

Youth Justice (Monitoring Devices) Amendment Bill 2025

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Submission to the Inquiry into
the *Youth Justice (Monitoring
Devices) Amendment Bill*
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This submission has been prepared by the Queensland Network of Alcohol and Other Drug Agencies (QNADA). Its content is informed by consultation with QNADA member organisations providing alcohol and other drug treatment and harm reduction services across Queensland, as well as a review of relevant research and reports.

This submission focuses on the issues associated with:

- the evidence supporting further extending the trial period
- punitive youth justice policies and practices

QNADA's member services work at the intersection of multiple different systems and provide support to young people and their families who are in contact with, or are at risk of having contact with, the youth justice system. This makes us uniquely positioned to comment on the proposed amendments, which are contradictory to what we know works when responding to youth crime and out of step with other Australian jurisdictions.

QNADA is supportive of responses which are evidence informed and likely to increase individual and community safety, as outlined in our policy position paper on [System Responses: Young People and the Justice System](#). While we are supportive of policies which aim to keep children out of custody, we are concerned that the proposed amendments will increase the criminalisation of children, without improving community safety.

Given that most young people leave the youth justice system worse off than when they entered it¹, we find it hard to justify further increases in investment into a system largely failing to deliver public value. Instead, we would like to see increased investment in programs and policies which aim to divert children away from the justice system entirely.

For these reasons, QNADA does not support this Bill, including the supposition that "*it limits human rights only to the extent that is reasonable and demonstrably justifiable.*" The proposed amendments clearly impose undue burdens and restrictions on children and are likely to have significant negative impacts on children involved with the justice system and in doing so likely breach the *Human Rights Act 2019*.

Issues associated with further extending the trial period

We are concerned that the justification for extending the electronic monitoring trial is not supported by strong evidence. Despite the 2022 reviewing failing to confirm the effectiveness of electronic monitoring (EM), resources have been repeatedly allocated to continue to trial a policy without clear benefits. The rationale for this extension relies on the claim that more time is needed to assess the impact of recent legislative changes. However, this justification overlooks the fact that previous extensions have already provided additional time for evaluation without producing conclusive findings.

It is also problematic to continue extending this trial given that the literature on EM use on children and young people is, at best, inconsistent. Research evidence cautions the use of EM on children and young people who, due to their age and cognitive development, and limited ability to forward plan or foresee the consequences of their actions. In addition, wearing an EM device can also negatively

¹ Department of Health and Human Services, Victoria. *Youth Justice Review and Strategy: Meeting Needs and Reducing Offending* (2017) https://apo.org.au/sites/default/files/resource-files/2017-08/apo-nid101051_11.pdf.

impact on family relationships, reduce or negate anonymity which is a critical element of the youth justice system, and impede an individual's ability to obtain employment².

Rather than allocating resources to repeatedly trial an approach which has only returned equivocal evidence, investment should focus on evidence-based policies that deliver measurable results and maximize public benefit. International and domestic research consistently emphasizes the importance of early intervention, rehabilitation, and community-based programs in addressing youth offending³.

Issues associated with punitive youth justice practices

The bill will certainly result in further criminalisation of young people who use drugs and is inconsistent with evidence-based strategies currently being implemented by government agencies like [Better Care Together](#) and [Shifting Minds](#). Punitive policies and practices directly undermine the key outcomes that governments are seeking to achieve through these policies, including those aimed at reducing recidivism and improving community safety.

While a minority of studies have found reductions in offending due to electronic monitoring, a majority of studies have identified the net widening effect of EM orders resulting in increased numbers of people in the criminal justice system and greater levels of contravention⁴. At a broader level it is well established that strategies which focus on an intensified police presence and enforcement only serve to increase the number of children and young people who are brought to the attention of the justice system who otherwise would not be.

An approach that emphasises punitive responses to children and young people, also impacts their willingness to report their experiences of victimisation to the police and erodes their confidence in an effective justice response, even where such a report is made. It also increases the detection of low-level offences (including minor drug offences), has flow on operational impacts for police in responding to other community safety issues, and increases system costs.

There are also important factors to consider when policing young people. Young people aged 15 to 24 years are more likely to be victims of crime, including of physical and/or threatened assault, than any other age group⁵. There is no real way to predict how these experiences will impact a child or young person's ongoing health and behaviour, however, for young people who do offend, there is a significant likelihood that they have been victims of more serious offences than they have committed, and that they have experienced multiple forms of disadvantage, abuse, and neglect.

In light of this, we are wary of any attempts to further criminalise young people in Queensland – as prescribed by this policy. Policy and legislative responses must focus on addressing the broader social factors which elevate the risk of a young person coming into contact with police or entering the youth justice system, including poverty, homelessness, family violence, and problematic substance use. This extends to acknowledging and addressing the impact of stigma and discrimination on the design and implementation of the system.

² Queensland Department of Youth Justice and Victim Support, *Youth Justice Reforms Review Report* (2021) <https://www.youthjustice.qld.gov.au/our-department/research-evaluations/evaluations/reforms-review>.

³ Farrington, David P., Hannah Gaffney, and Howard White. "Effectiveness of 12 types of interventions in reducing juvenile offending and antisocial behaviour." *Canadian journal of criminology and criminal justice* 64, no. 4 (2022): 47-68.

⁴ Queensland Department of Youth Justice and Victim Support, *Youth Justice Reforms Review Report* (2021) <https://www.youthjustice.qld.gov.au/our-department/research-evaluations/evaluations/reforms-review>.

⁵ Australian Bureau of Statistics, "Crime Victimisation, Australia, 2021-2022 financial year," (2023).