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 BRIEFING—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 9.00 am.

CHAIR: Good morning. I declare open this public briefing 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 land 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. On the phone we have Natalie Marr MP, member for Thuringowa.

This briefing 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 briefing at the discretion of the committee.

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I remind members that representatives from the department can provide factual and technical information, but defence of government policy rests with the responsible minister. Everyone, please remember to press your microphones on before you start speaking and off when you are finished. Please turn your mobiles phones off or to silent mode.

DRANE, Mr Michael, Deputy Director-General, Department of Youth Justice and Victim Support

GEE, Mr Robert APM, Director-General, Department of Youth Justice and Victim Support

GILES, Ms Megan, Senior Executive Director, Regions and Statewide Services, Department of Youth Justice and Victim Support

CHAIR: Good morning. Would you like to opening statement before we start questions?

Mr Gee: Good morning, everyone. I thank the committee for your important work. The bill before you proposes to extend for 12 months the expiry of section 52AA of Youth Justice Act. Without that extension, the effect would be that the legislation would cease. The expiry date proposed in the bill is 30 April 2026.

I think it is important to understand and remember that electronic monitoring devices and decisions about them are made by the court. I point out section 48AAA, section 52A and section 52AA are critical in understanding how the legislation works. The department provides the court with a suitability assessment and the court must be satisfied that the condition is appropriate and that it will mitigate a risk. Those risks are talked about in the sections I have referred to.

Some stakeholders believe that the evidence shows electronic monitoring does not work or is punitive. When you look closely at the models that have been evaluated in the published literature—and there is a significant amount of published literature in terms of adults but less for youths—they tend to be evaluating models that are broad, indiscriminate and at times could be argued to be punitive. By indiscriminate I mean electronic monitoring is imposed without consideration of the individual youth's circumstances. In many cases this means it is almost certain to fail. That is what I mean by indiscriminate.

By punitive, for example, I mean that every time the youth forgets to charge their device they could be charged with a criminal offence. In Queensland that has not been our experience if the young person is abiding by all of their other bail conditions and not reoffending. The Police Service, in my

experience, has taken a very mature approach to making sure young people are supported. A punitive type of approach tends to draw young people deeper into a system for no community safety benefit. It is something that we will be closely evaluating if the bill is passed.

It is understandable that evaluations of these approaches have been unfavourable. That does not mean that a better model cannot work. That is what the trial is supposed to find out. There are number of supports in place to ensure youths comply with the electronic monitoring conditions. These include youth co-responder teams made up of police officers and youth justice staff. They respond 24/7 to youth engaging who are at risk. There are also intensive bail supports provided by the NGO sector. Those two things, combined with the youth justice after-hours support, provides a support network to make sure community safety is at the forefront of the system.

I think there are some important things that the committee may wish to ask questions about. In the bail services area I think it is critical that we continue to fund those programs that provide young people with the structure and contact with support services so that they can meet the orders of the court. Services that we fund work with youths to make sure they address a range of risks that may lead to their offending. Of course, it may be a breach of their order to not comply with a direction that I give or that my staff give in that regard.

What I am suggesting to the committee—and thanks for indulging me in terms of the length of these introductory remarks—is that it is important for us to be able to provide drug and alcohol treatment and services such as housing, highly integrated services, so that we can make sure there is intensive supervision with an additional capacity to provide after-hours support. I will stop there.

CHAIR: There have been two prior evaluations over some years. Are they not a suitable yardstick? Is there evidence that supports the contention that an extension of the trial period is required?

Mr Gee: The previous two evaluations have been very clear that there has been promise but insufficient numbers on which to evaluate with any certainty. As the director-general, I would be failing to give advice to a government and a minister and the parliament if I were to suggest that the numbers that we had last year and up until the 30 September 2024 were sufficient for an evaluation given the impacts and the costs of a program like this.

