Youth Justice (Electronic Monitoring) Amendment Bill 2025

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JUSTICE REFORM INITIATIVE

JAILING IS FAILING

Submission to the Queensland Parliament Education, Arts and Communities Committee review of the Youth Justice (Electronic Monitoring) Amendment Bill 2025

08 January 2026

Introduction

The Justice Reform Initiative (JRI) welcomes the opportunity to make a submission to the Education, Arts and Communities Committee inquiry into the Youth Justice (Electronic Monitoring) Amendment Bill 2025 ('the Bill'). The JRI reinforces its previously stated position that **increasing the imprisonment of children and expanding punitive responses for children such as electronic monitoring (EM) will not improve community safety.** The JRI does not support the passing of the Bill, which will:

- make EM as a condition of bail permanent and statewide for children and young people; and
- open up the application of EM by removing the age limit and the current eligibility requirements that a child must be charged with certain offences.

Previous submissions regarding Electronic Monitoring for children

The JRI has previously noted the key reasons why we do not support the use and expansion of electronic monitoring for children. The JRI has provided submissions to the following inquiries:

- Submission in response to the introduction of the Strengthening Community Safety Bill 2023 (available here);
- Submission to the Justice, Integrity and Community Safety Committee inquiry into the Making Queensland Safer 2024 Bill (available here);
- Submission to the Justice, Integrity and Community Safety Committee inquiry into the Youth Justice (Monitoring Devices) Amendment Bill 2025 (available here).

In November 2024, the JRI released its position paper *Children, Youth Justice and Alternatives to Incarceration in Australia* (available here).

As is outlined below in this submission, in previous JRI submissions and in the abovementioned position paper, there already exists clear evidence about the harms, risks, stigmatising and net-widening impact of electronic monitoring for children.

Evaluation of the Electronic Monitoring Trial

The Bill was introduced following the completion of an independent review of the Electronic Monitoring (EM) trial, which allowed courts to impose an Electronic Monitoring Device (EMD) as a condition of bail for eligible children and young people charged with a criminal offence. An initial evaluation of the EM trial did not have a sample size that was large enough to determine the impact of EM on reoffending. In November 2024, Nous Group (Nous) were engaged to conduct a further evaluation of the trial, drawing on data up to 30 June 2025.[1]

The Final Report of the evaluation from Nous was provided to the Department of Youth Justice and Victim Support on 9 October 2025.

The JRI submits that the evaluation from Nous does not provide sufficient grounds to make EM as a condition of bail permanent and statewide for children and young people, nor does it

[1] Nous Group, Department of Youth Justice and Victim Support, *Evaluation of the Electronic Monitoring Trial: Final Report*. (Report, 9 October 2025) 4.

provide sufficient grounds to open up the application of EM by removing the age limit and the current eligibility requirements that the child must be charged with certain offences.

The Final Report noted that the evaluation had several limitations. These limitations indicate that there is significant doubt regarding the evidence that is being used to justify these significant changes.[2] Moreover, at the start of the report, Nous expressly state that the report should not be used or relied upon for any purpose other than as an expression of the conclusions and recommendation made by Nous to the Department of Youth Justice and Victim Support as to the matters within the scope of the report.[3]

The Final Report notes that the design of the EM trial embedded wrap-around services into the delivery model. This means that it is not possible to determine whether the purported benefits of EM can be attributable to EM or to the support and wrap-around services that were provided to children and young people. Nous stated that further evaluations may be necessary to distinguish the relative contributions of EM and wrap-around services.[4] Without wrap-around support services, there is not sufficient evidence to justify making EM as a condition of bail permanent and statewide for children and young people.

The Final Report noted that the EM trail was conducted in 13 locations across Queensland.[5] It is not appropriate to extend the application of EM across the state unless there are appropriate wrap-around support services across the state.

The Final Report also noted that successful bail completion outcomes where EM was a condition were lower for First Nations children and for children with poor mental health.[6]

The JRI considers that the Final Report from Nous does not provide sufficient evidence to justify the proposed substantial expansion of EM that has been proposed in the Bill.

