Youth Justice (Electronic Monitoring) Amendment Bill 2025

Submission No: 001
Submission By: Sisters Inside, Inc.
Publication: Making the submission and your name public

Sisters Inside Inc.
ABN 94 859 410 728

P.O. Box 3407
South Brisbane Qld 4101

Ph: (07) 3844 5066
Fax: (07) 3844 2788

Email: admin@sistersinside.com.au
Web: www.sistersinside.com.au

Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system

Education, Arts and Communities Committee
By Email: eacc@parliament.qld.gov.au

Dear Members of the Committee

RE: Youth Justice (Electronic Monitoring) Amendment Bill 2025

Introduction

This submission strongly and unequivocally opposes the Youth Justice (Electronic Monitoring) Amendment Bill 2025.

The Bill proposes to make electronic monitoring of children permanent, statewide, and available without meaningful eligibility limits. It does so while acknowledging, and then dismissing, the profound human rights impacts of surveilling children's bodies, movements, relationships, education, and family life.

Electronic monitoring is not a neutral or administrative bail condition. It is a form of incarceration that has simply been relocated from prison walls to children's homes. It is e-carceration[1]. This Bill represents a deliberate expansion of the carceral state into the everyday lives of children who have not been convicted of a crime.

The Committee should reject this Bill in full.

Electronic Monitoring Is Incarceration by Another Name

> *"Of all the conditions imposed on individuals… likely none is more intrusive, punitive and dehumanizing than electronic monitoring.[2]"*

The central premise of the Bill is that electronic monitoring is an alternative to imprisonment. This framing is false.

Electronic monitoring imposes continuous surveillance on a child's body, enforces curfews that function as house arrest, and creates a constant risk of breach that can return a child to custody for reasons entirely unrelated to alleged offending. It transforms homes into sites of control and parents and carers into unwilling extensions of the criminal legal system. It does not reduce punishment; it redistributes it.

---

[1] 'For the authorities, e-carceration offers a means to assure the public that purportedly threatening populations… are under control. Yet, these technologies are about more than control. They serve as a reminder that we need to fear certain sectors of the population.' https://www.publicbooks.org/e-carceration-surveillance-technology-border-optics/
E-carceration is often referred to by prison activists and advocates as 'open-air digital prison' https://www.usnewsbeat.com/e-carceration

[2] https://www.usnewsbeat.com/e-carceration

A child fitted with a tracking device does not experience freedom. They experience restriction, stigma, fear, and hyper-monitoring, and what some advocates have described as Orwellian style digital prisons[3]. The fact that this occurs outside a prison does not make it less punitive. It simply makes the punishment less visible to the public.

The proposed Bill entrenches this model permanently, signalling that the State now considers the surveillance of children an ordinary and acceptable feature of so-called youth justice.

The Bill Abandons the Foundational Principle That Children Are Different

Youth justice exists because children are developmentally different from adults and are entitled to heightened protection, not expanded punishment. This Bill shamelessly abandons that principle.

By removing age thresholds and offence-based eligibility criteria, the Bill allows electronic monitoring to be imposed on any child on bail, regardless of age, alleged conduct, or personal circumstances. The result is that a measure initially framed as exceptional becomes routine.

This directly undermines the Charter of Youth Justice Principles and is inconsistent with Australia's obligations under the UN Convention on the Rights of the Child. The Convention requires that detention, and measures akin to detention, be used only as a last resort and for the shortest appropriate period of time. Electronic monitoring under this Bill is not a last resort. It is positioned as a standard tool for risk management.

The Bill shifts youth justice away from "rehabilitation" and re-entry and toward pre-emptive control. Children are no longer treated as rights-holders whose development must be protected, but as risks to be managed through technology.

"Community Safety" Is Used as a Justification, Not an Evidence-Based Outcome

> *'Electronic monitor programs act to push those under surveillance further on the margins of society, divorcing them from the very things that are necessary for re-entry, while at the same time failing to make us any safer, nor significantly reducing prison populations."*[4]

The Bill repeatedly asserts that electronic monitoring improves community safety. This claim is asserted rather than proven.

The explanatory material relies heavily on an independent evaluation that identifies an association between electronic monitoring and certain outcomes, while failing to establish causation. This is not a minor distinction. Association does not demonstrate that electronic monitoring itself is responsible for any reduction in reoffending or bail breaches.

This limitation is not new.

