QUEENSLAND PARLIAMENT
COMMITTEES

Youth Justice (Electronic Monitoring) Amendment Bill 2025

Education, Arts and Communities Committee

Report No. 13

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Education, Arts and Communities Committee

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Table of Contents

Chair's Foreword

This report presents a summary of the Education, Arts and Communities Committee's examination of the Youth Justice (Electronic Monitoring) Amendment Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

This bill is the first step in the Queensland LNP Government's strong bail monitoring laws. The Government is committed to ensuring fewer Queenslanders are victims of crime, and our communities are safer. This priority is guided by the voice of Queenslanders. We are committed to delivering a youth justice system that meets the expectations of the community, and ensures offenders are held accountable. The Making Queensland Safer Plan underpins this legislation and provides for investments in wrap around services at all stages of the offending cycle and early intervention supports.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and attended one of the committee's public hearings. I also thank our Parliamentary Service staff, and the assistance of the Department of Youth Justice and Victim Support, Queensland Police Service and Queensland Corrective Services.

I commend this report to the House.

Nigel Hutton MP

Chair

Executive Summary

On 10 December 2025, the Hon Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services, introduced the Youth Justice (Electronic Monitoring) Amendment Bill 2025 (the Bill) into the Queensland Parliament. The Bill was referred to the Education, Arts and Communities Committee for detailed consideration.

The Bill proposes amendments to the *Youth Justice Act 1992* and the Youth Justice Regulation 2016 to expand the use of electronic monitoring as a condition of bail for youth offenders.

Key objectives of the Bill are to:

- make electronic monitoring permanent by removing an expiry provision
- make electronic monitoring statewide (unless the court is advised the child does not live in a location with services to support the condition)
- remove the current eligibility criteria that the child must be at least 15 years of age, charged with a prescribed indictable offence and previously charged with certain offences
- simplify the matters a court must consider when determining if an electronic monitoring condition is appropriate.

Stakeholders were invited to make written submissions, and the committee received 30 written submissions. The committee held public hearings in Brisbane, Townsville, and Cairns.

Common themes raised throughout the inquiry were:

- prioritising the rights of victims and putting community safety first
- the use of electronic monitoring as a public safety tool
- the evidence supporting the trial and making electronic monitoring permanent
- the evidence of the limited number of young people subject to electronic monitoring during the initial years of the trial and operational issues with the initial implementation of the trial
- the importance of electronic monitoring being accompanied by genuine wrap-around supports including programs highlighted by the 2025-2026 budget
- proposed changes to what the chief executive must consider in assessing the child's suitability for a monitoring device.

The committee made one recommendation, that the Bill be passed.

Recommendation

The committee recommends that the Bill be passed.

Glossary

DYJVS / department	Department of Youth Justice and Victim Support
EM	electronic monitoring
EMD	electronic monitoring device
Evaluation Report	*Evaluation of the Electronic Monitoring Trial: Final Report*
FLP	Fundamental Legislative Principle
HRA	*Human Rights Act 2019*
LAQ	Legal Aid Queensland
LSA	*Legislative Standards Act 1992*
QCS	Queensland Corrective Services
QPS	Queensland Police Service
YCRT	Youth co-responder teams
YJ Act	*Youth Justice Act 1992*

1. Overview of the Bill

The Youth Justice (Electronic Monitoring) Amendment Bill 2025 (the Bill) was introduced by the Honourable Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services, and was referred to the Education, Arts and Communities Committee (the committee) by the Legislative Assembly on 10 December 2025. If passed, the Bill would commence on 30 April 2026.

1.1. Aims of the Bill

The objectives of the Bill are to:

- to deliver tough new youth bail monitoring laws to restore community safety
- make electronic monitoring permanent by removing the expiry provision
- make electronic monitoring statewide unless the court is advised the child does not live in a location with services to support the condition
- remove the current eligibility criteria that the child must be at least 15 years of age, charged with a prescribed indictable offence and previously charged with certain offences
- simplify the matters a court must consider when determining if an electronic monitoring condition is appropriate.[1]

1.2. Background

In 2021, electronic monitoring, as a condition of bail for youths, was introduced as a trial in Queensland. The trial designed to target serious repeat offenders.

The device used in the Queensland trial was the Buddi Limited smart tag, described as 'a compact, waterproof, and tamper-resistant device that is designed for straightforward installation and removal'.[2] EMDs determine an individual's location through radio frequency, global positioning system, Wi-Fi, and global system for mobile communication technologies. Alerts are generated in response to specific bail conditions imposed by a court. A breach triggers an alert to be reviewed and responded to by authorities.[3]

Over the past four years, the electronic monitoring provisions in the Youth Justice Act and the Youth Justice Regulation 2016 (the Youth Justice Regulation) have been variously amended to extend the duration of the trial, open up the eligible cohort, make changes to the eligibility criteria and add more trial locations.

Most recently, in February 2025, the Crisafulli Government extended the trial to 30 April 2026. This was to allow for a robust analysis of the trial to inform decisions by the Queensland Government about the use of electronic monitoring in the longer term.

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1 Explanatory notes, p 2.
2 Nous Group, *Evaluation of the Electronic Monitoring Trial: Final Report* (Evaluation Report), p 11, <www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825T1985/5825t1985.pdf>, 9 October 2025.
3 Evaluation Report, p 11.

Nous Group has since conducted an independent evaluation of electronic monitoring of youths on bail. The *Evaluation of the Electronic Monitoring Trial: Final Report* (the Evaluation Report), prepared by Nous Group, was tabled in the Legislative Assembly on 10 December 2025.

