

Youth Justice (Monitoring Devices) Amendment Bill 2025

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**PeakCare's Submission to the Justice,
Integrity and Community Safety Committee
on Youth Justice (Monitoring Devices)
Amendment Bill 2025**

3 March 2025

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INTRODUCTION

PeakCare Queensland is pleased to submit our recommendations to the Justice, Integrity and Community Safety Committee on the Youth Justice (Monitoring Devices) Amendment Bill 2025. PeakCare is committed to evidence-based youth justice responses that enhance community safety while upholding the safety, wellbeing, and rights of children and young people. We do not support the Bill's proposal to extend the trial of Electronic Monitoring Devices for most young people. Electronic Monitoring Devices have not been proven effective in reducing youth crime and limit fundamental human rights. However, we believe there may be some instances, where a young person should be given the opportunity to choose a monitoring device instead a period in a youth detention centre, if their individual circumstances have been assessed as suitable.

ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare has more than 100 members including small, medium, and large local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations also provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems.

A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing, and equitable access to life opportunities.

PEAKCARE'S SUBMISSION

There is no evidence that Electronic Monitoring Devices deter young people from crime or reduce recidivism

Available data indicates that electronic monitoring has failed to prevent reoffending and may even exacerbate it. Electronic monitoring for certain young people on bail has been trialled in Queensland since 2021, however clear benefits are yet to be demonstrated. An internal review of the first 12 month trial found that "*the effectiveness of electronic monitoring in deterring offending behaviour cannot be confirmed*," further, one-third of children still broke the law or their bail conditions while wearing a monitor, suggesting Electronic Monitoring Devices did not stop a significant proportion of children from reoffending or breaching the conditions of their orders.¹

PeakCare believes continuing or expanding the electronic monitoring of children is not an evidence based path to community safety and does not meaningfully change behaviour in the long term. The Bill's aim to extend the trial suggests more time is needed to prove the effectiveness of Electronic Monitoring Devices, however, the data we already have is sufficient to acknowledge this is not an effective way to reduce youth offending.

¹ <https://www.abc.net.au/news/2023-11-24/ankle-bracelets-failing-to-stop-recidivism-in-queensland/103141052>

Electronic Monitoring Devices limit human rights

PeakCare believes the use of an Electronic Monitoring Device as a bail condition can result in a serious infringement of a child's human rights. Requiring a child to wear a GPS ankle monitor is an intrusive surveillance measure. The *Human Rights Act 2019* (Qld) affirms that everyone (including children) have the right to not have their privacy arbitrarily interfered with, and implementing the use of Electronic Monitoring Devices is a clear violation of this right.²

PeakCare is concerned Electronic Monitoring Devices impose a punitive restriction on children who have not been found guilty. In Queensland, electronic monitoring is applied as a bail condition to certain young people charged with serious offences (currently those 15 years or older, with a prior indictable offence or charged with multiple serious offences).³ Most of these children are awaiting trial and it is important to note that many charges are later downgraded or withdrawn. Using Electronic Monitoring Devices during this period undermines the presumption of innocence, and by subjecting children to measures that resemble punishment or intensive supervision before their guilt is established, there is a risk of breaching article 40(2)(b)(i) of the UNCRC and a child's right to be presumed innocent until proven guilty.

Electronic Monitoring Devices create stigma

Throughout 2023–24, PeakCare spoke with boys and girls in Queensland's youth detention centres about various youth justice reforms, including the use of electronic monitoring devices. In these consultations, young people described ankle monitors as “embarrassing” and stigmatising, noting that the visible device makes them feel labelled as dangerous criminals even for minor charges. Such stigma can deepen a child's disconnection from society and impede their rehabilitation. Young people have described how humiliating and stigmatising it would be to be seen in public with an Electronic Monitoring Device and fear being stereotyped as violent, with one young person stating:

“they're embarrassing... Little kids and families can see them in public... they'd be stereotyping us, like we're violent or something”.⁴

This is especially concerning for children, whose sense of identity and self-worth is still forming. The shame associated with being publicly identified can ingrain a negative self-image and discourage social engagement. This is the opposite of what is needed, rehabilitation in youth justice relies on helping young people build a positive identity apart from crime.

Children who are unsafe at home are put at additional risk

The use of Electronic Monitoring Devices also assumes that home is a safe and stable environment for children on bail, however, this is not the reality for many. According to Youth Justice Census Data, approximately 30 per cent of children in youth detention centres are living in unstable and/or unsuitable accommodation, and about half have experienced domestic and family violence.⁵ This means a large proportion of children will not have the capacity to manage the device e.g., access to a regular power source for charging, access to a mobile phone including Wi-Fi enabled service, and the capacity of an adult to monitor and support adherence to these requirements. In fact, these requirements may mean the child has the difficult choice to be in an unsafe home environment or breach the conditions of the order. Rather than providing security or

² <https://www.parliament.qld.gov.au/documents/committees/LASC/2021/YJandOLAB2021/submissions/048.pdf>
³ [5825T117.pdf](https://www.parliament.qld.gov.au/documents/committees/LASC/2021/YJandOLAB2021/submissions/048.pdf)

⁴ <https://peakcare.org.au/wp-content/uploads/2024/07/Young-peoples-Voices-2023-24.pdf>

⁵ https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/a6c6dbcf-b18f-413c-a2fb-9cd1b7bc4c84/yj_census_summary_custody_2018-2023.pdf?ETag=f68cb08f7fabb4450d08692be0a8e839

rehabilitation, electronic monitoring can exacerbate stress and trauma, reinforcing cycles of instability that contribute to reoffending.