However, in other jurisdictions the evidence is equivocal. It does not mean that there is not evidence that the program is promising. What we have seen since the expansion—this is from memory—is that there were 62 young people who had been subject to orders as of 30 September 2024 and as of 28 February there were 94. We have seen a significant increase between 30 September last year and February this year. On my math, that means if the trend continues the numbers of young people subject to electronic monitoring will have at least doubled. There were 62 on 30 September 2024 and we are at 94 on 28 February 2025. There has been a significant increase as the trial was expanded. That gives us sufficient hope and promise that there will be a range of data that we can look at. It will not just be quantitative but also qualitative. If the committee wants, I can go through how we intend to evaluate that.

CHAIR: We will have other questions and there may possibly be questions on that later.

Ms FARMER: I do want to ask about the numbers. Could I clarify, if it is okay with you, Chair, that you are saying that there were 94 in total since the trial first began. So it is literally 32 since September last year; is that correct? Could I just get a yes/no answer, please?

Mr Gee: On 30 September 2024 there were 62. On 28 February 2025 there were 94. It is an increase of 94 minus 62.

Ms FARMER: I have a number of subsets to this question. You state in your briefing in a number of instances that the purpose of extending is not to accumulate data but to conduct the evaluation. What number do you consider sufficient to conduct an evaluation that will actually yield true results that can be relied upon? Mr Gee, I know that you really like to provide very expansive answers, but if you could be as succinct as possible, please.

Mr Gee: In terms of quantitative data, the more we have the better. If there is less quantitative data we will have to rely on qualitative data and try to intrinsically see if we can take more qualitative data and match it with the quantitative data and give advice. On the numbers before us so far, there has been a significant uptick since October last year. Even if we look at when the bill was introduced, I think the explanatory notes referred to a number of 82 in January.

Ms FARMER: Do you have a number you would consider to be enough, to have an answer to that specific question? What would be sufficient?

Mr Gee: It is a hypothetical, but I would have thought we would have been needing well over the 130 or 140.

Ms FARMER: Since the beginning of the trial.

Mr Gee: The more we get in the near future. Can I qualify that, as I think your question alluded to, that it is not just about quantitative data it is about qualitative data.

Ms FARMER: I understand that.

Mr FIELD: With the extension to 30 April 2026 that is needed to assess all the individuals with the monitoring devices and take into account the need to evaluate the data, when will any evaluation of that data be completed, as a rough guide?

Mr Gee: I would like to think that within the next six months we would have sufficient data and have done the work. Importantly, though, for the qualitative data—and I know you are going to hear evidence from people that represent defendants and from peak organisations—it will take us at least six months to go through that in a way that withstands scrutiny, and to that end we have employed experts outside the department so that they can make sure the methods we are using and the results we have are the best they can be so we can provide ultimately the parliament with good advice.

CHAIR: To clarify, that would be by the end of that trial period?

Mr Gee: Yes.

Mr BERKMAN: I wanted to ask firstly some questions about the cost of the trial. There are a few components that I am interested in knowing about and would like a bit of a breakdown, if possible. Can you give us the total cost of the trial but then also discrete figures for the operation of the electronic monitoring devices, additional bail supports that are required to support the trial and the cost of any relevant reviews so far?

Mr Gee: I will do my best, Chair and member, to answer those questions. We might have to come back. As an example with bail support and bail initiatives, we spend many millions of dollars across the state. I have a list in front of me, which I would prefer to give you on notice, of all those that are funded. They provide bail support programs in general. Given there has been very limited numbers, the cost of the bail support programs that the governments have funded have only been in part used for electronic monitoring devices. I can say that Queensland Corrective Services were funded in BP4—2024-25, $2.32 million. Apart from that, with the Youth Co-Responder model, I think we have 140-odd people who are Youth Justice staff and they are matched by police officers. That Youth Co-Responder program in itself would be, from memory, at least $25 million to $26 million a year. Electronic monitoring is only a fraction of the cost of that broad program. We could provide other advice on those, I think, Chair. I hope that helps, member. What I am trying to say is the evaluation will look at cost effectiveness, efficacy, cost benefit—the orders are ongoing. It is too early for us to be able to provide that information in detail, and the nature of your question is very complex and would take a significant amount of work, but I undertake it, if it is okay with you and the chair, to come back with a more formal answer.

