

Youth Justice (Electronic Monitoring) Amendment Bill 2025

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Submission By:	National Network of Incarcerated & Formerly Incarcerated Women & Girls
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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

Opposition to the Expansion and Permanence of Electronic Monitoring of Children

Introduction

The National Network of Incarcerated and Formerly Incarcerated Women & Girls (National Network) strongly and unequivocally opposes the Youth Justice (Electronic Monitoring) Amendment Bill 2025.

This Bill seeks to make electronic monitoring of children permanent, statewide, and broadly available, while removing key safeguards and eligibility thresholds. It does so while openly acknowledging, and then dismissing, the serious and far-reaching harms this regime poses to children's rights, wellbeing, family life, education, and cultural connection.

Electronic monitoring is not a neutral bail condition. It is incarceration by technological means. It is e-carceration: a deliberate expansion of the carceral state into children's homes and unto their bodies, imposed on children who have not been convicted of any offence. The Bill should be rejected in full.

Electronic Monitoring Is Incarceration, Not an Alternative to It

The central premise of the Bill, that electronic monitoring is an alternative to detention, is false.

Electronic monitoring does not reduce the reach of the carceral state; it extends it. It subjects children to continuous surveillance, imposes curfews that operate as house arrest, and creates a constant risk of breach that can return a child to custody for technical non-compliance rather than any alleged harm. Homes become sites of control. Families are forced into the role of compliance officers for the State.

This is not about preserving children's freedom. It is about controlling their movement, regulating their relationships, and disciplining their everyday lives. A child fitted with a tracking device does not experience liberty, they experience restriction, stigma, anxiety, and hyper-monitoring. Many children and advocates have correctly named this for what it is: a digital prison¹.

By making this regime permanent, the Bill normalises the surveillance of children and embeds punishment into the fabric of daily life. The shift is not away from incarceration, but toward making it quieter, more dispersed, and easier to justify.

The Bill Abandons the Principle That Children Are Different

Youth justice exists because children are developmentally different from adults and entitled to heightened protection. This Bill abandons that principle entirely.

¹ <https://www.usnewsbeat.com/e-carceration>



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 or circumstances. A measure once 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, which requires detention-like measures to be used only as a last resort and for the shortest appropriate time. Electronic monitoring under this Bill is not a last resort; it is reframed as standard risk management.

Children are no longer treated as rights-holders in need of care and support, but as risks to be managed through surveillance.

“Community Safety” Without Evidence

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

The Government relies on evaluative data showing association, not causation. Even its own 2022 Electronic Monitoring Trial Report² found that the initial trial failed to confirm the effectiveness of electronic monitoring in deterring offending behaviour. That uncertainty has not been resolved; it has simply been overridden by policy determination.

International evidence reinforces this failure. A meta-analysis³ of 18 studies from multiple jurisdictions found that GPS tracking has no statistically significant effect on crime reduction, except in a narrow post-sentence context for adults convicted of serious sexual offences. There is no evidentiary basis for expanding this technology to children on bail.

Crucially, the Government's own evaluation acknowledges that improved outcomes were linked to wrap-around supports and bail services, not the monitoring device itself. Yet rather than guaranteeing those supports, the Bill entrenches surveillance while leaving care discretionary and unevenly available.

Community safety is not produced by tracking children. It is produced by housing, education, health care, family connection, and culturally safe support. What this Bill delivers is not safety, but institutional reassurance.

Deepening Racialised Harm to Aboriginal and Torres Strait Islander Children

The Statement of Compatibility openly acknowledges that Aboriginal and Torres Strait Islander children experience poorer outcomes under electronic monitoring, including lower completion rates and smaller reductions in re-criminalisation.

Despite this, the Bill expands the use of electronic monitoring and removes safeguards. This is not ignorance. It is a conscious decision to proceed in full knowledge of foreseeable racialised harm.

² Department of Youth Justice, Electronic Monitoring Trial, (Final Report, November 2022) (p. 28).

³ 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 this context, the Bill represents a deliberate escalation of state control over Aboriginal children, using surveillance and punishment rather than care and protection. It will further disrupt kinship ties, undermine cultural safety, and entrench Aboriginal children deeper in the criminal legal system.

A youth justice system that knowingly intensifies coercive control over Aboriginal children cannot claim neutrality or legitimacy.

Erosion of Natural Justice and Judicial Oversight

The Bill also represents a serious erosion of natural justice and the separation of powers.

Electronic monitoring is among the most intrusive liberty-limiting measures available short of imprisonment. Decisions of this gravity must be subject to judicial oversight, transparency, and appeal rights.

Instead, the Bill vests effective gatekeeping power in the youth justice chief executive. While court decisions can be appealed, executive determinations of this kind lack equivalent procedural safeguards and meaningful avenues for challenge. This places children's liberty at the mercy of administrative discretion.

This is arbitrary power. It undermines natural justice, a foundational pillar of the legal system, and is particularly dangerous in a regime governing children.

Less Restrictive Alternatives Exist, and Are Rejected

The claim that there are no less restrictive alternatives is unsustainable. Evidence consistently shows children are more likely to comply with bail and desist from harm when they are supported, housed, connected to family and community, engaged in education, and provided with culturally safe services.

The Bill acknowledges this evidence, then dismisses it. Surveillance is treated as essential; care is treated as optional. That is not inevitability, it is political choice.

As has been rightly asked: are we demanding a genuine shift away from punishment, or simply building digital prisons we will be forced to reckon with in years to come? This Bill chooses the latter.

Conclusion

This Bill entrenches surveillance as youth justice policy.

It expands e-carceration.

It erodes children's rights.

It deepens racial injustice.

It normalises punishment without conviction.

It prioritises control over care.

Electronic monitoring of children is not reform. It is incarceration by another name.

The Parliamentary Committee must 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



Aunty Vickie Roach
6 January 2026



Tabitha Lean