JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:
Mr MA Hunt MP—Chair
Mr MC Berkman MP
Hon. DE Farmer MP
Mr RD Field MP
Ms ND Marr MP (via teleconference)
Mr PS Russo MP

Staff present:
Ms F Denny—Committee Secretary
Ms E Lewis—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE YOUTH JUSTICE (MONITORING DEVICES) AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Monday, 17 March 2025

Brisbane

MONDAY, 17 MARCH 2025

The committee met at 10.38 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Youth Justice (Monitoring Devices) Amendment Bill 2025. My name is Marty Hunt, member for Nicklin and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the lands on which we meet today. With me here today are: Peter Russo MP, member for Toohey and deputy chair; Russell Field MP, member for Capalaba; Michael Berkman MP, member for Maiwar; and the Hon. Di Farmer MP, member for Bulimba, who is substituting for Melissa McMahon MP, member for Macalister. With us on the phone is Natalie Marr MP, member for Thuringowa.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphone on before you start speaking and off when you are finished. Please turn your mobiles phones off or to silent mode.

HAYES, Ms Katherine, Chief Executive Officer, Youth Advocacy Centre

CHAIR: Would you like to make an opening statement before we start questions?

Ms Hayes: Yes, thank you, Chair. Thank you very much for inviting the Youth Advocacy Centre to appear at this hearing. The youth crime issue is very complex and it is an area where evidence is not given much weight at all. It is an area where the root causes are often overlooked and the debate is polarised between the soft-on-crime and a tough-on-crime approach.

The polarisation is not necessary. Victims' advocates and youth advocates all want the same thing. We want reoffending to go down. It is how we go about it that is the contentious point. We think that it needs to be an evidence-based approach—an approach that looks at early intervention as soon as possible. That early intervention is often overlooked. Early intervention is not at the first exposure to youth justice. It is early intervention in terms of child safety, housing and domestic and family violence. These are the issues that are the root cause and are overlooked. It is not a police issue to fix. By the time these kids are coming to the attention of police it is often too late.

In terms of electronic monitoring devices, the Youth Advocacy Centre has had a number of clients who have had EMDs. We have also made applications as their legal representatives for EMDs—some of which have been opposed by the police prosecutors or rejected by magistrates due to the appropriate factors not being present. That is having an appropriate adult, having a safe home, having someone who can monitor the charging of the device and having a proper phone that is able to be used for the signal to be tracked.

The kids whom we represent have had mixed views of the EMDs. In the submission, I have outlined how sometimes they can have a feeling of stigma, embarrassment or shame. We have had kids who have been rejected from employment opportunities because they are wearing EMDs and have had a reluctance to engage in education. However, we have also had kids who have had a more positive experience with EMDs. They have said they have been able to use it to prevent them from engaging in offending behaviour. One youth worker told me about a client who said, 'I was being peer pressured into engaging in car theft'—I think it was—but he was able to say, 'I can't go because they will be able to track me.' He pointed to his EMD. That was a case where that client was able to use it to resist an opportunity of offending.

There is also the possibility, in addition to the deterrent effect, of being able to re-engage positively with parents and family members. Part of the EMD program is the intensive bail initiative where kids are provided with intensive support over a period of time through family support and assistance in complying with their bail conditions. That is available to kids even if they are not on an

EMD, but it is also available to kids on EMD. It is to try to maximise their chance of not offending. The factor which is of the greatest appeal to these kids is that they avoid time in detention centres and watch houses. On Friday, a 13-year-old had been in the Caboolture watch house and other watch houses for 19 days. He had a big boil on his back. He had to go to hospital to get it drained and he was on antibiotics. He was put back in the watch house.

There are kids in the Cleveland Detention Centre who come out worse than when they go in. The department of youth justice released figures in January that showed they are more likely to commit more serious offences after they are released from Cleveland. These kids' human rights are being breached every day. I say that not because that gets any traction whatsoever in Queensland because Queensland has dismissed the importance of human rights, but if we do not look at the root causes and if we continue to treat these kids this way, they will continue to offend. That is the bottom line. By failing to address the root causes, by abusing them when they are in the custody of the state after they have been failed by numerous government departments, the reoffending path continues.

We have a couple of examples of that in our client cohort. We have a 16-year-old Aboriginal girl who has been a ward of the department of child safety for a number of years. She arrived at the YAC office a few weeks ago and was suicidal. She was admitted into hospital. When she was released, the department of child safety rang us up and asked us to pick her up and drop her back in the park where she had been living for two years, but with some food vouchers. That is an example of a young person who is going to continue to offend. She is on bail; she is a client of the IBI initiative. She will continue to offend because she has no other prospects. One thing that struck me as she was in our reception area, she was calling out repeatedly, 'My life is fucked. My life is fucked,' and I thought, 'It is.'

CHAIR: That is unparliamentary language. I will get you to withdraw that.

Ms Hayes: I will withdraw it, but I think the context of it is important, just to note the desperation. I did not think it was gratuitous. I thought it did note the desperation and the absolute lack of hope that is experienced by this young person who has the state as her guardian.

Another example, we had a 17-year-old boy who was on bail and he was behaving in accordance with all his bail conditions. He was in a residential care home, but for reasons I could not understand, he was being evicted from that residential care home, not for behavioural reasons but some internal policy, being given a—

CHAIR: Ms Hayes, while I appreciate your commentary around the youth justice system in general, I just draw you back to the bill itself in terms of extension of the period for trial of EMDs, please.

Ms Hayes: He is not eligible for an EMD because he does not have a safe home or parents to look after him, and he was given a tent to sleep in. He has said that he would reoffend if he had to sleep in a tent. That is the bigger issue that needs to be addressed in that EMDs are just fiddling around the edge and are not going to make any real difference in terms of victim numbers or reoffending.

CHAIR: Thank you for your opening statement. In terms of the bill itself and in terms of the trial of electronic monitoring devices, you mentioned that you advocated for some youth to be put on that and it was opposed by the police prosecutions.

Ms Hayes: Yes.

CHAIR: Was that broadly in terms of keeping them out of detention centres, or for other reasons? In addition to that, with that in mind, do you broadly support the use of that option being open to a court—the monitoring devices?

Ms Hayes: Is your question did YAC make the application because we wanted to keep them out? We followed our clients' instructions, and our clients instructed that they wanted the application to be made because they did not want to go to detention centres. As lawyers, you follow your clients' instructions. Yes, we do support the electronic monitoring devices as an alternative to detention centres because the detention centres are not rehabilitating kids at the moment.

CHAIR: There is quite an extensive range of things for the court to consider before a monitoring device is issued to a child—all sorts of human rights considerations and all sorts of considerations around—

Ms Hayes: Not human rights.

CHAIR: Well, human rights is defined in the Human Rights Act.

Ms Hayes: No, that is not right.

CHAIR: But broadly speaking, as an option for a court, you would support that?

Ms Hayes: Yes.

Mr RUSSO: Relying on your submission that you made to the committee, we have seen the Making Queensland Safer Laws come into effect without the implementation of new early intervention promised by the government. The bill proposes an extension of a punitive measure without those interventions being available. You have made much of the need for early intervention and prevention, as I said earlier, in your submission. Could you please comment on the prioritisation of punitive measures before intervention measures?