Key findings in the evaluation report were:

- electronic monitoring conditions were associated with high bail completion (not having bail revoked), reduced reoffending, lower victimisation (less offences involving victims whilst on bail) and reduced time in custody
- uptake has been limited overall, has increased over time and has been concentrated in South East Queensland
- electronic monitoring conditions were almost always accompanied by curfew orders
- engagement with youth co-response teams and bail services was associated with increased bail compliance and reduced offending
- initial operational challenges with electronic monitoring (as a result of changes made by the previous Government)[4]
- the Youth Justice (Electronic Monitoring) Amendment Bill 2025 (the Bill) amends the electronic monitoring provisions based on these findings.[5]

The explanatory notes state the findings of the Evaluation Report 'demonstrate the effectiveness of electronic monitoring as a condition of youth bail'. Therefore, the Bill proposes to make electronic monitoring as a condition of youth bail permanent and statewide. The Bill also proposes to remove the age limit, and the current eligibility requirements that the child must be charged with certain offences.[6]

1.2.1. Evaluation of the Electronic Monitoring Trial: Final Report

The Evaluation Report described the outcomes of the trial as 'generally positive'. Findings included:

- **High bail completion:** 114 EMD orders had been completed as of 30 June 2025, with 25 episodes ordered but not yet completed. Of the 114 with completed EMD orders, 72% (82) resulted in successful completion of bail conditions. The remaining 28% (32) of episodes were unsuccessful, all due to having bail revoked.[7]
- **Reduced reoffending:** (severity and frequency) – relative to a comparison group, EMD episodes had a 24% reduction in the likelihood of reoffending, a lower proportion of episodes with serious offences during bail (14% vs 26%), and fewer offences during bail (4.4. offences vs 7.4 offences)

4 Statement of Compatibility, p 2.
5 Statement of Compatibility, p 1.
6 Explanatory notes, p 1.
7 Evaluation Report, p 25.

- **Lower victimisation:** a lower proportion of EMD episodes was associated with offences involving victims during bail compared to the comparison group
- **Less time in custody:** 46% of EMD episodes spent time in custody during bail, compared to 96% in the three months before the episode.[8]

Stakeholders generally agreed that wrap-around supports are critical to the efficacy of EMDs: 58% of survey respondents (15) agreed EMDs would not be as effective without wrap-around services, such as youth co-responder teams (YCRT) and bail services.[9] YCRTs are a joint initiative of the Department of Youth Justice and Victim Support (DYJVS, the department) and the Queensland Police Service (QPS). Staff from YCRTs and QPS work to reduce and prevent crime by providing services to youths aged 10–18 who are in, or risk entering, the youth justice system.[10]

Families found these services to be 'reliable and valuable'. Magistrates 'viewed YCRTs as a constructive service for conducting EMD checks, noting that their qualified staff can use interactions with young people to encourage positive behaviour change.[11] The Evaluation Report noted that 'young people were more successful in reducing reoffending and completing orders when engaged with wrap-around supports'.[12]

While acknowledging the outcomes of the trial were generally positive, the Evaluation Report identified limitations to the trial, as implemented under the previous Government, including:

- **Trial context:** all findings should be interpreted within the context of a trial with intentionally narrow eligibility, suitability, and judicial thresholds. Results may not be generalisable to broader populations
- **Potential selection bias in consultation with young people and families:** the sample may be biased to those who were more engaged with these services
- **Limited representation of participant sub-groups such as those outside of South East Queensland (SEQ):** consultation was concentrated in SEQ
- **Combined view of EMDs and wrap-around supports:** The evaluation did not isolate the impact of EMDs from the impact of wrap-around supports. The EM trial was designed to embed wrap-around services into the delivery model
- **Differences between EMD and comparison groups:** due to potential biases, 'all comparisons should be interpreted with appropriate caution'.[13]

A snapshot of selected statistics from the trial may be found at **Appendix F.**

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8 Evaluation Report, p 6.
9 Evaluation Report, p 31.
10 Queensland Government, Department of Youth Justice and Victim Support (DYJVS), *Youth co-responder teams evaluation*, <www.youthjustice.qld.gov.au/our-department/research-evaluations/evaluations/ycrts>.
11 Evaluation Report, p 31.
12 Evaluation Report, p 9.
13 Evaluation Report, p 18.

1.2.2. Stakeholder views and department responses

Stakeholders provided feedback on the trial report and the department responded to commentary on the trial by stating that 'Youth Justice reforms have been implemented as part of the Making Queensland Safer Plan which is intended to address every stage of the cycle of offending.'[14]

1.3. Inquiry process

During its inquiry into the Bill, the committee received and considered a variety of evidence. This included:

- 30 written submissions from stakeholders
- a public briefing in Brisbane on 14 January 2026
- public hearings in Brisbane on 14 January 2026, Townsville on 20 January 2026 and Cairns on 21 January 2026.

1.4. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (the LSA),[15] and the *Human Rights Act 2019* (the HRA).[16]

1.4.1. *Legislative Standards Act 1992*

Assessment of the Bill's compliance with the LSA identified issues listed below which are analysed in Chapter 2 of this Report:

- whether the Bill has sufficient regard to the rights and liberties of individuals, specifically:
    - that any retrospectivity of legislation that might adversely affect rights and liberties, or impose obligations, is justified
    - To have sufficient regard to the rights and liberties of individuals, legislation should allow the delegation of administrative power only in appropriate cases and to appropriate persons
- whether the Bill has sufficient regard to the institution of Parliament, specifically:
    - that the Bill allows for the delegation of legislative power only in appropriate cases and to appropriate persons.

1.4.2. *Human Rights Act 2019*

Assessment of the Bill's compatibility with the HRA identified issues with the following rights, which are analysed further in Chapter 2.

[14] DYJVS, correspondence, 20 January 2026, p 3.
[15] *Legislative Standards Act 1992* (LSA).
[16] *Human Rights Act 2019* (HRA).

Privacy rights and right to freedom of association

The proposed amendments in the Bill infringe the right to personal privacy[17] by providing for the possibility of a child's grant of bail being subject to a monitoring device condition. This limits the child's personal privacy because a monitoring device is worn on the person, and such a device can be used for surveillance purposes.

A child required to wear a tracking device would have their location monitored and be subject to contact by QCS staff in relation to certain alerts or notifications.[18] Further, the information disclosed by QCS to the chief executive of the department and the commissioner of police could contain personal information of the child.