Lack of evidence to support electronic monitoring of children

As has been noted in JRI's previous submissions, **there is very little empirical evidence suggesting EM is effective for children**. Most of the evidence suggests it causes more harm than good.[7]

EM is punitive, invasive and not developmentally appropriate for children.[8] Given that children are still developing their ability to control impulses and weigh-up consequences of decisions before acting, punitive and 'harsher' penalties do not deter crime, especially for children, and there is no evidence to suggest that EM will have a deterrent effect for children.[9] EM and other forms of compliance and control fails to consider the fact that children are yet to develop the

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[2] Ibid 18.

[3] Ibid (i).

[4] Ibid 18.

[5] Ibid.

[6] Ibid 27-28.

[7] K Weisburd, 'Monitoring youth: The collision of rights and rehabilitation' (2015) 101 *Iowa Law Review,* 297.

[8] Ibid; C Crump, 'Tracking the trackers: An examination of electronic monitoring of youth in practice' (2019) 53(3) *UC Davis Law Review* 1; J Bechtold, et al, 'The role of race in probation monitoring and responses to probation violations among juvenile offenders in two jurisdictions' (2015) 21(3) *Psychology, Public Policy, and Law,* 323. https://doi.org/10.1037/law0000053

[9] J Sanger, 'Electronic curfew orders and juvenile offenders'(2006) 79(1) *The Police Journal: Theory, Practice and Principles* https://doi.org/10.1350/pojo.2006.79.1.29; Weisburd (n7).

capacity for impulse control, emotional regulation, and complex reasoning (including assessing long-term consequences of decisions).

Creating a condition for a child to wear an EM device does not address the reasons why they might be offending or breaching bail in the first place. Instead, EM can lead to further criminalisation of trauma and disadvantage.

EM is highly stigmatising and marginalising, especially for children. Covering a device is not always possible, particularly in warmer climates like Queensland where people regularly wear shorter clothes with their ankles visible. Further, it can be stigmatising and isolating for children to participate in pro-social activities like sport or social and emotional wellbeing programs if they have a visible electronic monitoring device.[10] The Queensland Human Rights Commissioner has indicated that EM devices are not appropriate for children charged with offences and released on bail.[11]

Moreover, requiring a child on bail to wear an EM device creates a significant level of stigma for a child making it difficult for them to attend school, find employment, or secure safe accommodation. Many children subject to EM also lack family support, further entrenching this disadvantage. This is particularly the case for First Nations children who make up a disproportionate number of children under child protection orders, for whom the parent is the state. The requirement for some children on bail to wear EM devices inflames the already present concerns of the growing vigilante responses to youth crime.[12] The devices may make it easier to identify the children on bail making them more vulnerable when in public.

EM has also had a demonstrated net-widening effect.[13] There have been reports in other jurisdictions of police charging children for breaching their bail conditions in circumstances where the device has a flat battery. This was a limitation identified in the government's own literature review.[14] In addition, the increased surveillance that is associated with EM can also result in children being charged for breaching their bail conditions, even though there has been a lack of support services for children to address the underlying for their breach of bail. The use of EM has been shown to increase focus on technical compliance instead of intensive case management.[15]

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[10] Queensland Government. (n.d). *Electronic monitoring trial evaluation – Appendix 1*. <https://desbt.qld.gov.au/data/assets/pdf file/0019/17461/appendices-trial-report.pdf>; M. M. Kotlaja, 'Electronically monitored youth: Stigma and negative social functioning' (2023) *Crime and Delinquency* <https://doi.org/10.1177/00111287231161522>; K. Weisburd (n7).

[11] Kate McKenna, 'GPS trackers set young criminals up for failure, Human Rights Commissioner says' *ABC News* (online, 5 February 2021) <https://www.abc.net.au/news/2021-02-05/youth-crime-justice-couple-killed-brisbane-gps-human-rights/13117336>.

[12] Peter McCuthcheon, 'Why the growing number of vigilantes in response to youth crime in Townsville is worrying the Indigenous community',*ABC News*(online, 2 March 2021) <https://www.abc.net.au/news/2021-03-02/townsville-youth-crime-vigilantes- worry-indigenous-community/13192838>; Michael Atkin, 'Townsville police issue vigilante warning as youth crime rates soar', *ABC News* (online, 13 December 2016) <https://www.abc.net.au/news/2016-12-13/townsville-police-vigilante-warning-youth-crime-rates- soar/8115002>

[13] L. Bartels, & M. Martinovic, 'Electronic monitoring: the experience in Australia' (2017) 9(1) European Journal of Probation, 80.

