

Youth Justice (Monitoring Devices) Amendment Bill 2025

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Submitted by:	Queensland Aboriginal and Torres Strait Islander Child Protection Pe
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**Submission: Youth Justice (Monitoring Devices) Amendment
Bill 2025**

Queensland Aboriginal and Torres Strait Islander
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Introduction

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) welcomes the opportunity to provide a submission to the Youth Justice (Monitoring Devices) Amendment Bill 2025 (the 'Bill'). As Queensland's Aboriginal and Torres Strait Islander child protection peak and the state's Youth Justice peak, QATSICPP advocates for policies that prioritise culturally safe, community-led, and evidence-based responses to youth justice.

We acknowledge the Bill's intent to extend the current trial of electronic monitoring as a bail condition for some children charged with offences to allow time for a comprehensive review to inform government decisions about the ongoing use of electronic monitoring (EM) in Queensland's youth justice system. To effectively reduce reoffending and increase bail compliance it is of critical importance that a range of options to keep children out of custody wherever safely possible are explored. As Youth Justice Peak QATSICPP is committed to working with the Queensland government and youth justice to explore safe alternatives to custody for children that are effective at reducing re-offending and improving community safety.

In developing this submission QATSICPP has drawn on existing evidence and knowledge, including input provided by a variety of organisations delivering child, youth and family services in the youth justice sector. Many organisations, whilst supporting efforts to keep children out of custody, expressed concerns about the effectiveness of EM as a bail condition aimed at ensuring bail compliance and keeping children out of unsuitable environments such as watch houses.

QATSICPP's key messages to the Justice, Integrity and Community Safety Committee, regarding this Bill are summarised below. QATSICPP recommends that the use of EM for children charged with offences should be focused on increasing the number of children who can be on bail safely in the community, where evidence suggests they are more much likely to receive the kind of support they need to reduce and cease their offending behaviours.¹ Available evaluation data and sector feedback suggests EM hardware limitations contribute to many children being ineligible for the program, and that EM is likely to be only successful with complimentary community support for the child. Without appropriate safeguards and investment in wraparound supports, EM risks increasing criminalisation, stigmatisation, and recidivism for children subject to EM. Our submission seeks to highlight these concerns, propose alternative solutions, and advocate for policy settings that align with best practices in youth justice.



Safe Alternatives to Custody for Children

QATSICPP supports the use of EM as a short-term measure to alleviate custody pressures in Queensland's youth justice system. Service providers working with children subject to EM have told QATSICPP the devices can have the benefit of:

- Providing an alternative to custody that the young people take seriously and are accountable to.
- Enabling the young person to access support in the community they would not be able to access were they in custody.
- Providing a less intrusive alternatives for families and children to police bail checks.

Despite this there have been challenges with the implementation of EM to date in Queensland. The uptake of EM in Queensland has been low, with a 2022 internal review by the then Department of Youth Justice reporting insufficient participant numbers to conduct a meaningful evaluation about the initiative's effectiveness and outcomes.²

From existing evidence and feedback received by QATSCIPP from youth justice community-based service providers, there are a number of barriers that limit the applications of EM as a safe alternative to custody, including:

1. **Technology and Compliance Challenges** – Many young people struggle to meet the eligibility criteria for EM due to technological limitations and environmental factors. Unstable housing, limited access to electricity for charging devices, and a lack of family support limit eligibility and increase the risk of bail breaches.³
2. **Lack of Wraparound Support** – Research consistently shows that EM alone does not address the underlying causes of youth offending behaviours. Without comprehensive, community-based support, the effectiveness of EM is significantly reduced.⁴
3. **Increased Justice System Involvement** – Queensland's Youth Justice Reform Select Committee (2024) found that one-third of children subjected to EM in Queensland breached bail conditions. Many of these breaches were technical violations, rather than serious reoffending, leading to further entrenchment in the justice system.⁵
4. **Unrealistic and restrictive bail conditions:** service providers told QATSICPP about instances where First Nations children were denied the ability to visit their Country to attend important cultural events or to travel to local support services, due to bail conditions which were imposed alongside the EM.

The above barriers to the effective adoption of EM are complex, interrelated and will require sector wide collaboration to be overcome. At the end of this submission we have provided some initial recommendations about a way forward and are committed to working with all stakeholders on the further development of safe alternatives to custody solutions.

Electronic Monitoring Reducing Reoffending

Evaluative efforts about EM in Queensland's youth justice to date have been unable to determine clearly whether EM helps to reduce recidivism. Research evidence across Australia and internationally is also mixed about the impact of EM approaches on recidivism. For example, a University of Queensland meta-analysis of 34 studies, has found no consistent evidence that EM reduces reoffending rates among youth. This is supported by a Bureau of Crime Statistics and Research study which found youth subject to EM had similar reoffending rates to those who were not monitored⁶. Internationally, a Justice Innovation (2021) report analysing EM across multiple countries found that EM does not address underlying causes of offending and, in some cases, can



increase recidivism⁷. Studies in the United States and the United Kingdom show that EM is most effective when combined with intensive community-based support—not as a standalone measure⁸.

These findings raise serious doubts about whether extending Queensland’s trial will result in meaningful reductions in youth crime or detention rates.

While EM is intended as a mechanism to enhance community safety and ensure bail compliance, it is unclear whether the monitoring device itself is responsible for any observed positive outcomes or whether these outcomes are driven by the additional wraparound support that can accompany its use.

QATSICPP recommends that as part of the ongoing evaluation of the EM trial a review of breach of bail related offences is required to determine:

- Whether EM is increasing justice system involvement for technical violations rather than serious reoffending.
- If courts are more likely to remand young people who breach EM conditions, even if they have not committed a new alleged offence/s.