A child wearing a monitoring device may feel there is a stigma associated with such a device, or others may treat the child in such a way that limits their usual activities, including within their family and/or community, thus potentially limiting the child's right to freedom of association.[19] It may also lead to attacks on the child's reputation by others who see, or are made aware of the presence of the monitoring device, limiting the child's (and potentially the child's family, friends or community members') right to privacy and reputation.[20]

Rights in criminal proceedings

The Bill may limit a child's rights in criminal proceedings.[21] A person is entitled to the presumption of innocence as a charged, but unconvicted, person. Imposition of an electronic monitoring device potentially limits this right as it could be considered a form of punishment.

Rights to freedom of movement and association

The Bill limits the right to freedom of movement[22] because a monitoring device is worn on the person for surveillance purposes. Other bail conditions associated with the wearing of an electronic device may also restrict the child's rights to freedom of movement and association. For example, a court may consider it necessary to include a condition that requires the child to attend at a particular place to be fitted with the monitoring device, or a condition that requires the child to permit a police officer to enter a stated premises to

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17 The right to privacy protects individuals against unlawful or arbitrary interferences with their privacy, family, home or correspondence. It also includes the right not to have the person's reputation unlawfully attacked. The notion of an arbitrary interference extends to interferences which may be lawful but are unreasonable, unnecessary or disproportionate, or random or capricious. See HRA, s 25.

18 See YJ Act, s 52AA(7).

19 See HRA, s 22(2); Nicky Jones and Peter Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, pp 218-299.

20 See HRA, s 25.

21 A person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. A child charged with a criminal offence has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation. See HRA, s 32(1), (3).

22 Every person lawfully within Queensland has the right to move freely within Queensland and to enter and leave it and has the freedom to choose where to live. See HRA, s 19.

install equipment necessary for the operation of the monitoring device.[23] Conditions could also impose a curfew or geographical restrictions, such as a prohibition on attending or leaving particular places,[24] which could limit the child's ability to associate with others.

The requirement to wear the monitoring device would likely assist in ensuring the child complies with these other conditions, but would limit the child's rights.[25]

Right to education

The Bill may limit the right to education[26] because wearing an electronic monitoring device may result in children refusing to attend school for fear of bullying and stigmatisation.[27]

Child's right to be protected

The Bill limits the right of children to protection in their best interests.[28] The statement of compatibility acknowledges this right may be limited because 'electronic monitoring is an onerous bail condition that may be ordered because of a prioritisation of community safety over the individual best interests of the child.'[29]

Purpose and justification of the limitations

According to the statement of compatibility, the purpose of the amendments is to 'lower rates of offending of children while on bail and keep the Queensland community safe'.[30]

The statement of compatibility contends there is a rational connection between the limitations on human rights and achieving the purpose. This is on the basis that the Evaluation Report shows that 'electronic monitoring conditions were associated with high bail completion (not having bail revoked), reduced reoffending, lower victimisation (less offences involving victims whilst on bail) and reduced time in custody.'[31]

The purpose of the limitations, to lower children's offending rates while on bail and keep the Queensland community safe, is worthy.

In justifying the amendments, the statement of compatibility notes the findings of the Evaluation Report that electronic monitoring is effective in achieving the purpose, and the safeguards in the Bill.

The safeguards identified by the statement of compatibility are:

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23 YJ Act, s 52AA(2).
24 Statement of compatibility, p 3.
25 Statement of compatibility, p 3.
26 Every child has the right to have access to primary and secondary education appropriate to the child's needs. Every person has the right to have access, based on the person's abilities, to further vocational education and training that is equally accessible to all. See HRA, s 36.
27 Statement of compatibility, pp 5-6.
28 See HRA, s 26(2); Nicky Jones and Peter Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, pp 265-278.
29 Statement of compatibility, p 5.
30 Statement of compatibility, p 6.
31 Statement of compatibility, p 6.

- retention of the requirement that a court must determine that an electronic monitoring device condition is appropriate in the circumstances, which may include consideration of relevant provisions of the HRA
- prior to imposing a condition, the court must order the chief executive to give it a report containing the chief executive's assessment of the child's suitability for such a condition.[32]

In addition, relevant support services must be available.[33]

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

Committee comment

It is the committee's view that these impacts on human rights are justified on 3 grounds, as shown in the *Evaluation of the electronic monitoring trial: final report.* The Evaluation Report shows that electronic monitoring:

1) protects communities and prevents further victimisation. There was a 24 per cent reduction in offending likelihood, and 26 per cent fewer offences involving victims
2) increases bail compliance. Young people were less likely to reoffend
3) kept young people out of detention. Youth spent 28 fewer days in custody during EMD orders than during the 3 months previous.

1.5. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends that the Bill be passed.

[32] Statement of compatibility, p 7. See also statement of compatibility, pp 6-7; Bill, cl 4 (YJ Act, replaces s 52AA(1)).

[33] Bill, cl 4(1) (YJ Act, new s 52AA(1A)).

2. Examination of the Bill

This section discusses key themes that were raised during the committee's examination of the Bill.

2.1. Making electronic monitoring permanent and statewide

The Bill proposes to make electronic monitoring (EM) as a condition of bail a permanent and statewide option for the courts, except where the youth justice chief executive (chief executive) advises that suitable and necessary services to facilitate EM are not available.[34]

Currently, the YJ Act provides that the trial will expire 5 years after commencement (i.e. 30 April 2026). The Bill proposes to omit this expiry, thereby making EM permanent.[35]

The DYJVS advised that 'the report findings have indicated to us it [EM] is effective as a condition of youth bail in Queensland'. Permanent EM—in conjunction with the other provisions in the Bill—is intended to 'enhance community safety in Queensland'.[36]

The Bill would also make EM available statewide. Currently, specific geographic locations for the trial are prescribed in the Youth Justice Regulation 2016. The Bill proposes to amend this regulation by omitting:

- Part 2A Geographical areas for monitoring device condition; and
- Schedule 1AA Geographical area for child to live in.[37]

The statewide implementation of EM would be to the availability of appropriate support services.[38] The Bill proposes that a court may only impose an EMD condition if the chief executive advises the court that the following services are available in the area in which the child lives:

- services necessary to support the effective operation of a monitoring device
- services suitable to support the child's compliance with the condition
- services suitable to support the monitoring of the child.[39]

To ensure EM is only imposed where feasible, the department advised that the Bill imposes a positive obligation on the chief executive to notify the court if required services are available in the location where the child lives.[40] The department clarified that 'in practice, the department's representatives in court will advise the court if the required services are available'.[41]

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34 Explanatory notes, p 1.
35 Bill, cl 4(4).
36 DYJVS, public briefing transcript, Brisbane, 14 January 2026, p 2.
37 Bill, cls 7-9.
38 DYJVS, public briefing transcript, Brisbane, 14 January 2026, p 3.
39 Bill, cl 4, new section 52AA(1A).
40 DYJVS, correspondence, 6 January 2026, p 5.
41 DYJVS, public briefing transcript, Brisbane, 14 January 2026, p 2.

