

Queensland

Breach Bail, Go to Jail and Other Legislation Amendment Act 2026

Act No. 28 of 2026

An Act to amend the Bail Act 1980, the Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026, the Police Powers and Responsibilities Act 2000, the Young Offenders (Interstate Transfer) Act 1987 and the Youth Justice Act 1992 for particular purposes

[Assented to 5 November 2026]

Queensland

Breach Bail, Go to Jail and Other Legislation Amendment Act 2026

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Breach Bail, Go to Jail and Other Legislation Amendment Act 2026*.

2 Commencement

This Act commences on 30 November 2026.

Part 2 Amendment of Bail Act 1980

3 Act amended

This part amends the *Bail Act 1980*.

4 Amendment of s 6 (Definitions)

Section 6—

insert—

convicted, of an offence, for sections 29AA and 29AC, see section 29AE.

notice to appear means a notice to appear under the *Police Powers and Responsibilities Act 2000*, section 382(2).

prescribed offence means—

(a) an offence mentioned in schedule 1; or

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(b) an offence against the Criminal Code, section 535 of attempting to commit an offence mentioned in schedule 1; or

(c) an offence against the Criminal Code, section 541 or 542 of conspiring with another person to commit an offence mentioned in schedule 1; or

(d) an offence against the Criminal Code, section 544 of becoming an accessory after the fact to an offence mentioned in schedule 1.

section 29AA offence see section 29AA(10).

significant offence means an offence mentioned in the *Youth Justice Act 1992*, section 175A(1), (1A), (1B) or (1C).

5 Amendment of s 7 (Power of police officer to grant bail)

(1) Section 7(2), note 2, 'section 16'—

omit, *insert*—

sections 16 and 16AA

(2) Section 7(9), definition *notice to appear*—

omit.

6 Amendment of s 14 (Release of persons apprehended on making deposit of money as security for appearance)

Section 14(1)(a), 'the schedule'—

omit, insert—

schedule 2

7 Amendment of s 14A (Magistrates Courts may grant cash bail or permit to go at large)

Section 14A(1), 'specified in the schedule'—

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omit, insert—

mentioned in schedule 2

8 Amendment of s 16 (Refusal of bail generally)

Section 16(3)—

insert—

(h) with a prescribed offence alleged to have been committed at any time while the defendant was released on a previous grant of bail, was unlawfully at large or failed to appear before a court under section 16AA;

9 Insertion of new s 16AA

After section 16—

insert—

16AA Refusal of bail for defendants charged with prescribed offence committed while on bail, unlawfully at large or failing to appear

(1) This section applies if an adult defendant is charged with a prescribed offence that is alleged to have been committed at any time while the defendant—

(a) was released on a previous grant of bail; or

(b) was unlawfully at large in relation to a previous grant of bail; or

(c) failed to appear before a court in relation to a summons or notice to appear served on the defendant.

(2) A court or police officer authorised by this Act to grant bail must refuse to grant the defendant bail in connection with the charge of the prescribed offence unless the defendant satisfies the court or officer, to a high degree of confidence, that the

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defendant will not commit a further prescribed offence while released on bail.

(3) A court or police officer may make a decision under subsection (2) only after considering whether to refuse to grant bail to the defendant under section 16(3).

(4) If a court grants the defendant bail, the order granting bail must state the reasons for the decision.

(5) If a police officer grants the defendant bail, the officer must make a record of the reasons for the decision.

(6) This section does not affect the operation of section 16.

(7) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

(8) To remove any doubt, it is declared that a defendant is taken to be released on a previous grant of bail even if—

(a) the defendant has not entered into an undertaking in relation to the bail as required by this Act; or

(b) the court declares, under section 31, that the defendant's undertaking in relation to the bail is forfeited.

