZB and 282ZC are to be meaningful in practice.

Consideration should be given to ensuring:

- secure and confidential video-conferencing facilities;
- adequate funding for practitioner travel;
- reimbursement arrangements for travel and associated costs;
- suitable facilities for viewing disclosure material, including audio-visual evidence;
- practical mechanisms enabling children to attend legal appointments where necessary.

Without appropriate operational support, there is a risk that the statutory right of access to legal representation may not be fully realised in practice.

5.2 Confidentiality of legal communications

The requirement that legal interviews occur outside the hearing of others is an important safeguard.

While section 282ZA contemplates legal interviews being conducted out of the hearing of other persons, practical experience demonstrates that confidentiality cannot be assumed merely because legislation requires it.

The Committee may therefore wish to consider whether operational standards should be established to ensure that communications between children and their legal representatives remain genuinely confidential and protected by legal professional privilege.

This is a fundamental safeguard within the justice system and is particularly important where children may be discussing sensitive matters or reviewing evidence relevant to criminal proceedings.

6. Oversight and accountability

QLS notes that Circuit Breaker programs may be operated by non-government providers exercising significant control over the day-to-day activities of vulnerable children.

Where children are removed from their families and reside within facilities operated by external providers, strong oversight and accountability mechanisms are essential.

The Committee may wish to consider whether independent oversight bodies will have jurisdiction to monitor, inspect and investigate all Circuit Breaker facilities in a manner comparable to other secure youth justice environments. Effective oversight promotes transparency, accountability and public confidence in the operation of the scheme.

The Committee may also wish to consider whether existing monitoring and complaints mechanisms are sufficient to ensure that children participating in Circuit Breaker programs receive appropriate protections and safeguards.

7. Electronic monitoring devices

The imposition of electronic monitoring devices is contemplated in sections 52AB(3)(a) and 206D(1)(d).

In this regard, the Society notes our submission to the Queensland Parliamentary Health, Environment and Innovation Committee on the Youth Justice (Electronic Monitoring) Amendment Bill 2025 dated 12 January 2026.

Consideration should also be given to the practical feasibility of deploying EMDs in remote and rural Circuit Breaker sites, where unique operational and logistical challenges may arise.

Conclusion

QLS does not support the passage of the Bill in its current form for the reasons stated in this submission.

QLS respectfully recommends that consideration be given to:

- a. introducing a maximum duration or review mechanism for Circuit Breaker bail conditions;

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- b. reconsidering the absolute prohibition on further Circuit Breaker Orders where previous participation has occurred and preserving judicial discretion in relation to repeat participation in Circuit Breaker Orders;
- c. including age-specific safeguards for younger children, particularly those under 14 years of age;
- d. aligning proposed section 218A with the existing operation of section 218(1);
- e. ensuring adequate resourcing to support meaningful access to legal representation;
- f. strengthening practical protections for confidential legal communications; and
- g. establishing clear and comprehensive oversight arrangements applicable to all Circuit Breaker providers and facilities.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED].

Yours faithfully



Peter Jolly
President