

## Youth Justice (Monitoring Devices) Amendment Bill 2025

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**YOUTH ADVOCACY CENTRE INC**  
**to the**  
**JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE**  
**on the**  
***Youth Justice (Monitoring Devices) Amendment Bill 2025***

**4 March 2025**



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On behalf of the Youth Advocacy Centre (**YAC**), I thank the Justice, Integrity and Community Safety Committee (the **Committee**) for the opportunity to make a submission on the *Youth Justice (Monitoring Devices) Amendment Bill 2025 (the Bill)* which extends the trial for the use of Electronic Monitoring Devices (**EMDs**).

YAC is a community legal centre which provides wraparound social support including family, homelessness and bail support for children and young people aged 10-18, particularly those involved in, or at risk of involvement in the youth justice system.

While YAC is concerned that the use of EMDs on children is not evidence based, and can result in isolation, disengagement and disconnection, YAC has listened to the young people we work with, and as a result supports EMDs only as an alternative to detention. Importantly, it should not be forgotten that youth detention in Queensland fails to significantly rehabilitate children and young people, and that their human rights are breached on a daily basis while in the custody of the Queensland Government. The mistreatment of the young people in state custody contributes to the high rates of reoffending. It is in this context that YAC cautiously supports the extension of the trial of EMDs.

### **Review**

YAC participated in a review of EMDs by an external consultant we understand was appointed by the Department of Youth Justice around 12 to 18 months ago. We would be interested to see the outcome of that review.

### **YAC's experience with Electronic Monitoring Devices**

Over the last two years or so, YAC's lawyers have received a handful of instructions from young people to make applications for EMDs where the alternative is likely detention. There have been a number of occasions that these applications have been unsuccessful due to the young person's unsuitability for EMDs by virtue of a lack of stable accommodation, no parent/guardian to assist with compliance, lack of mobile phone access etc. Paradoxically, the cohort that is labelled 'serious repeat offenders' is often unlikely to meet the suitability criteria.

YAC's workers who have worked with young people with EMDs provide the following feedback highlighting the detrimental impacts of EMDs:

1. Young people with EMDs can experience shame or embarrassment;
2. Some young people felt that the EMDs were an obstacle to participating in positive activities such as education, sports or training as they didn't want to be seen with an EMD. Some young people had been denied employment opportunities once the employer had seen the young person wearing an EMD. This aspect can be a barrier to the young person continuing on a positive trajectory.
3. Broadly speaking YAC received feedback that once the EMD was removed, offending could resume unless the underlying causes of offending had been properly addressed.

Notwithstanding this feedback and validly held concerns YAC has about EMDs, the following feedback from YAC workers provides cautious support of EMDs:

1. Young people prefer EMDs to detention;
2. To be effective, EMDs must be coupled with intensive and consistent support from youth workers, family, or other supports;
3. EMDs can help a young person resist peer group pressure to engage in offending;
4. Young people who are suitable for EMDs tend to be more likely to comply with bail conditions in any event. However we have seen examples of a temporary reduction in offending which can end when the young person physically removes the EMD to engage in offending. It seems that the EMD may help prevent offending for a limited period, after which offending may resume unless proper supports are in place;
5. Young people have said to us that they thought EMDs gave them a “last chance” to stop offending, and were a “physical reminder” of their bail conditions.

Significantly, this feedback highlights the importance of coupling use of EMDs with proper supports.

### **How to reduce youth crime**

Comparable jurisdictions that have reduced youth crime (including Texas, Hawaii and Scotland), have done so through early intervention and rehabilitation in community-based centres.<sup>1</sup> YAC is not aware of any comparable jurisdiction that has reduced youth crime long-term by focussing on a tough on crime approach.

The most effective strategies to reduce youth crime involve initiatives such as rehabilitation programs, diversion and early intervention that reduce reoffending and enhance community safety. YAC recommends the following:

1. Implement intensive, consistent and long-term family supports as early as possible for those experiencing difficulties, or with children at risk of entering the child protection system.
2. Assess children and develop treatment plans for developmental delays at the earliest opportunity.
3. Focus on keeping children engaged in school, including considering alternatives to suspensions and exclusions as disciplinary measures. Education is a key tool to prevent entry into the youth justice system.
4. Ensure there are recognised programs for children to attend whilst they are suspended from their regular school.
5. Increase funding to establish school-based preventative programs which aim to assess obstacles to engagement in kindergarten and early primary school.
6. Perform cognitive assessments at the child's first involvement in the child protection and/or youth justice systems. It is important that the vulnerabilities identified by the schooling system are also applied in the youth justice system particularly when a child's suitability for diversionary programs is being determined.

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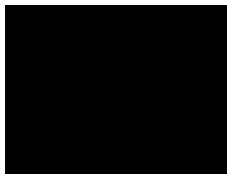
<sup>1</sup> See *Juvenile Justice Reform in Texas: the Context, Content and Consequences of Senate Bill 1630* Sara Gordon, *Journal of Legislation*, [2016] 232. Also, Glasgow was seen as Europe's murder capital, and reduced youth crime through taking a public health approach rather than tough on crime.

7. Provide stable and long-term accommodation with a home-like environment with access to adequate supervision for children and young people in Child Safety's care or who are experiencing homelessness.
8. Promote police-led diversion as a priority. A majority of children who are diverted do not reoffend after the diversion takes place.
9. Focus on expanding the availability and range of evidence-based diversionary programs, and reduction of reoffending programs and support for children, including culturally safe programs.
10. Introduce place-based prevention initiatives and the development of a new model for community-based interventions.
11. Introduce intensive and consistent rehabilitation measures.
12. Amend adult prison admission processes to better identify children with incarcerated parents and ensure that appropriate supports are available to them to ensure they do not engage with the criminal justice system themselves.
13. Consider the appointment of a dedicated Minister of Children with a stand-alone department that has sufficient authority to co-ordinate strategies across multiple portfolio such as Education, Health, Youth Justice, Child Safety and Housing.

### **Final Remarks**

Children who reoffend are highly likely to have experienced family violence, poverty, neglect, trauma, unstable or unsuitable accommodation, substance misuse, and disengagement from education and employment. Furthermore, many children in the justice system have a serious disability or a health condition, often undiagnosed. It is these factors which need increased attention and investment, not reactive punitive actions that are not effective at reducing crime or recidivism and, therefore do not increase community safety.

Please let us know if you have any questions regarding the above.



Katherine Hayes

CEO

Youth Advocacy Centre