Ms Hayes: The prioritisation of punitive measures is going to be ineffective because all of the data shows that we are already locking kids up and we have one of the highest reoffending rates in the country, so continuing that policy does not work. We need to make sure that the kids I just spoke about are properly supported so that they do not get into the youth justice system because, as I said earlier, once they come to the attention of police, it is arguably too late, in particular in relation to this cohort. The youth justice system sees a large number of kids that only have an exposure once and they move on. However, this cohort that we are talking about that the EMDs are targeting, they are more entrenched and need more intensive support as early as possible.

Mr FIELD: I have a similar question. In your submission, you are saying that the fitting of the EMDs may prevent offending with a limited number of people. After that, the offending may well resume, some without the proper support. Can you elaborate a little bit on that?

Ms Hayes: That is a very good point because we often see kids who are issued with the EMD and in the beginning it has quite a powerful effect. It is a constant reminder of their bail conditions. They have that initial deterrent effect, but without addressing those root causes, unless they re-engage positively in employment or education or some kind of traineeship, then that positive path cannot continue. For that long-term change, you need to have that initial positive improvement continue through intensive support to engage properly.

CHAIR: Following on from that, there are early intervention programs available. The government certainly has not rolled out some of the things that were promised before the election—they are underway—but there are supports there. It is not like there is nothing there at the present time; is that right? There are things that the previous government had put in place.

Ms Hayes: The intensive bail initiative is one that is very important and provides support, but what I am talking about is a coherent response really early. When Child Safety and Housing do not have anywhere to put these kids in safe homes and they are from violent homes, that is when it starts and that is the bit that is missing.

Mr BERKMAN: I want to ask a pretty specific question, given the breadth of your opening statement. You have identified in your submission and this morning that your support for EMDs is really only as an alternative to detention. I want to note that the explanatory note does not even mention that alternative to detention as one of the purposes of the bill. Can you flesh out for us what, if any, are the implications of this, especially in the context of judicial discretion around when an EMD might be considered for that purpose?

Ms Hayes: You are right. That is our only avenue of approving it because it is better than going into the detention centres as they are, because they are currently not providing the best rehabilitation to the young people. I think the low take-up historically has been because the EMDs do not provide any avenue for rehabilitation and the judges and the magistrates do acknowledge that the main purpose of the youth justice system is to try to rehabilitate before they get properly entrenched. EMDs do not provide themselves any real rehabilitation path. Does that answer your question?

Mr BERKMAN: Yes, broadly speaking. From what you have said, it does not sound like that gap in the explanatory notes, if I can put it that way, will necessarily have a big impact on judicial discretion around the issuing of EMDs?

Ms Hayes: No, I do not think so. I think they do understand that if they are granting bail and they are on an EMD, they are not in custody.

Mr BERKMAN: We have heard from other submitters—I think the Queensland Human Rights Commission, in particular—that the serious repeat offenders are paradoxically, I think they put it, the cohort that are less likely to meet the criteria for receiving—

Ms Hayes: Yes, I put that.

Mr BERKMAN: You said that as well. I was looking for confirmation of that.

Ms Hayes: Yes. The cohort that is committing these crimes that are causing a lot of fear and legitimate concern in the community, and significant tragedies, are from backgrounds of poverty and violence, and fetal alcohol spectrum disorder features large, as well as other developmental delays, which mean that they do not have any real prospects of rehabilitation without intensive and consistent support.

CHAIR: You have acknowledged that the intention of EMDs is not rehabilitation but an option in terms of bail?

Ms Hayes: Yes.

CHAIR: We have unfortunately run out of hit, so I thank you for your attendance and for your submissions to the committee today.

WALTERS, Ms Gayle, Acting Chief Executive Officer, PeakCare

CHAIR: Good morning. I invite you to make an opening statement before we start our questions.

Ms Walters: Thank you, Chair and committee, for having PeakCare here today to speak to you about this very important bill. PeakCare is Queensland's pre-eminent child and family peak body. We take our community safety very seriously. We are committed to evidence-based responses that enhance community safety, but uphold the safety, wellbeing and rights of children and young people. We welcome the establishment of the victim support portfolio within the Crisafulli government, as we know many of the young victims in our youth justice system are also victims themselves.

I would just like to take a minute to think about the ABS data. There are nearly 600,000 young people in Queensland who are aged between 10 and 17. Fewer than 4,000 of those are the young people who come into contact with the youth justice system. If we think about those 4,000 young people, over half of them have been a witness to or a victim of domestic and family violence; a third of them have unsafe or unstable housing; a quarter of them have a parent who has been incarcerated; and 44 per cent of them have a mental health disorder that is often undiagnosed until they come in contact with the youth justice system. On that data alone, how could we say anything but those young people are just as much victims as the victims that they also perpetrate against?

PeakCare does not support the bill's expansion into electronic monitoring. For most young people, there has been no substantiated evidence that this trial has been successful. In fact, the department of youth justice's own review in November 2022 found that the effectiveness of electronic monitoring in deterring offending behaviour cannot be confirmed. Under the former Youth Justice Reform Select Committee, both submissions from the Queensland Police Service and the Queensland Corrective Services stated that over a third of the breaches and callouts that they attended or sent police to attend were due to battery failure or technological failure, not because the young person had actually breached conditions.

Given the significant over-representation of First Nations children in the youth justice system, we are deeply concerned about the unintended consequences of further criminalising First Nations children and trying to utilise a response that does not work to address the root causes of the offending, or provide culturally appropriate supports for these young people. Much like our colleague in YAC, we support stronger investment in family intervention services, drug and alcohol programs, educational supports and traditional housing and homelessness services.

Early interventions is what addresses the drivers of crime. The time has come to invest in these evidence-based prevention programs. The New South Wales report, *Brighter beginnings: the first 2,000 days of life*, shows that for every $1 invested into early intervention, there is a $13 cost saving benefit for education, health, justice and welfare support. PeakCare will support the expansion of this program when it comes to thinking about the young person who is involved. If they have a home that has been assessed as safe and secure, if they have a responsible adult who can support them in the technological challenges, such as charging or having a phone that has wi-fi capability, where the young person has been assessed as capable of understanding the implications of wearing the device and the bail conditions, where the young person is on remand or all of their offences have already been addressed, then this would avoid them being in youth detention or in a watch house, and where the young person themselves may actually say, as our colleague spoke to before, 'An electronic monitoring device may actually stop me offending because it gives me the right to say to my peers, "I cannot go. I will be trapped."'

I would really like to reiterate to the committee that children who come into contact with the law are still children. They are young people who are capable of growth and change. We believe you cannot simply fix a person's problem by strapping a device to their ankle. PeakCare believes that we need to strap supports around these young people and their families; that we need to make sure we have effective early interventions and prevention services that are addressing these driving causes of offending, rather than just responding to the consequences. Now is the time for the government to actually refocus on strategies that work, strategies that support children, engage families and communities and build the capacity of young people to live crime-free, to provide productive lives. PeakCare stands ready it assist the committee and the government in developing and advocating for such evidence-based reforms.

CHAIR: Noting your broader commentary around youth justice generally and the deterrent factors in relation to monitoring devices, but drawing you back to this particular bill that extends the trial period, it seems from your submission that you, under limited circumstances, do support the use of electronic monitoring devices and there is quite a broad range of things for a court to consider in relation

to that. Are you happy with those limitations and the process as it stands now or what would you like to see added to that process to limit the number of electronic monitoring devices to where you think they would be effective?

