

Youth Justice (Electronic Monitoring) Amendment Bill 2025

Submission No: 003

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Submission to the Education, Arts and Communities Committee Inquiry into the Youth Justice (Electronic Monitoring) Amendment Bill 2025

Submitter Details

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Location: Cairns Region, Queensland

Capacity: Private citizen and resident

Submission type: Individual

1. Summary of Position

I support the Youth Justice (Electronic Monitoring) Amendment Bill 2025. As a long-term resident of Far North Queensland, I have witnessed first-hand the deterioration in community safety caused by repeat youth offending across Cairns and surrounding suburbs. The Bill represents a necessary, proportionate and overdue reform that strengthens bail compliance while preserving judicial discretion and the welfare of children.

2. Local Context – Cairns and Surrounding Suburbs

Youth crime in Cairns is no longer an abstract policy issue. It is a daily reality for residents, businesses and victims across suburbs including Palm Cove, Smithfield, Trinity Beach, Edmonton, Manoora and the CBD.

Common and recurring issues include:

- repeat property offences committed while on bail
- stolen vehicles driven dangerously through residential areas
- home invasions occurring at night while occupants are present
- the same small cohort of offenders cycling rapidly through arrest, bail and reoffending

For many residents, the issue is not whether bail should exist, but whether bail conditions have real meaning or enforceability.

3. Bill Overview

The Youth Justice (Electronic Monitoring) Amendment Bill 2025 proposes amendments to the Youth Justice Act 1992 following the completion of a review of the electronic monitoring trial. The Bill proposes to:

- make electronic monitoring as a condition of youth bail permanent
- expand the legislation to be deployed statewide (unless the court is advised the child does not live in a location with services to support the condition)
- remove eligibility criteria whereby the child must be at least 15 years of age, charged with a prescribed indictable offence, and previously charged with certain offences
- amend the matters a court must consider when determining if an electronic monitoring condition is appropriate

4. Support for Making Electronic Monitoring Permanent

I support the proposal to make electronic monitoring as a condition of youth bail permanent rather than trial-based.

A permanent legislative framework:

- provides certainty and consistency for courts
- allows for long-term service planning and resourcing
- avoids the inefficiency and instability of repeated trial extensions
- reinforces judicial confidence in using electronic monitoring where appropriate

Importantly, permanence does not mandate use, but preserves judicial discretion.

5. Support for Statewide Deployment

I support expansion of electronic monitoring to statewide availability, subject to service capability, because it is both practical and equitable.

Under a limited-area model:

- access to electronic monitoring depends on postcode rather than risk
- similarly situated children may be treated differently
- regional communities may experience disproportionate harm from repeat offending

The Bill appropriately balances this by allowing courts to be advised where a child does not reside in a location with the necessary support services.

6. Removal of Restrictive Eligibility Criteria

I support the removal of rigid eligibility thresholds relating to minimum age, prescribed offence lists and prior offending history.

These criteria were well-intentioned but overly restrictive in practice and failed to account for individual risk profiles, patterns of repeated lower-level offending, escalating harm to victims and communities, and early intervention opportunities.

Their removal does not lower safeguards; instead, it returns the focus to individual assessment, supported by judicial reasoning.

7. Judicial Discretion and Proportionality

I support amendments that clarify and strengthen the matters a court must consider when determining whether an electronic monitoring condition is appropriate.

These changes reinforce that electronic monitoring must be:

- necessary
- reasonable
- proportionate
- capable of being supported
- in the best interests of both the child and the community

This approach aligns with contemporary bail jurisprudence, human rights compatibility principles, and trauma-informed youth justice practice.

8. Community Safety and Victim Confidence

Electronic monitoring is not a punitive measure, but it is a meaningful accountability mechanism. When appropriately applied, it:

- improves bail compliance
- deters reoffending while on bail
- provides reassurance to victims
- supports conditional liberty rather than remand
- enhances public confidence in the youth justice system

Communities affected by persistent youth offending require assurance that bail conditions are real, enforceable, and monitored.

9. Victims and Community Confidence

In Cairns, many victims no longer report offences because they believe:

- offenders will be immediately released
- bail conditions will not be enforced
- their safety concerns will not be prioritised

Electronic monitoring, when used appropriately, restores confidence by demonstrating that:

- bail conditions are real
- compliance is monitored
- repeat breaches have consequences

This is essential not only for victims, but for public trust in the youth justice system as a whole.

10. Conclusion

The Youth Justice (Electronic Monitoring) Amendment Bill 2025 reflects careful legislative development, operational experience, judicial discretion, and community expectations. It strikes an appropriate balance between the rights and welfare of children, victim protection, and community safety.

11. Recommendation

I respectfully recommend that the Education, Arts and Communities Committee support the Bill and recommend its passage.