The department advised the committee:

> *The bill ensures the courts are able to make the most suitable and appropriate bail conditions for any youth in the system and it will also allow electronic monitoring to work in conjunction with other bail conditions such as curfews[.]*[42]

2.1.1. Fundamental legislative principle - retrospectivity

To have sufficient regard to the rights and liberties of individuals, a Bill should not adversely affect rights and liberties, or impose obligations, retrospectively. If there is such retrospectivity, it must be justified.

There is a general presumption that legislation will operate prospectively, but the Bill would retrospectively apply its amendments to the monitoring device condition provision in the YJ Act. That is, the Bill's amendments would apply in relation to a child in connection with a charge of an offence whether the offence was allegedly committed, or the child was charged, or any step in the proceeding was taken, before or after the commencement of the provisions in the Bill.

This retrospectivity is significant from the perspective of fundamental legislative principles because a monitoring device condition could be regarded as a penalty. It is generally considered objectionable to impose a penalty that is greater than the penalty applied to the offence at the time it was committed because it does not give individuals the opportunity to avoid conduct that could result in the penalty.

The explanatory notes contend that the impact of retrospectivity will be minimal on the grounds that:

> *… bail is an interlocutory proceeding and it is beneficial for the court to have considerations of all conditions that may be imposed that could mitigate an unacceptable the [sic] risk the youth may pose to the community.*[43]

The explanatory notes further state that any impact on rights and liberties from the retrospectivity is justified, given that electronic monitoring is 'aimed at promoting compliance with bail conditions, community safety as well as the safety of the youth'. [44]

Committee comment

The committee is satisfied the potential adverse effect on rights and liberties of children due to retrospectivity is justified.

[42] DYJVS, public briefing transcript, Brisbane, 14 January 2026, pp 2-3.
[43] Explanatory notes, p 3.
[44] Explanatory notes, p 3.

2.1.2. Fundamental legislative principle - decision about availability of services – administrative power

To have sufficient regard to the rights and liberties of individuals, legislation should allow the delegation of administrative power only in appropriate cases and to appropriate persons.[45]

The Bill delegates administrative power to the youth justice chief executive (chief executive) to decide whether relevant services are available in the area in which the child lives.[46]

The chief executive's decision about the availability of these services is important because a court may only impose an EMD condition on a grant of bail if the chief executive advises the court that all those services are available in the area in which the child lives.

Under the YJ Act, the chief executive may delegate power to an appropriately qualified public service employee.[47] Given that the public service employee is required to be appropriately qualified, which means having qualifications, experience or standing appropriate to exercise the power, it can be considered that such a person would also be an appropriate person.[48]

Noting that the chief executive is the head of the department that would have access to the required information about the services, it would be an appropriate case to allow the delegation of administrative power.

As the chief executive is well-placed to provide information to the court about the availability of services relevant to electronic monitoring of children, the committee considers the delegation of administrative power is appropriate.

2.1.3. Stakeholder views and department advice

Stakeholders had mixed views about the Bill's proposal to expand EM to be statewide and permanent. Stakeholder views fell into several categories:

- submitters who explicitly supported Making electronic monitoring permanent and statewide.[49]
- submitters who explicitly opposed Making electronic monitoring permanent and statewide.[50]

[45] See for example, Queensland Government, Department of Premier and Cabinet, *Legislation handbook*, '6.5 General presumption that legislation will be prospective', <www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/legislation-handbook/subord-legislation/presump-of-prospect.aspx>.
[46] Bill, cl 4(1) (YJ Act, inserts s 52AA(1A)).
[47] See YJ Act, s 312. See also *Acts Interpretation Act 1954*, sch 1, 'appropriately qualified'.
[48] See *Acts Interpretation Act 1954*, sch 1, 'appropriately qualified'.
[49] See submissions 3, 4, 6, 7, 19, 21.
[50] See submissions 1, 5, 8, 9, 11, 12, 14, 15, 20, 22, 24, 26.

- submitters who raised concerns or risks with making electronic monitoring permanent and statewide and/or provided recommendations or proposed amendments to mitigate anticipated risks if the Bill is passed.[51]

Voice for Victims Foundation supported statewide and permanent implementation, saying:

> *If, as the report suggests, expanding the electronic monitoring to make it permanent has proven to be an effective deterrent, it is a tool that, when supported with appropriate information and sentencing, should be available to the courts for magistrates and judges to consider as an ongoing sentencing option.*[52]

Voice for Victims Foundation also expressed support for 'making electronic monitoring a permanent condition of youth bail'.[53] Another submitter wrote that a permanent framework would:

- provide certainty and consistency for courts
- allow for long-term service planning and resourcing
- avoid the inefficiency and instability of repeated trial extensions
- reinforce judicial confidence in using electronic monitoring where appropriate.[54]

Commissioner Natalie Lewis of the Queensland Family and Child Commission (QFCC) did not support the Bill, advising the committee:

> *I do not support electronic monitoring for children, not as a routine bail condition, not as a permanent measure, not as part of a statewide expansion.*[55]

PeakCare said it 'does not support the proposal to make the use of electronic monitoring devices permanent or to substantially broaden their application within the youth justice system'.[56] Sisters Inside Inc. submitted that 'The proposed Bill entrenches this model permanently, signalling that the State now considers the surveillance of children an ordinary and acceptable feature of so-called youth justice'.[57]

The Office of the Public Guardian (OPG) noted that the Bill's statement of compatibility considered alternatives to electronic monitoring but found this alone would not reduce offending.[58]