Mr BERKMAN: I would appreciate whatever detail you can give, accepting that it might not be teased out specifically for this trial amongst those programs.

CHAIR: Sorry, I was doing something else at the end of your question. Could you just clarify that question?

Mr BERKMAN: It was about the total cost of the trial, looking at a few components: the operations of actually dealing with the electronic monitoring devices, the additional bail support programs necessary for the trial, and the cost of any relevant reviews that have been conducted so far or that are ongoing.

CHAIR: Is that something you could take on notice, Mr Gee, to provide, when you say 'a significant amount of work' to put that together to a level of detail?

Mr Gee: Thank you, Chair. For us, it would be a general response. We can give you the figures around how much is spent on bail support, Youth Co-Responder, the specifics around electronic monitoring devices at QCS, but those programs are very large programs. We will not be able to, given the time, split that into a specific cost for EMD, but we can give a general indication.

CHAIR: I think that would be sufficient.

Mr BERKMAN: I would very much appreciate that. Of course, if there any programs, be they bail support programs or reviews or the like, that have been put together specifically for the EMD trial, obviously that would be helpful. Thank you.

CHAIR: A general answer to that would be appreciated. Mr Gee, Queensland is a large state and it can be assumed that orders can and are made statewide. Are you able to give examples of the age and location of individuals who have been assessed to date, and does this assist then of a jurisdictional analysis of the use of monitoring devices?

Mr Gee: I have already indicated there were 94 young people, unique individuals, so far. If I can just rip through in terms of financial years: in 2021-22 financial year, there were five EMDs; in 2022-23, 15 on all children; in 2023-24, 36 on all children; and the remainder, which would be 54, was up to the end of February 2024-25. On the department's count, the total orders on 15-year-olds is 31. The total orders on all children is 110. That 110 would include the 31. They are the raw numbers.

In terms of locations, over those years and noting that the trial was expanded, in Cairns to date, there are no young people with EMD orders; in Townsville, there have been seven; Mount Isa—two; Moreton—three; Brisbane North which is a very large area—20; Toowoomba—seven; Logan—38; Gold Coast—17; Fraser Coast have none to date; Mackay—one; Ipswich—two; Rockhampton—one; and South Brisbane—12. That does give a good demographic spread. I note that in Fraser Coast that only started last year. I hope that helps.

Ms FARMER: Thanks, Mr Gee. I was going to ask a similar question, but if I could break it down further, please, on the data you have to date, and I am particularly interested in the data since 1 October. I note that the changes to the bill only referred to the date that the trial will be completed and not to any further changing of criteria. I am assuming that it is time you want, not a tweaking of the range of offences or of the age or the locations. The explanatory notes state, 'The criteria were designed to target serious repeat offenders.' Could you give us a breakdown of the types of offences for which young people were ordered to have EMDs, and particularly how many of those were serious repeat offenders, and again, of those numbers, how many breached their conditions and—

CHAIR: Member, that is a rather lengthy question and preamble.

Ms FARMER: It is, Chair, and it is because it is part of that data. I appreciate that some of this might have to be taken on notice, but submitters, for instance, referred to potential for breaches on technicalities. If we could just get a breakdown of those young people, not necessarily now but on notice, of types of offences, how many were serious repeat offenders, how many were breached and how many of the breaches were on technical issues please?

CHAIR: Director-general, are you able to give some of that information now at the hearing?

Mr Gee: I might have to ask for clarification, Chair, but I will do my best. The member asked around the purpose of the bill. The bill is, as I understand it, directly just an extension of time. The government's position, as expressed in the bill, is to keep the status quo, given the time imperative. That is how I understand the explanatory notes. That is the first part. In terms of serious repeat offenders, as the member full well knows, there are serious offender declarations under the Youth Justice Act. I do not have that data, but I undertake as best we can to come back and provide whether any young person with a serious offender declaration ordered against them has been subject to an EMD. We will take that on notice, if that is okay.

