

## Youth Justice (Monitoring Devices) Amendment Bill 2025

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<b>Submitted by:</b>	Queensland Council of Social Service
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3 March 2025

Justice, Integrity and Community Safety Committee  
Parliament House  
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*Submitted by Inquiry webpage*

Dear Committee Members

### **Youth Justice (Monitoring Devices) Amendment Bill 2025 ('the Bill')**

Thank you for the opportunity to provide feedback in relation to the above.

#### **About QCOSS**

Queensland Council of Social Service (QCOSS) is Queensland's peak body for the social service sector. Our vision is to achieve equality, opportunity, and wellbeing for all Queenslanders.

Our sector delivers community-based interventions that have demonstrated improvements to the wellbeing of young people and reduced offending behaviour by dealing with the root cause of crime.

#### **QCOSS' position**

QCOSS does not support the Bill. The Bill proposes to extend a trial that allows a court, in certain circumstances, to impose a condition requiring children as young as 15 years old to wear an electronic monitoring device while released on bail ('the Trial'). QCOSS maintains its long-held position that we do not support the Trial.

It is our position that the Trial is not sufficiently rights-respecting and is not evidence based. It is not appropriate to continue testing the use of electronic monitoring devices on children.

In developing this submission, QCOSS has drawn upon our ongoing research and engagement with members of the community service sector and other stakeholders who have a deep understanding of best practice in supporting young people and families. We have also engaged in additional consultation in relation to the Bill.

#### **The Trial should not be extended**

QCOSS does not support a further extension of the Trial. The use of electronic monitoring devices on children is not evidence based, and it is not appropriate to keep testing the use of electronic monitoring devices on children.

Our members have raised several concerns about the impact of using electronic monitoring devices on children. They have consistently highlighted that, due to the high visibility of the device, they can result in feelings of stigma, shame, as well as further isolation and disconnection. This can lead to disengagement from social supports, pro-social activities and education.

Feedback has highlighted that the devices are not compatible with trauma informed practices for supporting children whose offending is often linked to traumatic experiences. Members have also



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raised that due to the operation of breach of bail laws under the *Youth Justice Act (Qld) 1992*, orders to wear an electronic monitoring device have the potential to result in further criminalisation of children. This could include situations that are linked to the impracticality of their use (for example, where a child is unable to charge the device).

QCOSS and our members have also highlighted ongoing concerns regarding the limitation upon human rights that are imposed by the Trial. We note the substantial limitations upon human rights that have been articulated in The Statement of Compatibility for this Bill,<sup>1</sup> as well as previous Statements of Compatibility related to other Bills that established and expanded the Trial.<sup>2,3,4</sup> This includes the right to privacy and non-interference with family, the right to freedom of movement, the right to freedom of association, the right to protection of families, the right to protection needed by a child in the child's best interests, the right of Indigenous Peoples to maintain kinship ties, the right to equality and non-discrimination, the right to education, the right to liberty and security of person. We argue that those limitations are not justified.

QCOSS also continues to maintain that the use of electronic monitoring devices on children limits other rights, including their right to protection from treatment or punishment in a cruel, inhuman or degrading way,<sup>5</sup> the right of children charged with a criminal offence to a procedure that takes account of their age and the desirability of promoting their rehabilitation,<sup>6</sup> and the right of children who have been convicted of an offence to be treated in a way that is age appropriate.<sup>7</sup>

The Preamble to Queensland's Human Rights Act also acknowledges the particular significance of the right to self-determination for Aboriginal and Torres Strait Islander Peoples. Principles of self-determination, however, do not appear to have informed or shaped the Trial.

Additionally, we note that opportunities to respond to legislative amendments establishing, expanding and extending the Trial, including this one, have been consistently rushed. This limits scrutiny and reflection upon laws that have the potential to result in foreseeably negative impacts on children interacting with the youth justice system. Considering the limited window of time available to provide a submission to the Bill, we encourage the Committee to also engage with prior submissions from community service organisations who work with children and young people.

### **Resources and policies should be targeted towards therapeutic, trauma informed, co-designed and culturally safe supports**

QCOSS and our members have consistently called on the Queensland Government to ensure resources and policies are targeted towards therapeutic and culturally safe support led by community services, particularly Aboriginal and Torres Strait Islander Community-Controlled services. It does not appear that the design, establishment and implementation of the Trial has been supported or suitably informed by community services who work with young people and who are the experts on what works.

