

# Youth Justice (Electronic Monitoring) Amendment Bill 2025

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# Youth Justice (Electronic Monitoring) Amendment Bill 2025

Luke Twyford, Principal Commissioner

# Introduction

The *Youth Justice (Electronic Monitoring) Amendment Bill 2025* (the Bill) proposes to establish electronic monitoring devices (EMDs) as additional conditions of youth bail, expand their use statewide, remove existing eligibility thresholds, and amend the matters a court must consider when imposing monitored bail. The explanatory notes to the Bill state:

*“The purpose of the electronic monitoring as a bail condition is to deter youths from committing further offences on bail, making the community safer. The purpose of the amendments is to make electronic monitoring permanent, open up its application, and consequently increase community safety.”*

The stated purpose of expanding the use of EMDs is to strengthen bail compliance, reduce reoffending and improve community safety. While these objectives align with broader youth justice goals, evidence from the electronic monitoring trial and national research suggests that expansion alone is unlikely to achieve these outcomes. The evaluation shows that electronic monitoring may influence the likelihood, frequency or seriousness of offending for some cohorts, particularly when combined with intensive supports such as Youth Co-Responder Teams but that it does not, in isolation, prevent offending.

The proposed amendments in this Bill follow previous Bills that have established and then extended the trial of the use of electronic monitoring in Queensland. In March 2025, I provided a submission to Queensland Parliament on the use of EMDs in the youth justice system when the previous *Youth Justice (Electronic Monitoring) Amendment Bill 2025* was considered, seeking to extend the trial by a further 12 months. At that time, I supported continuation of the trial on the basis that the evidence base needed strengthening and emphasised that any expansion should be accompanied by robust evaluation, safeguards and ongoing monitoring. The submission I made highlighted that electronic monitoring should not operate as a stand-alone measure, but form part of a broader, rehabilitative youth justice framework focused on reducing reoffending and improving long-term outcomes for children and young people.

The views expressed in that earlier submission remain relevant to the proposed legislative reforms and are reinforced by emerging evidence from Nous Group’s evaluation of Queensland’s electronic monitoring trial.

Overall, electronic monitoring should be understood as one tool within a broader behaviour-change and risk-management toolkit, rather than as a standalone solution. Its utility, appropriateness and effectiveness are entirely contingent on the context in which it is deployed - specifically, who is authorised to use the tool, the young person it is applied to, the supports and context surrounding the young person, and the safeguards governing its use.

**When electronic monitoring is implemented by suitably trained decision-makers, for clearly articulated purposes, and within a robust framework of accountability, oversight and review, electronic monitoring may assist a young person to change their behaviour.** Conversely, where its use is poorly targeted, insufficiently supervised, or driven by punitive or expedient motivations rather than evidence-based practice, electronic monitoring risks becoming ineffective, disproportionate, counterproductive, with the end result being a potential undermining of rehabilitation outcomes and public confidence.

**If EMDs are used as a punitive measure to drive behaviour change, they are likely to result in increased breaches of bail, further offending, delays to justice for victims, and more children and young people entering remand.** By contrast, when EMDs are used to enable pro-social engagement in the community, supported by developmentally appropriate responses that allow young people to take accountability, the evidence indicates a greater likelihood of reduced reoffending and improved community safety.

# Current Electronic Monitoring of children in Queensland

Electronic monitoring for children has operated in Queensland since 2021 as a time-limited trial. The trial allows courts, in defined circumstances, to impose an electronic monitoring device (EMD) as a condition of bail. The EMD is delivered collaboratively by the Department of Youth Justice and Victim Support, the Queensland Police Service and Queensland Corrective Services.

A defining feature of the Queensland trial has been the inclusion of wrap-around supports, particularly through Youth Co-Responder Teams and bail services. Queensland is one of a small number of Australian jurisdictions to embed such supports, reflecting evidence that electronic monitoring is more effective when combined with case management, family support and therapeutic interventions.

To date, the trial has been narrow in scope and subject to multiple thresholds, including:

- geographic limitations linked to the availability of necessary infrastructure and supports
- legislative eligibility criteria, including that the child be at least 15 years of age, reside in a trial location, and be charged with or found guilty of a prescribed indictable offence, or has been charged with certain offences in the preceding year; and
- individual suitability assessments conducted by youth justice staff to evaluate living arrangements, access to electricity and a mobile phone, and the presence of a support person to assist with compliance.

Nous delivered an evaluation of the electronic monitoring trial in October 2025, tabled with the Bill, examining data to 30 June 2025.<sup>1</sup> The evaluation was intended to inform policy and practice, noting early positive indications but emphasising that the trial cohort was small, highly selective and supported by additional services. **The evaluation found that positive outcomes are most likely when electronic monitoring is targeted, time-limited and delivered alongside wrap-around supports, including strong family engagement and interagency coordination.** Between May 2021 and June 2025, 297 suitability assessments were undertaken, with 85 per cent assessed as suitable. Courts imposed 139 electronic monitoring conditions on 116 children, with non-use often reflecting refusal of bail rather than unsuitability for monitoring.

