



Speech By
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MEMBER FOR MAIWAR

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YOUTH JUSTICE (ELECTRONIC MONITORING) AMENDMENT BILL

 **Mr BERKMAN** (Maiwar—Grn) (12.00 pm): I rise to make my contribution on the Youth Justice (Electronic Monitoring) Amendment Bill 2025. I will say at the outset that, while I probably should be beyond the point of surprise at this government's failure to meaningfully address youth justice issues in a way that is consistent with the evidence, it still strikes me as astonishing that this government is content to waste taxpayers' money locking up kids. They are content to waste money installing ankle monitors on 10-year-olds and they are going to continue to waste this money while locking in cycles of disadvantage and deprivation when that money could be put towards social supports and the real supports and solutions that we know will actually reduce crime and benefit all of us.

The LNP's latest extension of the former Labor government's youth justice policy horror show really does paint a grim picture of Queensland and it takes us in the wrong direction. This bill will make Labor's electronic monitoring policies permanent and remove a series of safeguards. It is, frankly, shocking and telling to hear government members describing such safeguards as merely 'loopholes' and 'limitations'. It is particularly shocking when we consider that this bill will extend the use of electronic monitoring to kids as young as 10. Kids in primary school do not need safeguards that are nothing more than the loopholes and limitations of a regime.

Under this bill, kids as young as 10 can be required to wear ankle monitors as part of their bail conditions, and they can have that requirement imposed irrespective of what offence they are accused of. When the courts are considering whether to impose these conditions they are no longer required to consider the child's capacity to understand the conditions, the likelihood they will comply and the willingness of any person to provide support to the child. Surely those are the most basic safeguards and requirements that courts should be considering when they choose whether or not to impose these kinds of conditions. If a kid cannot understand a condition, how does that benefit anyone? If the court does not think they are likely to comply, why would that not be a relevant consideration? Instead, the court is simply tasked with considering whether it is appropriate to require the child to wear an ankle monitor. To be clear, for the record, I do not think there is any part of the LNP's youth justice policy that can humanely be considered appropriate in 2026 given what we know about the drivers of offending and how to address them.

If we accept for a moment that electronic monitoring is in fact used as an option of last resort to keep kids out of custody, we have to remember that it is the kids who are already at the margins of the margins who will benefit the least from this program because monitoring cannot be imposed as a bail condition unless the department has the necessary services in place to support the operation of the monitors as well as the services suitable for supporting the monitoring of the child and their compliance. On top of that, there are significant logistical hurdles to their use. Children will need access to stable housing to recharge the devices and a mobile phone with consistent network access. That necessarily narrows the cohort of kids who might be eligible to get them and again demonstrates that it is those kids who are most marginalised and most disadvantaged who will not have the notional benefit of not being forced into custody. Kids typically from underserved areas from regional and remote

communities will miss out on that. Similarly, kids living in unstable home environments without supportive adults or in out-of-home care will be disadvantaged in their access to these conditions as an alternative to custody. They will also be disadvantaged in their efforts to comply.

I have heard plenty of government members throughout this debate try to point to simple percentage statistics and assert that this is real evidence of a lower occurrence of breaches amongst kids with ankle monitors on. I understand there was plenty of evidence from stakeholders throughout the inquiry that those statistics cannot possibly disentangle the benefits of actual service and support for these kids—the real wraparound stuff that we know actually makes a difference. The kids who have ankle monitors on are the kids who are going to be getting better supports, so do not pretend that the ankle monitors do anything other than stigmatise and cause all of the downsides that we hear from stakeholders and submitters.

The evaluation into the electronic monitoring trial found that 82 per cent of young people without poor mental health were able to successfully complete their orders compared to only 65 per cent of kids with poor mental health. The government admits openly in the so-called statement of compatibility with human rights—probably better titled ‘statement of incompatibility with human rights’—that First Nations kids and kids with poor mental health have lower completion rates and smaller reductions in offending. For those kids who are required to wear ankle monitors there are clear indications that this will impact their right to education as a result of bullying and stigmatisation and it will risk pushing them towards groups engaging in antisocial behaviour.

The continuation of this policy is literally torching hundreds of millions of dollars on caging and surveilling small kids—children as young as 10. It costs close to \$800,000 to keep one child in custody for one year, yet as a government they continue to persist with a policy that more deeply entrenches cycles of criminalisation and disadvantage. The evaluation also estimated that electronic monitoring costs around \$577 per day per child. In particular, it noted the significant human resources required to monitor and respond to alerts across multiple agencies. This is obscene. Imagine if that same amount of money and that same human resource effort was invested in culturally appropriate housing, health care, training and education for kids and their families. Imagine if it was invested in safe and secure housing for these kids so they had a safe place to go, a roof over their heads and food on the table. What if it was invested in counselling? What if it was invested in widescale programs for screening and support in relation to cognitive impairment, which we know can be so closely tied to this particular cohort of kids? What if it was spent on meaningful educational supports to keep kids engaged in school?

If this money was directly invested in kids—the people whose behaviours we are trying to change—we could support genuinely thriving, healthy communities. We could take this state in the direction that we all want to see it go. Instead, this government continues to walk us down a completely failed path that is only going to see Queenslanders less safe in the end. This is a continuation of the bad policy and bad legislation that we saw under Labor. There is absolutely no way I can support legislation like this.