Ms FARMER: Could I clarify, there is the serious repeat offender index and then there are the young people that the department and police determine as serious repeat offenders. Which ones are being referred to in the explanatory notes? It says 'serious repeat offenders'. Which serious repeat offenders are we talking about, so we are clear in terms of the data you provide us?

Mr Gee: As I understand the explanatory notes, they are very consistent with previous explanatory notes of the previous legislation.

Ms FARMER: Forgive me for not remembering. Could you clarify which serious repeat offenders it refers to?

Mr Gee: I was not around for some of those amendments, but my understanding is that they were referring to serious repeat offenders in general.

Ms FARMER: Not as per the index?

Mr Gee: In general. There are the serious repeat offender declarations under the act, and then there is the operational tool, as the member full well knows, around the serious repeat offender index which the media and others tend to talk about a lot.

Ms FARMER: Yes.

CHAIR: In terms of what has been taken on notice here, what were you after, member for Bulimba?

Ms FARMER: If we could get those questions answered that I asked, that would be great, thank you.

CHAIR: So the number of serious repeat offenders that have been put on a monitoring device?

Ms FARMER: Sorry, Chair, to clarify, you just asked about location and age, I believe. I am asking about for what offences were people ordered to have EMDs, how many of those were serious repeat offenders, how many were breached, and how many of those who were breached were breached on technicalities—for instance, the device—

CHAIR: The order relates to a bail application, not an offence; that is correct, is it not? It does not relate to a specific offence. Orders relate to a bail application which take into consideration a whole range of factors under that bill under the act.

Ms FARMER: The changes that were made relate to offences and the bail order, you are right, Chair, so further detail on that would be good, just to get an idea.

CHAIR: Is that data easily available, Director-General, considering we are talking about bail applications, not offences? We are talking about people having monitoring devices in relation to bail. The type of offence would be one consideration of the quarter amongst a whole host of other——

Ms FARMER: It is only, Chair, because the explanatory notes do talk about serious repeat offenders quite specifically, with respect.

Mr Gee: We can undertake, if it is okay with the chair and the committee, to come back and provide a clear indication as to whether young people who have been a subject to an EMD order have been also the subject of a serious offender declaration and/or whether they were on the serious repeat offender index. That is the first part, I think.

CHAIR: Yes. Thank you. If you are able to do that, that would be good.

Mr Gee: Chair, then I can provide the information the member is asking for in terms of the most serious offences in the three months prior to a young offender being given a condition of EMD. I have the details for the 43 participants of the 62 that were around on 30 September. The most serious alleged offences before an EMD were: about a quarter of offences were armed robbery; enter dwelling with intent with violence or threats; enter shop with intent; alleged dangerous driving; alleged assault occasioning bodily harm; alleged assault police; and break and enter a shop. So, that is 25 per cent armed robberies, around 16 per cent enter dwelling, 10 per cent or so around enter shop with intent, but there would have been multiple charges, too, I would have thought. Those were the most serious alleged offences. Sorry, they were orders, not distinct young people—orders—that I just read into the record.

Ms FARMER: Just to clarify, it was just if the director-general can come back with the information about the breaches to those questions that I asked.

CHAIR: Sorry, what was that?

Ms FARMER: Breaches of the orders. I asked about how many breached the order and, of those who breached, how many of those were based on technological issues, which is a matter that the submitters raised quite consistently.

CHAIR: Sorry, member, what was the question? I did not get that.

Ms FARMER: A number of the submitters raised concerns about the young people being breached because of technological issues to do with the actual device. I am interested in how many breached and, of the breaches, how many were based on technological issues.

CHAIR: The bill itself relates to an extension of the act. We are not re-prosecuting the merits of the bill itself.

Ms FARMER: With respect, Chair, it is something that the submitters did raise and I am interested in. If we are extending the trial, it is the matter of why we might not change the criteria of not just timing but why perhaps the criteria for the EMD trial would not be included as well. I believe it is pertinent to the bill and to what the submitters have actually said. I do not think it is a complicated question, to be fair, but up to you, Chair.