Children subject to electronic monitoring were 24 per cent less likely to reoffend during the bail period than those in the Conditional Bail Program, although reoffending and breaches remained common. The evaluation could not isolate the effects of electronic monitoring from intensive supports, particularly Youth Co-Responder Teams, which engaged 91 per cent of participants and were reported by stakeholders as critical to compliance and behaviour change.

Outcomes varied across cohorts, with weaker effects for children with poor mental health and lower participation and completion rates for some Aboriginal and Torres Strait Islander children, raising equity and cultural safety concerns. The evaluation also identifies significant operational and system pressures, including alert volumes, administrative burden, role clarity and data limitations, raising questions about sustainability at scale. Collectively, these findings caution against assuming that outcomes achieved in a narrow, well-resourced trial would translate to statewide deployment following removal of eligibility criteria.

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<sup>1</sup> Nous Group (2025). *Evaluation of the Queensland Electronic Monitoring Trial*. <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/b3372b00-0d4b-454d-b416-da51bbf0279b/electronic-monitoring-outcome-evaluation-final-report.pdf?ETag=f061967f32ee22ff21db67328c9a0168>

## **Key statistics relevant to this Bill**

- The average daily number of young people in youth detention in unsentenced custody saw an increase to 252 per day in 2024–25, compared with 246 in the previous year.
  - Most young people in youth detention on an average day in 2024–25 were in unsentenced detention (88%). This figure is slightly higher than in the previous year (86%).
  - In 2024–25, the average length of time a young person spent in youth detention per unsentenced episode was 54 days, which is six days longer than in 2023–24 (48 days). The average length is based on unsentenced periods of youth detention that concluded in each financial year.
- There were 5,831 finalised appearances of child defendants in Queensland Magistrates Courts in 2024–25.
  - A further 472 appearances resulted in committal to a higher court for trial or sentence, a decrease of 13.5 per cent compared with 2023–24.
- Of the 4,764 appearances that were adjudicated, 3,841 (80.6%) resulted in conviction and 923 (19.4%) in acquittal, compared with 80.4 per cent and 19.6 per cent respectively in the previous year.
- Of the 34,802 charges against child defendants adjudicated in the Magistrates Court, 32,012 (92.0%) were convicted (proven), while 2,790 (8.0%) were acquitted, the same proportions as those in the previous year.

**Table 24 Appearances and charges of child defendants, by most serious outcome, Magistrates (Childrens) Court**

| Outcome  | 2023–24                    |                        | 2024–25                    |                        |
|--|----------------------------|------------------------|----------------------------|------------------------|
|  | Appearances <sup>(a)</sup> | Charges <sup>(a)</sup> | Appearances <sup>(a)</sup> | Charges <sup>(a)</sup> |
| <b>Committed to a higher court<sup>(b)</sup></b> | <b>503</b>                 | <b>2,578</b>           | <b>472</b>                 | <b>2,245</b>           |
| <b>Finalised<sup>(c)</sup></b>                   | <b>6,743</b>               | <b>46,953</b>          | <b>5,831</b>               | <b>41,453</b>          |
| Adjudicated                                      | 5,579                      | 40,022                 | 4,764                      | 34,802                 |
| Convicted  | 4,483                      | 36,812                 | 3,841                      | 32,012                 |
| Not convicted <sup>(c)</sup>                     | 1,096                      | 3,210                  | 923                        | 2,790                  |
| Not adjudicated                                  | 1,164                      | 6,931                  | 1,067                      | 6,651                  |

(a) An individual defendant may have one or more appearances/charges within a reference year.

(b) Includes only those appearances where committal to a higher court for trial/sentence was the most serious outcome.

(c) Where the defendant has been acquitted (found not guilty) of the charge(s) against them.

Source: Queensland Government Statistician's Office, Courts Database. Data current as at September 2025.

- There were 7,459 convicted charges against child defendants for breach of bail in the Magistrates Court and 50 convicted charges against child defendants for breach of bail in the Children's Court of Queensland.

**Table 11 Convicted charges against child defendants for breach of bail, by court type**

| Court                         | 2023–24      | 2024–25      |
|-------------------------------|--------------|--------------|
| Magistrates (Childrens) Court | 6,653        | 7,409        |
| Childrens Court of Queensland | 51           | 50           |
| <b>Total</b>                  | <b>6,704</b> | <b>7,459</b> |

Source: Queensland Government Statistician's Office, Courts Database. Data current as at September 2025.

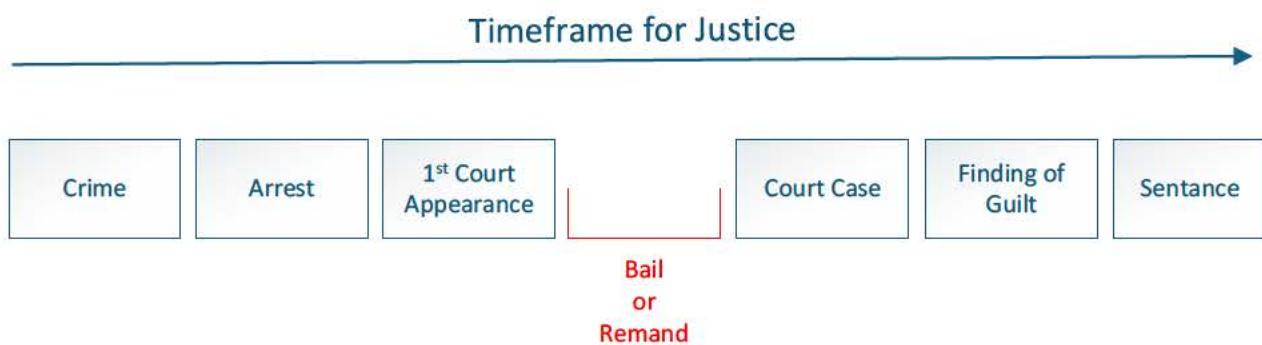
# Understanding the use of bail in the youth justice process