The decision to make electronic monitoring permanent for children cannot be justified as evidence based. International research, including a meta-analysis of 18 studies, has found no statistically significant impact of GPS tracking on crime reduction outside a narrow post-sentence context for adults convicted of child sex offences[5]. Queensland is proposing to normalise this technology for children on bail despite the absence of evidence that it works and clear evidence that it causes harm.

---

[3] https://www.usnewsbeat.com/e-carceration

[4] Arnett, C 2019, *From Decarceration to E-Carceration*, 41 Cardozo L. Rev. (P. 646)

[5] T Walsh, Submission No 21 to Justice, Integrity and Community Safety Committee, Parliament of Queensland, Making Queensland Safer Bill (2 December 2024) 21; J Belur et al, 'A Systematic Review of the Effectiveness of the Electronic Monitoring of Offenders', Journal of Criminal Justice, vol. 68, May-June 2020.

In 2022, the Electronic Monitoring Trial Report expressly found that the initial trial, due to its small sample size, had failed to confirm the effectiveness of electronic monitoring in deterring offending behaviour[6]. That uncertainty has not been resolved by expanding the trial's scope. Instead, the Government has moved to entrench the intervention permanently while continuing to rely on correlational data and selective interpretation.

Crucially, even the more recent evaluation relied upon by the Bill acknowledges that positive outcomes were closely linked to the presence of wrap-around supports and bail services, not surveillance alone. Engagement with support services, not the monitoring device itself, was associated with increased compliance and reduced recriminalisation.

Rather than responding to this finding by guaranteeing and expanding those supports, the Bill proposes to entrench the most intrusive element, electronic monitoring, while leaving support services discretionary, unevenly available, and contingent on location and resources. This reflects a clear policy choice to prioritise control over care.

Community safety is not produced by tracking children. It is produced by housing stability, access to education, health care and therapeutic support, strong family and community connection, and culturally safe services. Surveillance may create the appearance of order, but it does not address the conditions that give rise to harm.

What this Bill ultimately delivers is not genuine community safety, but institutional reassurance, reassurance that something visible is being done, even if it does not resolve the underlying problem.

The Bill Deepens Racialised Harm to Aboriginal Children and Torres Strait Islander Children

> *'Electronic ankle monitors often act to deepen social stratification by race and class, much like mass incarceration does, through marginalization of defendants and former offenders from the full benefits of citizenship and humanity, while failing to ensure public safety.'*[7]

The Statement of Compatibility explicitly acknowledges that Aboriginal children and Torres Strait Islander children experience poorer outcomes under electronic monitoring, including lower completion rates and smaller reductions in re-criminalisation. It further acknowledges concerns regarding cultural safety, participation, and the appropriateness of electronic monitoring for First Nations children.

Despite this knowledge, the Bill expands the use of electronic monitoring and removes safeguards that previously limited its application. This is not a neutral or technocratic policy decision. It is a conscious choice to proceed in full awareness of foreseeable racialised harm.

By acknowledging that Aboriginal children and Torres Strait Islander children are more likely to fail under electronic monitoring and then entrenching and expanding its use, the Queensland Government is not acting out of ignorance or uncertainty. It is acting deliberately. This represents an overt escalation of state control over Aboriginal children, using surveillance and punishment as tools of governance rather than protection.

In this context, the Bill cannot be understood as a benign reform. It constitutes a deliberate and targeted extension of the carceral state into the lives of Aboriginal children, knowing that it will disproportionately entrench them deeper into the criminal legal system. This is not an unintended consequence; it is an anticipated outcome that the Government has chosen to accept.

[6] Department of Youth Justice, Electronic Monitoring Trial, (Final Report, November 2022) (p. 28).
[7] Arnett, C 2019, *From Decarceration to E-Carceration*, 41 Cardozo L. Rev. (P. 655)

When a government proceeds with a policy it knows will harm Aboriginal children at higher rates, disrupt kinship ties, undermine cultural safety, and increase the likelihood of further criminalisation, it is waging a form of structural violence against those children. The expansion of electronic monitoring under these conditions amounts to a calculated exercise of state power against Aboriginal childhood itself.

A youth "justice" system that knowingly intensifies surveillance and punishment of Aboriginal children while claiming neutrality is engaging in racialised governance. This Bill represents not protection, but a continuation of the long-standing project of controlling, disciplining, and containing Aboriginal children through the criminal legal system.

This system cannot ever claim neutrality nor credibility while expanding coercive powers over Aboriginal children.

