Speech By

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YOUTH JUSTICE (ELECTRONIC MONITORING) AMENDMENT BILL

Ms BOLTON (Noosa—Ind) (11.33 am): Crime and repeat offending, especially while an offender is on bail, remain justified concerns within our communities, and rightly so. This bill amends the Youth Justice Act 1992 by making electronic monitoring a permanent condition of youth bail, applying the eligibility and suitability criteria for monitoring devices statewide and removing the age limit of 15 years and over.

As demonstrated, legislation alone cannot keep communities safe, nor change the offending rate. The independent review tabled by the government with this bill confirmed that electronic monitoring devices do not prevent offending on their own. It is essential to have wraparound supports and identify and address the underlying, often complex, factors that contribute to crime, especially youth crime, as outlined by the National Children's Commissioner: poverty, neglect, health and mental health challenges, addictions, abuse and trauma. Sadly, this is in their own homes and at the hands of those who should be caring for them. Legal Aid Queensland identified that over 53 per cent are victims of DFV themselves.

Submissions, including those by victims and victim-survivor groups, stressed the critical role of wraparound supports, and Voice for Victims explained that victim-survivors would feel more confident with broader monitoring which could help prevent incidents.

When the monitoring trial was first brought in, I supported it, believing it would give relief for a period from the cohort that were traumatising their communities and time for the needed changes as identified by the former Youth Justice Select Committee to be addressed.

In the independent review mentioned earlier, reoffending rates were still 63 per cent with monitoring, and the department acknowledged devices were associated with, not necessarily the cause of, improved outcomes. Two-thirds of submitters cautioned against this bill, with changes that could see these monitors applied without consent to 10-year-old first-time offenders. These are not repeat offenders; these are first-timers. For young Queenslanders experiencing homelessness, DFV, limited access to power to charge devices or inconsistent internet supply—and it was really good to hear the previous speakers saying that there are safeguards around this—the risk of inadvertently breaching bail conditions, as well triggering repeated checks from the already overwhelmed resource of the QPS, youth co-responder teams and support workers, is very real. This is why the wraparound supports are essential.

As seen previously, if we set children and youth up to fail they will, resulting in detention—I think, going back—at $1,400 per day and probably more now, as has been evidenced, which is not rehabilitative or effective, as the high re-incarceration rates show. The Youth Advocacy Centre, the Justice Reform Initiative, the Queensland Law Society and Save the Children submitted that electronic monitors contribute to disengagement from school, work, family and community, which is the opposite to what everyone is trying to achieve, impacting rehabilitation and mental health.

The Queensland Family and Child Commission submitted bail should be a bridge with opportunities to learn and belong. To say the solution is not to offend in the first place, as suggested by government, is technically accurate; however, it grossly denies the underlying root causes, whether this has been, as we have heard in various committees and inquiries, trauma from when they were very young, including rape, domestic violence or fetal alcohol syndrome.

The rationale used by government for monitoring includes higher levels of bail completion, reduced rates of reoffending and reduced time in custody. This comes from a highly criticised trial under the former government which had limited participants aged 15 years-plus who were mostly down here in the SEQ corner and charged with prescribed indictable offences.

Another problem of the trial, as noted by the Office of the Information Commissioner, was the ongoing difficulties with data sharing between government agencies—an issue I have raised over the years in multiple realms. The trial was also considered too narrow in scope to capture an untested cohort, including First Nations children, who may be restricted to unsafe home and social settings, as statistics have shown in previous inquiries. The sad facts around this are known. However, due to the politicking that has gone on over the last years, I can only ask again that facts be used as a basis for decision-making, not slogans.

Regarding age limits, Victoria recently raised, rather than reduced, the age of criminal responsibility from 10 to 12 years, based on the ongoing evidence that children, even those without comorbidities, lacked the developmental maturity to comprehend and competently engage in the criminal justice system.

Stakeholders and submitters, even those diametrically opposed in their support or rejection of the bill, showed consistency on one key factor—and we have heard about this a lot—that is, the need for customised, appropriately resourced, long-term local wraparound supports at all stages of the cycle from early intervention to rehabilitation. Even though the government has introduced measures that align with recommendations of the former select committee—a 12-month transition from detention and funding for alternative schooling programs, including MOB—where are these long-term wraparound supports? As well, there is mandatory rehabilitation and a lowering of the threshold for declaring young people as serious repeat offenders.

Creating greater safety for Queensland through less crime and fewer victims is a shared goal. However, the reality is that if we do not rehabilitate young Queenslanders and address the contributing factors they will transition to adult criminals and, as evidence has shown, grow more violent, creating much more harm. Decision-making, including around legislative changes, must be based on robust evidence. In this case, I, like so many others, am eager to grab at anything that may end offending, even without the evidence. I ask that this be closely monitored and reviewed every 12 months, and the data should not be skewed to suit political narratives and should be publicly released so we can evaluate the impact.

What has taken decades cannot be undone through legislation, bandaids, polished speeches or monitoring bracelets. It will take decades of substantial reform and investment in multiple realms, bipartisan agreements—yes, we need both sides of the House to agree—and commitments beyond an election cycle to create what Queenslanders seek: safety for all.