(9) In this section—

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failed to appear before a court, in relation to a summons or notice to appear served on a defendant, means failed to appear during the period—

(a) beginning when the defendant is to appear before the court as required by the summons or notice to appear; and

(b) ending on the earlier of the following events to happen—

(i) the defendant surrenders, or is taken, into custody for any reason;

(ii) all charges of an offence to which the summons or notice to appear relates are finalised.

previous grant of bail, in relation to a defendant charged with a prescribed offence, means bail granted—

(a) by a court or police officer under this Act or the *Youth Justice Act 1992*, part 5; and

(b) in connection with a charge of another offence; and

(c) before the defendant is alleged to have committed the prescribed offence.

unlawfully at large, in relation to a previous grant of bail to a defendant, means being at large during the period—

(a) beginning when the previous grant of bail is revoked, whether or not a warrant for the apprehension of the defendant is issued; and

(b) ending on the earlier of the following events to happen—

(i) the defendant surrenders, or is taken, into custody for any reason;

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(ii) the charge of the offence against the defendant to which the previous grant of bail relates is finalised.

10 Amendment of s 19B (Review of particular decisions)

(1) Section 19B(7), after '16,'—

insert—

16AA,

(2) Section 19B(7), '48AE'—

omit, insert—

48AE, 48AF, 48AG

11 Amendment of s 19C (Review by Supreme Court of magistrate's decision on a review)

(1) Section 19C(6), after '16,'—

insert—

16AA,

(2) Section 19C(6), '48AE'—

omit, insert—

48AE, 48AF, 48AG

12 Insertion of new ss 29AA–29AE

After section 29—

insert—

29AA Offence to commit particular offences while on bail, unlawfully at large or failing to appear

(1) A defendant commits a misdemeanour if—

(a) the defendant is granted bail by a court or police officer under this Act or the *Youth*

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Justice Act 1992, part 5 in connection with a charge of an offence; and

(b) either of the following applies—

(i) the defendant commits, as an adult, a prescribed offence at any time while the defendant is released on the grant of bail or is unlawfully at large in relation to the grant of bail;

(ii) the defendant commits, as a child, a significant offence at any time while the defendant is released on the grant of bail or is unlawfully at large in relation to the grant of bail.

Minimum penalty—1 year's imprisonment served wholly in a corrective services facility.

Maximum penalty—3 years imprisonment.

(2) A defendant commits a misdemeanour if—

(a) the defendant commits, as an adult, a prescribed offence at any time while the defendant failed to appear before a court as required by a summons or notice to appear served on the defendant in relation to an offence; or

(b) the defendant commits, as a child, a significant offence at any time while the defendant failed to appear before a court as required by a summons or notice to appear served on the defendant in relation to an offence.

Minimum penalty—1 year's imprisonment served wholly in a corrective services facility.

Maximum penalty—3 years imprisonment.

(3) For subsections (1) and (2), a defendant commits—

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(a) a prescribed offence if the defendant is convicted of the prescribed offence; or

(b) a significant offence if the defendant is convicted of the significant offence.

Note—

See also section 29AC.

(4) Also, for subsections (1) and (2)—

(a) if a defendant commits, as an adult, 2 or more prescribed offences arising out of the same, or the same set of, circumstances, the defendant must not be convicted of or punished for more than 1 offence against subsection (1) or (2) in relation to the prescribed offences; and

(b) if a defendant commits, as a child, 2 or more significant offences arising out of the same, or the same set of, circumstances, the defendant must not be convicted of or punished for more than 1 offence against subsection (1) or (2) in relation to the significant offences.

(5) Despite any other law, including the *Acts Interpretation Act 1954*, section 45 and the Criminal Code, section 16, a person may be convicted of and punished for an offence against subsection (1) or (2) despite the person already having been convicted of and punished for the prescribed offence or significant offence that is the subject of the offence against subsection (1) or (2).

(6) The Criminal Code, section 17 does not apply in relation to a trial of a person charged with an offence against subsection (1) or (2) only because the person has already been convicted of the prescribed offence or significant offence that is the subject of the offence against subsection (1) or (2).

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(7) Subsection (6) does not limit or otherwise affect section 29AC.

(8) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

(9) To remove any doubt, it is declared that a defendant is taken to be on bail for subsection (1) even if—

(a) the defendant has not entered into an undertaking in relation to the grant of bail as required by this Act; or

(b) the court declares, under section 31, that the defendant's undertaking in relation to the grant of bail is forfeited.

(10) An offence against subsection (1) or (2) is a ***section 29AA offence***.

