



Speech By  
**Amy MacMahon**


**MEMBER FOR SOUTH BRISBANE**

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Record of Proceedings, 12 October 2021

## **YOUTH JUSTICE (MONITORING DEVICE CONDITIONS) AMENDMENT REGULATION**

### **Disallowance of Statutory Instrument**

 **Dr MacMAHON** (South Brisbane—Grn) (5.53 pm): I rise this evening to speak in support of the motion to disallow a regulation for 16- and 17-year-old children to be fitted with GPS monitoring bracelets. This evening the government has an opportunity to repeal one of the more egregious elements of our youth justice reforms. In particular, this measure does nothing to support young people or their families and instead creates stigma and isolation. These measures completely overlook the root causes of youth criminalisation.

As we flagged in April, these measures are most likely to target those children who are already marginalised—from families who are living in poverty, who are experiencing violence, who do not have secure housing, who are struggling with food insecurity and who are struggling with mental health issues and substance and alcohol misuse. It is these children who have become scapegoats of the failure of successive Labor and LNP governments to provide the support that these young people need. As Queensland's former public guardian Natalie Siegel-Brown has said—

Nobody in the world has ever imprisoned their way out of crime or GPS-tracked their way out of crime.

We know the majority of kids who have been assessed to be fitted with ankle bracelets have been Indigenous children. Queensland Aboriginal and Torres Strait Islander Child Protection Peak, Sisters Inside along with other First Nations advocacy bodies warned that the youth justice reforms passed in April were 'unjustifiably authoritarian, punitive and racist' and would 'exacerbate the existing over-representation of Aboriginal and Torres Strait Islander people in custody'.

Change the Record said—

The proposed laws will disproportionately impact Aboriginal and Torres Strait Islander children who are already grossly overrepresented in the Queensland criminal legal system—being incarcerated at 28 times the rate of their non-Indigenous peers. We were warned about this back in April and now we are seeing the results.

The Queensland Human Rights Commission raised significant concerns, indicating that electronic monitoring of children on bail is a serious incursion into the rights of children and families, creating stigma, and would be setting up kids to fail. As we have already heard, in 2019, in introducing the Youth Justice and Other Legislation Amendment Bill, the member for Bulimba at that time flagged the human rights implications and said—

The bill ensures that a tracking device cannot be used on a child.

That was just two years ago, and over this time youth crime in Queensland has decreased. So what has changed other than Labor's unrelenting march to the right?

Along with not being effective, GPS trackers run the risk of creating further negative impacts for children already suffering marginalisation. Youth Advocacy Centre has pointed out that ankle bracelets could lead to kids being excluded from school. Surely we should be doing everything we can to keep

Queensland kids in school. Keeping kids in school is crucial to reducing their involvement in the youth justice system. That is why the Atkinson report on youth justice specifically recommended reducing exclusions from school and focusing on schools as a site of key early intervention. The report recommended focusing on education and employment for at-risk youth, targeted resources for schools, alternative and flexible school options, and supporting kids coming out of detention to transition back to school. Putting bulky GPS monitors on kids only further paints them as criminals and risks their exclusion from their school, their friends and their broader community, putting them at risk of further criminalisation.

The minister, the member for Morayfield, has said that as a result of repealing GPS trackers more kids would end up in custody. This is absolutely ridiculous and ignores the fact that it is Labor that has introduced reversing the presumption of bail for children. It is Labor that is building more youth detention beds. If the member for Morayfield is so keen on reducing the number of kids in prison, which is well within the capacity of the government to do, I would refer them to the private member's bill introduced by the member for Maiwar to raise the age of criminal responsibility and get more kids out of detention.

In disallowing ankle bracelets, the government now has an opportunity to reassess how we approach youth justice and how we are supporting young people. I have a few other suggestions for how we could be reducing the number of kids in detention. We could be meaningfully investing in social housing to house the 17½ thousand children who are waiting for social housing, ignored by this government. We could be creating real protections for Queensland renting families, ensuring that every Queenslanders and every child has a safe place to call home. We could be funding programs like free school meals which we know improve school attendance, behaviour and engagement. We could be fully funding our state schools rather than leaving them underfunded and struggling. I urge the government to take this opportunity this evening to scrap the regulation putting GPS monitors on children.