Bail is a central feature of the criminal justice system, operating to regulate the period between a person's arrest and the final determination of their court matter. This pre-trial period can extend for weeks or months, and in some cases longer, depending on the complexity of the proceedings and court schedules. Bail provides a lawful mechanism for managing this interim period while upholding fundamental legal principles, including the presumption of innocence.

**The bail framework recognises that imprisonment prior to a finding of guilt is not appropriate for all people or all alleged offences.** Detaining individuals in custody during the pre-trial period can have significant and disproportionate consequences, including disruption to employment, education, family relationships and housing, as well as adverse impacts on physical and mental health. For children and young people in particular, remand can compound existing vulnerabilities and increase the likelihood of longer-term justice system involvement. Bail therefore serves as a critical alternative to pre-trial detention, enabling alleged offenders to remain in the community where this can be done safely.

At its core, bail decision-making is concerned with assessing whether an alleged offender can remain in the community ahead of their court appearance without posing an unacceptable risk. Courts consider a range of factors in making this determination, including the nature and seriousness of the alleged offence, the individual's personal circumstances, their history of compliance with court orders, and any identified risks to victims, witnesses or the broader community. Bail conditions may be imposed to mitigate these risks and to support the person to meet their obligations to the court.

Importantly, bail is not intended to operate as a form of punishment. Rather, it is a risk management and procedural tool designed to balance the rights and interests of the accused with the need to ensure community safety and the integrity of the justice process. When appropriately applied, bail allows individuals to maintain stability in their lives while awaiting the outcome of their case, supports engagement with legal representation, and reduces unnecessary use of remand. In this way, bail functions as a critical safeguard within the justice system, ensuring that deprivation of liberty prior to conviction is reserved for circumstances where it is necessary and proportionate, and that alternatives to custody are available where risks can be appropriately managed in the community.



The application of bail is a bridge, not a punishment. It is a recognition that imprisonment before guilt is determined is neither appropriate nor proportionate for all people, nor for all alleged offences. In Queensland, however, current trends suggest that this bridge is increasingly failing young people and the community.

**Queensland locks up more children and young people than any other Australian state. It has the highest number of young people on remand, declining use of bail, and rising rates of bail breaches.** Taken together, these indicators point to a system that is relying less on bail as a risk-

managed alternative to detention and more on remand as a default response to complexity, uncertainty and community pressure. This shift represents a fundamental departure from the purpose of bail.

Bail decisions are not intended to answer whether a young person deserves punishment, nor whether they present *any* risk at all. The central question is whether the young person can remain safely in the community, ahead of their court matter, with appropriate conditions and supports in place. When the answer to that question is increasingly “no”, across a widening cohort of children, it raises serious questions about whether the problem lies with the children - or with the system’s capacity to manage risk in the community.

The rise in remand and bail refusals suggests a growing reluctance to tolerate managed risk, even where the alleged offending is yet to be proven. For children, the consequences are profound. **Time spent on remand disrupts schooling, severs family and cultural connections, exacerbates trauma and mental health concerns, and increases the likelihood of further justice system involvement. It is a response that often compounds the very risks it seeks to control.**

At the same time, increasing bail breach rates reveal a different, but related, failure. **Breaches do not necessarily indicate increased criminality; they often reflect unrealistic conditions, inadequate support, or a lack of developmental understanding of children’s capacity to comply. When bail conditions are imposed without sufficient scaffolding - stable housing, family support, therapeutic intervention, or practical assistance — non-compliance becomes predictable rather than exceptional. A system that responds to this predictability with further detention is not managing risk; it is recycling it.**

Queensland’s experience suggests that the bail system has been asked to carry too much weight without sufficient investment in what makes bail work.

Compounding Queensland’s growing reliance on remand and restrictive bail settings is a less visible, but equally consequential, system pressure: the increasing length of time it takes for youth justice matters to be resolved. **Court delays mean that children and young people are spending longer periods on bail while awaiting final determination of their cases. In a system already struggling to manage risk in the community, this extended pre-trial period has become a significant driver of bail breaches, repeat court appearances and escalating justice system involvement.**

Bail is designed to be a temporary and transitional measure. **When the period between arrest and final court outcome stretches over many months, bail conditions effectively shift from short-term safeguards into long-term behavioural controls.** For children, particularly those with unstable housing, disrupted schooling, cognitive impairment, trauma histories or limited adult supervision, sustained compliance over extended periods becomes increasingly difficult. The longer bail lasts, the greater the number of opportunities for technical or substantive breaches to occur - not necessarily because behaviour has worsened, but because the system has prolonged exposure to failure.