The Bill Normalises Serious Violations of Children's Human Rights

The Statement of Compatibility repeatedly characterises the impacts of electronic monitoring on children's rights as "ancillary." This language minimises the severity of what is being imposed.

Electronic monitoring interferes directly with a child's right to privacy through constant location tracking. It restricts freedom of movement and association through enforced curfews and exclusion zones. It interferes with family life by importing the criminal legal system into the home. It undermines education by exposing children to stigma, bullying, and exclusion, a risk acknowledged in the government's own material.

Most concerningly, the Bill subordinates the best interests of the child to an abstract concept of community risk. The best interests principle is not a balancing factor to be traded away when inconvenient. It is meant to be a primary consideration.

This Bill reverses that hierarchy in a profound and dangerous way. Rather than treating the rights and best interests of the child as the primary consideration guiding all youth justice decision-making, the Bill subordinates those rights to administrative convenience and political reassurance. Children's rights are no longer the starting point of the analysis; they are something to be weighed, managed, and ultimately overridden when they complicate the efficient operation of the system.

The structure of the Bill makes this clear. It prioritises tools that are easy to administer, easy to scale, and easy to defend politically, even where those tools impose serious and ongoing harm on children. Electronic monitoring is attractive to government not because it is the least restrictive option, but because it is visible, measurable, and controllable. It allows the State to claim action without undertaking the far more complex, resource-intensive work of addressing the underlying social conditions that bring children into contact with the criminal legal system in the first place.

In doing so, the Bill reframes children not as rights-holders whose development, dignity, and wellbeing must be protected, but as administrative problems to be managed or controlled through surveillance. The harms to privacy, liberty, education, family life, and cultural connection are treated as acceptable collateral damage in service of institutional order. This is not a balancing exercise conducted in good faith; it is a recalibration of values in which efficiency and political optics are elevated above the lived realities of children.

This approach is fundamentally incompatible with the principles that underpin "youth justice" and human rights law. The best interests of the child are not meant to yield to expediency, nor are they meant to be traded away to provide reassurance to a fearful electorate. When a government knowingly adopts a policy that infringes children's rights because it is administratively convenient and politically defensible, it signals that those rights are conditional rather than inherent.

Such a framework does not protect children. It disciplines them. It does not promote "rehabilitation" or re-entry, the purported aims of the youth justice sector. It entrenches surveillance as a substitute for care and control as a substitute for responsibility. In reversing the hierarchy in this way, the Bill abandons the ethical and legal foundations of "youth justice" and replaces them with a model of governance in which children's rights are expendable whenever they stand in the way of efficiency or political comfort.

Dangerous Concentration of Power and Reduced Safeguards

The amendments significantly expand executive discretion by giving the youth justice chief executive effective control over whether electronic monitoring can be imposed, while simultaneously removing prescribed requirements for suitability assessment reports.

This shift reduces transparency, limits accountability, and weakens procedural safeguards around children's liberty. Decisions affecting a child's freedom should be subject to the highest level of scrutiny, not administrative flexibility.

The Bill concentrates power while diluting oversight. This is incompatible with fundamental legislative principles and dangerous in any system dealing with children.

Erosion of the Separation of Powers and the Right to Appeal

The Bill raises profound concerns about the erosion of the separation of powers and the undermining of natural justice, a foundational pillar of the legal system and the rule of law.

Electronic monitoring is not a minor or administrative condition. As acknowledged throughout the Bill's own materials, it is one of the most intrusive, restrictive, and liberty-limiting measures that can be imposed on a child short of physical imprisonment. Decisions about whether a child is subjected to electronic monitoring go directly to questions of personal liberty, bodily autonomy, and freedom of movement. In a democratic legal system, such decisions must be subject to strict judicial oversight and the protections of natural justice.

However, the Bill shifts decisive power away from the courts and into the hands of the youth justice chief executive. Under the proposed framework, the chief executive's assessment of service availability and suitability effectively determines whether a court may impose an electronic monitoring condition at all. This is not a neutral logistical function. It is a substantive gatekeeping power that shapes the scope of judicial authority and directly affects a child's liberty.

This shift undermines the separation of powers by allowing executive decision-making to constrain and pre-empt judicial discretion. More seriously, it erodes the principles of natural justice. Natural justice requires that decisions affecting rights and liberties be made through fair processes, by independent decision-makers, with transparency, reasons given, and a genuine opportunity to challenge and appeal the decision.