(11) In this section—

corrective services facility see the *Corrective Services Act 2006*, schedule 4.

failed to appear before a court, in relation to a summons or notice to appear served on a defendant, means failed to appear during the period—

(a) beginning when the defendant is to appear before the court as required by the summons or notice; and

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(b) ending on the earlier of the following events to happen—

(i) the defendant surrenders, or is taken, into custody for any reason;

(ii) all charges of an offence to which the summons or notice to appear relates are finalised.

unlawfully at large, in relation to a defendant granted bail, means being at large during the period—

(a) beginning when the grant of bail is revoked, whether or not a warrant for the apprehension of the defendant is issued; and

(b) ending on the earlier of the following events to happen—

(i) the defendant surrenders, or is taken, into custody for any reason;

(ii) the charge of the offence against the defendant to which the grant of bail relates is finalised.

29AB Offence warning

(1) This section applies if—

(a) a court grants bail to a defendant under this Act or the *Youth Justice Act 1992*, part 5 in connection with a charge of an offence and the defendant appears before the court when bail is granted; or

(b) a police officer grants bail to a defendant under this Act or the *Youth Justice Act 1992*, part 5 in connection with a charge of an offence.

(2) The court or police officer, as the case may be, must warn the defendant that committing

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particular offences while on bail or unlawfully at large is an offence against this Act and the minimum penalty for that offence is 1 year's imprisonment served wholly in a corrective services facility.

(3) If the defendant is a child, the court or police officer, as the case may be, must have regard to principle 7 mentioned in the *Youth Justice Act 1992*, schedule 1 when giving the warning mentioned in subsection (2) to the child.

(4) Failure to comply with subsection (2) or (3)—

(a) does not affect the defendant's liability for an offence against section 29AA(1), the validity of a proceeding in relation to an offence against section 29AA(1) or any other matter; and

(b) is not a ground of appeal against a conviction for an offence against section 29AA(1).

29AC Proceedings for section 29AA offence

(1) A charge of a section 29AA offence against a person may allege that the person committed a prescribed offence or significant offence despite the person not yet being convicted of the prescribed offence or significant offence.

(2) If a person is not charged with a section 29AA offence before the person is sentenced, or is otherwise dealt with, for the prescribed offence or significant offence that is the subject of the section 29AA offence, the person can not later be charged with, or prosecuted for, the section 29AA offence.

(3) Despite any other law, in a proceeding, other than a committal proceeding, for a charge of a section 29AA offence against a person—

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(a) evidence that the person is convicted of the prescribed offence or significant offence that is the subject of the section 29AA offence is admissible in the proceeding to prove the person committed the prescribed offence or significant offence; and

(b) evidence of the fact that the person was—

(i) granted bail in connection with a charge of an offence is admissible in the proceeding to prove the person was on bail for the offence; or

(ii) served with a summons or a notice to appear in relation to an offence is admissible in the proceeding to prove the person was served with the summons or notice in relation to the offence.

(4) However, unless the evidence mentioned in subsection (3) is otherwise admissible, the court and, if there is a jury, the jury must not have regard to the evidence for any other purpose before receiving a plea of guilty or making any finding of guilt in relation to the section 29AA offence.

(4A) Despite any other law, in a committal proceeding for a charge of a section 29AA offence against a person—

(a) evidence of the fact that the person is charged with, or convicted of, a prescribed offence or significant offence that is the subject of the section 29AA offence, is admissible in the proceeding; and

(b) evidence of the fact that the person is charged with a prescribed offence or significant offence that is the subject of the section 29AA offence is sufficient evidence to commit the person for trial in relation to

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the element of the section 29AA offence of committing a prescribed offence or significant offence; and

(c) evidence of the fact that the person was—

(i) granted bail in connection with a charge of an offence is admissible in the proceeding to prove the person was on bail for the offence; or

(ii) served with a summons or a notice to appear in relation to an offence is admissible in the proceeding to prove the person was served with the summons or notice in relation to the offence.

(5) Despite any other law, in a proceeding, other than a committal proceeding, for a charge of a section 29AA offence a person must not be asked to plead to the charge unless and until the person is convicted of the prescribed offence or significant offence that is the subject of the section 29AA offence.

(6) Subsection (7) applies in relation to a proceeding for a charge of a section 29AA offence if the charge and a charge of the prescribed offence or significant offence that is the subject of the section 29AA offence are joined in the same complaint or indictment against the same person.