[14] Queensland Government (n10)

[15] 15 K. Weisburd (n7)

In 2017, a UK systematic review of the effectiveness of EM in several countries found that EM works best with people convicted of sex offences; but when extended to broader populations, there was no significant positive effect compared to non-monitoring.[16]

There is very little benefit in incurring the substantial cost of expanding the use of EM for children on bail, given the evidence that there is no significant positive effect in terms of crime reduction. We are also concerned about the substantial risk that children required to wear such a device will be set up to fail, resulting in increased incarceration for children and young people with backgrounds of trauma and disadvantage.

Options that facilitate bail compliance

The Justice Reform Initiative (JRI) does not support electronic monitoring or other forms of onerous electronic surveillance for children.

In 2023, the Queensland Family and Child Commission found many children who were remanded into watch houses for lengthy periods did not have stable accommodation or family support that assisted them to comply with their bail conditions.[17] Police cited denying bail for reasons such as a child's parent being intoxicated, family or community fighting, family criminal history, and lack of parental supervision. The proposed reforms around expanding EM do not address any of these determinants that impact upon a child's ability to comply with their bail conditions, while expanding evidence-based bail support services would have this effect.

Instead of expanding the use of EM, the JRI recommends that the Queensland Government increases resources for wrap-around and holistic bail support programs, which provide supported accommodation for children with opportunities for education, health and other necessary support services. This is a more appropriate and effective mechanism to facilitate access to bail for children and young people.

About the Justice Reform Initiative

The JRI is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, further supported by a movement of Australians of goodwill from across the country who believe jailing is failing and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is committed to reducing Australia's harmful and costly reliance on incarceration. Our patrons include more than 140 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges including High Court judges, and many other community leaders who have added their voices to end the cycle of incarceration in Australia.

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[16] Jyoti Belur, et al, What Works Crime Reduction Systematic review Series – No 13 A Systematic Review of the Effectiveness of the Electronic Monitoring of Offenders, UCL Department of Security and Crime Series (2017, University of London) <https://whatworks.college.police.uk/Research/Systematic_Review_Series/Documents/Electronic_monitoring_SR.pdf>.

[17] Queensland Family and Child Commission, Who's responsible: Understanding why young people are being held longer in Queensland watch houses (Report, 2023), <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/young-people-in-youth-justice/who%27s-responsible>

We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven evidence-based approaches that break the cycle of incarceration. We are committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

The Queensland Patrons of the Justice Reform Initiative include:

- **Sallyanne Atkinson AO.** Co-Chair of the Queensland Interim Body for Treaty and a member of the Queensland University Senate.
- **Adjunct Professor Kerry Carrington.** School of Law and Society, University of the Sunshine Coast, and Director of her own Research Consultancy.
- **Mick Gooda.** Former Aboriginal and Torres Strait Islander Social Justice Commissioner and former Royal Commissioner into the Detention of Children in the Northern Territory.
- **Keith Hamburger AM.** Former Director-General, Queensland Corrective Services Commission.
- **Professor Emeritus Ross Homel, AO.** Foundation Professor of Criminology and Criminal Justice, Griffith University.
- **Natalie Lewis.** Commissioner, Office of the Aboriginal and Torres Strait Islander Children's Commissioner, Queensland Family and Child Commission.
- **Gail Mabo.** Australian visual artist represented in most major Australian art galleries and internationally. Gail is of the Meriam language group and clan of Mer (Murray Island) in the Torres Strait, is deeply engaged with young people in her community and is the daughter of land rights campaigner Eddie Mabo and educator and activist Bonita Mabo AO.
- **Professor Elena Marchetti.** Griffith Law School, Griffith University.
- **The Honourable Margaret McMurdo AC.** Former President Court of Appeal, Supreme Court of Queensland and Commissioner of the Victorian Royal Commission into the Management of Police Informants.
- **Dr Mark Rallings.** Former Commissioner, Queensland Corrective Services.
- **Greg Vickery AO.** Former President, Queensland Law Society and former Chair of the Standing Commission of the International Red Cross and Red Crescent Movement.
- **The Honourable Dean Wells.** Former Attorney General of Queensland.
- **The Honourable Margaret White AO.** Former Judge of the Queensland Supreme Court and Queensland Court of Appeal, former Royal Commissioner into the Detention of Children in the Northern Territory, and Adjunct Professor TC Beirne School of Law UQ.

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