Risks of Harm to Children and Young People

QATSICPP is particularly concerned about the disproportionate impact of EM on Aboriginal and Torres Strait Islander children and young people. Systemic issues, including the impact of intergenerational trauma, historical disadvantage and over-representation in statutory systems such as out-of-home care mean First Nations children are more likely than their peers to experience compliance and eligibility issues with the use of EM.

Key Risks Include:

- **Stigma and Shame** – EM ankle bracelets are highly visible, reinforcing negative stereotypes and damaging young people’s sense of identity and belonging. In Aboriginal and Torres Strait Islander communities, EM may retraumatise families, recalling past colonial surveillance practices.
- **Breach of Bail Conditions** – The Youth Justice Reform Select Committee (2024) found that one-third of children subject to EM in Queensland had breached bail conditions. These breaches increase the likelihood of re-incarceration, further entrenching young people in the justice system.

Recommendations

If implemented effectively, EM has the potential to enhance community safety while reducing the need for children to be detained in watch houses, remand or youth detention centres. Effective implementation involves using EM in conjunction with intensive, culturally safe community support and bail conditions which enable children to access this support.

QATSICPP welcomes the opportunity to work with the Queensland Government to ensure that any expansion and evaluation of the EM trial is evidence-based and addresses the current challenges.

We recommend:

1. **Implementing Culturally Safe, Family-Led Support Services** – EM should only be used alongside intensive, community-led interventions that provide holistic support to young people and their families. Investment in culturally safe programs, particularly those led by Aboriginal and Torres Strait Islander organisations, is critical.



2. **Appropriate bail conditions** – For EM to be effective, it needs to be used in conjunction with bail conditions which are realistic, set children up for success and enable them to access people and places in their community for support to address their offending behaviours.⁹
3. **Ensuring Access to Safe and Stable Housing** – Many young people in the target cohort for EM do not have access to stable housing, increasing their likelihood of breaching conditions and decreasing their chance of being eligible for EM. A strong focus on appropriate housing support is necessary to ensure compliance and long-term success.¹⁰ In the face of a national housing affordability crisis, addressing this issue requires a joined-up approach across government.
4. **Independent Evaluation of EM Outcomes** – Any extension of the EM trial must include a comprehensive review to determine whether reductions in reoffending are attributable to the monitoring device itself or the presence of wraparound support services. QATSICPP is keen to partner with the Queensland government to ensure the expertise of the youth justice sector is utilised in this process.
5. **Exploring Innovative Alternatives to Detention** – Queensland should look beyond EM and invest in evidence-based solutions such as restorative justice, diversion programs, and on-country initiatives that have demonstrated success in reducing the use of detention.

Conclusion

QATSICPP supports evidence-based, culturally safe approaches to youth justice reform, and is keen to play our part to reform the youth justice system to improve community safety and improve outcomes for children and young people. The ongoing use of EM in Queensland's youth justice system needs refinement and careful consideration in the context of our broader efforts to improve community safety and reduce reoffending. We look forward to working with the Queensland Government on continuing to evaluate the effectiveness of EM and implement changes to the program to make it more effective alongside exploring alternatives that may be more fit-for-purpose.

We welcome further engagement on this matter and are happy to provide additional insight into a range of culturally appropriate alternatives to detention.

¹ Walsh, Tamara, Beilby, Jane, Lim, Phylcia, and Cornwell, Lucy (2023). *Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system*. Brisbane, QLD; <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/young-people-in-youth-justice/changing-the-sentence>

² Queensland Department of Youth Justice. (2024). *Electronic monitoring trial evaluation*. Retrieved from <https://www.youthjustice.qld.gov.au/our-department/research-evaluations/evaluations/electronic-monitoring-trial>

³ Australian Bureau of Crime Statistics and Research. (2022). Effectiveness of electronic monitoring on youth reoffending. Sydney, Australia: NSW Government;

⁴ Belur, J., Thornton, A., Tompson, L., Manning, M., Sidebottom, A., & Bowers, K. (2020). *A systematic review of the effectiveness of the electronic monitoring of offenders*. <https://prohic.nl/wp-content/uploads/2020/11/2020-05-20-ElectronicMonitoringEffectivenessMeta.June2020.pdf>

⁵ Queensland Government. (2024). Youth Justice Reform Select Committee Report. Brisbane, QLD: Department of Youth Justice.

⁶ Australian Bureau of Crime Statistics and Research. (2022). Effectiveness of electronic monitoring on youth reoffending. Sydney, Australia: NSW Government;



⁷ Justice Innovation. (2021). *Electronic monitoring: Evaluating its impact on youth offenders*. London, UK: Centre for Justice Innovation.

⁸ Justice Innovation. (2021). *Electronic monitoring: Evaluating its impact on youth offenders*. London, UK: Centre for Justice Innovation.

⁹ Queensland Family and Child Commission. (2024). *Exiting youth detention: Preventing crime by improving post-release support*. Retrieved from <https://www.qfcc.qld.gov.au/sites/default/files/2024-06/Exiting%20youth%20detention%20report%20June%202024.pdf>

¹⁰ Walsh, Tamara, Beilby, Jane, Lim, Phyllicia, and Cornwell, Lucy (2023). *Safety through support: building safer communities by supporting vulnerable children in Queensland's youth justice system*. Brisbane, QLD Australia: The University of Queensland.; University of Queensland. (2023). *Meta-analysis of electronic monitoring outcomes: A review of 34 studies*. Brisbane, QLD: Institute for Social Science Research. Youth Justice