(7) If the person is convicted of the prescribed offence or significant offence—

(a) the court must then decide the section 29AA offence; and

(b) a jury for a trial in relation to the prescribed offence or significant offence need not be sworn afresh in relation to the section 29AA offence.

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29AD Court's jurisdiction for section 29AA offence

(1) Despite any other law, a court has jurisdiction to—

(a) hear and decide a charge of a section 29AA offence if the court has jurisdiction to hear and decide a charge of the prescribed offence or significant offence that is the subject of the section 29AA offence; or

(b) try a person charged with a section 29AA offence if the court has jurisdiction to try the person for a charge of the prescribed offence or significant offence that is the subject of the section 29AA offence; or

(c) hear and decide a charge of a section 29AA offence, or try a person charged with a section 29AA offence, if the court has dealt with the prescribed offence or significant offence that is the subject of the section 29AA offence.

(2) To remove any doubt, it is declared that if a Magistrates Court is to hear and decide a charge of a prescribed offence or significant offence that is the subject of a section 29AA offence, the court has jurisdiction to hear and decide the section 29AA offence whether or not the charge of the section 29AA offence and the prescribed offence or significant offence are joined in the same complaint.

(3) If a Magistrates Court hears and decides a charge of a section 29AA offence summarily under subsection (1), the court has jurisdiction despite the time that has elapsed from the time when the matter of complaint of the charge arose.

(4) Subject to this Act, the provisions of an Act in relation to hearing and deciding a charge of a prescribed offence or significant offence that is the subject of a section 29AA offence apply to a

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proceeding for a charge of the section 29AA offence as if the offence were the prescribed offence or significant offence.

29AE Meaning of *convicted* of an offence for ss 29AA and 29AC

(1) For sections 29AA and 29AC, a person is ***convicted*** of an offence if the person is found guilty of the offence by a court, on a plea of guilty or otherwise, whether or not a conviction is recorded.

(2) A reference in subsection (1) to a person being found guilty of an offence includes a finding of guilt, within the meaning of the *Youth Justice Act 1992*, schedule 4, against the person as a child for the offence.

(3) However, a person is not ***convicted*** of an offence if the person's conviction for the offence is set aside or quashed.

13 Amendment of s 35 (Proceedings for offences)

Section 35—

insert—

(3) This section does not apply in relation to a prosecution for a section 29AA offence.

Note—

See also sections 29AC and 29AD.

14 Insertion of new s 53

Before the schedule—

insert—

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53 Transitional provision for Breach Bail, Go to Jail and Other Legislation Amendment Act 2026

(1) New section 16(3)(h) applies to a prescribed offence committed on or after the commencement.

(2) New section 16AA applies in relation to a grant of bail being considered under that section in connection with a charge of a prescribed offence committed on or after the commencement.

(3) New sections 29AA to 29AE and 35 apply in relation to—

(a) bail granted to a person under this Act or the *Youth Justice Act 1992*, part 5 from the commencement; and

(b) a summons or notice to appear served on a person from the commencement.

(4) For subsection (3), it is irrelevant whether—

(a) the offence in relation to which the person is granted bail or is served with a summons or notice to appear happened before or after the commencement; or

(b) the proceeding for the offence mentioned in paragraph (a) was started before or after the commencement.

(5) In this section—

new, in relation to a provision of this Act, means the provision as in force from the commencement.

15 Insertion of new sch 1

After section 53, as inserted by this Act—

insert—

Schedule 1 Prescribed offences

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section 6, definition *prescribed offence*

Criminal Code

- section 61 (Riot), if the circumstance stated in paragraph (a) of the penalty for section 61(1) applies
- section 69 (Going armed so as to cause fear)
- section 75 (Threatening violence)
- section 210 (Indecent treatment of children under 16)
- section 213 (Owner etc. permitting abuse of children on premises)
- section 215 (Engaging in penile intercourse with child under 16)
- section 216 (Abuse of persons with an impairment of the mind)
- section 217 (Procuring young person etc. for penile intercourse), if the offence is committed against a child
- section 217A (Obtaining commercial sexual services from person who is not an adult)
- section 217B (Allowing person who is not an adult to take part in commercial sexual services)
- section 217C (Conduct relating to provision of commercial sexual services by person who is not an adult)
- section 218 (Procuring sexual acts by coercion etc.), if the offence is committed against a child