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) submitted that it is critical the legislative framework includes clear safeguards, mechanisms for review, and decision-making standards to 'preserve proportionality, protect against net-widening, and ensure children are not set up to fail due to

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51 See submissions 13, 16, 17, 23, 25, 27.
52 Voice for Victims, public hearing transcript, 14 January 2026,
53 Submission 21, p 1.
54 Submission 3, p 1.
55 Commissioner Natalie Lewis, Queensland Family and Child Commission (QFCC), public hearing transcript, 14 January 2026, p 11.
56 Submission 11, p 4.
57 Submission 1, pp 112.
58 Submission 13, p 2.

developmental capacity, infrastructure limitations or lack of supports'. QATSICPP wrote that 'careful attention must be given to the disproportionate and differential impacts of youth justice interventions on Aboriginal and Torres Strait Islander children'.[59]

Commissioner Luke Twyford of the QFCC emphasised that electronic monitoring, if used punitively to drive behaviour change, is likely to result in increased breaches of bail and more children entering remand. 'The evidence from the trial', he said, 'shows that electronic monitoring can only be effective where it is targeted, time-limited and accompanied by intensive wrap-around supports'.[60]

The importance of wrap-around supports, and their inseparability from EM, emerged as a recurrent theme in submissions.[61] Submitters noted the terms of the Evaluation Report state:

> *The evaluation was not designed to isolate the impact of EMDs from the impact of wrap-around supports. This aligns with the design of the EM trial, which embeds wrap-around services into the delivery model.*[62]

Justice Reform Initiative submitted that the Evaluation Report highlighted that the design of the EM trial included wrap-around supports as part of the design model and that this 'means that it is not possible to determine whether the purported benefits of EM can be attributable to EM or to the support and wrap-around services'.[63] PeakCare said any benefits of EM are 'contingent on the presence of intensive wrap-around supports'.[64] Sisters Inside Inc submitted that 'positive outcomes were closely linked to the presence of wrap-around supports and bail services, not surveillance alone'.[65] Voice for Victims Foundation wrote that 'electronic monitoring should not operate in isolation' and works best when paired with supports.[66] The Queensland Bar Association said 'correlation is not causation. Their [youths] compliance with the wraparound services may give them insight, may create that necessary step in their maturity and back towards being a member of the community', and that:

> *It seems that some importance may be given to electronic monitoring, but it is very difficult to disentangle that from the other services which a child is engaging in. It seems fundamental that in the absence of the wraparound services the effectiveness of the electronic monitoring would be significantly reduced, so they are an adjunct of the other.*[67]

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59 Submission 25, p 11.
60 Commissioner Luke Twyford, QFCC, public hearing transcript, 14 January 2026, p 11.
61 See submissions 1, 5, 8, 11, 12, 13, 17, 18, 20, 22, 24, 25, 26, 27.
62 Evaluation Report, p 31; see submissions 8, 12, 17, 20, 22, 24, 25, 26, 27; see also, QFCC, QCOSS, Voice for Victims, Queensland Bar Association, PeakCare, Queensland Law Society, public hearing transcript, 14 January 2026.
63 Submission 5, p 3.
64 Submission 11.
65 Submission 1, p 3.
66 Submission 21, p 3.
67 Queensland Bar Association, public hearing transcript, 14 January 2026, p 24.

Responding to stakeholders who said there is not a sufficient evidence base for statewide and permanent rollout of EM, the department wrote:

> *Data from the independent evaluation report demonstrates that EM, in the Queensland Youth Justice context is associated with reduced offending, bail compliance and reduced time spent in custody.*[68]

The department said, in response to calls for ongoing independent evaluation of EM, that 'DYJVS will continue to monitor the operation of electronic monitoring as part of business as usual processes'.[69]

DYJVS noted the view that the success of EM is intrinsically linked to wrap-around supports, and that the efficacy of EM cannot be adequately determined due to this integration. In response, it wrote:

> *Clause 4 inserts a provision providing that a court may only impose a monitoring device condition if advised that services suitable to support the child's compliance with the condition are available where the child lives.*[70]

The department, with regard to the potential stigmatising effects of EMDs, noted:

> *There is investment to establish and expand specialised schools that provide targeted support for at-risk youth through tailored learning environments, integrated wrap around services, and early access to intervention programs designed to enhance educational outcomes and reduce reoffending.*[71]

Committee comment

The committee acknowledges the synergy of stakeholder feedback that stressed the importance of wrap-around supports as part of the youth justice response, and the government's investment in supports in all stages of the offending cycle through the Making Queensland Safer Plan.

2.2. Removal of eligibility criteria

The Bill proposes to remove current eligibility criteria for EM. Under s 52AA(1) of the YJ Act, a court may only impose EM as a condition of bail for a child if:

- the child is at least 15 years old (s 52AA(1)(a))
- the offence in relation to which bail is being granted is a prescribed indictable offence (as prescribed by regulation) (s 52AA(1)(b))
- the child has a prescribed criminal history or recent criminal charge that satisfies defined court requirement. (s 52AA(1)(c))
- the court and child are in a geographic location prescribed by regulation (s 52AA(1)(d-e), as discussed in section 2.1)

68 DYJVS, correspondence, 20 January 2026, attachment, p 20.
69 DYJVS, correspondence, 20 January 2026, attachment, p 20.
70 DYJVS, correspondence, 20 January 2026, attachment, p 20.
71 DYJVS, correspondence, 20 January 2026, attachment, p 20.

- the court is satisfied the condition is appropriate (s 52AA(1)(f)), see section 2.3 for further discussion regarding this provision).[72]

Clause 4 proposes to replace s 52AA(1) to broaden a court's discretion when imposing EM conditions. Proposed new s 52AA(1) would provide that:

> (1) A court may, under section 52A(2), impose on a grant of bail to a child a condition that the child must wear a monitoring device while released on bail (a ***monitoring device condition***) if the court is satisfied, in addition to being satisfied of the matters mentioned in that section, that imposing the monitoring device condition is appropriate having regard to—
>
> (a) the suitability assessment report given to the court under subsection (4); and
>
> (b) any other matter the court considers relevant.