CHAIR: Is that data that would be easily available, director-general, or would it require a significant amount of research?

Mr Gee: There were a series of questions in there, Chair and member. In terms of data around whether a young person was charged with breach of bail because of a technical failure of the state, meaning the Corrective Services and police, I would be surprised if there was one, but we could ask

police. We could do that. I would be very surprised because it would be very hard to prosecute that because the failure is not the problem of the child's it is that of the state and you would not prima facie have enough evidence to prosecute, but we could ask that question.

In terms of data around offending, it is very early days and we have not analysed in depth the new offences since October. We are going through that process. But I can answer that question. Of the 52 young people—62 on 30 September 2024—10 were still under supervision. But 52 of that 62 had completed their orders. Seventy-nine per cent of the orders were not revoked; only about 21 of EMD orders were revoked. That is the first point would I make. The second point though is about half of young people who were on orders did offend and half did not. But we are only talking about 52 people. Of the offences they committed, there were breach of bail, obviously, there were—and this is from memory—half a dozen or so around low-level—in my words, low-level—stealing and there were also some other offences and someone will pass that to me right now.

Ms FARMER: I think I have sufficient information, thank you.

Mr FIELD: Will the results of the proposed evaluation feed into the aims and the goals of the gold star standard being pursued by the government?

Mr Gee: Thank you for the question, member. All of our programs have been designed—the program logic—so that they are as integrated and coordinated as they possibly can be. There is always room for improvement in that space. Clearly the extra funding that will go to the market in terms of Staying on Track and Regional Reset and a whole range of other early intervention programs will provide supports for young people in the community. That is what is different about the trial in Queensland.

There is, as some of the questions have alluded to, a significant amount of effort and expenditure to make sure that the community is kept safe after the courts rightly turn their minds to a community safety test. It is the courts that make the decisions about what risk needs to be managed. In making that decision, what the previous government and this government continues to do is to provide supports to make sure there is every opportunity that the community is kept safe but also that reoffending does not occur.

Very clearly, yes, the program does not exist in isolation. I would be disingenuous if I walked in here and said EMD is a panacea and a solution to a lot of the problems but clearly on the evidence I have given already there is promise for it to be able to provide—and I would note some of the submissions made to the committee suggest that, but I do not want to talk for some of the others who will be here later. I hope that helps.

Mr BERKMAN: Mr Gee, you referred earlier, if I caught it properly, to two previous reviews and I noted the Youth Advocacy Centre submission indicates that they participated in a review of EMDs undertaken by an external consultant around 12 to 18 months ago. Is that a review that has been made publicly available at all and is there any complete review that has not been released at this point?

Mr Gee: There have been two evaluations published; Bob Atkinson's in 2022. To my knowledge, no, there is not. There is a significant amount of work that the department has continued to do. We have not sat there idly. We have been working hard. In terms of getting numbers and evaluating, we simply did not have enough data at 30 September 2022 and, as I have indicated, the trajectory around the use has actually been exponential, it has been increasing significantly, and people will make assumptions about why that is. All can I tell you is the facts. I do know though, through lived experience, that once the legal system understands a process and we get better at explaining how processes work and we get support there is success.

I would say half the applications that are made are made by defence—about half. There have been about 224, from memory, applications to a court for an EM device to be considered by the court. I think 124 of them, from memory, are court ordered, the presiding justices wanted an assessment, but roughly 100 have been from defence. The defence and the defendant, the young offender, is asking the court could you consider electronic monitoring devices. To my knowledge no other publications than those two applications, and the second one had a significant literature review in it as well.

Mr BERKMAN: Just to clarify, can you confirm for us which review around 12 to 18 months ago YAC might have been referring to? I think their submission said that they would like to see the results of that, but it is not clear to me whether they are referring to one of those two previous reviews that have been published. I can find the precise reference in their submission, if you like, but it refers to a review of EMDs by an external consult that they understand was appointed by the department of youth justice around 12 to 18 months ago.

