

# Youth Justice (Electronic Monitoring) Amendment Bill 2025

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Our ref: [MC]

Committee Secretary  
Health, Environment and Innovation Committee  
Parliament House  
Cnr George and Alice Streets  
Brisbane Qld 4000

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Dear Committee Secretary

**Youth Justice (Electronic Monitoring) Amendment Bill 2025**

Thank you for the opportunity to provide feedback on the Youth Justice (Electronic Monitoring) Amendment Bill 2025 (the Bill). While the Queensland Law Society (QLS) appreciates being consulted on this legislation, the truncated timeframe for submissions and the recent holiday period has meant that many of our volunteer committee members were on leave and not able to provide a more comprehensive analysis and feedback.

This response has been compiled following input from the QLS Children's Law Committee, First Nations Legal Policy Committee and Human Rights and Public Law Committee.

In short, the QLS does not support the passage of the Bill in its current form.

The Bill impacts the human rights of children and families, including the right to privacy, liberty, education and freedom of movement.<sup>1</sup> The use of visible ankle monitors causes significant stigma, which often leads to social isolation and disengagement from protective factors like education and employment. Additionally, electronic monitoring devices (EMDs) have a 'net-widening' effect, trapping children within the justice system by exposing them to additional penalties for technical breaches, such as battery depletion, which would not otherwise be criminalised.

QLS highlights the over-representation of Aboriginal and Torres Strait Islander children and young people in the child protection and youth justice systems. It should be considered that any amendment to Queensland bail laws would have a disproportionate effect on Aboriginal and Torres Strait Islander children and young people who are overrepresented in the youth justice system.<sup>2</sup> According to the Australian Institute of Health and Welfare's *Youth detention population in Australia 2025*, about 60% of young people aged 10-17 in detention identify as Indigenous, despite only representing 6.6% of the broader Australian population.<sup>3</sup>

<sup>1</sup> Human Rights Act 2019 (Qld), ss 25, 28, 30, 33, 36

<sup>2</sup> Children's Court of Queensland, *Annual Report 2019-2020* <[Childrens Court of Queensland Annual Report 2019-2020](#)>.

<sup>3</sup> Australian Institute of Health and Welfare, *Youth detention population in Australia 2025* (Report, 10 December 2025) <[Youth detention population in Australia 2025, First Nations young people - Australian Institute of Health and Welfare](#)>.

Reducing offending within this vulnerable group necessitates comprehensive and sustained early intervention strategies aimed at tackling the entrenched social and economic factors contributing to criminal behaviour and diverting high-risk youth away from the criminal justice system. The proposed amendments are punitive and are likely to result in an increase in the number of young people held in detention. Such an approach fails to address the root causes of youth crime and is therefore unlikely to deliver a meaningful or lasting solution.

However, should the Committee recommend that the Bill proceed despite these concerns, we urge the Committee to make the following amendments to provide necessary safeguards:

- reinstate the criteria set out in section 52AA (1)(f);
- include an express prohibition on the use of data captured by EMDs for any purpose other than to verify bail compliance; and
- include a provision that requires cultural and suitability assessments led by Aboriginal Community Controlled Organisations to ensure cultural rights, family obligations and context are foundational to decision-making in relation to Aboriginal and Torres Strait Islander children and young people.

### Evaluation of the Electronic Monitoring Trial Final Report

While the study found that monitoring devices often correlate with reduced custody time, their success is heavily dependent on family support and wrap-around services, especially Youth Co-Responder Teams (YCRTs) which were recorded in 91% of EMD episodes<sup>4</sup>. Episodes with YCRT engagement had higher completion rates (74%) than those without (50%)<sup>5</sup>.

Conversely, the trial also produced negative unintended outcomes, including physical discomfort for the children, significant administration burden for staff and alert response fatigue due to high volumes of technical or false alarms.

The findings of the final report must be interpreted within the context of several significant methodological limitations, including:

- The evaluation was not designed to isolate specific tracking hardware from the impact of wrap around therapeutic supports.
- Results may not be generalised to broader youth populations due to the intentionally narrow eligibility thresholds (e.g. 15+ years of age and specific serious offending history).
- Usage was heavily concentrated in South-East Queensland (84%)<sup>6</sup>, meaning the evaluation offers limited data on the effectiveness and viability of EMDs in regional areas where unreliable telecommunications infrastructure is a major barrier.
- While the total participants reached a threshold for indicative conclusions, many subgroup analyses (such as outcomes for Aboriginal and Torres Strait Islander youth or those with poor mental health) relied on small sample sizes that require very cautious interpretation.

<sup>4</sup> Evaluation of the Electronic Monitoring Trail: Final Report, pg. 61

<sup>5</sup> Evaluation of the Electronic Monitoring Trail: Final Report, pg. 61

<sup>6</sup> Evaluation of the Electronic Monitoring Trail: Final Report, pg. 22

- Only four children were fitted with EMDs in the trial's first year. This was not due to lack of eligibility, but because the court recognised the inappropriateness, impracticality and potential harm of EMD.

### Unintended consequences

The Bill proposes to remove the eligibility criteria that previously limited EMDs to children at least 15 years of age who were charged with a prescribed offence. By permitting children as young as 10 years old to be monitored, the system will manage a much more vulnerable cohort. However, the study provides no examination of the effectiveness or safety of EMDs for this 10 to 14-year-old age group. Because the trial was conducted under 'intentionally narrow' thresholds that required participants to be at least 15 years old, the evaluation could not assess the specific impacts on younger children, such as the psychological burden of stigmatisation in school environments or the risk of social isolation.

In addition, removing the requirement for a 'prescribed indictable offence' means EMDs can be applied to any offending type. This significantly widens the 'net' of children under 24/7 surveillance, potentially increasing contact with the criminal justice system for minor technical breaches, such as battery depletion.

A major consequence of statewide expansion is the unreliable telecommunications infrastructure in regional and remote Queensland. EMDs require constant mobile connectivity to function: without it, they produce 'no communication' alerts or fail to track location entirely, which can lead to children being unfairly reprimanded or breached.

In remote communities, over 43% of Aboriginal and Torres Strait Islander communities and homelands across Australia lack mobile service, and 45.9% of residents are highly digitally excluded, compared to 94.5% for the broader Australian population.<sup>7</sup> Therefore, remote communities face technological barriers that may increase the risk of breaches, often resulting in harsher consequences and further justice involvement.

Expanding outside South-East Queensland also creates significant logistical burdens, particularly regarding the report of children to watch houses for device fitting and removal, which can take substantial staff resources.

The permanent expansion will place prolonged limits on human rights, including the right to privacy, education, liberty and freedom of movement. Stakeholders have previously noted that without conclusive evidence that EMDs reduce recidivism, these ongoing limitations may be seen as disproportionate and unjustified, particularly for the overrepresented cohort of Aboriginal and Torres Strait Islander children and young people.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on [REDACTED]

Yours faithfully



Peter Jolly  
President

<sup>7</sup> RMIT University, 'Remote First Nations communities are among the most digitally excluded people in Australia', (Media Release, 26 September 2023).