



Queensland bail laws for children

Date: Sunday January 19, 2025

In 2024, Queensland introduced significant changes to its bail laws, aiming to tackle youth crime and enhance community safety. These reforms primarily focus on repeat offenders and represent a more stringent stance on granting bail, especially for [young offenders](#) deemed a risk to public safety.

Key changes to bail laws for children

1. Presumption against bail

The list of offences with a presumption against bail (that is, the Court will not grant bail unless there are exceptional circumstances) has been expanded.

This now includes serious crimes like unlawful use of a motor vehicle under aggravated circumstances, burglary, and entering premises to commit indictable offences. If a child is charged with one of these offences while on bail for another indictable offence, bail will typically be denied unless they can demonstrate exceptional circumstances as to why they should be released.

1. Breach of bail is now a criminal offence for children

Breaching a bail condition is now a criminal offence for children in Queensland. This change is said to emphasise accountability, ensuring that young individuals who do not comply with their bail conditions face additional penalties.

1. Serious Repeat Offender Declaration

The *Youth Justice Act* has been updated to allow courts to designate certain young offenders as “serious repeat offenders.”

This declaration subjects children to stricter sentencing principles, with a focus on prioritising community safety. It also means that children deemed a serious repeat offender may face more stringent bail conditions or may be denied bail entirely.

1. Expansion of electronic monitoring bracelets for young offenders

To enhance monitoring capabilities, electronic monitoring (like GPS ankle bracelets) has been expanded to regions such as Toowoomba, Mount Isa, and Cairns. This measure is utilised as a condition of bail for high-risk youth offenders.

1. Simplification of the bail process for police

Under the new laws, police officers no longer need to consider alternatives to arrest when a young person violates their bail conditions. This change streamlines the process, allowing for immediate action in situations where public safety is at risk.

Controversy over changes to bail laws for young offenders

While some welcome these measures as essential for community protection, not everyone agrees. Critics argue that tougher bail laws for child offenders may worsen issues like overcrowded detention centres and neglect the underlying causes of offending, such as poverty and inadequate social support.

Experts caution that these strict bail laws could disproportionately affect vulnerable groups, especially Indigenous youth, who are already over-represented in the criminal justice system.

Choosing a youth justice lawyer to represent your child

The lawyers at Gilshenan &Luton have expertise in this specialised and complex area of the law and can provide representation for your child or a child you care for at any stage of a criminal matter, including when applying for bail.

The legal system can be an intimidating and confronting process, especially for a child. It is vital that you obtain advice and assistance from knowledgeable lawyers with expertise in this area at the earliest opportunity.

Contacting Gilshenan &Luton Lawyers

[07 3361 0222](tel:0733610222) (24/7)

gnl@gnl.com.au

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.