Mr Gee: That was an internal piece of work that we are continuing to do. We will continue to evaluate. It was not published. We did not have significant numbers to be able to come up with anything. I am just wondering whether I was the director-general or someone else was, but from 19 May 2023 onwards I have never given any government advice that we are in a position to be able to evaluate, full stop. I cannot speak for prior to my term as director-general, but I am advised that it was internal work, and we often use contractors to support us with that, but nothing was published.

CHAIR: Member for Thuringowa, anything?

Ms MARR: No, thank you.

CHAIR: Mr Gee, can you describe the type of assessment the court needs to go through before the order is made for a monitoring device, keeping in mind your suggestion that defence often asks for them as well? Could you go through that process?

Mr Gee: I am going to ask Ms Giles to answer the question, if that is okay, Chair. The first point I would make is section 48AAA talks about where the court considers risk. If there is an unacceptable risk that endangers the safety of the community, bail is not considered but then in 52A and 52AA there is reference to 48. I just wanted to put that in the context. The court asks us to do an assessment and it involves a very lengthy process, having watched it, where we deal with the family, the individuals and the supports around them. I will ask Ms Giles to answer that question.

Ms Giles: Good morning. My role includes being responsible for overseeing delivery of our operational services in the community—so everything other than detention centres. There are two elements to the question that you have asked. The first is: what is the criteria in the legislation that the court looks at before making a condition of a bail order for an electronic monitoring device? That criteria includes that the young person is at least 15 years of age, that they live in a prescribed location, that the young person has been charged with a prescribed indictable offence and that they have either previously been found guilty of at least one indictable offence or have, in the previous 12 months, been charged with a prescribed indictable offence that is unrelated to the one for which the young person is seeking bail and, finally, that the court is satisfied that electronic monitoring is appropriate having regard to the specified matters, including the young person's capacity to comply and other personal circumstances and what support is available. Departmental officers in our regions undertake an assessment to provide that information to the court.

The second element of your question is: what do we include in the suitability assessments? Our staff across the region then look at things, for example, around whether the young person has the capacity to understand the conditions and what is required in terms of maintaining an electronic monitoring device, whether the young person is likely to comply with the condition of wearing a monitoring device—you will appreciate that that also includes maintaining the device, keeping it charged and keeping it in good working order—whether they have a parent or another carer who is able to help them to comply with those conditions and whether there are any other matters that are relevant to the consideration of the court. To do that assessment then we would obviously go and speak to the young person, which gives us an opportunity then to really talk them through what the requirements of the device are, the consequences if they fail to maintain the device or to comply with their bail order and to provide that information to the court.

We would also look at and visit where they are planning to reside as part of their bail condition, whether that is a suitable residence, whether it has things like access to electricity and charging so they can charge the device and also whether or not they have capacity to be contacted quickly if we receive an alert in relation to the device failing, for example, whether or not they have access to a mobile phone. For many of the young people that we are talking about, that might not be a mobile phone that is on a regular plan like you or I might have, it is likely to be something that is paid for in advance that they can top up.

Those are the kinds of things that we are including in an assessment to give the information to the court. As the director-general has said, it is ultimately a decision for the court whether or not they are satisfied that it is safe for the community for the young person to be released and whether a condition for electronic monitoring should be included as a condition of that bail if they are. Thank you.

CHAIR: Expanding on that, in practical terms what is the wearing of a device like? Do they take it off to charge it? Whilst it is on charge is it monitoring? What are the practicalities of how that works?

Ms Giles: No, it most definitely stays on them all the time and they are required to charge it through a power point with a charging device. They need to keep it topped up and on charge at all times. In fact, one of the things we receive alerts for is if there is a low charge—if it is diminishing in

terms of its charging. I note one of the things our co-responder teams will do when we receive that alert, such as a low power alert, is to go to the premises, locate the child and assist them to keep it charged or to recharge the device.

CHAIR: Does that require them to sit near a power point whilst that process goes on and how long does that process take?