Decisions of a court meet these requirements. Judicial decisions are reasoned, recorded, and subject to appeal. A child has the right to challenge a court's decision affecting their liberty before a higher court. By contrast, when effective control over the imposition of electronic monitoring rests with the chief executive, children are left subject to administrative determinations that lack equivalent procedural safeguards and meaningful avenues of review.

This creates a system in which children's liberty is contingent on executive discretion rather than judicial determination. Such discretion, when exercised without robust appeal rights, transparency, or independent oversight, is the very definition of arbitrary power. It is antithetical to natural justice.

The erosion of natural justice in this context is particularly serious because the individuals affected are children. Children are entitled to heightened protection, not diminished procedural fairness. Yet this Bill reduces their ability to contest life-altering decisions, while expanding the State's capacity to impose surveillance and control.

If electronic monitoring is to exist at all, a proposition this submission fundamentally rejects, decisions about its imposition must remain firmly within the jurisdiction of the courts, where the principles of natural justice apply and appeal rights are preserved. Transferring effective control to the executive represents a profound weakening of legal safeguards and a dangerous precedent for the governance of children.

In doing so, the Bill not only expands e-carceration, but corrodes the legal foundations that are meant to protect children from arbitrary state power.

Less Restrictive Alternatives Exist, The Bill Simply Rejects Them

The assertion that there are no less restrictive ways to achieve the Bill's objectives is unsustainable. The evidence consistently shows that children are more likely to comply with bail and desist from harm when they are supported rather than surveilled: when they are housed, connected to family and community, engaged in education, and provided with culturally safe, trauma-informed services. These are not experimental ideas. They are well-established, evidence-based approaches that require sustained investment and a willingness to trust communities rather than control them.

The Bill itself implicitly acknowledges this. The explanatory material and evaluation repeatedly note that engagement with wrap-around and bail support services is associated with increased compliance and reduced re-offending. Yet instead of responding to this evidence by strengthening and guaranteeing those supports, the Bill dismisses them as insufficient on their own and proceeds to entrench electronic monitoring as the central mechanism of control. This reveals the underlying logic of the reform: care is treated as supplementary and optional, while surveillance is treated as essential.

As one critic has rightly asked, the question we should be confronting is not whether electronic monitoring can be operationalised more efficiently, but whether this is the future we are prepared to accept:

> *"Is the sort of [justice] that we're demanding [as a] fundamental shift in how we respond to harm and maintain public safety? Or is a demand to [safety] about evolving our criminal justice system with technologies that create digital prisons that we're going to have to contend with years later down the line, when we see a crisis happening with so many people being incarcerated in their homes by these devices?"*[8]

This Bill answers that question decisively. It chooses the latter path. Rather than reducing the reach of the carceral state, it extends it into homes, families, and childhood itself, creating the conditions for a future crisis of digitally managed confinement.

That is not an inevitable outcome. It is a political choice.

Electronic Monitoring and the Expansion of Carceral Profit

This Bill must also be understood in the context of the rapidly expanding market for carceral technologies. Electronic monitoring is not simply a policy tool; it is a commercial product embedded in a growing industry that profits from the perpetual surveillance and control of criminalised people.

[8] https://www.usnewsbeat.com/e-carceration

Electronic monitoring devices, data systems, and associated services are developed, operated, and maintained by private companies whose profitability depends on scale, permanence, and expansion. The move to make electronic monitoring permanent, statewide, and broadly available to children represents not only a policy decision, but the creation of a guaranteed, ongoing market for carceral technologies.

As one critic has observed, '...the profit margins of these companies will widen, so long as growing numbers of people find themselves subject to perpetual criminalization, surveillance, monitoring and control.'[9]

Conclusion

This Bill represents a profound and dangerous shift in youth justice policy.
It makes the surveillance of children permanent.
It removes safeguards.
It deepens racial injustice.
It normalises punishment without conviction.
It prioritises control over care.

Electronic monitoring of children is not progressive reform. It is the expansion of incarceration by technological means.

The Parliamentary Committee should recommend that the Youth Justice (Electronic Monitoring) Amendment Bill 2025 be rejected in full.

Children do not need ankle bracelets.
They need safety, dignity, connection, and freedom.

Yours sincerely

[redacted]

DEBBIE KILROY OAM
MLB., GD.FMenH., GD.LPrac., BSocWk., FANZSOC
Chief Executive Officer
6 January 2026

[9] https://www.usnewsbeat.com/e-carceration