



TUESDAY 17 AUGUST 2026

Exclusive: Open letter to Members of the Queensland Legislative Assembly Youth Justice (Circuit Breaker) Amendment Bill 2026

Dear Members,

I write to you as the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, ahead of your vote on the Youth Justice (Circuit Breaker) Amendment Bill 2026.

I understand the Justice, Integrity and Community Safety Committee has recommended the Bill be passed without amendment. I ask you to read what that report actually contains before you cast your vote.

In its Report, the Committee found that Circuit Breaker orders, while classified as community-based orders, involve a significantly higher level of supervision and restriction than traditional community sentences. I want to remind you that, in this model, children will live at a site in a remote or rural location for up to six months under continuous supervision, wearing an electronic monitoring device, and unable to leave without approval. A child who has not been convicted of a crime can be sent there as a condition of bail, with no minimum or maximum period set by the Bill.

These provisions reach children as young as 10. Aboriginal and Torres Strait Islander overrepresentation is highest in this age group.

I write to call attention to the sites where children are held not being prescribed as places of detention. They will not be subject to inspection under the *Inspector of Detention Services Act 2022*. No independent inspector will walk through the door unannounced. The Committee's report does not address this at all.

Whether harm to a child in these places ever comes to light rests on two provisions in this Bill. Neither has been amended.

Proposed section 282X(4) provides that it is a reasonable excuse for a provider, employee, or contractor not to report harm to a child if doing so might incriminate them. The Aboriginal and Torres Strait Islander Legal Service, Legal Aid Queensland, the Queensland Family and Child Commission and the Office of the Public Guardian all told the Committee this should be removed. Legal Aid pointed out that where a child suffers harm in a provider's program, reporting it will almost always incriminate the provider in some way. The Committee acknowledged the concern and recommended no change.

Proposed section 282ZD allows a child's complaint to not be dealt with if it is considered by the chief executive to be trivial or made only to cause annoyance. A child held at these places also has no statutory right to escalate a concern to the Queensland Ombudsman, the Queensland Family and Child Commission or the Public Guardian.

I ask you to read these two points together. Adults have a lawful reason not to report harm, and children have no reliable way to raise it themselves. That is the design the Queensland Parliament is being asked to approve.

So the question I ask each of you to answer, on the record, is this: will you vote for a model under which harm to a child, the State has placed hundreds of kilometres away from their home, need not be reported by the adults responsible, cannot be escalated by the child, and cannot be found by an independent inspector?

How is that fair? If voting yes to this Bill you are directly supporting this treatment of our young people.

There is a further failure of care outlined in the Bill. Suitability reports to held at these sites carry no requirement to assess disability, neurodevelopmental need, foetal alcohol spectrum disorder, communication need or health need, and the Bill prescribes no factors the chief executive must consider. Children with cognitive impairment and complex needs are heavily represented among the cohort coming into contact with the justice system. They will be placed in the most restrictive environment the State has, short of detention, without anyone being required to ask or identify what they need, despite this being an absolute requirement to deliver rehabilitation services.

The reality is that Aboriginal and Torres Strait Islander children will bear the weight of this program. Connection to family, community, culture and Country is not an addition to rehabilitation. It is what rehabilitation depends on, and it is recognised as a protective factor against further system involvement. This Bill contains no requirement that those connections be maintained.

Queensland has been here before. The youth boot camps of 2013 to 2015 were independently evaluated and found wanting on family engagement, cost and reintegration. That report is more than a decade old, and its lessons remain unlearned.

I ask you to withdraw this Bill immediately and rebuild it with Aboriginal and Torres Strait Islander communities at the table. If the Parliament will not do that, then I ask at a minimum:

- remove section 282X(4)
- give children a statutory right to escalate complaints to an independent body
- prescribe these sites as places of detention for the purposes of independent inspection
- require suitability reports to assess disability, health and communication needs
- legislate minimum standards of care, including family and cultural connection

These are not big asks. They are just seeking what is fair and in line with human rights. Children cannot vote. You can. Think about the consequences.

ENDS

About the National Commission for Aboriginal and Torres Strait Islander Children and Young People

The National Commission for Aboriginal and Torres Strait Islander Children and Young People (The Commission) is a statutory agency dedicated to promoting the rights, wellbeing and safety of Aboriginal and Torres Strait Islander children and young people. The National Commission works to elevate First Nations voices, advocate for systemic reform and drive evidence-based policy and practice that supports strong, thriving futures for children, families and communities.