First Nations children are disproportionately impacted

Any discussion of youth justice in Queensland must address the disproportionate representation of Aboriginal and Torres Strait Islander children. Unfortunately, the expanded use of electronic monitoring is likely to have disproportionately negative impact on First Nations children and communities, exacerbating existing inequalities. First Nations children are over-represented and systemic factors such as higher rates of socioeconomic disadvantage, trauma, and over-policing in some communities, mean Aboriginal and Torres Strait Islander children come into contact with the justice system at much higher rates than non-Indigenous children. Because Aboriginal and Torres Strait Islander children are already over-represented in the youth justice system, expanded surveillance measures risk further entrenching this inequality.

The *Human Rights Act 2019* (Qld) protects the right of Aboriginal and Torres Strait Islander peoples to enjoy their culture and kinship ties (s28). An electronic monitor and tight bail conditions may inadvertently conflict with these rights, such as restricting a First Nations child from attending cultural gatherings, visiting relatives in other communities or participating in sorry business (funeral practices) because of movement restrictions. It can drive a wedge between the young person and their community supports, undermining Indigenous cultures, healing and rehabilitation which often involves reconnection to culture and country, guided by Elders. PeakCare is deeply concerned that Electronic Monitoring Devices will have the unintended consequence of further criminalising First Nations children and doesn't work to address the causes of their offending or provide them with culturally appropriate supports.

Electronic Monitoring Devices do not represent value for money

Electronic monitoring devices and their associated supervision are expensive, and divert funds away from interventions that could lead to better outcomes for children. PeakCare advocates for stronger investment into family intervention services, drug and alcohol programs, educational support, and transitional housing for homeless young people, all of which address drivers of crime. These services represent investment in the long run as they can prevent a young person from reoffending. Funding currently allocated to electronic monitoring programs should be redirected to community based support services that focuses on preventing offending. Greater investment is needed in early intervention initiatives, including youth counselling, education support, and housing stability programs, to address the root causes of youth crime.

CONCLUSION AND RECOMMENDATIONS

We urge the Committee and the Parliament to consider the following recommendations:

1. Consider the use of Electronic Monitoring Devices only in very limited circumstances. By addressing the issues raised throughout this submission, PeakCare believes they may be some limited circumstances in which Electronic Monitoring Devices may be used effectively. These are:
 - Where the young person's family and home has been assessed as safe and at least one adult within the home is assessed as having the capacity to support requirements such as regular charging, upkeep and reporting
 - Where the young person has been assessed as capable of understanding the implications of wearing the device and managing the technical and reporting requirements

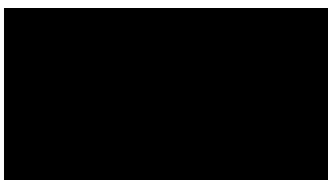
- Where the young person has been sentenced for all offences and would otherwise spend time in a youth detention centre
 - Where the young person has chosen to have the Electronic Monitoring Device and has stated they believe the monitoring will support them to make positive decisions about future criminal involvement.
2. Legislate and invest in enhanced bail support programs as the alternative to electronic monitoring. This includes funding for youth bail homes or supported accommodation for those who cannot return to a stable home, and the recruitment of dedicated bail support workers to assist young people to meet their bail conditions.
 3. Address the underlying drivers of youth crime with a whole of government approach, investing in measures that address poverty, family dynamics, and disengagement. Community safety is best served when young people have hope, stability, and opportunity.
 4. Uphold Human Rights in youth justice legislation. If any restrictive measures are proposed for children, they should be demonstrably justified against the Act's criteria of necessity and proportionality. In practice, this means favouring the least restrictive options consistent with community safety. We believe community safety and children's rights are not mutually exclusive, in fact, protecting children's rights enhances community safety in the long term by steering them towards positive lives. We also recommend continued consultation with the Queensland Human Rights Commission, youth advocates, and First Nations organisations when developing youth justice policies.

PeakCare wishes to reiterate that children who come into contact with the law are still children, children who are capable of growth and change. We believe you cannot simply fix a young person's problems by strapping a device to their ankle. Instead our systems need to be strapping support around each young person through effective services and interventions that address the driving causes of offending rather than just responding to their consequences. Queensland's children and young people deserve no less, and our communities deserve the lasting safety that comes from adequately funded prevention, early intervention, and rehabilitation programs, available to young people and families, when and where they are needed.

Queensland has the opportunity now to refocus on strategies that work, strategies that support children, engage families and communities, and build the capacity of young people to live crime free, productive lives. This is how we truly achieve community safety. PeakCare stands ready to assist the Committee and the Queensland Government in developing and advocating for such evidence based reforms. We urge you to commit to smarter, safer solutions for Queensland's youth justice system.

Thank you for the opportunity to make this submission. We trust that the information and perspectives provided will be of assistance in your deliberations.

Yours sincerely,



Mr Thomas Allsop
 Chief Executive Officer
 PeakCare Queensland Incorporated