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- section 218A (Using internet etc. to procure children under 16)
- section 218B (Grooming child under 16 years or parent or carer of child under 16 years)
- section 219 (Taking child for immoral purposes)
- section 221 (Conspiracy to defile), if the offence is committed against a child
- section 222 (Incest), if the offence is committed against a child
- section 228 (Obscene publications and exhibitions), if the offence is committed in relation to a child
- section 228A (Involving child in making child exploitation material)
- section 228B (Making child exploitation material)
- section 228C (Distributing child exploitation material)
- section 228D (Possessing child exploitation material)
- section 228DA (Administering child exploitation material website)
- section 228DB (Encouraging use of child exploitation material website)
- section 228DC (Distributing information about avoiding detection)
- section 228I (Producing or supplying child abuse object)
- section 228J (Possessing child abuse object)
- section 229B (Repeated sexual conduct with a child)

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- sections 302 (Definition of *murder*) and 305 (Punishment of murder)
- sections 303 (Definition of *manslaughter*) and 310 (Punishment of manslaughter)
- section 306 (Attempt to murder)
- section 307 (Accessory after the fact to murder)
- section 309 (Conspiring to murder)
- section 311 (Aiding suicide)
- section 313(2) (Killing unborn child)
- section 314A (Unlawful striking causing death)
- section 315 (Disabling in order to commit indictable offence)
- section 315A (Choking, suffocation or strangulation in a domestic setting)
- section 316 (Stupefying in order to commit indictable offence)
- section 317 (Acts intended to cause grievous bodily harm and other malicious acts)
- section 319 (Endangering the safety of a person in a vehicle with intent)
- section 320 (Grievous bodily harm)
- section 320A (Torture)
- section 322 (Administering poison with intent to harm), if the circumstance stated in paragraph (a) of the penalty for the section applies
- section 323 (Wounding)
- section 328A (Dangerous operation of a vehicle)

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- section 328C (Damaging emergency vehicle when operating motor vehicle)
- section 328D (Endangering police officer when driving motor vehicle)
- section 334C (Coercive control)
- section 339 (Assaults occasioning bodily harm), if the circumstance stated in section 339(2) or (3) applies
- section 340 (Serious assaults)
- section 349 (Rape)
- section 350 (Attempt to commit rape)
- section 351 (Assault with intent to commit rape)
- section 352 (Sexual assaults), if the offence is committed against a child or the circumstance stated in section 352(2) or (3) applies
- section 354 (Kidnapping)
- section 354A (Kidnapping for ransom)
- section 355 (Deprivation of liberty)
- section 359E (Punishment of unlawful stalking, intimidation, harassment or abuse)
- section 398 (Punishment of stealing), if clause 12 (Stealing of a vehicle) or 15 (Stealing firearm or ammunition) applies
- section 408A (Unlawful use or possession of motor vehicles, aircraft or vessels)
- sections 409 (Definition of *robbery*) and 411 (Punishment of robbery)
- section 412 (Attempted robbery)
- section 419 (Burglary)

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- section 421 (Entering or being in premises and committing indictable offences)
- section 427 (Unlawful entry of vehicle for committing indictable offence)
- section 461 (Arson)
- section 462 (Endangering particular property by fire)

Drugs Misuse Act 1986

- section 5 (Trafficking in dangerous drugs)

Weapons Act 1990

- section 56A (Reckless discharge of weapon towards building or vehicle)
- section 67A (Possession and distribution of blueprint material for manufacture of firearms)

16 Renumbering of schedule (Offences for which bail must not be granted under section 14 or 14A)

Schedule—

renumber as schedule 2.

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Part 2A Amendment of Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026

16A Act amended

This part amends the *Expanding Adult Crime, Adult Time and Taking a Strong Stance on Drugs and Anti-Social Behaviour Amendment Act 2026*.

16B Amendment of s 24 (Replacement of ch 14, pt 4, div 5 (Additional case—minor drugs offence))

(1) Section 24, inserted section 378C(2), note, 'must'—

omit, insert—

may

Editor's note—

Legislation ultimately amended—

- *Police Powers and Responsibilities Act 2000*

(2) Section 24, inserted section 378G(1), note, 'must'—

omit, insert—

may

Editor's note—

Legislation ultimately amended—

- *Police Powers and Responsibilities Act 2000*

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Part 3 Amendment of Police Powers and Responsibilities Act 2000

17 Act amended

This part amends the *Police Powers and Responsibilities Act 2000*.