If passed, the Bill would provide that a court is no longer restricted by the age of the child, the type of offence, nor the child's criminal history. In Queensland, a court may consider a child to be criminally responsible from the age of 10; therefore, eligibility for EM could, in some circumstances, be considered for children of this age onward.[73]

Notably, the general bail requirements as defined in s52A(2) would remain, including that a court may only impose a condition on bail if:

- there is a risk that a child will commit an offence that endangers safety, will not surrender into custody, or will interfere with a witness/otherwise obstruct the court
- the condition is necessary to mitigate the risk
- the condition does not involve undue management or supervision of the child with regard to the child's age, maturity cognitive ability and developmental needs, health, disability, home environment, or ability to comply with the condition.

DYJVS advised that removing the eligibility requirements imposed by the trial provides the court with broad discretion to consider the appropriateness of EM on an individual case.[74]

New s 52AA would also require a suitability assessment be considered by the court. This will be discussed in section 2.3.

2.2.1. Stakeholder views and department advice

Stakeholder views were mixed regarding the removal of eligibility criteria. While some supported the removal of rigid thresholds, others rejected the proposed changes, and/or raised concern that the proposed amendments—particularly the inclusion of 10–14 year-olds—would bring risks. Some themes that emerged were that the proposed changes are

[72] Bill, s 52AA(1); DYJVS, correspondence, 6 January 2026, p 5.
[73] See s 29(1), Criminal Code Act 1899.
[74] DYJVS, correspondence, 6 January 2026, p 2.

not evidence based, would include a particularly vulnerable cohort, and that children may be required to meet conditions they are not able to comply with, leading to breaches.[75]

A submitter noted the removal of eligibility criteria 'does not lower safeguards; instead, it returns the focus to individual assessment, supported by judicial reasoning'.[76] Voice for Victims Foundation said:

> *Rigid eligibility thresholds can unintentionally exclude high-risk children whose offending behaviour or circumstances warrant closer supervision. Removing these criteria allows courts to focus on risk, behaviour, and community safety rather than arbitrary thresholds. VFV emphasises that this reform does not mandate electronic monitoring, but rather restores judicial discretion, enabling courts to tailor bail conditions to the individual child and the seriousness of the risk posed.*[77]

Arguing against the proposed changes, Legal Aid Queensland (LAQ) wrote:

> *LAQ considers the current requirements set out in section 52AA (1)(f)(i) - (iii) are particularly necessary in light of the removal of the age requirement, where an EMD condition will potentially apply to children as young as 10 years old.*[78]

Some submitters raised concern about the logistical and technical challenges of making electronic monitoring permanent, including delays, technical issues with the devices, privacy risks, placement instability for children in care, and implementation challenges in rural or remote locations.[79] The Queensland Bar Association said:

> *it seems that the vast majority of stakeholders already have concerns about the resources that are in place or the lack thereof, with respect. When one considers expanding it beyond the very narrow scope that currently exists without significant consideration as to whether putting aside just the wraparound resources but just the mere resources to ensure compliance are in place, it seems like a recipe, with respect, for disaster.*[80]

In response, the department noted the views of stakeholders and those submissions that supported the removal of eligibility criteria.[81]

A number of stakeholders at the Townsville and Cairns public hearings expressed concern about mobile coverage and the consequential impact on the functionality of the program.[82]

In response to calls for EM not to be extended to children as young as 10, the department responded that 'The Bill removes the eligibility criteria that the youth must be 15 years old. This aligns EM with the legal framework that applies for all bail conditions'. The department further noted that, as per s52A(2), EM must be considered necessary to mitigate risk. It

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75 See submissions 5, 8, 12, 14, 15, 16, 18, 20, 24, 17, 25, 26, 27; Youth Advocacy Centre, PeakCare, QFCC, QCOSS, Queensland Bar Association, public hearing transcript, 14 January 2026.
76 Submission 3, p 2.
77 Submission 21, p 2.
78 Submission 18, p 3.
79 See submissions 8, 13, 15, 18, 22, 23.
80 Queensland Bar Association, public hearing transcript, 14 January 2026, p 26.
81 DYJVS, correspondence, 20 January 2026, attachment, p 6.
82 Public hearing transcript, Townsville, 20 January 2026; public hearing transcript, Cairns, 21 January 2026.

also noted that cl 4 inserts a provision that an EM condition may only be ordered where it has been advised,

- services necessary to support the effective operation of a monitoring device;
- services suitable to support the child's compliance with the condition; and
- services suitable to support the monitoring of the child.[83]

With regard to the operational challenges of implementation, DYJVS noted the following implementation activities:

- continuing to work closely with our government partners, Queensland Corrective Services (QCS) and Queensland Police Service (QPS) on an operational Steering Committee dedicated to youth justice electronic monitoring
- reviewing the current Memorandum that is in place between the three agencies
- reviewing our relevant operational policies and procedures
- reviewing templates for suitability assessments and information provided to courts
- planning joint training with QCS and QPS for staff
- working with Department of Justice (DoJ) to review information for DoJ court staff and the judiciary
- planning DYJVS and QPS joint information sessions for key stakeholders
- developing tools to assess if locations have required services.[84]

The committee also received written briefings from QCS and QPS that provided greater clarity around their roles, and the logistical challenges involved in EM.

QCS advised it has supported the EM of youth on bail by delivering the monitoring services throughout the trial. This includes 24/7 monitoring, asset management of devices, and coordination of the distribution of devices to QPS. When an alert occurs, the response is managed in accordance with an alert matrix approved by DYJVS and QPS is notified. QCS wrote that 'Planning activities for the proposed expansion of the youth electronic monitoring program are currently underway'.[85]

Of its role, QPS advised it is responsible for fitting children with EMDs, usually at a police watch-house. The Officer-in-Charge is responsible for managing the storage and charging of EMDs, and for maintaining a staff trained to fit the devices. The State Custody Unit recently commenced training new civilian officers to fit EMD's in watch-houses.[86]

The QPS advised that fitting involves assembly of 5 components: a smart tag, strap, tracker beacon, on-body charger, and charging dock. The process typically takes one to

[83] DYJVS, correspondence, 20 January 2026, attachment, p 14.
[84] DYJVS, correspondence, 20 January 2026, attachment, p 20.
[85] Queensland Corrective Services, correspondence, 21 January 2026, p 1.
[86] Queensland Police Service, correspondence, 22 January 2026, p 4.

