



Submission

Youth Justice (Circuit Breaker) Amendment Bill 2026

The National Commission for Aboriginal and Torres Strait Islander Children and Young People welcomes the opportunity to provide a submission on the *Youth Justice (Circuit Breaker) Amendment Bill 2026* (the Bill) to the Justice, Integrity and Community Safety Committee (the Committee).

The National Commission supports efforts to improve community safety and reduce youth offending, as well as programs that support a genuine alternative to detention. The National Commission supports the overarching objective behind the Bill, which is to improve community safety and reduce youth crime by establishing a structured rehabilitation program.¹ However, the National Commission has significant concerns about the Bill as drafted, and recommends that it not be passed.

Aboriginal and Torres Strait Islander children and young people are significantly over-represented in Queensland's youth justice system, representing approximately 72 per cent of children in detention in 2024–25.² This same cohort of children will therefore be significantly overrepresented in the Circuit Breaker Program. Despite this, the Bill does not expressly recognise culture or propose reforms that enable Aboriginal and Torres Strait Islander children to remain connected to family, kinship, culture and Country while participating in the Circuit Breaker Program. Reforms that involve Aboriginal and Torres Strait Islander children, including the circuit Breaker program, will only be effective if they are culturally grounded and support long-term rehabilitation and healing. Reforms that do not do this are at best ineffective and a missed opportunity for intervention; and at worst can cause further harm, weaken prospects of rehabilitation, and increase prospects of future criminal activity.

The Bill's stated intention is to provide a more desirable alternative to detention, that is rehabilitative and supports children.³ However, the National Commission is concerned that it will not achieve this objective, and questions whether it can properly be characterised as a genuine alternative to detention. In particular, the proposed model includes features that more closely resemble a detention-like response, with reproducing key features of Queensland's former Youth Boot Camp program. An evaluation of this program by KPMG in 2015 found limited evidence that it reduced recidivism, and highlighted the importance of programs being holistic, culturally appropriate, including strong family involvement, and connected to education.⁴ Effective alternatives to detention for Aboriginal and Torres Strait Islander children and young people are community-based, therapeutic, culturally grounded, and trauma informed. The National Commission is concerned that the Bill may widen the net of the justice system in children's lives without adequately addressing the factors that contribute to offending or reducing Aboriginal and Torres Strait Islander overrepresentation in the youth justice system.

¹ Explanatory Notes, Youth justice (Circuit Breaker) Amendment Bill 2026 (Qld) 1.

² Productivity Commission. (2026). Report on Government Services 2026: Part F, Section 17 youth justice services data tables [Data set]. Australian Government. <https://www.pc.gov.au/ongoing/report-on-government-services/community-services/youth-justice/>.

³ Explanatory Notes, Youth justice (Circuit Breaker) Amendment Bill 2026 (Qld) 6.

⁴ KPMG, Final Report for the Evaluation of Queensland's Youth Boot Camps (prepared for the Queensland Department of Justice and Attorney-General, July 2015).

The National Commission also holds significant concerns about the proposal for the Circuit Breaker Program to be based in remote locations. Connection to family, community, culture and Country is fundamental to the identity, wellbeing and development of Aboriginal and Torres Strait Islander children and is widely recognised as a protective factor against further system involvement. For many children, rehabilitation depends on strengthening these connections, not removing them. Separation from family and community will undermine efforts to address offending behaviour and risks weakening the supports that are critical to successful reintegration and long-term positive outcomes. These concerns are particularly acute given the high prevalence of trauma, disability, neurodevelopmental conditions and other complex needs among children in contact with the youth justice system. The National Commission is concerned that the delivery of the Circuit Breaker Program in remote locations will limit a child's ability to access the disability and trauma supports and services they need.

The National Commission is also concerned that the Bill does not contain key elements of the Circuit Breaker Program – including broad regulation provisions – with limited safeguards. For example, in relation to suitability reports and circuit breaker providers. The Bill does not clearly require decision-makers to consider matters such as cultural connection, disability, trauma history, family circumstances, existing support networks or less restrictive alternatives before a child is placed in the program. Similarly, important matters including family contact, access to legal services, complaints processes, cultural safety, independent oversight and accountability arrangements are not clearly articulated. Given the restrictive nature of the proposed model, these protections should be embedded in legislation.

The right of all children to be heard constitutes one of the fundamental principles of the Convention on the Rights of the Child (CRC) and is a key tenet of the child rights-based approach.⁵ The National Commission holds serious concerns that the Bill has not been developed through listening to children, and the Bill itself does not adequately make space for children's voices. For example, there is no requirement in the Bill for a suitability report to consider the views of a child, or the child's capacity to comply with a circuit breaker condition or order. The National Commission urges the Committee to apply a child rights-based approach to its inquiry into the Bill, in particular the right of a child and young person to be heard.

The National Commission encourages the Committee to carefully consider whether the proposed model will achieve its stated rehabilitative objectives and improve outcomes for Aboriginal and Torres Strait Islander children. Sustainable and effective improvements in community safety are most likely to be achieved through responses that strengthen Aboriginal and Torres Strait Islander children's connection to family, community, culture and Country, ensure access to healing, education, therapeutic and disability supports, and support genuine rehabilitation and re-integration.

The National Commission has significant concerns about the Bill as drafted, and recommends that it not be passed. Instead, the Queensland Government should undertake genuine consultation with Aboriginal Community Controlled Organisations and Aboriginal and Torres Strait Islander community members, including children and young people, to develop a proposal for legislative reform that is evidence-based, targets the underlying drivers of offending, is culturally grounded, supports healing and rehabilitation, and ensures access to education, health, disability and therapeutic services and supports.

⁵ United Nations Committee on the Rights of the Child, General Comment 12 on the right of the child to be heard, UN Doc CRC/C/GC/12, 1 July 2009.