18 Amendment of s 367 (Arrest of person granted bail)

Section 367(3)(a)(i), notes—

omit, insert—

Note—

For the matters a police officer may consider before arresting a child in particular circumstances under this subparagraph, see the *Youth Justice Act 1992*, section 59A.

19 Insertion of new ch 21, pt 1, div 1AA

Chapter 21, part 1, before division 1—

insert—

Division 1AA Preliminary

639AA Human Rights Act 2019, s 58 does not apply to particular acts and decisions

(1) It is declared that the *Human Rights Act 2019*, section 58 does not apply to acts and decisions that—

(a) are reasonably necessary for the administration of this Act; and

(b) relate to—

(i) a person in custody in a watch-house; or

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Example of acts and decisions for subparagraph (i)—

- a decision by a watch-house manager under section 639 to give a direction to a person in custody in a watch-house to ensure the good management and control of the watch-house

(ii) the transfer of a person in custody in a watch-house from the watch-house under section 640.

(2) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

(3) This section, other than subsection (2), expires 5 years after the day on which subsection (2) commences.

20 Amendment of s 640 (Transfer of persons in watch-houses)

Section 640(3) to (5)—

omit.

Authorised by the Parliamentary Counsel

Part 4 Amendment of Young Offenders (Interstate Transfer) Act 1987

21 Act amended

This part amends the *Young Offenders (Interstate Transfer) Act 1987*.

22 Amendment of s 3 (Interpretation)

Section 3, definition *young offender*, paragraph (b)—

omit, insert—

(b) in Queensland who is subject to a sentence order under any of the following provisions of the *Youth Justice Act 1992*—

(i) section 175(1)(d), (da), (db), (e) or (g) (Sentence orders—general);

(ii) section 175A(2) (Sentence orders—significant offences to which adult penalties apply);

(iii) section 176(1), (2) or (3) (Sentence orders—other significant offences); or

Part 5 Amendment of Youth Justice Act 1992

23 Act amended

This part amends the *Youth Justice Act 1992*.

Authorised by the Parliamentary Counsel

24 Amendment of s 11 (Police officer to consider alternatives to proceeding against child)

(1) Section 11, heading, first mention, 'to'—

omit, insert—

may

(2) Section 11(1), 'offence other than a serious offence, must first'—

omit, insert—

offence, may

(3) Section 11(2) and (3), 'must'—

omit, insert—

may

(4) Section 11(3), 'comply with a requirement'—

omit, insert—

take action

(5) Section 11(4), (5) and (7)—

omit.

(6) Section 11(6), (8) and (9)—

renumber as section 11(4), (5) and (6).

25 Amendment of s 47 (Bail Act 1980 applies)

Section 47(1), note, '16'—

omit, insert—

16, 16AA

26 Amendment of s 48 (Releasing children in custody in connection with a charge of an offence)

Section 48(2), note 1, '48AF'—

omit, *insert—*

Authorised by the Parliamentary Counsel

27 Amendment of s 48AF (Releasing children charged with prescribed indictable offence committed while on release)

(1) Section 48AF, heading, from 'prescribed'—

omit, *insert*—

particular offences in particular circumstances

(2) Section 48AF(1)—

omit, *insert*—

(1) This section applies in relation to a child in custody in connection with a charge of—

(a) a prescribed indictable offence alleged to have been committed at any time while the child was—

(i) released into the custody of a parent, or at large with or without bail, between the day of the child's apprehension and the day of the child's committal for trial for another indictable offence; or

(ii) awaiting trial, or sentencing, for another indictable offence; or

(b) a significant offence alleged to have been committed at any time while the child was released on a previous grant of bail, was unlawfully at large or failed to appear before a court under section 48AG.

28 Insertion of new s 48AG

After section 48AF—

insert—

Authorised by the Parliamentary Counsel

48AG Releasing children charged with significant offence committed while on bail, unlawfully at large or failing to appear

(1) This section applies in relation to a child in custody in connection with a charge of a significant offence alleged to have been committed at any time while the child—

(a) was released on a previous grant of bail; or

(b) was unlawfully at large in relation to a previous grant of bail; or

(c) failed to appear before a court in accordance with a summons or notice to appear served on the child.