The youth justice system has a disproportionate impact on Aboriginal and Torres Strait Islander children and their families. For example, in the 2023-24 financial year, of the children and young people who were imprisoned in youth detention in Queensland, nearly 70 per cent identified as

<sup>1</sup> The State of Queensland. (2025). *Youth Justice (Monitoring Devices) Bill 2025 Statement of Compatibility*. The Hon. Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0117/5825t117.pdf>>

<sup>2</sup> The State of Queensland. (2021). *Youth Justice and Other Legislation Amendment Bill 2021 Statement of Compatibility*. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services. <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5721t196/5721t196.pdf>>

<sup>3</sup> The State of Queensland. (2023). *Strengthening Community Safety Bill 2023 Statement of Compatibility*. Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services. <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5723t166/5723t166-f46a.pdf>>

<sup>4</sup> The State of Queensland. (2024). *Queensland Community Safety Bill 2024 Statement of Compatibility*. Mark Ryan MP, Minister for Police and Community Safety. <<https://documents.parliament.qld.gov.au/bills/2024/3202/5724T724-dfd9.pdf>>

<sup>5</sup> *Human Rights Act 2019 (Qld)* s 17(b).

<sup>6</sup> *Human Rights Act 2019 (Qld)* s 32(3).

<sup>7</sup> *Human Rights Act 2019 (Qld)* s 33(3).



Aboriginal and/or Torres Strait Islander.<sup>8</sup> This underscores the fundamental importance of ensuring that Aboriginal and Torres Strait Islander Community-Controlled services are engaged and further empowered to lead culturally safe solutions with their communities. In line with its commitments under the National Agreement on Closing the Gap, the Queensland Government must also increase the amount of government funding for Aboriginal and Torres Strait Islander programs and services going through Aboriginal and Torres Strait Islander Community Controlled Organisations, and demonstrate how the government's efforts, investment and actions are aligned with Closing the Gap goals.

Youth Detention Centres are consistently operating above safe capacity levels and experiencing staff shortages.<sup>9,10,11</sup> In Queensland, adult watch houses are also being used to detain children, some of whom are as young as ten years old. The Children's Court of Queensland annual report for 2023-24 outlined there were 7,806 admissions of children into adult watch houses over the year.<sup>12</sup> In light of this, it is crucial to support measures that provide or facilitate alternatives to custody. However, given the considerable concerns that have been raised about the Trial, we do not support further extensions.

We note that an evaluation of the Trial is due to be completed this year. We strongly urge the government to ensure that the evaluation of the Trial includes thorough engagement with community services who support children in contact or at risk of contact with the youth justice system. We also urge the government to engage closely with the community sector on other models of support and less restrictive alternatives for children interacting with the youth justice system.

## Conclusion

QCROSS does not support an extension of the Trial. It is not evidence-based and does not demonstrate a sufficient regard for the human rights of children.

The use of electronic monitoring devices on children can lead to further feelings of stigma, disconnection and isolation, and can also result in further criminalisation of children. Resources and policies should be targeted towards therapeutic, trauma informed, co-designed and culturally safe support, including support that provides or facilitates effective alternatives to custody.

Thank you again for the opportunity to provide our submission. If you have any questions, please contact Annette Schoone, Chief Executive Officer (Acting) at [REDACTED]

Yours sincerely

[REDACTED]

Annette Schoone  
Chief Executive Officer (Acting)

<sup>8</sup> Australian Government. (2025). Report on government services 2025: youth justice services, Table 17A.9. Productivity Commission.

<sup>9</sup> <<https://www.pc.gov.au/ongoing/report-on-government-services/2025/community-services/youth-justice>>  
<sup>9</sup> State of Queensland. (2024). Reducing serious youth crime (Report 15: 2023-24). Queensland Audit Office.

<sup>10</sup> <https://www.qao.qld.gov.au/reports-resources/reports-parliament/reducing-serious-youth-crime>  
<sup>10</sup> Queensland Ombudsman. (2024). Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages.

<sup>11</sup> <https://www.ombudsman.qld.gov.au/detention-inspection/inspections-and-reports>  
<sup>11</sup> Queensland Family and Child Commission. (2023). Who's responsible: Understanding why young people are being held longer in Queensland watch houses.

<sup>12</sup> <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/young-people-in-youth-justice/who%27s-responsible>

<sup>12</sup> State of Queensland. (2024). Childrens Court of Queensland Annual Report 2023-24. Childrens Court of Queensland.  
<<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5824T0283/5824t283.pdf>>