

Youth Justice (Electronic Monitoring) Amendment Bill 2025

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Mr Nigel Hutton MP
Committee Chair
Education, Arts and Communities Committee

Via parliamentary submission portal

Dear Chair,

Submission on Youth Justice (Electronic Monitoring) Amendment Bill 2025

I am pleased to provide this short submission from Save the Children and 54 reasons. Save the Children is a global organisation that exists to uphold children's rights. 54 reasons is our Australian delivery identity. Our name refers to the 54 articles in the UN Convention on the Rights of the Child (CRC), and we are Australia's leading child rights organisation.

We provide rights-respecting youth justice services across Queensland, spanning early intervention, educational engagement, alternative education, family engagement, bail support, throughcare and post-detention programs. Our youth justice services form part of the broader suite of child and family-focused services – including victim support services – that we provide across the state, in partnership with the Queensland government and sector partners.

Our perspective on the Bill is based on international human rights and child rights principles, global best practice, and our daily experience working directly with communities across Queensland.

In our view, the following principles are particularly relevant to the proposed Bill and should be given significant weight in the Committee's inquiry.

1. **The Bill's far-reaching expansion of electronic monitoring of children significantly limits children's rights** – the human rights of children. It makes electronic monitoring permanent and statewide, significantly expands eligibility (including removing the current requirement that the child must be at least 15) and changes the matters a court must consider when considering electronic monitoring.

As the Government's Statement of Compatibility acknowledges, existing limitations on children's rights imposed by current electronic monitoring arrangements would be "broadened and deepened" by the Bill.¹ In our view, due to the harms caused to children by electronic monitoring (see below), this includes substantial infringements of core child rights standards including the principle of the child's best interests, children's right to not be discriminated against, the right to participate, and the right to develop to the child's fullest capacity, as well as specific rights recognised in the *Human Rights Act 2019* (Qld).

2. **Imposing electronic monitoring on children causes harm.** Electronic monitoring is stigmatising – it is a very visible sign of involvement with the justice system. Because of this, it can reduce children's and young people's sense of healthy belonging, ability to form positive

¹ *Youth Justice (Electronic Monitoring) Amendment Bill 2025 Statement of Compatibility*, Hon Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services, tabled 10 December 2025, p 2.

connections with peers and in their communities, and ability to engage with education and employment. Our recent national consultation with young people in contact with youth justice highlighted the importance of connection and belonging as factors that enable young people to find positive pathways away from the justice system, reaffirming the established evidence base on this matter.² By pushing children away from important protective factors such as these, electronic monitoring can reinforce trajectories into the criminal justice system.

Electronic monitoring can also stop children and young people from escaping violence and abuse in their home by restricting them from leaving. This directly causes harm and reinforces a harmful cycle produced where young people who experience domestic and family violence become more likely to use violence themselves. It is particularly concerning given the high proportions of young people in contact with youth justice in Queensland who have experienced domestic and family violence in their home – estimated at well over half,³ and much higher in many communities.

3. **The significant limitations on children’s rights imposed by the Bill, and the harm caused by electronic monitoring, can only be justified in exceptional circumstances.** This is a high bar that would need clear and strong evidence of beneficial impact to be satisfied.

Applying these principles leads us to hold significant concerns about the Bill. In our view, the significant expansion of electronic monitoring proposed by the Bill is not justified. In particular, the evaluation of the existing electronic monitoring trial does not provide compelling evidence that a significant expansion of monitoring would be effective. Notably:

- The evaluation “was not designed to isolate the impact of EMDs [electronic monitoring devices] from the impact of wrap-around supports”.⁴ This is a significant limitation. Given the robust evidence that already exists about the effectiveness of wrap-around bail supports in reducing and preventing further contact with youth justice,⁵ it seems highly likely that much, if not all, of the positive effect identified is attributable to the wrap-around supports accessed by participants rather than the use of electronic monitoring.
- The evaluation is, by its nature, limited to “intentionally narrow eligibility, suitability and judicial thresholds”, meaning its “[r]esults may not be generalisable to broader populations”.⁶ Evaluation results only include young people aged 15-17 who were charged with a prescribed indictable offence and had been previously found guilty of an indictable offence or charged with a prescribed indictable offence in the preceding 12 months, in one of the trial locations concentrated in South East Queensland. Even if the evaluation had provided strong evidence that electronic monitoring is effective, it is highly doubtful that such results could be generalised with confidence to the much wider cohort proposed by the Bill.

² Save the Children and 54 reasons, 2025, *Missing pieces: Young people’s search for connection and belonging*, available at <https://www.54reasons.org.au/missing-pieces-report>.

³ See, eg, Queensland Family and Child Commission, *Addressing the root causes*, stating 53 per cent of Queensland children who commit offences are impacted by or have experienced domestic and family violence.

⁴ *Evaluation of the Electronic Monitoring Trial: Final Report*, Department of Youth Justice and Victim Support, prepared by Nous Group, 9 October 2025, p 18 (EMT Evaluation).

⁵ See, eg, M Willis, 2017, *Bail support: A review of the literature*, Australian Institute of Criminology, Australian Government.

⁶ EMT Evaluation, p 18.

Accordingly, we recommend that **if the Bill proceeds, it should be substantially amended** to better reflect the evidence and comply with children's rights. Amendments that should be considered include:

- Any continuation of electronic monitoring through the Bill should be time-limited and subject to regular review, not permanent. Among other benefits, this would allow further, rigorous evaluation of the impact of electronic monitoring.
- Electronic monitoring should only be applied in strictly limited circumstances. By contrast, the current Bill appears to allow electronic monitoring for charges of low-level offences and first-time offences, and applies statewide.
- Electronic monitoring should not be applied to younger children and teenagers.
- The court should be required to consider matters that relate to whether the child is likely to be able to comply with conditions associated with the electronic monitoring.
- The court should be required to seek and consider the views of the child before ordering electronic monitoring. This should include requirements for appropriate and adequately resourced measures and supports to ensure the child can express an informed view.

Lastly, as the Committee will be aware, Aboriginal and Torres Strait Islander children and young people are vastly over-represented in youth justice and youth detention. When Aboriginal and Torres Strait Islander peoples are able to exercise the collective right to self-determination, better outcomes result. Accordingly, we encourage the Committee to give significant weight to evidence and views provided to this inquiry by Aboriginal and Torres Strait Islander-led organisations that are recognised by community as having appropriate cultural authority and expertise on these matters.

Please do not hesitate to contact myself or Rebecca Ketton, State Director at [REDACTED] for any further information.

Kind regards,

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Vicki Mau

Executive Director

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