



ATSILS
Aboriginal and
Torres Strait Islander
Legal Service (Qld) Ltd

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QUEENSLAND GOVERNMENT'S 'BREACH BAIL, GO TO JAIL' LAWS A STEP BACKWARDS: PUNITIVE APPROACH WON'T MAKE COMMUNITIES SAFER

BRISBANE — The passing of the Queensland Government's *Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026* is a regressive move that ignores expert evidence and threatens to deepen a crisis that will see more children funnelled into overcrowded watch-houses, youth detention centres, and remand facilities, while placing further strain on the broader correctional system that is already bursting at the seams.

The Aboriginal and Torres Strait Islander Legal Service (ATSILS) raised critical concerns in relation to these laws throughout the parliamentary inquiry, warning that mandatory minimum sentences, stripped-back judicial discretion, and limiting police diversionary options will hit vulnerable children and Aboriginal and Torres Strait Islander communities the hardest.

Why These Laws Miss the Mark:

- **Stripping Away Judicial Discretion:** Forcing courts into a one-size-fits-all box—such as mandatory 12-month jail terms for prescribed serious offences committed on bail—robs magistrates and judges of the flexibility needed to weigh up individual circumstances and genuine pathways to rehabilitation.
- **Undermining Proven Diversions:** Removing the mandatory obligation for police to actively consider diversionary options for young people and changing it to a discretionary consideration, we believe will result in pushing more kids further into the justice system instead of steering them away from it.
- **Setting Unrealistic Thresholds:** The new 'high degree of confidence' bail test creates another stringent layer to an already restrictive bail framework, which will inevitably pile more pressure onto already overflowing watch-houses, remand centres, youth detention centres, and adult prisons.
- **Undermining the Justice System:** Curbing court-referred options for restorative justice chips away at the independence and effectiveness of our judicial system.

ATSILS maintains that while detention certainly has its place for serious offences, these reactionary laws will have unintended consequences and widen the net—funnelling more vulnerable people into custody and exacerbating the very issues driving crime and recidivism in the first place. True community safety isn't achieved by bypassing early intervention and prevention support frameworks that actually work. If the government is serious about safer communities, it must back genuine, community-led programs and tackle the root causes of crime, rather than doubling down on a broken cycle of mass incarceration.

ENDS

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