Ms Walters: We think it is really important that if a court is considering an electronic monitoring device for a young person, and we know that they apply a level of assessment over that in the first place, the reality has to be can this young person actually manage the device—have they got a safe and secure place where they can charge that every single day? If we see that a third of our young people are homeless, they do not have that capacity. Do they actually understand that if they fail to charge it, the battery going flat, whilst they may well still be within the right geographical constraints and not doing anything else, will actually cause a breach? In actual fact, the legislation, as it stands, is that that is a breach of a bail condition. The battery going flat because you cannot charge it does not seem a very fair reason to have a breach of bail conditions. We get the opportunity to speak to young people in detention centres and we have heard directly from them that if the opportunity to take an electronic monitoring device were provided to them rather than go into detention, they would absolutely take it. We absolutely advocate that if the young person is willing and able then there is absolutely an opportunity where we could expand the electronic monitoring devices.

CHAIR: Acknowledging those reasons you provided are already taken into consideration by a court? The current restrictions allow the court to take all that into consideration; would you agree with that?

Ms Walters: Yes, we do.

Ms FARMER: Thank you for your submission and for your opening statement. I wanted to go to the point you make about in what circumstances you would support EMDs, and you have outlined some of those. You also say in your submission that you would support EMDs where the young person has been sentenced for offences and would otherwise spend time in a youth detention centre. You have talked a lot today, as have most submitters, about the profile of the young person that we are looking at, and I think we all understand that. The other aspects are victim support and community safety, and the department has indicated that they will include those as part of their evaluation. The explanatory notes state that the criteria are designed for serious repeat offenders. If a serious repeat offender has been sentenced, and we know that the periods of time for which they might be sentenced are now quite extensive, how would you guarantee community safety and support for victims if you had a serious repeat offender wearing an EMD out in the community for quite an extensive period of time? What circumstances do you think would need to be addressed to ensure community safety and victim support?

Ms Walters: I think one of the most important things, and my colleague spoke to it before, is the intensive bail initiative and the supports that continue to wrap around. It is unreasonable to have a serious repeat offender out in the community, even with an electronic monitoring device, if they are not supported to make choices and make decisions. The change of mindset has to be around these young people as they make those life choices and move into a crime-free environment is that these are not decisions that they will make in 24 hours or 27 hours. These are decisions that they need months and months of support to make. I think what is really important is if the department is unable to support them in that for the full length of time that they need. If they are sentenced to five years they may actually need five years of intensive support all the way through wearing that electronic monitoring device.

We need to be looking at the not-for-profit and the community sector to be able to continue to support that young person and the family as well because there is significant impact on the family of this young person wearing an electronic monitoring device, and actually making sure they are not subject to stigmatisation. The last thing that we would want in a situation like that is a young person not being able to get a job or do training or be in school because they are stigmatised for wearing an electronic monitoring device. We have to have a shift in not just what we do but also what the community expects and understands. If the community as a whole thinks that electronic monitoring devices are the be-all and end-all of safety and we can track and monitor where these young people are, I think we are giving them a false sense of security. The reality of it is that these services are there for a purpose, and they do serve a purpose when they are supported and managed completely and appropriately for the full time of the service.

Mr FIELD: I have a similar question. With the monitoring devices, you are saying—and most people here today have said—that they have a limited use. It stops them re-offending and they understand the reasons—because they can be tracked. Are there any particular circumstances where you think that they are appropriate that have not been mentioned previously?

Ms Walters: I do not believe that there are. I think we can see when we look jurisdictionally that there has been a use of GPS trackers or electronic monitoring devices across the globe and there is no hard-set evidence that actually proves that these work, that they reduce re-offending and they are of value as an investment. What we can see is in specific situations you may see a small change—we are not seeing that in 100 per cent of cases. We are certainly not seeing that every single young person that gets an EMD never re-offends. We do not get those results, nor does any jurisdiction. What we do believe though is that with the right supports, with the right workarounds that can be with the young person and help them understand the implication of wearing that device and support them and the family through that decision, they may change their trajectory, stop offending and actually make the right life choices. That is actually what PeakCare supports.

Mr FIELD: I understand you are never going to get 100 per cent across the board, but if it stops 10 per cent of reoffending by using a monitoring device, is that not better than nothing?

Ms Walters: I think the best point is if it stops a young person having to be in a watch house or a detention centre—that is actually where we see the benefit. That makes them think about why they want it. As I have said, we have spoken to young people in detention who have openly said to us that if they had the opportunity, if they had the choice to have an electronic monitoring device, they would make that choice—they would rather have an EMD than be in detention or be in a watch house. I do accept the premise that you are making that if there is an improvement then that is a good thing—and of course any improvement is a good thing—but what we would really like to see and what we really advocate for are those early interventions and that we start to look at the root causes of crime in the first place. As I mentioned, these young people have been victims of domestic violence themselves, they have seen and observed violence from a very young age. They have been disengaged from education at the age of seven. We need to start acting now around the early interventions that we can do to support these children to not even enter into a life of crime in the first place. Of course, with the bill it is about what can we do now, but we would encourage the government as a whole to think about the fact that we have done a number of trials, the evidence is there, but it has not proven that it has worked.

CHAIR: Accepting your commentary around early intervention, what we do in detention and post detention, I am sure the government recognises improvements need to be made in that area. Specifically related to this bill and electronic monitoring devices, I will move to the member for Maiwar.

Mr BERKMAN: The explanatory notes to the bill say that the criteria for the use of electronic monitoring were designed to target serious repeat offenders. I think you were here a moment ago when we heard evidence from Katherine Hayes, and it is in YAC's submission as well, that serious repeat offenders are less likely to satisfy the criteria for electronic monitoring. Is that reflected in your experience with children in the youth justice system?

Ms Walters: Yes, it is. What we often find with serious repeat offenders is that they often come from the most disadvantaged homes. They come from the environments that are the most difficult. We heard from our colleague from YAC before about the situation where young people might be removed from residential care for a reason unknown and that just puts them at greater risk. These are the serious repeat offenders who are not going to be given the opportunity of an EMD because they are going to be seen as such a great risk to the community. The legislation as it stands at the moment is that if you are a risk to the community you will go to detention. That is the legislation. The opportunity for the serious repeat offenders to get an EMD is actually very low. What we would like to see is the opportunity for those people to get the full supports that they need, and that was the response that I gave to the member for Bulimba just a moment ago. Those wraparound supports have to exist for the entire time if we were to actually target serious repeat offenders. This does not allow for that.

CHAIR: In your submission you make a comment that wearing an electronic monitoring device can undermine the presumption of innocence before trial. Can you expand on that?

Ms Walters: What we have heard from some of the young people we speak to is that if they are seen wearing an electronic monitoring device they are perceived as serious repeat offenders, whether they are or not. They are seen as violent or aggressive as that is the device a grown-up wears because they have been violent. They feel that they have already been assumed to be guilty when they may well be on remand and have actually not been in front of a court yet to be found guilty or not guilty. Whether that helps make the choice about whether they do or do not offend is different for every young person. Some young people will go, 'You know what, they already think I'm guilty, I'm just going to continue to reoffend and I don't care that I'm wearing a bracelet.' Others might go, 'I feel really bad about this', then that creates a whole other range of problems which include mental health issues

around paranoia and concern about their own safety, about 'I'm being targeted because I've got this electronic bracelet.' There is definitely a fine line to be walked around how we make sure we are protecting those people who actually do have the EMD. That again comes back to the supports being in place.

CHAIR: Just to clarify, the comments around undermining the presumption of innocence means the undermining of the presumption of innocence in the wider community not in a court?