**This dynamic fuels a cycle of churn. Breaches lead to further court appearances, new charges, and bail reconsiderations, which in turn prolong the overall court process. Children are drawn into multiple, overlapping matters, often with different conditions, expectations and supervising agencies. Rather than progressing through a linear pathway toward resolution, young people are recycled through the system, accumulating cases faster than they can be finalised. The justice response becomes reactive and congested, rather than timely and purposeful.**

The behavioural consequences of delay are significant. Effective behaviour change depends on the timely connection between actions and consequences. When court outcomes are delayed, the link between alleged offending and judicial response is weakened. Sanctions, supports or interventions imposed months after an incident lose their immediacy and relevance, reducing their capacity to

influence future behaviour. For children, whose cognitive development already affects impulse control, foresight and risk assessment, delayed consequences are particularly ineffective as a mechanism for learning or deterrence.

In this context, bail increasingly functions as a holding pattern rather than a constructive intervention. Conditions are monitored, breaches are recorded, and cases multiply, but little progress is made toward resolution or rehabilitation. **Over time, the system becomes focused on managing compliance rather than addressing the behaviour that brought the child before the court in the first place.** Far from promoting accountability, prolonged bail can normalise ongoing justice system contact, entrenching involvement rather than resolving it.

**The cumulative effect is a system that unintentionally manufactures failure.** Extended delays increase breach risk; breaches generate further legal action; and additional cases further slow the system. For young people, this translates into prolonged uncertainty, repeated court exposure, disrupted education and family life, and an escalating likelihood of remand. For the justice system, it results in inefficiency, overcrowding and diminished capacity to focus on the most serious matters.

Addressing this cycle requires more than tightening bail conditions or increasing enforcement. It requires renewed focus on timeliness as a core component of justice effectiveness. Faster resolution of matters, streamlined court processes, and early intervention can reduce the length of time children spend on bail, limit opportunities for breach, and restore the connection between behaviour and consequence. Without such reform, Queensland risks continuing a pattern in which delay, rather than offending alone, becomes a primary driver of deeper justice system entanglement for young people.

## **The role of Electronic Monitoring Devices within the broader context of the youth justice system**

The youth justice system is generally understood to pursue two interrelated goals:

1. to protect community safety; and
2. to change the behaviour of young people who engage in criminal activity.

The role of Electronic Monitoring, as proposed in this Bill, must be assessed against these two features, and in the context of its use within the broader youth justice system.

Over many years, the Commission has engaged directly with children and young people with lived experience of Queensland youth detention, consulted with frontline workers, analysed critical incidents and life-outcome data, and evaluated youth justice programs. **This body of work demonstrates that youth justice is a highly complex and sensitive policy domain in which public sentiment, political pressure and empirical evidence do not always align.** The Commission's findings consistently emphasise that in order to achieve the outcomes the system desires there is a need to balance community safety and the experiences of victims with an understanding of the developmental needs and life circumstances of children who offend.

**While there is clear agreement on the need to keep the community safe, there remains a gap between expert evidence and public understanding.** As a result, youth justice policy is vulnerable to volatility, with the pace and direction of reform frequently shaped by high-profile incidents and public narrative rather than by evidence of what is effective in reducing offending and improving long-term outcomes.

Across Australia, decades of inquiries and Royal Commissions have repeatedly identified the same systemic issues, including:

- the persistent overrepresentation of Aboriginal and Torres Strait Islander children;
- harmful, and at times, unlawful detention practices;
- entrenched recidivism that demonstrates the ineffectiveness of punitive responses; and
- chronic failures to address the underlying drivers of youth offending.

Substantial public investment and repeated cycles of legislative change have not yet delivered sustained improvements. System responses have increasingly emphasised reactive and compliance-based measures, often displacing the strong and growing evidence base supporting early intervention, developmentally appropriate responses, relational practice and community-led rehabilitation are needed to address the drivers of crime. These drivers - poverty, insecure housing, family violence, cumulative trauma and abuse backgrounds, disability, disengagement from education, and addiction and mental health concerns - remain inadequately addressed across portfolios and levels of government.

In recent years, the Commission has provided advice to numerous Inquiries regarding responses to youth justice, consistently identifying that:

1. reform must be designed and implemented strategically, with clear whole-of-system and whole-of-community outcomes;
2. youth detention centres must be re-oriented as places of rehabilitation rather than punishment;
3. consequences are essential to behaviour change, but must align with the developmental and cognitive capacities of children and young people;
4. sustained effort must focus on addressing the root causes of offending;
5. the most effective programs are relationship-based, community-led and holistic; and
6. community leaders must take responsibility for the public narrative on youth crime, supported by greater transparency, reporting and evidence-led investment across the youth justice system.

The evidence is clear: children entering the youth justice system overwhelmingly present with unmet needs arising from failures in other systems, including child protection, education, disability, health and housing. Improving community safety requires a coordinated, whole-of-government and whole-of-community response that addresses these structural and social determinants. Timely, developmentally appropriate interventions are essential to support children to understand the consequences of their actions and to make different choices. Responses must prioritise stability, healing and developmental growth, and recognise the high prevalence of trauma, child protection involvement, disability and educational disruption among children who come into contact with the youth justice system.