(2) A court or police officer must refuse to release the child from custody unless the child satisfies the court or officer, to a high degree of confidence, that the child will not commit a further significant offence while released.

(3) A court or police officer may make a decision under subsection (2) only after considering whether to refuse to release the child under section 48AF(2).

(4) In making a decision under subsection (2), a court or police officer must have regard only to matters that are relevant to the risk of the child committing a further significant offence while released.

(5) If a court releases the child, the order releasing the child must state the reasons for the decision.

(6) If a police officer releases the child, the officer must make a record of the reasons for the decision.

(7) This section does not affect the operation of sections 48AAA and 48AF.

(8) For the purposes of the *Human Rights Act 2019*,

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section 43(1), it is declared that this section has effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

(9) To remove any doubt, it is declared that a child is taken to be released on a previous grant of bail even if—

(a) the child has not entered into an undertaking in relation to the bail as required by the *Bail Act 1980*; or

(b) the court declares, under the *Bail Act 1980*, section 31, that the child's undertaking in relation to the bail is forfeited.

(10) In this section—

failed to appear before a court, in relation to a summons or notice to appear served on a child, means failed to appear during the period—

(a) beginning when the child is to appear before the court as required by the summons or notice to appear; and

(b) ending on the earlier of the following events to happen—

(i) the child surrenders, or is taken, into custody for any reason;

(ii) all charges of an offence to which the summons or notice to appear relates are finalised.

previous grant of bail, in relation to a child charged with a significant offence, means bail

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granted—

(a) by a court or police officer under this Act; and

(b) in connection with a charge of another offence; and

(c) before the child is alleged to have committed the significant offence.

unlawfully at large, in relation to a previous grant of bail to a child, means being at large during the period—

(a) beginning when the previous grant of bail is revoked, whether or not a warrant for the apprehension of the child is issued; and

(b) ending on the earlier of the following events to happen—

(i) the child surrenders, or is taken, into custody for any reason;

(ii) the charge of the offence against the child to which the previous grant of bail relates is finalised.

29 Amendment of s 50 (Dealing with children not brought before Childrens Court in accordance with s 49)

Section 50(4)(a), '48AAA and 48AE'—

omit, insert—

48AAA, 48AF and 48AG

30 Amendment of s 56 (Custody of child if not released by court)

Section 56(12) to (14)—

omit, insert—

(12) For the purposes of the *Human Rights Act 2019*,

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section 43(1), it is declared that this section has effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

31 Amendment of s 59A (Police officers must consider alternatives to arrest for contraventions of bail conditions)

(1) Section 59A, heading, 'must'—

omit, insert—

may

(2) Section 59A(1)(c)—

omit.

(3) Section 59A(2), from 'offence other than'—

omit, insert—

offence.

(4) Section 59A(3) and (4), 'must'—

omit, insert—

may

(5) Section 59A(5)—

omit.

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32 Omission of s 59AA (Police officers may consider alternatives to arrest for contraventions of bail conditions—bail granted for serious indictable offence etc.)

Section 59AA—

omit.

33 Amendment of s 136 (Application of Corrective Services Act 2006)

Section 136(2)(c)(i), 'section 135(7)(b)'—

omit, insert—

section 135(7)

34 Amendment of s 162 (When court must consider making court diversion referral or presentence referral)

Section 162(1), after 'an offence'—

insert—

, other than an offence against the *Bail Act 1980*, section 29AA,

35 Amendment of s 163 (Power of court to make restorative justice process referral)

Section 163—

insert—

(1A) However, the court must not refer an offence against the *Bail Act 1980*, section 29AA to the chief executive under subsection (1) for the purpose of making a court diversion referral in relation to a child.

Authorised by the Parliamentary Counsel

36 Amendment of s 175A (Sentence orders—significant offences to which adult penalties apply)

(1) Before section 175A(1)—

insert—

(1AA) This section applies if a court is sentencing a child for an offence against the *Bail Act 1980*, section 29AA.

(2) Section 175A(1), 'This'—

omit, insert—

Also, this

(3) Section 175A—

insert—

(2A) For subsection (2), it is irrelevant that a child may not be liable to an offence against the *Bail Act 1980*, section 29AA in the same circumstances as an adult.