Ms Walters: Not specifically in a court, in the wider community. They would be seen at school as being a bad person—they are violent, they are aggressive, all of those things—because they are wearing an electronic monitoring device. That is subject to them turning up to school. Many do not. They go, 'I've got an EMD. I'm not going to school because I'll get picked on.'

CHAIR: Broadly, that is already covered in what the court needs to consider; would you agree?

Ms Walters: I would hope so, yes.

Ms FARMER: We have seen the Making Queensland Safer Act come in late last year and this bill. Both of them involve punitive measures. Does it concern you that the rolled gold early intervention measures that were promised by the government are not in place and prioritised at the same time as these two quite punitive pieces of legislation?

Ms Walters: I would acknowledge that the early interventions and preventions are really important, as I have already said. I would acknowledge my colleagues who are all here. As not-for-profit and community groups, we are all working very hard to address early intervention opportunities with the current government to try to identify where we can make better opportunities. It is concerning that this focus is punitive, and we would advocate very strongly that this is the opportunity now to focus on those early interventions and preventions and do them better. Let us actually address the root cause of crime and not just the consequence of it.

CHAIR: I agree. We have done that very badly over the last 10 years. We will take a short break.

Proceedings suspended from 11.15 am to 11.29 am.

BOOTH-MARXSON, Ms Brenna, Acting Deputy Commissioner, Queensland Human Rights Commission

WILSON, Ms Charlotte, Manager Public Policy, Queensland Human Rights Commission

CHAIR: Would you like to make an opening statement before we ask questions?

Ms Booth-Marxson: Good morning, Chair, and committee members. I would like to begin by respectfully acknowledging the traditional owners of the lands on which we meet, the Yagara and Turrbal people, and pay my respects to elders past and present and any who may be joining proceedings today. I also want to thank the chair and the committee for the opportunity to provide evidence on the bill.

The commission appreciates the important aims of this bill: to improve community safety and reduce crime. However, we do not believe that the proposed amendments will achieve those objectives. The bill limits several rights protected under the Human Rights Act, including the right to liberty and security, the protection of families and children, the right to privacy and the right of First Nations people to maintain kinship ties. It also restricts freedom of movement and association and the right to education, and it may undermine the presumption of innocence by imposing a punitive measure on children who may not have been found guilty.

Any legislation that limits human rights must be justified by clear evidence of effectiveness that its purpose will be achieved. That evidence in this case we say is lacking. The electronic monitoring trial began for children in May 2021. At that time, the former government acknowledged that there was a lack of evidence of the efficacy of electronic monitoring for children on bail but, nevertheless, proceeded. Nearly four years later, neither the former government nor the current government have provided evidence demonstrating the effectiveness of electronic monitoring in reducing crime. Additionally, neither government has produced any evidence of efficacy arising from other jurisdictions which could support an extension of the trial. To the contrary, there appears to some evidence that electronic monitoring does not have statistically significant impact on crime and, in fact, may reduce community safety.

The 2022 review of electronic monitoring in Queensland noted that literature indicated electronic monitoring can have a net-widening effect—that is, exposing children who are monitored to additional charges for breaching the terms of their electronic monitoring orders. These behaviours may be associated with relatively insignificant, nonviolent behaviour, like failing to return home in time for a curfew. Given Queensland's strict bail laws, these breaches could lead to imprisonment, increasing rather than decreasing the risk of reoffending. As we know, children who have multiple or frequent contacts with the criminal justice system are more likely to reoffend. This means, ultimately, electronic monitoring could in fact lead to more, not less, offending—making the community less safe.

There are also serious social consequences that should be considered. Children subject to electronic monitoring may face stigma, disengagement from education or employment and negative mental impacts. The Youth Advocacy Centre, in its submission, has highlighted that children feel shame and embarrassment when wearing electronic monitors and that devices can act as a barrier to participating in positive activities such as school, sports and training.

Additionally, PeakCare highlighted that for Aboriginal and Torres Strait Islander children electronic monitoring may also restrict participation in cultural gatherings, visiting family or attending sorry business, disconnecting them from essential community and cultural supports and increasing their likelihood of reoffending. These impacts could lead to social isolation, obstacles to or disengagement with education or employment, and negative impacts on their physical and mental health. These are all risk factors for further reoffending.

The commission is also concerned about the risk of harm to children in the current climate of heightened public debate on youth crime. We have seen troubling incidences of vigilante action in Queensland. Highly visible ankle monitors could make children targets for violence, harassment or other unfavourable treatment, placing them at serious risk. It is our submission that the government must do everything possible to prevent this.

In light of these concerns, the commission does not consider that it is proportionate to continue restricting children's and families' rights in pursuit of evidence that has not emerged and is unlikely to appear. We urge the committee to recommend against passing the bill. Instead, we recommend that the significant resources allocated to electronic monitoring be redirected towards programs with a proven track record of reducing youth crime. For example, the Justice Reform Initiative suggested that

research should focus on how to better support children to comply with their bail conditions. The commission also echoes calls from the Aboriginal and Torres Strait Islander Legal Service and the Human Rights Law Centre for investment in supported accommodation, community-based programs and early intervention initiatives, particularly those led by Aboriginal and Torres Strait Islander community controlled organisations.

Finally, we note that the timeframe for submissions was relatively limited. We encourage the committee to also, as part of their deliberations, consider submissions made by community organisations with expertise in supporting children and young people on the original Youth Justice and Other Legislation Amendment Bill 2021. Thank you for your time and I welcome any questions.

CHAIR: Does the Human Rights Commission have a role in advocating for and supporting the human rights of victims of crime and the wider community? With that in mind, do you accept that there are circumstances where young people have shown themselves to present a high risk to that community? What do you suggest we do with those young people as an alternative to custody or electronic monitoring?

Ms Booth-Marxson: Human rights belong to all Queenslanders and all individuals must be considered when developing law. With this particular bill, children in the youth justice system are the most affected. That is not at all to say that the rights of the broader community have been ignored, but when assessing compatibility of the bill the focus must be on the laws on those who are most affected. Additionally, it is relevant that under the Human Rights Act children are entitled to special protection based on their particular vulnerability. Limitations on the rights of children are reasonable only if they will achieve a legitimate outcome—for example, keeping the community safe. While electronic monitoring may often be perceived to increase community safety, the evidence just is not there to support that. The commission urges the government to focus on strategies that are backed by evidence and not those that provide perhaps a false sense of security to the community.

CHAIR: Do you want to add something, Ms Wilson?

Ms Wilson: As Brenna was describing in her opening statement, the laws may in fact have a negative impact on community safety by putting conditions on children which lead them into further contact with the criminal justice system, which we know causes further reoffending. Therefore, that may actually make the situation worse for victims of crime or create more victims of crime than fewer.

CHAIR: Does the Human Rights Commission have a view on any circumstances where the electronic monitoring device might be acceptable—or detention, for that matter? Would you accept there is a circumstance where that would be warranted?

Ms Booth-Marxson: Previous witnesses commented on the issue of electronic monitoring as an alternative to remand. If that is to be pursued—that is, that electronic monitoring be an alternative to remand in custody—the commission's perspective is that that would serve a legitimate purpose of minimising the harms associated with keeping a child in custody, but the explanatory notes and the statement of compatibility do not identify that a purpose of this expansion of the trial is to provide an alternative to remand. If that is the case then that should be made clear and then a proper assessment of the proportionality of that can be undertaken.