It is within this broader context that the Commission considers the proposed legislative reforms relating to the use of electronic monitoring devices for children.

## How electronic monitoring should be used

Supporting behaviour change for children and young people on bail requires the integration of two distinct but interdependent elements:

1. Monitoring and compliance, and
2. Support and growth (rehabilitation).

Neither element is sufficient on its own. Sustainable behaviour change emerges from their deliberate combination, proportionately applied and tailored to the individual child.

## **Monitoring and compliance element of bail**

The monitoring and compliance element of bail plays a critical role in supporting community safety by managing immediate risk, promoting accountability, and providing structure during periods of legal uncertainty and personal instability. This element is primarily concerned with ensuring that bail obligations are understood, implemented and effectively complied with, in order to support both individual compliance and broader community safety.

In practice, the monitoring and compliance function is characterised by the use of clear and enforceable bail conditions, supported by structured supervision mechanisms such as reporting requirements, curfews and, where appropriate, electronic monitoring. Effective implementation relies on the timely detection of non-compliance or emerging risk, supported by clear information-sharing arrangements and coordinated responses between agencies. Judicial oversight, combined with graduated and proportionate responses to breaches, is central to maintaining fairness, accountability and confidence in the bail system. Consistency and predictability in expectations and consequences are particularly important for children, many of whom experience instability across other areas of their lives.

When applied appropriately, monitoring and compliance measures can provide external structure at a time when a child's internal capacity for self-regulation may be underdeveloped or hindered. The effective application of monitoring efforts can reinforce the seriousness of bail obligations, assist courts and agencies to manage risk, and create clarity for children, their families and the service providers working with the young person. In the short term, these measures can help stabilise otherwise chaotic circumstances and provide a foundation for further intervention.

However, monitoring and compliance measures are inherently limited when used in isolation. On their own, they do not address the underlying drivers of offending behaviour, including trauma, family stress, mental health concerns, substance use or disengagement from education. There is also a risk that an over-reliance on surveillance-based approaches may become punitive in effect, undermining trust and engagement. In such circumstances, monitoring may contribute to higher rates of technical breaches without delivering meaningful improvements in long-term outcomes, resulting in behaviour change that is compliance-based and temporary rather than internalised and sustained.

International research consistently cautions that when electronic monitoring is framed or applied primarily as a punitive surveillance mechanism, it can worsen outcomes for children and young people rather than support rehabilitation. Research from the United States and Europe highlights that electronic monitoring technologies were developed within adult criminal justice systems and have often been transferred into youth justice contexts without adequate consideration of children's developmental needs or the distinct rehabilitative aims of youth justice.<sup>2</sup> This process of "adultification" risks embedding logics of control and compliance that increase system involvement through technical breaches and intensified supervision, rather than reducing offending. Studies also identify stigma as a key mechanism of harm. Those who experience electronic monitoring as labelling or shaming report poorer social functioning, heightened isolation and reduced engagement with education and pro-social activities.<sup>3</sup>

Using EMDs for compliance and surveillance is unlikely to change behaviour, because it doesn't meet children and young people where they are developmentally. There are more effective justice responses such as restorative processes, family and community-led supports, culturally grounded interventions,

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<sup>2</sup> Arnett, C. (2018). *Virtual Shackles: Electronic Surveillance and the Adultification of Juvenile Courts*. Journal of Criminal Law and Criminology, 108, 399–454.

<sup>3</sup> Kotlaja, M. M., & Wylie, L. E. (2023). *Electronically Monitored Youth: Stigma and Negative Social Functioning*. Crime & Delinquency, 70(3).

and therapeutic responses that teach children how to regulate emotions, repair relationships, and make different choices in the future. These are the consequences that work—because they meet children where they are developmentally and address the drivers of behaviour rather than the symptoms.

### **Support and rehabilitation element of bail**

The support and rehabilitation element is directed towards addressing the underlying needs of children and young people on bail and supporting the development of pro-social behaviours, skills and decision-making capabilities. This element recognises that sustainable behaviour change is most likely to occur when interventions respond to the individual circumstances and developmental needs of the child.

This element is typically delivered through individualised, trauma-informed case management, underpinned by strong relationships between practitioners, children and their families or caregivers. Effective rehabilitation support includes meaningful family engagement and targeted responses to mental health, disability, substance use and wellbeing needs. Participation in education, training and structured pro-social activities further supports positive development and future pathways. The quality and skill of practitioners, and their capacity to work in a relational, strengths-based manner, are central to the effectiveness of this element.

The benefits of a strong support and growth focus are well-established. Rehabilitation-oriented interventions address the root causes of offending and non-compliance, build internal motivation and self-regulation over time, and strengthen protective factors across family, cultural, educational and community domains. These approaches are associated with improved outcomes that extend beyond the bail period and are consistent with evidence-based youth justice practice and contemporary understanding of child and adolescent development.

