

Youth Justice (Electronic Monitoring) Amendment Bill 2025

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Brisbane Office

L16 State Law Building PO Box 13554
50 Ann Street George Street
Brisbane Qld 4000 Brisbane Qld 4003

Telephone 1300 653 187 • **Fax** 07 3738 9496
Email publicguardian@publicguardian.qld.gov.au

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Committee Secretary
The Education, Arts and Communities Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Committee Secretary

Thank you for your invitation to provide a submission to the Education, Arts and Communities Committee regarding the Youth Justice (Electronic Monitoring) Amendment Bill 2025 (the Bill).

Relevant to this Bill, the Office of the Public Guardian (OPG) is an independent statutory office which promotes and protects the rights and interests of children staying at visitable sites, including youth detention centres and police watch-houses. We recognise that the rights and best interests of all children are paramount and must be a primary consideration in all actions concerning them.

The Bill proposes to expand eligibility criteria for children to be released on bail with an electronic monitoring device fitted. OPG raises two major concerns for how these reforms may impact the children who receive our services. They are placement instability, which will impact children's ability to comply with electronic monitoring bail conditions and may, as a consequence increase time spent in detention; and a lack of consideration of other interventions as an alternative to electronic monitoring.

Placement instability

Many children in care and in contact with the youth justice system experience significant placement instability and often reside in residential care, or are disengaged from Child Safety services, and in turn do not have suitable placements that support maintenance of bail conditions. Electronic monitoring will further prejudice these children's ability to comply with such conditions, which may increase the likelihood of bail not being granted, leading to an increase in time spent in detention.

OPG has observed children in care regularly experience placement issues and often demonstrate a pattern of:

- placement instability, leading to an inability to receive bail and/or comply with bail conditions
 - homelessness, leading to an inability to receive bail and/or comply with bail conditions

- placement suitability issues including matching children with an appropriate placement option and inadequate supervision with limited structure and planned support to comply with bail conditions, and
- disparity between what a court considers a suitable placement and what Child Safety considers a suitable placement. OPG is concerned this issue may be exacerbated if a court does not consider that bail conditions, such as maintaining an electronic device, can be met in particular placement options (such as youth shelters or emergency accommodation options that may require a child to exit during the day), leading to children being detained for longer than is necessary.

Intervention

The Bill's Human Rights statement of compatibility provides that an alternative to electronic monitoring would be providing additional supports to children on bail, but this alone would not reduce offending (page 7). The statement does not provide any information about what these additional supports could be, nor any rationale for why it would not reduce offending. OPG is of the view this should be explored to establish and consider what supports would be beneficial to children to reduce offending, rather than use of electronic monitoring.

In OPG's experience, structured, evidence-based support services to improve a child's compliance with a bail condition could include:

- place-based initiatives
- culturally appropriate initiatives
- placements in community
- individualised support
- developing or maintaining kinship ties.

OPG is concerned the proposed amendments could lead to the over-criminalisation of Aboriginal and Torres Strait Islander children, children with confirmed or suspected disability, and children in the child protection system, particularly residential care. OPG considers there is a risk these amendments will contribute to children continuing in a cycle of contact with the youth justice system with no support to address the underlying causes of their offending behaviours.

I trust this information is of assistance. Should you require further information regarding this matter, please contact [REDACTED], Principal Policy Officer, by email on [REDACTED] or on 07 [REDACTED].

I trust this information is of assistance.

Yours sincerely



Lisa Pritchard
A/Public Guardia