CHAIR: The legislation outlines what a court has to consider in relation to bail as an alternative to remand. Would you accept that it gives courts another tool, other than remand in custody?

Ms Booth-Marxson: Yes, but that is not the stated purpose of the law and that is not what the government has stated to be the purpose of extending the trial.

Ms FARMER: Does it concern you that we have two pieces of legislation that the government has introduced—the Making Queensland Safer Bill, which was passed at the end of the year, and this bill before us now—that are both about punitive measures? On top of the significant early intervention and prevention measures already in place, the government was elected on the basis of significant early intervention and prevention programs. Does it concern you that all of the measures to date are about punitive actions and that, in fact, none of the early intervention and prevention measures are actually in place yet?

CHAIR: I will allow you to answer that as you see fit, but the assertion that this is a punitive measure is an opinion of the member. We will take note of that.

Ms Booth-Marxson: The commission is certainly of the view that resources are better invested in programs which are likely to be more effective and less restrictive on human rights, like those early intervention alternatives. As I mentioned in my opening statement, submitters to this committee,

including the Justice Reform Initiative and the Aboriginal and Torres Strait Islander Legal Service, have provided a number of meaningful alternatives to the use of electronic monitoring, and the commission would be supportive of resources being invested in those alternatives as opposed to an extension of the electronic monitoring trial.

Mr FIELD: Previously we have heard that some detainees would prefer a monitoring device rather than being detained. What would you say would be the best way to go about things? Do we put them in detention or allow them to have a monitoring device?

Ms Booth-Marxson: I think as I reflected earlier, the commission can certainly see an avenue where providing electronic monitoring as a specific alternative to remanding a young person in custody may be a compatible option. It will certainly be less restrictive on human rights. The evidence before us in considering this bill and the former bill was that that is not the underlying purpose of the legislation. For a proper assessment of that to occur, we would like to see the government's justification for that.

Mr FIELD: If the trial is extended by 12 months, I am assuming you will get more information to make an assessment when that time comes; would you not?

Ms Booth-Marxson: Yes, I understand that the review in 2022 identified that there was an insufficient sample size of young people in order to undertake an effective evaluation of electronic monitoring. There have been a number of extensions and expansions of the electronic monitoring mechanisms since that time. This is another extension to provide further data. It is unclear to the commission how much further data is anticipated to be gathered over the course of a year and whether or not a year's extension would provide sufficient data to enable an independent evaluation to be undertaken.

CHAIR: The department made some comments on that this morning. On review of the transcript, you might get an answer.

Mr BERKMAN: It almost feels like a reflection on a quaint bygone era, thinking about the Atkinson report and particularly the four pillars in the Atkinson report. I am interested in the net-widening effect of the trial, as you have described it. Can you outline for the committee the consistency or otherwise of this bill and that net-widening effect, particularly with those pillars of keeping children out of court, out of custody and reducing reoffending?

Ms Booth-Marxson: The literature certainly indicates that electronic monitoring can have a net-widening effect—that is, the children who are exposed to electronic monitoring may be involved in the commission of further offences for breaches of their electronic monitoring for relatively minor infringements, like a late curfew or a failure of the device functioning. In line with that literature, the 2022 department review of electronic monitoring noted that several stakeholders raised concerns that there was potential for greater penalties for children on bail with monitoring than there would have been for another child in custody on remand or on bail with no monitoring. It is well known that children who have frequent multiple contacts with the justice system are at a higher risk of reoffending and additionally may face stigma that can lead to social isolation and disengagement with education or employment. I might turn to Charlotte to add to that.

Ms Wilson: Our key point is that this net-widening effect is going to result in more offences committed by young people going into and having that entrenched contact with the criminal justice system, ultimately leading to them possibly becoming more hardened or worse offenders in the end.

CHAIR: Member for Thuringowa, do you have any questions?

Ms MARR: I defer to the chair. Thank you.

CHAIR: Could you make some comments on the difference in terms of human rights in relation to police bail checks on a young person and curfew et cetera, as opposed to the wearing of an electronic monitoring device? What would be the preference? What would be the implications and the difference between those two bail options?

Ms Booth-Marxson: I think the underlying difference there is the stigma and perceptions associated with wearing an electronic monitoring device, as opposed to a young person who is also on bail who may be subject to ad hoc curfew checks by a police officer attending the house. It may result, for example, in a young person who is attending and engaging in school being maybe less likely to attend and engage in school if they have to wear an electronic monitoring bracelet, as opposed to being subject to ordinary police bail checks.

Ms FARMER: We discussed with the department this morning the very real possibility that there may not be huge numbers to conduct the evaluation, although I think the department was a little hopeful there would be in terms of the importance of looking at qualitative aspects of the trial as well as

quantitative. One of the things they are going to look at is victim support. You have made a number of other statements about concerning aspects of the trial. What would you like to see covered in that evaluation in order to get a realistic picture of what this means for victims, what it means for community safety and what it means for the young people?

Ms Booth-Marxson: Certainly in relation to the young people, we would want to see if not quantitative then qualitative reflections on the impacts it is having on them in terms of their engagement in school, training and employment, the impacts on those children who may have caring responsibilities for other children including siblings, and the impacts it might be having on family members or other residents of their home.

In terms of the impacts on victims, it is perhaps a bit of a tricky question. The evidence to date suggests that it is not reducing reoffending and reducing crime, and those are the two things that would lead to a positive outcome from the perspective of victims. The trial should show that young people who are exposed to electronic monitoring do not go on to reoffend and are well supported by alternative supports to facilitate their participation in society after the end of the criminal process.

Ms FARMER: Just to clarify, in your view it supports victims if in fact there is a reduction in reoffending?

Ms Booth-Marxson: And if the reduction in reoffending can be linked specifically to the use of an electronic monitoring bracelet.

CHAIR: Thank you for your attendance today and for your submission.

BENTON, Mr Murray, Deputy Chief Executive Officer, Youth Justice, Queensland Aboriginal and Torres Strait Islander Child Protection Peak

WRIGHT, Ms Helena, Deputy Chief Executive Officer, Policy and Strategy, Queensland Aboriginal and Torres Strait Islander Child Protection Peak

CHAIR: Welcome. Would you like to make an opening statement before we start questions?

Ms Wright: Thank you for the opportunity to speak today on the Youth Justice (Monitoring Devices) Amendment Bill. My name is Helena Wright. I am the Deputy CEO for Policy and Strategy at the Queensland Aboriginal and Torres Strait Islander Child Protection Peak, QATSICPP. We are the peak body for youth justice in Queensland as well as Aboriginal and Torres Strait Islander child protection. I have my colleague Mr Murray Benton with me this morning, the Deputy CEO for Youth Justice in the department.

Before I start, I acknowledge the traditional owners of the lands on which we are gathered here this morning and pay my respect to the people of the Turrbal and Yagara nations, and thank them for their ongoing custodianship and care of this place. I would like to also acknowledge our elders, past and present, and acknowledge their strength, resilience and the opportunities that they have provided us. As a Kabi Kabi woman from the Sunshine Coast, I would like to acknowledge this place, where undoubtedly the most important buildings in Queensland have been built, as a significant place for Aboriginal women and women's business.

Our overarching responsibility as the youth justice peak body is to help drive evidence-based approaches to community safety. We are committed to working with the Queensland government to ensure the most effective outcomes for both the community and children and young people. We acknowledge that the intent of the bill is to allow more time to continue and assess the impact of the 2024 legislative changes that widen the use of electronic monitoring as a bail condition for children and young people charged with offences in Queensland.