Nonetheless, rehabilitation supports also have limitations when delivered without complementary monitoring and accountability mechanisms. During high-risk periods, support-only approaches may lack sufficient structure to manage immediate risk. Engagement may fluctuate, particularly for children experiencing instability or crisis, and positive gains can be undermined by unsafe environments or acute stressors. In the absence of clear compliance mechanisms, courts may have limited confidence that risks are being adequately managed, potentially reducing the viability of bail as an option.

### **Integration of monitoring and support**

The most effective responses to behaviour change on bail occur when monitoring and compliance measures are intentionally integrated with support and rehabilitation interventions. In this integrated model, each element reinforces the other rather than operating in isolation. Monitoring can provide the structural scaffolding that creates the conditions for rehabilitation to occur, while support services assist children to understand and meet compliance expectations, reducing the likelihood of breaches.

Compliance tools, when used proportionately, can function as enablers of support rather than ends in themselves, helping to stabilise circumstances and maintain engagement. Importantly, an integrated approach allows the intensity and duration of monitoring and support to be adjusted in response to a child's progress, risk profile, and emerging needs. When these elements are aligned, behaviour change is more likely to be sustained, meaningful and developmentally appropriate, supporting both immediate risk management and longer-term positive outcomes for children, families and the community.

Evidence indicates that positive impacts are most likely where electronic monitoring is embedded within a pro-social, relational and support-oriented framework, rather than operating as a stand-alone sanction. Qualitative research examining professional perspectives in Portugal found that electronic monitoring was viewed as potentially compatible with rehabilitative and educational objectives only when combined with meaningful human engagement, clear purpose and complementary supports, and not when used

primarily as a tool of surveillance and control.<sup>4</sup> Comparative European research similarly emphasises that electronic monitoring does not deliver rehabilitation in itself and is most effective when time-limited, developmentally appropriate, and integrated with therapeutic interventions, family support and individualised supervision.<sup>5</sup> Collectively, this body of evidence reinforces that electronic monitoring is not inherently rehabilitative; its effects depend on how it is framed, governed and delivered. Used punitively, electronic monitoring risks entrenching stigma, inequality and further justice system contact. Used carefully and in conjunction with sustained pro-social contact and wrap-around supports, it may contribute to behaviour change for a specific (but not universal) cohort of children.

**For the purposes of this Bill, the evidence indicates that electronic monitoring should be understood as an enabling mechanism that may support engagement with pro-social routines when tightly constrained and well supported - not as a deterrent or behavioural intervention in its own right.** Legislative frameworks that prioritise surveillance and compliance over relational support are unlikely to achieve the stated objectives of reduced reoffending or improved community safety.

| Approach                   | Likely outcome  |
|----------------------------|---|
| Monitoring without support | Short-term control, high breach rates, limited rehabilitation, increased system churn |
| Support without monitoring | Positive engagement for some, but unmanaged risk and inconsistent compliance          |
| Integrated approach        | Reduced reoffending risk, improved compliance, stronger developmental outcomes        |

## Key considerations for the Committee

### 1. Expansion without eligibility thresholds increases risk of net-widening

The removal of age, offence and prior-history thresholds significantly broadens the cohort of children who may be subject to electronic monitoring. Evidence from the Queensland trial demonstrates that outcomes were achieved within a highly selective cohort, supported by intensive services. Expansion without defined thresholds increases the risk that electronic monitoring will be applied to younger children and those with complex vulnerabilities, for whom compliance-based supervision is least effective and most likely to result in counter-productive breaches.

A critical question for the effective design of the overall youth justice system in Queensland is whether the expansion of electronic monitoring will either:

1. enable less children to be held in watchhouses and remand centres so that effective rehabilitation services and supports can commence earlier;

OR

<sup>4</sup> Granja, R., Leote de Carvalho, M. J., & Pimentel, A. (2025). *The Projected (Non)-Futures of Electronic Monitoring in the Child Justice System: Professionals' Perspectives in Portugal*. Youth Justice.

<sup>5</sup> Van Biervliet, S., et al. (2023). *Electronic Monitoring of Juveniles in Flanders (Belgium): Lessons Drawn From Western European Countries*.

- introduce increased surveillance of children already in community bail programs leading to increased procedural compliance breaches, increased police and court actions and a worsening of crime rates and statutory system involvement for already marginalised young people (i.e. those without the supports to address the root causes of their offending).

## **2. Electronic monitoring is not a substitute for timely justice**

Evidence from child development and desistance research consistently shows that punitive or delayed sanctions do not reinforce learning for children and young people. Instead, such responses often compound instability, trauma and disconnection. For consequences to support behaviour change, they must be timely, predictable, proportionate and connected to a child's lived context. Children learn most effectively when consequences help them understand the impact of their behaviour and are supported by adults who scaffold learning through clear expectations, emotional regulation support and opportunities to practice safer behaviours. These conditions are rarely present in punitive youth justice responses that rely on control, containment and delayed legal outcomes.