2 hours, 'primarily due to the time required to establish satellite connection'. Fitters are required to walk in an open space with the young person to achieve a connection. This process can require multiple attempts. The fitting requires an EMD is 'connected to a serviceable mobile phone and network, which must be supplied by the child, their family or support person'. If a mobile phone cannot be initially sourced, DYJVS and YCRTs attempt to locate a device through family networks. Regarding the Youth Co-Responder Teams, QPS wrote, 'YCRTs are a collaborative initiative between the QPS and DYJVS, designed to connect and work responsibly with at-risk youth to prevent or reduce offending and increase community safety'. YCRTs operate across all 15 police districts. Since 2025 they have been a permanent function of the QPS, supported by $78 million investment over 4 years.[87]

Fittings generally occur through 3 pathways:

1. Following in-person court appearances when young people return to watch-houses
2. Via appointment after video-link court appearances at youth detention centres, with transport typically provided by Youth Justice; or
3. Through emergent community requests for replacement or adjustment, which are usually coordinated through third parties such as solicitors, parents, DYJVS, or YCRTs.[88]

When responding to alerts, QPS wrote:

> *A shared Alert Protocol supports the flow of information between QCS and the QPS where the alert requires a police response. There are a range of alert types, from high priority, which includes a device tamper or unauthorised removal and inclusion or exclusion zone, to low priority, which includes low battery or other technical device issues.*[89]

Following an alert QCS contacts, or attempts to contact, a child and/or their support person via mobile phone. If unable to resolve the issue, QCS raises an alert and notifies Policelink. A job is then detailed to the relevant police district.[90]

In areas with substantive YCRT capability, if QCS has been unable to reach a resolution, YCRTs respond to the majority of low priority alerts such as low battery. QPS wrote:

> *For high priority alerts or if the situation is assessed as higher risk, such as a device removal, frontline officers may be required to respond, similar to adult electronic monitoring programs. A YCRT may be tasked to respond in these instances where frontline police are unavailable.*[91]

QPS noted the Youth Bail Framework and Response pilot program, which operates in 5 police districts, designed to enhance QPS responses to young people on bail:

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87 Queensland Police Service, correspondence, 22 January 2026, pp 4–5.
88 Queensland Police Service, correspondence, 22 January 2026, p 4.
89 Queensland Police Service, correspondence, 22 January 2026, p 5.
90 Queensland Police Service, correspondence, 22 January 2026, p 5.
91 Queensland Police Service, correspondence, 22 January 2026, p 5.

> *It provides a consistent and evidence-based framework for monitoring and supporting young people on bail, enabling police districts to better prioritise resources and improve outcomes. YCRTs play a crucial role in QPS bail compliance enforcement by identifying and closely monitoring high-risk and high-harm young people on bail. Through this risk-based approach, the QPS can address underlying issues, support young people to comply with bail, prevent recidivism, and identify those who continue to be a risk to the community for timely intervention.*[92]

2.3. Changes to what a court must consider

As noted in the previous section, the Bill proposes to remove s 52AA(1). This includes subsection (1)(f), which requires a court be satisfied that—in addition to the general rules about conditions prescribed in s 52A(2)—imposing an EM condition is *appropriate* with regard to:

- whether the child has the capacity to understand the condition and any additional conditions which might be necessary to facilitate EM, that is, do they have capacity to understand conditions that would require them to
    - attend a place to be fitted with the EMD
    - maintain the equipment in good working order
    - permit police entry to a place to install or maintain equipment necessary for the operation and monitoring of the EMD
    - comply with a direction from a police officer that is reasonably necessary for the operation of the monitoring device
- whether the child is likely to comply with the condition and any conditions under subsection (2) having regard to the personal circumstances of the child. Such considerations include:
    - whether the child has stable accommodation
    - whether the child has the support of a parent or another person to assist with compliance with the conditions
    - whether the child has access to a mobile phone to facilitate contact with any monitoring device monitoring service
    - whether the child has access to an electricity supply
- whether a parent of the child, or another person, has indicated a willingness to provide appropriate support and supervision, including notifying of changed circumstances or breaches of conditions
- any other matter the court considers relevant.

Currently, s 52AA(3) of the YJ Act requires that a court, before imposing a monitoring device condition on a grant of bail, must order the chief executive to provide the court with

[92] Queensland Police Service, correspondence, 22 January 2026, p 5.

a suitability assessment report. This report must include the chief executive's assessment of the child's suitability for an EM condition having regard to the matters in subsection (1)(f). As the Bill proposes to remove this subsection, reference to it would no longer be operative.

Clause 4(2) of the Bill would amend s 52AA(3) so that the report is no longer required to have regard to the matters set out in s 52AA(1)(f).[93]

The explanatory notes state:

> *While the amendments remove existing limits, critical safeguards have been retained. The youth justice chief executive will still be required to give to the court a suitability assessment report, but the contents of the report will no longer be prescribed in section 52AA. The court must have regard to the suitability assessment report and any other matter it considers relevant to the decision. This flexibility means that the report can be tailored to each specific child.*[94]

The department advised that the changes would remove 'what is currently very prescriptive', and that 'the rationale for that is just simplification—it is simplifying the legislative criteria—and also flexibility. The suitability assessments can then address, on a case-by-case basis, whatever are the most appropriate factors in that particular child's case'.[95]

Clause 4(3) proposes to replace s 52AA(5) 'with a regulation-making power enabling matters the chief executive must consider in assessing the child's suitability for a monitoring device condition to be prescribed in regulation later'.[96] This would provide that the contents of the report are no longer prescribed in primary legislation; instead, they may be prescribed later in subordinate legislation.