We recognise that electronic monitoring may be a useful short-term measure in keeping children out of custody while enhancing community safety protections but that it is one relatively minor tool amongst a range of other responses that are currently being delivered or developed. Evidence suggests that the implementation of electronic monitoring in Queensland's youth justice system to date has had low uptake and has faced a number of challenges which will need to be overcome if it is to result in increased community safety, reducing offending and fewer children in detention as it is intended.

Primary among these barriers is the fact that electronic monitoring's current target group in Queensland and the cohort that creates the most community concern—our serious repeat offenders—often do not meet the criteria to be eligible for electronic monitoring. Secondly, evidence on the effectiveness of electronic monitoring remains inconclusive. We know, and you have heard this morning, about the low participation rates in the Queensland trial. This has struggled to date to provide meaningful data about the effectiveness of the trial and any successful outcomes. Thirdly, we must recognise and acknowledge the negative impacts that electronic monitoring can have on young people. It can be highly stigmatising, reinforcing shame and creating social exclusion, and for Aboriginal and Torres Strait Islander youth it can erode cultural connections.

In light of these concerns, we seek the prioritisation of evidence-based, culturally safe and community-led solutions that offer real answers to this challenge—for example, ensuring electronic monitoring is only used when a person has a safe and stable home environment, appropriate adult support and access to intensive case management; working with the youth sector to explore how intensity of and access to bail support programs around the state can be enhanced; reforming and reviewing the use of bail conditions so they are realistic and they set young people up for success rather than entrapment and further criminalisation; and committing to an independent evaluation to determine whether it actually reduces reoffending or in fact increases interactions with the justice system through minor breaches.

We are all committed to safer communities and to reduce youth crime. If we are truly committed to breaking the cycle of offending, we must move beyond short-term fixes and invest in real solutions—ones that provide support, stability and a genuine path forward for our young people. As Aboriginal and Torres Strait Islander leaders and as Queensland's youth justice peak body, we ask the Queensland government to do this with us and not to us. We are happy to expand on anything in our submission and from my opening statement through the committee's questions.

CHAIR: Thank you. In relation to bail in general, if a young person is before a court, a court has a number of options open to it in terms of bail. When we are talking about restrictions like monitoring devices, checks by police or custody, we are talking about court considering that a young person has shown themselves to be quite a risk of breaching bail. Would you agree with that? If we are considering restrictions on bail rather than just an undertaking, those considerations really are on young people who have breached or are a high risk of breaching a normal undertaking of bail. Would you agree with that?

Ms Wright: Yes, in some situations, definitely.

CHAIR: In terms of what options a court has available to it, can you comment on police checks being culturally shameful et cetera, as opposed to a monitoring device, and what the preference might be for a young Aboriginal and Torres Strait Islander person or comment on how that might affect them?

Ms Wright: To develop our submission and to develop our material for the hearing this morning, we engaged with our sector, the youth justice sector. Some of our partners are here in the room and you have heard from them this morning. Definitely, there was a range of views expressed. Electronic monitoring as a tool to ensure young people and children are not in watch houses or in detention is definitely seen as a positive. However, very much said in that context was the need to have case management and wraparound supports attached to the device. Some of our stakeholders said that the young people they work with felt that having a device was less intrusive than police bail requirements in terms of compliance. Then again, on the flip side, there were noted a number of challenges around compliance with the electronic monitoring devices as well.

CHAIR: Would you say that there is an overall preference for monitoring devices over police bail checks at home? Is that what I just heard or is it a bit half and half?

Ms Wright: Definitely mixed.

Ms FARMER: Thank you both for your submission and for appearing before us today. You refer in your submission to the need for government decisions around youth justice to be done in partnership with the sector and youth justice expertise. I think we all acknowledge it is a very complex area. As we know, you are the peak body—and thank you for affirming that this morning—for youth justice in Queensland. Could you tell us how many times you have met with the youth justice minister this term?

CHAIR: Member, I think that is outside the scope of the bill.

Ms FARMER: I am referring to their submission which talks about the need to consult with the sector.

CHAIR: We are consulting now.

Ms Wright: Garth Morgan, our CEO, has definitely met with the minister. I would have to check on how many times. I know that he is in regular contact with Minister Gerber and I know that our chief of staff is in regular contact with her office as well.

Mr FIELD: In your submission, you stressed the need for an evidence-based approach for the use of the monitoring devices, and it is hard to get that evidence base unless you have data collected. Do you believe that a 12-month extension will be sufficient to generate that required evidence?

Ms Wright: I definitely think it will go further than where we are now in terms of having available evidence. I note that the department noted this morning that there has been an increase in the level of data that they are able to apply to an evaluation. Definitely, we would hope that any evaluation is independent. We would hope that any evaluation contains a review of bail conditions. We would expect that data is disaggregated to a useful level including indigeneity, data across the prescribed sites for the trial, what sorts of offences and, if breaches have been made, what sorts of breaches—those types of things.

Mr FIELD: So, in a sense, without having the trial extended there is limited chance of getting that relevant data that you require to make your decisions as to what way you see it?

Ms Wright: From what we know across other jurisdictions and across other countries, the evidence is mixed. I know in a lot of cases we are not talking about bail electronic monitoring; we are talking about when a young person is sentenced. That is what a large proportion of the evidence talks to. However, in a Queensland context it is about having more data to make an assessment of whether this is value for money and what sorts of programs are best suited to support a young person who is bailed with an electronic monitoring device, and then having that information available to make proper investment decisions to support community controlled organisations in the non-government sector to support young people better.

Mr BERKMAN: I am really grateful for you being here this morning, thank you. In considering the human rights implications of a bill like this, we have to consider any legitimate purpose up against the human rights impacts. There are a couple of dot points in your submission about the risks of harm to children and young people. Can you elaborate any further on that, particularly with respect to the risks and any human rights implications for First Nations children?

Ms Wright: Definitely, and you can see in our submission we talk to the stigma and shame associated with wearing or being bailed to an electronic monitoring device. From an Aboriginal and Torres Strait Islander perspective, colonial practice of oversight of our movements—as you know, government has had very strict controls over where Aboriginal and Torres Strait Islander people have been allowed to move in this state—is an historical consideration. I think it has the ability to reinforce those and continue to reinforce colonial practices. Then there is breach of bail. We heard an example from one of our organisations in the sector that a young person who had an electronic monitoring device wanted to go to a family funeral. That was not allowed under the bail conditions that went alongside the device, so they cut off the device, breaching. I think that is probably the key point: it has the ability to further criminalise young people.

Mr Benton: The only other point that I would like to make from a cultural perspective is that we have to give respect to the data and the over-representation of Aboriginal and Torres Strait Islander children when we are talking about both youth justice and child protection. What I would like to highlight beyond what Helena has raised—and we heard it from our colleagues here this morning—is, when we are talking about the housing crisis, the cost-of-living crisis and domestic violence, which continues to rise, and the disproportionate impacts on Aboriginal and Torres Strait Islander children in those communities, and particularly when we get into regional and remote communities, the lack of wraparound supports for young people who may be wearing one of these devices, in my opinion as an Aboriginal man and also representing QATSICPP, does need serious consideration, because we are setting these young children up for a very hard road beyond the road they are already walking. That would be my only other point: to consider the over-representation and the disproportionate impacts that our First Nations children face with these decisions.

CHAIR: I draw you back to comments you made in relation to that example related to the funeral. Just being careful there is no sub judice in this question, has that matter been dealt with by the courts, to your knowledge?