Ms Giles: How long it takes I am not able to answer. Thank you for the question. It is a good question. But, yes, it does require them be near a charging point for the period of time they are charging the device.

Mr FIELD: Once the device is charged, how long does that charge last before they need to recharge it or it gets to the lower scale?

Mr Gee: There is a range of variables. We can give you a briefing on a fact sheet, if that is okay. The technology has been tested.

CHAIR: That would be helpful. Thank you.

Ms FARMER: Mr Gee, you referred in your opening statement to the range of supports that have to be provided around a young person on an EMD. I want to ask about those and the broader early intervention and prevention supports which fit under the same umbrella. A number of submitters—in fact, almost all of them—talked about the importance of early intervention, diversion and all of that support around the young person.

You referred to the Youth Justice after hours services. In your response to submitters you referred to some significant investments that are going to help with intervention and prevention. None of the programs that you list in your response are actually operating yet. I see that the tender process for the Staying on Track program opened last week. None of those are actually happening. When are they likely to happen? When is the first one likely to happen? Even with the Youth Justice after-hours support, my understanding is that there are very, very few after hours services for YJ. The support around either young people on EMDs or young people in the system does not seem to be in place. We have very few of those on the immediate horizon. Can you comment, for example, on how many—

CHAIR: Member, if you could get to the question please.

Ms FARMER: Yes. Of those range of things you describe, including the JY after-hours services and any of these programs that are listed here, when will they be actually operating?

Mr Gee: Just as an example in terms of the Intensive Bail Initiative, there are a whole range of programs that the department continues—

Ms FARMER: Yes. Thank you. If I could specifically refer to YJ after-hours services and the list of programs that you reference in your response to submitters.

Mr Gee: I would say that with the tenders that are out there now those programs will be in place very soon—this year.

Ms FARMER: Can I ask when this year?

Mr Gee: I am not going to presuppose the outcome of a tender process in this forum.

CHAIR: Member, if you could confine your questions to the bill before us.

Ms FARMER: Yes. The submitters actually raised this issue and this is in the department's response to the submitters.

CHAIR: The director-general has indicated that he is not going to put a timeline on those particular things in this forum.

Mr Gee: Chair, other than to say they will be there as soon as possible. I did say, and I have mentioned numerous times, there are bail support programs, the Intensive Bail Initiative—I could literally spend the next 15 hours going through all of them. I have a list in front of me just on the Intensive Bail Initiative across all those locations.

Ms FARMER: Sorry, could I just interrupt? Is it true to say that none of these things are available right now?

Mr Gee: Can I get the question clarified?

CHAIR: I am not following you either.

Ms FARMER: On page 4 of your response to submitters which was about increased investment in early intervention, diversion et cetera, there are dot points of a range of significant investments. Is it correct to say that none of those things are currently available?

Mr Gee: It is true to say that part of that response—Making Queensland Safer Laws, of course, have been enacted by the parliament. Those others there will be implemented as soon as possible. There are a range of commitments to early intervention, prevention and rehabilitation across not just our agency but in the ministerial charter letters and in the current funded budgets—

Ms FARMER: Sorry, Director-General, those things listed are not—

CHAIR: Order! Member, please do not interrupt the director-general. He is responding to your question.

Mr Gee: There are millions and millions of dollars spent on early intervention, prevention and rehabilitation in this state. That has not stopped. The point of that response is there is going to be an additional $485 million over four years in those new programs. That is not to say the current programs that the member, as a former minister, administered have not stopped. We are continuing to do that work. Those intensive bail initiatives have been evaluated. There are many evaluations on our website, as the member would know, that show the efficacy of those programs. The facts are that EMD is not a panacea, but the difference in this state is that we have provided significant support and we continue to do that. This bill, if it passes, will continue to do that so that victims are reduced.

Mr FIELD: Again, a lot of the younger generation could take the wearing of monitoring devices as a badge of honour. Can it present a stigma for some of those offenders if they are attending school? Is it an impediment to the individual with their schooling and their human rights?

