




Speech By  
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**MEMBER FOR MAIWAR**

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**YOUTH JUSTICE (MONITORING DEVICES) AMENDMENT BILL**

 **Mr BERKMAN** (Maiwar—Grn) (3.22 pm): I rise to give my contribution on the Youth Justice (Monitoring Devices) Amendment Bill 2025. We heard in the minister's introductory speech the quite disgraceful history of youth justice policy in this state over the last decade as Labor, egged on by the LNP, strayed further and further from evidence-based approaches to preventing crime in favour of locking up traumatised kids in hellish conditions and only worsening the offending rates in Queensland. The content of this bill is brief. The LNP did not need to do much other than pick up Labor's policy and extend it by another 12 months.

What are we talking about here? This is a law that provides that a court can impose, as a condition of a child's bail, that the child wear a GPS monitoring device 24/7. There is no express intention within the trial that GPS monitors be considered as an alternative to remand. Instead, the court is supposed to: address whether the child has the capacity to understand the condition and whether they are likely to comply; and consider a suitability assessment report which includes things like access to a mobile phone and somewhere to charge the device. Let's not forget that we are not talking about the proven, effective use of technology. This whole concept is being trialled in Queensland. It is an expensive, restrictive experiment that, on the government's own admission, has yielded no conclusive results since it began in 2021, despite being extended and expanded a number of times.

As the Justice Reform Initiative pointed out in their submission, if the chosen research methodology is not working, a sensible government would not just extend the experiment to a broader pool of children. At what point will this government accept they are not going to find evidence that GPS monitors reduce reoffending and instead look elsewhere for proven solutions? There is limited evidence to suggest that GPS tracking devices on children are at all effective in deterring offending and ensuring compliance with bail conditions, but there are plenty of indications that they create adverse outcomes for these children.

Children are required to charge the device every day and keep a mobile phone with them to resolve any technical issues. That means, first of all, that they need access to a reliable power supply. This forces them to be at home, in some cases placing them at risk of domestic violence or exposure to drug or alcohol misuse. Worse still, this regime of 24/7 monitoring also means that kids are at an increased risk of criminalisation, in particular from breach of bail. Simply letting the device go flat—something that I am sure all of us in this place have been guilty of with our phones at some point in the past—is a technical breach of bail and an offence. This exposes these children to further negative interactions with police and the justice system for no good reason, all in pursuit of a policy that has not been shown to reduce their reoffending.

The introduction of an offence for breach of bail was strongly opposed by experts and stakeholders. Setting aside all of the studies and academic language, let's just remember that we are talking about kids here. I do not know about anyone else's kids in this place, but mine cannot remember to pack their lunch for school every day or bring their hat or football boots when they need them, let

alone give me a permission slip to sign. Meanwhile, the kids this bill is dealing with have a whole host of things that they have to understand and remember and consequences that are so much worse than just missing out on the playground, your footy training or an excursion.

The minister claims that the trial and the criteria are designed to target serious repeat offenders, but the evidence from stakeholders who work on the front line with criminalised kids makes it clear that so-called serious repeat offenders are substantially less likely to be considered suitable for electronic monitoring. The committee heard that some clients of the Youth Advocacy Centre had themselves asked for a GPS monitoring bail condition to avoid being remanded in detention, but they were denied because these children do not have adequate stability or supports in their life to even be subject to one of these bail conditions.

On top of all that, monitoring devices will threaten the safety of these kids and their community. At a time when community tensions are high—spurred on by the LNP's rhetoric with the help of the *Courier-Mail*—these monitoring devices will identify kids as offenders. This will expose them to the very real risk of vigilantism and stigmatise them in positive social circles where we want them to re-engage. Conversely, we have heard time and again that these ankle bracelets might even reify the kids wearing them in antisocial circles. We have heard time and again that they can be worn as a badge of honour. This trial is isolating kids from the positive influences in their lives and driving them towards precisely those social groups and influences that we do not want them exposed to.

I have stood here time and again making reasoned arguments, pointing to the evidence and quoting the experts and statistics that prove the so-called tough-on-crime approach does nothing to prevent crime. In fact, it will ultimately make our communities less safe. This time I want to put it really simply: kids deserve better than this. They deserve to grow up in safe, secure housing, free from violence, with their families and communities, embedded in their culture. They deserve an education that caters to their needs. They deserve health care and disability supports and treatment for drug and alcohol misuse that serves their needs. They deserve safety, care and wellbeing, just like all of us. To be absolutely clear, it is the same kids who are deprived of these things who are in turn being branded as criminals for life and funnelled into institutions. These kids do not deserve to be in prisons, they do not deserve to be in watch houses and they do not deserve to be surveilled and tracked.

We have to change our response. It does not make economic sense, it does not make practical sense and it does not make any moral sense. Some really horrific things have happened in recent years, and no-one is going to deny that. I know that some kids have been responsible for some of the worst kinds of offending. Victim-survivors, their families and their communities have my deepest sympathies, and I have been clear about that every step of the way. The Greens want to see governments doing everything they can to prevent crime, not just punish young offenders with ever-increasingly severe penalties after the fact.

Queensland's treatment of children is an international embarrassment now, even warranting a mention in the Human Rights Watch *World report 2025: our annual review of human rights around the world*. QNADA put it succinctly in their submission—

Rather than allocating resources to repeatedly trial an approach which has only returned equivocal evidence, investment should focus on evidence-based policies that deliver measurable results and maximize public benefit.

For all the difficulties, this is not an intractable issue. We have examples where alternative approaches have worked. In Wales, the Ministry of Justice acted on the evidence that children with four or more adverse childhood experiences are 15 times more likely to commit violence and 20 times more likely to be imprisoned. They developed policies centred on preventing and minimising the impact of adverse childhood experiences and on interrupting those cycles of intergenerational disadvantage. Funding was diverted from policing strategies towards wraparound support for families and children in the early years of their life. Welsh police were required to engage with children in a way that treated them as children first and as offenders second. Since the implementation of a child rights approach, offending rates have dropped significantly.

We can look closer to home. The Youth Advocacy Centre, which works with criminalised kids and their families, has offered a comprehensive list of recommendations. These include: the implementation of long-term family supports; early assessment and treatment plans for developmental delays; investment in schooling to keep kids engaged; investment in safe, secure, sustainable and affordable housing options; expanded diversionary programs; and support for kids in place. It should not be a surprise that a response to crime that sees inherent humanity in everyone in our communities is a response that is proven to bring down crime rates.

I will very briefly note that I understand and I empathise with YAC's support for extending the trial, but I want to make this clear in here because they did in committee and so no-one can pretend otherwise. They only support this to the extent that it provides an alternative to incarceration for some

kids on remand. Like every credible expert in this place, they do not support the government's policy position, they do not support the consistent tough-on-crime rhetoric we have seen from successive governments now and, like any decent person, they vehemently oppose the incarceration of children. Years of this trial have produced no evidence to support the use of electronic monitoring on children, but it seems clear that the absence of evidence—or even evidence to the contrary—is ultimately no obstacle for any policy position of this government. The tough-on-crime rubbish simply has not worked and the extension of this trial is just more of the same failed policy.