Ms Wright: I am sorry, I do not know. It was just a case example given to us by one of our organisations.

CHAIR: I wanted to expand on that, because the evidence from the department this morning was certainly that, in their experience, it was not common for police to be breaching and sending young people to court for breach of bail for technical breaches or smaller breaches. Therefore, I was wondering whether in that instance of an alleged breach for removal that person was charged with that or not. Do you know? Do you have any examples from the community where people were charged and convicted for breach of bail for a technical breach?

Ms Wright: No, sorry, I do not. It is just one of our significant concerns. I am really pleased to hear the department say that, in their view, the police are not charging for technical breaches, but it is a concern of ours.

CHAIR: Yes, certainly, and I am pleased to hear there are no other examples where that has happened, and that seems to go along with what the department indicated. That is pleasing.

Mr RUSSO: We have seen the Making Queensland Safer Act come into effect without the implementation of the early interventions promised by the government. This bill proposes an extension of a punitive measure without those interventions being in place. You have made much of the need for early intervention and prevention in your submission. Can you please comment on the prioritisation of punitive measures before intervention measures take place?

CHAIR: I made a ruling on a similar question in relation to that before, that the assertion that it is a punitive measure is an opinion of the member delivering the question. I will indicate that, but I will allow you to answer in any manner you see fit.

Ms Wright: QATSICPP are very supportive of working closely with the Queensland government on delivering their commitment around gold standard early intervention and prevention. We are really keen to work with the government around co-designing what that might look like, taking on advice about what is already working in the community, including programs that would be able to respond to young men and women who might be eligible or may not be eligible for electronic monitoring—for example, on-country programs—justice reinvestment and enhancing what we already have. We are keen to partner with the government on that.

We at QATSICPP do not want to see any young man, woman or child offending, and there needs to be an across-government effort around the root causes of offending. With regard to 30 per cent of the young men and women who are serious repeat offenders, we know that a number of them are not suitable. We know that 30 per cent of them do not have stable accommodation. We know that their experience is as victims of domestic, family and sexual violence. We know that they do not have adults who are able and willing to support them in terms of monitoring the bail conditions around their device. Addressing that is a whole-of-government effort. To the point about the making communities safer and this particular bill, we are keen to see the early intervention and prevention programs roll out.

CHAIR: Thank you for coming along today.

TWYFORD, Mr Luke, Principal Commissioner, Queensland Family and Child Commission

CHAIR: Good afternoon, Mr Twyford. I invite you to make an opening statement.

Mr Twyford: I start by acknowledging that we are on the lands of the Yagara and Turrbal people and I also pay my respects to the First Nations people here in the room with us today. I would make three observations. The first is that we are here discussing a very small element of an overarching youth justice system and the need for this debate, the passage of laws and the evaluation of programs and services all needs to happen holistically, in my strong view. That requires us not only to evaluate a program such as electronic monitoring—about what it has achieved or has prevented—but also to balance that with what are the alternatives and what have they achieved and what have they prevented.

Electronic monitoring can be a tool that is used appropriately and with positive outcomes for young people in the community and the reverse: it can be used inappropriately for negative outcomes. To have it in the toolkit of a mature youth justice system, where there is strong practice, strong principles, strong laws and strong compliance—and, I would add, strong oversight—is something that we could welcome, but overarching all of that is my primary comment that I have made in all my youth justice submissions: the biggest tool to prevent youth crime and keep the community safe is Queensland parents. I therefore ask: how do the Queensland government, the federal government and we as a society ensure parents are receiving the support they need to appropriately train, model appropriate behaviours and grow up their young people in appropriate ways?

Finally, I would touch on evaluation. Should this bill pass for the purpose of collecting more data for evaluation, it is really important, in my mind, that that is independently run and holistic evaluation. The Queensland Family and Child Commission has conducted two evaluations in the last three years. The first, Yarning For Change, led by Commissioner Natalie Lewis, spoke to 101 First Nations children, young people and their families and elicited from them their opinions on what was driving offending behaviour, what were the prevention strategies and what government could have done differently for them at that time. Equally, our exiting detention review, released last year, spoke to 66 young people and 44 family members and frontline workers around how repeat offenders could have been prevented from their life trajectory. The voices of the young people in the youth justice system are the most clear and overwhelming way for us to ensure the system is achieving its dual aims of keeping the community safe and changing behaviour. Thank you.

CHAIR: Thank you, Mr Twyford. Do you have any feedback specifically from young people who have been ordered to wear one of these devices, particularly around stigma and association—we have heard from other organisations today—and the balance of that? Is there evidence to date—it is obviously limited—or anything anecdotal that is starting to come out around those sorts of things?

Mr Twyford: Certainly I have anecdotal evidence from this jurisdiction in a very small form and not to the point of being scientific, but in other jurisdictions and evaluations it would echo the point I have just made. There are situations where it can be appropriate and helpful, and a speaker today has already spoken to young people asking for the electronic monitoring system to help them with their peer pressure, to help them avoid returning to the lifestyle they were living prior to being charged and/or convicted. I have had that as a personal experience in my time in the youth justice system. Equally, young people do speak to the shame and the stigma. I am also aware of the potential negative attractiveness of bracelets. In other jurisdictions there has been national media attention brought to young people posing for photos with bracelets that were not theirs because, in some way, that was seen as a cool thing to do.

I want to lay out that, whilst we are talking about legislating a tool, this all turns on the practice on the ground. Who is the authorised person making the assessment that this is the right young person to receive electronic monitoring? Who is talking to the parent or parent-like figure in that young person's life to ensure this is appropriate? Who is doing a mental health or wellbeing assessment of the young person? What is the shame factor for them as an individual? How does this play out when they go to a known school and, when we know what that school is, have we spoken to the teacher and the principal and the school counsellor?

The amount of work required to effectively run an electronic monitoring system all turns on the practice on the ground. I do not think we should easily sit here and say that a legal provision is the right one or the wrong one without getting to the detail of how it works. I certainly see a lot more nuance needed in our understanding of when and where this might be appropriate, but I would equally say that for watch houses and remand centres and detention centres.

CHAIR: So a further 12 months of data would be helpful, do you think?

Mr Twyford: Certainly. Again I would say that we need to make sure the evaluation is not just on the young people who receive electronic monitoring in those 12 months but also on what the alternative would have been if they had not received electronic monitoring. Sometimes projecting risk and the risk of reoffending into the future, the likely future without intervention, becomes a very difficult task for researchers and evaluators. I do not think it is as simple as saying, 'Twenty-one young people received a bracelet and this is their level of reoffending.' We need to get far more scientific when we intervene in young people's lives.

Mr RUSSO: As we have seen, the Making Queensland Safer Act came into effect and we have also seen that the early interventions promised by the government have not yet come into effect. The bill proposes an extension of a punitive measure without these interventions. I know that in your submission, and over many submissions, you have emphasised the need for early intervention and prevention. Can you comment on the prioritisation of punitive measures before intervention measures?

CHAIR: Again, I will just note that the term 'punitive measure' is an opinion of the member asking the question, but I will allow Mr Twyford to answer in any manner he sees fit.

Mr Twyford: Thank you, Chair. I certainly do call for greater investment in prevention and early intervention—prevention and early intervention that addresses the root causes that lead young people to offending which are very similar to the root causes that lead young people into the child protection system and families into the addiction, domestic violence and mental health systems. In that case, I do call for greater investment for families in Queensland and for greater investment in the child protection and other systems that surround the youth justice system such as health, education and mental health.