Mr Gee: In our experience I can think of three examples at least of where young people have worn the device in an educational environment. Two of those three children were successful in terms of meeting the conditions of the order. One was at a flexi school. There was a significant amount of work done in the assessment but then also through the Intensive Bail Initiative and supports and by our case managers to work with the school, the school environment, the family or those supporting the young person. That is what the point of the evaluation is—to make sure that those issues are considered.

The point I would make with the two out of the three examples I am giving is that they complied with their orders and did not offend, so there was less victimisation. The alternative most likely for the court to manage that risk would have been to refuse bail, so it worked for those two. There was a third young person wearing a device who ultimately offended. They did feel some stigmatisation. You might want to ask other people who are appearing the same question. I can think of a real example. A young person was able to say to peers who were influencing them in a very negative way, 'No. I have a device on. I'm not going to jump into that car or I'm not going to steal the car.'

For every argument for, there is probably an argument against. The point I am trying to make is that that is about dealing with the individual young offender and making sure that they have supports around them and we are live to that. The evaluation will look at that in more depth if we can. It is only a small number who have been in educational institutions. I think the committee knows that most young people who are in this space are often disengaged from education.

CHAIR: Are there protocols amongst education facilities with regard to this? If so, what are they?

Mr Gee: We deal with it on a case-by-case basis. Frankly, the vast bulk of these young offenders are not in mainstream schools. If they were, we would sit down with a very specific case manager and plan around the child. The court does their job in terms of making an order based on the advice and the application often by the defence. Our job as a department is to make sure that supports are around from the department and our case managers but also the not-for-profit organisations we are funding and expecting them to provide support. For half of the young people in front of us it appears that it is working.

CHAIR: I want to go over what has been taken on notice. I do not want to send you away with an onerous data collection and research task to be done in a couple of days. Could you clarify, member for Bulimba, exactly what you are asking for on notice?

Ms FARMER: It was just that question about types of offences. I believe you answered that. How many were serious repeat offenders not just in terms of the actual index but also in terms of the way the department designates them and also the number of breaches and how many of those would have been related to technological issues.

Mr Gee: That third one, member for Maiwar, was around whatever costs we could get.

CHAIR: In consideration of those questions on notice, is Thursday, 20 March by 10 am doable?

Mr Gee: Yes, Chair. We will do our very best.

Ms FARMER: Given that the Making Safer Queensland Act 2024 was enacted in December and that this particular bill amends one single number, did the department provide any advice to the minister on the potential inclusion of these clauses in that act that went through parliament at the end of last year?

CHAIR: Member, I would suggest that is a decision of the minister, not the department.

Ms FARMER: I am just asking if the department provided advice.

Mr Gee: Chair, I am more than happy to answer the question. I cannot say whether we did or not. The *Cabinet Handbook* is clear about what happens in terms of advice to the cabinet and how it is kept confidential.

CHAIR: Mr Gee, to date has any data indicated a decrease in offending through monitoring devices?

Mr Gee: I qualify this by saying it is way too early to tell. I have made it very clear that the department's view is that we do not have enough evidence to provide a thorough evaluation. I did talk about half the young people that were subject to EMD orders not offending. That in my experience, given the nature of it, and I will answer the other questions around serious repeat offenders, that is a remarkable outcome—half the young people not offending, 50 per cent not offending. I would say though for the other half, no matter what the offence—as I understand it, most of those offences were less serious—there is still a victim involved. The test is for the court though and what the act does. Those three sections I referred to—sections 48AAA, 52A and 52AA—are about the court managing risk. The first and foremost one is endangering the safety of the community. The other risks are reoffending, as you full well know, given your experience, Chair.

CHAIR: We will round it out there and conclude the briefing. I thank everyone for their attendance. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. Your responses to questions taken on notice will be required by 10 am on Thursday, 20 March 2025 so that we can include them in our deliberations, if that is suitable.

Mr Gee: Thanks, Chair, and thank you to the committee.

CHAIR: I declare this public briefing closed.

The committee adjourned at 9.59 am.