

Youth Justice (Electronic Monitoring) Amendment Bill 2025

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Submission By: Queensland Advocacy for Inclusion (QAI)

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Education, Arts and Communities Committee
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Dear Committee

Youth Justice (Electronic Monitoring) Amendment Bill 2025

Queensland Advocacy for Inclusion (QAI) is an independent advocacy organisation and community legal service for people with disability. Our purpose is to advocate for the protection and advancement of the needs, rights, and lives of people with disability across Queensland. We deliver legal and disability advocacy, including direct support for children and young people with disability engaged with the criminal justice system. QAI has undertaken systems advocacy for more than thirty-five years and coordinates the Queensland Independent Disability Advocacy Network (QIDAN).¹

QAI holds significant concerns about the proposed Youth Justice (Electronic Monitoring) Amendment Bill 2025 (**the Bill**). We are concerned that the routine use of 24/7 surveillance through electronic monitoring:

- a. is inappropriate for children with reduced legal capacity;
- b. will reduce access to positive and healthy spaces like schools; and
- c. restricts human rights.

Children with reduced legal capacity

There has been an approximate 2000% increase in children found unfit for trial or unsound of mind in the youth justice system.² Often these children have intellectual disability, psychosocial disability, or cognitive impairment. The proposed amendments will remove the prescribed requirements of a suitability assessment report, which currently includes assessing the child's capacity to understand the monitoring device condition (Clause 4 of the Bill). Many of these children have limited capacity to understand or comply with complex bail

¹ <https://qidan.org.au/>

² ABC News, Queensland Advocacy for Inclusion addresses United Nations, labels state youth crime laws 'disgraceful' <https://www.abc.net.au/news/2025-06-12/qld-tom-dixon-david-crisafulli-united-nations-youth-crime-law/105406424>

conditions. Introducing electronic monitoring in this context does not enhance community safety. It significantly increases the risk of unintentional breaches. This has the result of criminalising disability-related behaviour without addressing causes of crime

Existing safeguards currently found in s 52AA(1)(f) require a suitability assessment including consideration of a child's capacity to understand the monitoring requirements. This is an important safeguard for children with reduced capacity and should be retained.

Access to positive and healthy spaces

Bail conditions that restrict liberty or confine a child to a particular place can create unintended and harmful consequences – especially in circumstances where the home environment is unsafe. For children experiencing abuse or domestic, family, or sexual violence, enforcement of place-based conditions may increase their exposure to harm and decrease opportunities to seek support or safety.

Electronic monitoring is highly stigmatised and can significantly impact a young person feeling comfortable to access healthy and positive spaces. In this way, electronic monitoring can disrupt schooling, cultural participation, employment preparation, peer relationships, and family dynamics, with long-term consequences as a young person transitions into adulthood. These consequences are disproportionate to the objectives of the Bill and will exacerbate the very behaviours and safety concerns the Bill seeks to reduce.

Human Rights

The Bill poses serious and disproportionate limitations on a child's human rights, specifically freedom of movement, freedom of association, the right to privacy and reputation, the right to education, cultural rights and the right to liberty and security.

Despite the Statement of Compatibility³, these impacts are not incidental or ancillary; they are inherent to electronic monitoring as a control and surveillance mechanism.

For the reasons above, we oppose the changes proposed by the Bill. However, if the Bill was to pass, additional safeguards are required.

We support submissions made by ATSILS, QCOSS and the Youth Advocacy Centre.

Yours faithfully,



Matilda Alexander
Chief Executive Officer
Queensland Advocacy for Inclusion

³ <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T1984/5825t1984.pdf>