While this Bill seeks to strengthen bail compliance; evidence indicates that delays in court processes and finalisation are a major driver of reoffending, victim harm and system congestion. Expanding restrictive bail conditions without addressing systemic delay risks managing the symptoms of inefficiency rather than its causes, prolonging periods of supervision without restorative benefit. In this context, policy responses that focus primarily on strengthening bail compliance risk addressing the symptoms of delay rather than its causes.<sup>6</sup> The idea that court processes and sanctions designed for adults will work on children and young people must be re-examined. Transactional and delayed judicial responses that fail to address the root causes of behaviour or guide a young person through a learning and accountability process, are simply not effective - particularly for children already experiencing multiple forms of vulnerability.

## **3. Effectiveness depends on continued and mandatory wrap-around supports and disproportionate impacts require explicit safeguards**

The evaluation of the Queensland trial demonstrates that electronic monitoring cannot be meaningfully disentangled from the intensive supports provided by Youth Co-Responder Teams and bail services. Making electronic monitoring permanent and statewide without embedding equivalent support capacity risks reducing effectiveness while increasing surveillance, breaches and enforcement activity.

Children and young people in youth detention have markedly different neurodevelopmental and mental health profiles compared with their peers who are not in custody. National data highlights the extent of cumulative system involvement among children in the youth justice system. The Australian Institute of Health and Welfare's 2024 annual report<sup>7</sup> on children under youth justice supervision found that Queensland had the highest number of children under youth justice supervision nationally during the 2022–23 reporting period. It also recorded that Queensland had the second highest proportion of children (72.9%) who had previous contact with the child protection system in the ten years between 1 July 2013 and 30 June 2023.<sup>8</sup> Notably, Queensland had more First Nations children aged 10 to 13 under

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<sup>6</sup> Queensland Family and Child Commission – Principal Commissioner Luke Twyford (2025). Submission to the Inquiry into Australia's youth justice and incarceration system. [Inquiry into Australia's youth justice and incarceration system \(Principal Commissioner\)](#)

<sup>7</sup> The Queensland Family and Child Commission (November 2024), [Crossover Cohort: Young people under youth justice supervision and their interaction with the child protection system – Data Insights: Australian Institute of Health and Welfare.](#)

<sup>8</sup> ibid

youth justice supervision with prior child protection involvement than the total number of non-Indigenous children nationally in the same age group with comparable system contact.<sup>9</sup>

In 2020–21, 10 to 17-year-olds from the lowest socio-economic areas were five times more likely to be under youth justice supervision than those from the highest socio-economic areas. In 2022, a total of 1,605 young offenders were surveyed in the Youth Justice Census.<sup>10</sup> Of these:

- 45 per cent were disengaged from education, training or employment
- 53 per cent had experienced or been impacted by domestic and family violence
- 33 per cent had at least one mental health or behavioural disorder (diagnosed or suspected)
- 30 per cent had been living in unstable and/or unsuitable accommodation
- 27 per cent had at least one parent who spent time in adult custody
- 27 per cent had a disability (assessed or suspected), including 17 per cent who had a cognitive or intellectual disability
- 19 per cent had an active Child Protection Order.

This is reinforced by evidence from the Queensland Child Death Review Board (the Board), which demonstrates that children who enter the youth justice system do so through predictable pathways of cumulative harm, rather than isolated criminal behaviour. Case reviews consistently show patterns of trauma, disadvantage, disability and repeated system failure, including exposure to violence and substance use, chronic abuse and neglect, unstable care arrangements, educational disengagement, undiagnosed neurodevelopmental impairment and mental ill-health. These underlying drivers of offending are not addressed by detention or other punitive system responses.

The Board's examination of the deaths of two Aboriginal and Torres Strait Islander boys with extensive child protection and youth justice involvement highlights the consequences of missed early intervention.<sup>11</sup> Despite clear indicators of vulnerability from early childhood, both boys experienced escalating punitive responses rather than timely, therapeutic or culturally informed support. Prolonged periods in detention failed to improve wellbeing, reduce offending or support reintegration, and instead exacerbated trauma through isolation, instability and transactional case management. These cases reflect broader system-wide findings. Children in youth justice commonly experience educational disengagement, unstable housing, repeated police contact, and unmet disability and mental health needs. The Board has consistently found that risk-focused, compliance-driven models are too narrow to respond to this complexity and that prevention and early intervention remain under-prioritised. Missed opportunities include early screening for neurodevelopmental and communication disorders, timely mental health and substance use support, and sustained assistance for families and carers. Without addressing these drivers, system responses become increasingly reactive and punitive.

Taken together, this evidence underscores that effective youth justice reform must prioritise early intervention, trauma-informed and relational approaches, culturally safe practice, and strong reintegration support. Reforms that focus primarily on surveillance or control risk compounding harm and entrenching system contact, rather than reducing offending or improving community safety.

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<sup>9</sup> ibid

<sup>10</sup> Queensland Government – Department of Children, Youth Justice and Multicultural Affairs (2022). *Youth Justice Census Summary: Census Summary Statewide (desbt.qld.gov.au)*

<sup>11</sup> Queensland Child Death Review Board (2023) *Child Death Review Board Annual Report 2022-23*, <https://www.qfcc.qld.gov.au/sites/default/files/2024-08/Child%20Death%20Review%20Board%20Annual%20Report%202022-2023.pdf>

The evaluation and broader evidence about the Queensland trial highlight differential outcomes for Aboriginal and Torres Strait Islander children and children with mental health needs. Without culturally safe, developmentally appropriate support and safeguards, expansion risks exacerbating existing overrepresentation and compounding harm for already marginalised cohorts.