I am troubled by defining parts of the youth justice system as either punitive or not punitive. Once we are within the confines of the youth justice system, there is a punitive element to everything that a government would seek to do through a youth justice act to someone who has been charged or convicted. An early intervention label on something like a police caution or a police warning is a punitive response in one use of that language. I think getting the language right in our discussions of policy is really important. I do not wish to ever be part of a policy solution that is deliberately seeking to punish. I have been very clear that policy must be reframed and refined around rehabilitation and restoration.

Noting our use of language, I do not think it is as clear as saying that one thing is punitive and one thing is not punitive. Early intervention can certainly be punitive if a young person is coerced into doing an early intervention program. That coercion might be as little as saying, 'If you don't do this then you have to do this.' I bring it back to how we are intervening in the root causes—domestic violence, drugs, alcohol, mental health, poverty and social disadvantage. The Youth Justice Reform Select Committee that was held and disbanded gave us an opportunity to have this discussion holistically across the system so that we were not picking and choosing which element we are discussing today and defining it as either strong on crime, tough on crime, early intervention or weak on crime. We are trying to build a whole system that works holistically, and that is what I encourage us to do.

CHAIR: Thank you, Mr Twyford. I certainly broadly agree that we need improvements in early intervention. I look forward to the government rolling those out.

Mr FIELD: Mr Twyford, one of the submissions was saying earlier that from September 2024 to February 2025 there were an extra 32 offenders who had a monitoring device fitted. Going by that, one would assume that if the trial goes for another 12 months that number will be substantially increased. You are saying that electronic monitoring has the potential to be a valuable tool. If those individuals were to not have the option of having a monitor fitted for the next 12 months, would they be incarcerated or detained?

Mr Twyford: I think there are two elements to your question and I will address the first element first. Any research or evaluator would say that the bigger the sample size the greater the learnings that are possible until you reach an absolute point of translatability to the overall population. In that regard, a 12-month extension with 35 more participants or 60 more participants or 80 more participants would add to the learnings of an evaluation if scoped and designed appropriately. I continue to suggest that this committee should recommend it be independently delivered and delivered to a timeframe.

In answer to the second element of your question, yes, a young person who is not fitted with an electronic monitoring device would more likely than not therefore be in remand in a watch house or in a youth detention centre in Queensland. Conducting an evaluation that looks at the outcomes achieved by both of those pathways would be a stronger evaluation than one that looks at only one pathway.

Ms FARMER: Thank you, Mr Twyford, for appearing today and for your many submissions on this topic over the time you have been in your position. You stated in your submission and today that you are supportive of the extension period, with a number of provisos. This continues on from the

question asked by the member for Capalaba. We know there have been very small numbers. The department is hopeful there will be more. We all know that is going to be quite challenging, so the importance of the qualitative aspects of the evaluation cannot be overstated. At the end of the evaluation there is going to be a decision, I assume, about whether to institute electronic monitoring as a stable part of the system. What in your view is imperative that that evaluation tells us from a qualitative point of view in order for the best decision to be made?

Mr Twyford: That is a fantastic question. I think from the broadest perspective it is about whether this contributes to a safer community. Therefore, recidivism and offence rates post the use of the electronic monitoring device would be something that would capture the headlines. Underlying that—and this is why I highly recommend that the evaluation methodology actually speaks to the young people—has this tool and the application of this tool changed mindsets and changed behaviours of those young people? To that end, I want to echo our very first speaker today who spoke to the need for intensive bail support programs to be associated with this program. I also echo PeakCare's submission where they said that strapping on a device is not as important as strapping on support.

The evaluation should look at what support was provided so we are not just testing the device in a vacuum of everything else but actually testing the device and the type of support. The evaluation should understand the cohort that this was applied to. Remote and regional based young people would be very different to urban, city-based young people. Most importantly, what I see many evaluations of this type get wrong, in my opinion, is the focus on outcomes such as what number were breached, what number never committed offences again, what number reduced their offending. It never gets to what were the bail conditions that we were actually imposing. If the condition is to attend school and that is the reason the electronic monitoring device is there—to measure whether they are going to school—that is very different to a weekend curfew condition and that is very different to a 'must not associate with other people' condition.

I think we do a disservice when we evaluate something like electronic monitoring as a global intervention without acknowledging that, even across the 35 to—potentially at the end of this—60 young people we are evaluating outcomes for, there were probably 65 different circumstances in those young people's lives, 65 different ways the practitioners engaged with them and their families, 65 different bail conditions that were breached or not breached. It is a highly complex task. That is why I continue to say that evaluating the whole system must occur in conjunction with evaluating the subcomponents of the system. Does electronic monitoring offer the same outcome as detention? Even if it is not better in terms of overall recidivism, I would suggest that the taxpayer and the public might get more value from electronic monitoring than detention, potentially. They are the sorts of broader questions that need to play out in an evaluation.

CHAIR: You would acknowledge that the factors a court has to take into consideration are quite restrictive. There are a lot of things they need to consider before using this as an alternative. This is one tool that a court has presently for a young person to be granted bail as an alternative to remand. Are there any other alternatives to electronic monitoring or custody that you are aware of in other jurisdictions?

Mr Twyford: If we go back to early intervention and prevention and restorative justice principles, the appointment of a lead adult in a young person's life who is the trusted positive role model is shown to be the most impactful way to influence a young person's behaviour, ensuring their household is a safe place. Alternatives to detention programs in other jurisdictions include weekend detention as opposed to long-term detention; bail accommodation—supported bail houses, different to watch houses and remand centres, that are actually a therapeutic intervention focused program; and different forms of a restorative justice program. I am avoiding deliberately the use of the word 'camps'. I am talking about restorative justice programs that are intensive in nature but have both a long lead-in and a long tail—that is, you undertake the program but you are supported and engaged for years. They would all, to my mind, have greater ability to influence a young person's mind than an electronic monitoring device that is delivered without any supporting program.

This is all about, hopefully, changing a young person's mind around what is their life pathway, what is appropriate behaviour, what is cool behaviour, what is peer behaviour. In order to do that, it takes a human-to-human relationship, and no technological device in the absence of human engagement will achieve that.

CHAIR: The electronic monitoring device is really centred around bail and bail conditions. I agree with your sentiments around those other things.

Mr BERKMAN: Mr Twyford, certainly other submitters and I think your evidence today have indicated that any support for the extension of the trial is quite exclusively as an alternative to detention. The explanatory notes do not actually express that as a purpose of this bill. Do you consider that something that should be clarified before the potential passage of the bill?

Mr Twyford: Noting this is already in place and this is an extension of what exists, I am not too worried about the court's ability to interpret when it occurs. There is a very clear talking point, in my opinion and role, that the youth justice system as it currently is is not optimised, and there is sufficient evidence to say that. It is not achieving the outcomes we hoped it would. Therefore, a pilot program that is running that is seeking to continue within that current underperforming system I am willing to support if we get a clear evaluation, with a clear independent evaluation methodology and a timeline on that evaluation, so we do not see more and more extensions. I take your point that it would be helpful if the explanatory memorandum had that clear signal, but I see it currently operating as intended and not as the fear underneath that exists.

CHAIR: Thank you, Mr Twyford. That concludes this hearing. Thank you to everyone who has participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. There were no questions taken on notice during the hearing. I declare this public hearing closed.

The committee adjourned at 12.30 pm.