(4) Section 175A—

insert—

(5A) A requirement under the *Bail Act 1980*, section 29AA that a term of imprisonment to be served wholly in a corrective services facility is the minimum penalty for the offence is taken to be a requirement that a period of detention to be served wholly in a detention centre is the minimum penalty for the offence.

(5B) To remove any doubt, it is declared that subsection (5A) does not limit or otherwise affect part 8, division 2A.

37 Amendment of s 210 (Detention to be served in detention centre)

Section 210(7) to (9)—

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omit, insert—

(7) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

38 Amendment of s 227 (Release of child after service of period of detention)

(1) Section 227, heading, 'service of'—

omit, insert—

serving

(2) Section 227(4)(b), from 'subject to'—

omit, insert—

subject to—

(i) any requirement under the Criminal Code mentioned in section 175A(5) that relates to the offence; or

(ii) any requirement under the *Bail Act 1980* mentioned in section 175A(5A) that relates to the offence.

39 Amendment of s 262 (Establishment of detention centres and other places)

(1) Section 262(2) and (3)—

omit, insert—

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(2) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that subsections (1) and (5) have effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

(3) Despite the *Human Rights Act 2019*, section 43(3), subsection (2) does not apply to a regulation made under subsection (1)—

(a) before 23 August 2023; or

(b) that declares subsection (2) does not apply to the regulation.

(2) Section 262(7) and (8)—

omit, insert—

(7) This subsection and subsections (3) to (6) expire 5 years after the day on which subsection (2) commences.

40 Amendment of s 262A (Human Rights Act 2019, s 58 does not apply to particular acts and decisions)

Section 262A(1) to (3)—

omit, insert—

(1) It is declared that the *Human Rights Act 2019*, section 58 does not apply to acts and decisions that—

(a) are reasonably necessary for the administration of this Act; and

(b) relate to—

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(i) a child in a relevant detention centre; or

(ii) the placing of a child in a relevant detention centre.

Examples of acts and decisions—

- a decision by the chief executive under section 56 or 265 to place a child in a relevant detention centre
- the transportation of a child to a relevant detention centre
- the chief executive's carrying out of their responsibility under section 263 for the wellbeing of a child detained in a relevant detention centre
- the chief executive's carrying out of their responsibility under section 302 to establish programs and services for a child detained in a relevant detention centre

(2) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

(3) This section, other than subsection (2), expires 5 years after the day on which subsection (2) commences.

41 Insertion of new pt 11, div 31

After section 450—

insert—

Division 31 Transitional provisions for Breach Bail, Go to Jail and

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Other Legislation Amendment Act 2026

451 Amended section 11 not limited to offences committed on or after commencement

Section 11, as amended by the *Breach Bail, Go to Jail and Other Legislation Amendment Act 2026*, applies in relation to any consideration of alternatives by a police officer under that section whether the offence relevant to the consideration was committed before or after the commencement.

452 Expansion of section 48AF(1) limited to offences committed on or after commencement

(1) Section 48AF(1)(a), as inserted by the *Breach Bail, Go to Jail and Other Legislation Amendment Act 2026*, applies in relation to a charge of a prescribed indictable offence committed before or after the commencement.

(2) Section 48AF(1)(b), as inserted by the *Breach Bail, Go to Jail and Other Legislation Amendment Act 2026*, applies in relation to a charge of a significant offence only if the offence was committed on or after the commencement.

453 New section 48AG limited to offences committed on or after commencement

Section 48AG, as inserted by the *Breach Bail, Go to Jail and Other Legislation Amendment Act 2026*, applies in relation to a child in custody in connection with a charge of a significant offence only if the offence was committed on or after the commencement.

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454 Amended section 59A not limited to offences or contraventions committed, or bail granted, on or after commencement

Section 59A, as amended by the *Breach Bail, Go to Jail and Other Legislation Amendment Act 2026*, applies in relation to any consideration of alternatives by a police officer under that section whether—

(a) the bail was granted before or after the commencement; or

(b) the condition was imposed before or after the commencement; or

(c) the suspected contravention was committed before or after the commencement.

42 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

significant offence means an offence mentioned in section 175A(1), (1A), (1B) or (1C).

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