In this context bail conditions must be drafted in a manner that is child-centred, they must be communicated in a way that confirms understanding, and they must be shared with the child's family and support network in a way that ensures parental accountability for supporting a young person to succeed.

#### **4. Sustainability, cost and workforce impacts must be recognised and addressed**

The trial was delivered within a constrained cohort but still generated significant alert volumes, administrative burden and inter-agency coordination challenges. Statewide expansion without substantial operational reform risks diverting frontline resources away from relational, rehabilitative work toward compliance management.

My experience of the operation of an electronic monitoring scheme for young people is that a significant proportion of police, youth justice officer and public servant time is invested in the response to unnecessary alerts and trigger events. Regardless of their quality, it is a reality that EMD batteries fault, straps break, geocoding or signal is lost, and the translation of bail conditions to EMD coding is not always accurate. Each of these come with a human and system cost borne by the taxpayer. This increased investment of time and effort must form part of the decision making, and be balanced with the level of benefit an EM order produces.

Likewise, the context of living circumstances and family members are critical to bail compliance and the upkeep of electronic monitoring hardware and functionality.

#### **5. Safety vs evidence**

Finally, it must be acknowledged that electronic monitoring does not, of itself, prevent breaches of bail or the commission of further offences. Electronic monitoring is not an intervention that alters behaviour in real time, nor does it remove the underlying drivers of non-compliance or offending. Rather, its primary function is evidentiary: it provides information about a young person's location and movements against prescribed conditions.

In this sense, electronic monitoring operates as a visibility tool rather than a control mechanism. It can assist authorities to detect potential non-compliance, verify adherence to geographic or temporal restrictions, and inform decision-making by courts and supervising agencies. However, it does not physically restrain a young person, nor does it substitute for supervision, support or engagement. Where a young person is determined to breach bail or commit an offence, electronic monitoring records that behaviour; it does not prevent it.

The implications of this distinction are significant. Without appropriate safeguards and complementary supports, electronic monitoring risks shifting the system's focus from prevention to detection, increasing the likelihood that breaches are identified without reducing their underlying causes. For children, this can result in a higher volume of recorded non-compliance and subsequent justice responses, without a corresponding improvement in safety or behaviour change.

Accordingly, electronic monitoring should be understood as a tool that can contribute to risk management and accountability when used proportionately and alongside intensive support, rather than as a stand-alone solution. Its value lies in the information it provides and how that information is interpreted and acted upon within a broader, child-centred and evidence-based bail framework.

# Conclusion

A safe community is built through shared responsibility, evidence-based action, and a collective commitment to the wellbeing of children and young people. When communities genuinely value children and young people, particularly those who are struggling, they invest not only in safety today, but in the social, economic and civic strength of the future.

The evidence is unequivocal. Children who are supported, treated with dignity, and given opportunities to heal, learn and belong are far less likely to cause harm to others. Conversely, systems that respond primarily through control, isolation and punishment entrench disadvantage, fuel reoffending and undermine community confidence.

Community safety and child wellbeing are not competing objectives; they are inextricably linked and mutually reinforcing. At its core, this is about creating pathways for children to succeed. When children believe they have a future, when families and communities see pathways rather than dead ends, and when systems are aligned to support growth rather than simply manage risk, a powerful self-reinforcing cycle emerges. Children do better, communities become safer, and public confidence is strengthened.

If Queensland is to succeed as a fair, safe and prosperous state, we must ensure that our youth justice responses reflect our values: that every young person matters, that accountability must be developmentally informed, and that community safety is best achieved by building the conditions in which all children thrive.

Evidence from Queensland's electronic monitoring trial and broader national and international research demonstrates that electronic monitoring does not, of itself, prevent offending or guarantee compliance. It may reduce the likelihood or frequency of reoffending for a limited cohort of children when it is targeted, time-limited, and delivered alongside intensive wrap-around supports.

**My advice is not that electronic monitoring should never be used, but that its effectiveness and legitimacy depend on how it is framed, governed and implemented.**

Expansion of electronic monitoring for young offenders without clear safeguards risks entrenching punitive, compliance-driven responses that evidence shows do not reduce reoffending or improve long-term community safety.

When monitoring and compliance mechanisms expand, but support and rehabilitation do not, bail increasingly functions as a narrow test of obedience rather than a structured opportunity for stability and change. When children fail that test, the consequence is often remand - not because detention is necessary, but because the system lacks confidence in its own alternatives.

Given our overuse of detention and remand for children Queensland must have the confidence to better use bail. That means restoring bail as a genuine bridge between arrest and court, grounded in proportionality, supported by meaningful services, and underpinned by confidence that risk can be managed. It also means recognising that high remand rates and rising bail breaches are not signs of a tough system working well, but of a system retreating from its foundational principles. Ultimately, how a justice system uses bail tells us what it values. A system that defaults to remand for children is not signalling strength or safety; it is signalling a loss of faith in its own capacity to support young people to change their behaviour and remain in the community while their guilt or innocence is properly determined.