2.3.1. Fundamental legislative principle - regulation-making power – delegation of legislative power

Fundamental legislative principles require that legislation has sufficient regard to the institution of Parliament.[97] Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill allows for the delegation of legislative power only in appropriate cases and to appropriate persons.[98]

The Bill permits a regulation to prescribe the matters the chief executive must consider in assessing the child's suitability for a monitoring device condition.[99]

This delegation of legislative power is important because, as Minister Gerber said in her introductory speech, the Bill removes the range of requirements that the courts currently

93 Explanatory notes, p 6.
94 Explanatory notes, p 3.
95 Department of Youth Justice and Victim Support (DYJVS), public briefing transcript, Brisbane, 14 January 2026, p 8.
96 Explanatory notes, p 6.
97 LSA, s 4(2)(b).
98 LSA, s 4(4)(a).
99 Bill, cl 4

must consider when determining whether an electronic monitoring device is appropriate, and instead requires the courts to consider only the report prepared by the chief executive and any other matter deemed relevant.[100]

The explanatory notes assert that the Bill's proposed changes would mean that 'the report can be tailored to each specific child'.[101] This could be beneficial to the courts and the children involved.

2.3.2. Stakeholder views and department advice

As noted in section 2.2.1, stakeholder views were mixed on the removal of eligibility criteria.

Queensland Advocacy for Inclusion (QAI) submitted that existing provisions requiring suitability assessments to address matters set out in s 52AA(1)(f) should be retained — including consideration of a child's capacity to understand EMD conditions.[102]

Regarding the proposed regulation making power, the Queensland Bar Association acknowledged the potential benefits of a regulation making power, 'because of the ease of reformulating a regulatory obligation'. The organisation said that considerations 'should not be limited now when the knowledge base grows in the future. There is some utility for that being in a regulation rather than in an act because of the flexibility of amending a regulation'. The Queensland Bar Association noted, however, that the criteria being considered should be transparent, evidence-based, and qualitatively informed.[103]

Some submitters expressed concern about prescribing the mandatory contents of a suitability assessment report in subordinate legislation.[104] QCOSS noted it had received feedback that the 'considerations a court should consider should be enshrined in the legislation itself'. This would 'reiterate the seriousness of that bail condition in the legislation itself', ensure robust safeguards, and ensure a significant level of scrutiny if the things a court must consider were to change.[105]

The department did not respond directly to concerns about the regulation-making power. In response to submissions that commented on provisions in the Bill to remove eligibility criteria, the department advised:

> *Courts retain judicial discretion under these amendments. It is the role of a court to determine if and when an electronic monitoring order is appropriate on a case-by-case basis.*[106]

[100] Hon Laura Gerber, Minister for Youth Justice and Victim Support and Minister for Corrective Services, Queensland Parliament, Record of Proceedings, 10 December 2025, p 3,998. See also Bill, cl 4(1) (YJ Act, replaces s 52AA(1)).
[101] Explanatory notes, p 3.
[102] Submission 9, p 2.
[103] Queensland Bar Association, public hearing transcript, 14 January 2026, p 24.
[104] QLS, QCOSS, public hearing transcript, 14 January 2026.
[105] QCOSS, public hearing transcript, 14 January 2026, p 17.sub
[106] DYJVS, correspondence, 20 January 2026, attachment, p 15.

Appendix A – Submitters

Sub No.	*Name / Organisation*
1	Sisters Inside Inc.
2	Confidential
3	Graham Stokes
4	Sophya Spann
5	Justice Reform Initiative
6	Narelle Collins
7	Carol Moss
8	Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd
9	Queensland Advocacy for Inclusion
10	Confidential
11	PeakCare
12	National Network of Incarcerated & Formerly Incarcerated Women & Girls
13	Office of the Public Guardian
14	Shane Cuthbert
15	Youth Advocacy Centre
16	Luke Twyford, Principal Commissioner, Queensland Family and Child Commission
17	YFS Legal
18	Legal Aid Queensland
19	Declan's Voice
20	Save the Children and 54 reasons
21	Voice for Victims Foundation
22	Queensland Council of Social Service
23	Office of the Information Commissioner
24	Queensland Law Society
25	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
26	Natalie Lewis, Aboriginal and Torres Strait Islander Children's Commissioner, Queensland Child and Family Commission
27	Hub Community Legal
28	Reuben Richardson
29	Community Justice Action Group Inc.
30	Confidential

Appendix B – Public Briefing, 14 January 2026

Department of Youth Justice and Victim Support

Ms Kate Connors	Director-General
Ms Megan Giles	Acting Deputy Director-General
Ms Kate McMahon	Acting Senior Executive Director, Strategic Policy and Legislation
Ms Hannah Boyd	Acting Director, Legislation

Appendix C – Witnesses at Public Hearing, Brisbane, 14 January 2026

Organisations

Youth Advocacy Centre	
Ms Katherine Hayes	Chief Executive Officer
PeakCare	
Mr Tom Allsop	Chief Executive Officer
Queensland Family and Child Commission	
Mr Luke Twyford	Principal Commissioner
Ms Natalie Lewis	Aboriginal and Torres Strait Islander Children's Commissioner
Queensland Council of Social Service	
Ms Bronwen Kippen	Interim Executive Director of Research and Policy
Ms Lauren Bicknell	Senior Policy Officer (Youth Justice and Human Rights)
Voice for Victims	
Mrs Trudy Reading	Director and Chief Advocacy Officer
Mrs Natalie Merlehan	Director
Queensland Bar Association	
Mr Andrew Hoare KC	Chair, Criminal Law Committee
Mr Daniel Boddice	Member, Criminal Law Committee
Queensland Law Society	
Mr Peter Jolly	President
Mr Damian Bartholomew	Chair, Children's Law Committee
Ms Kristen Hodge	Co-Chair, First Nations Legal Policy Committee (via videoconference)
Ms Bridget Burton	Deputy Co-Chair, Human Rights and Public Law Committee

Appendix D – Witnesses at Public Hearing, Townsville, 20 January 2026

Individuals

Mr Reuben Richardson

Ms Lynette Cullen

Mr Darryl Griffiths

Mrs Linda Shave

Organisations

Townsville City Council

Councillor Nick Dametto	Mayor

Townsville Justice Group

Mr Karl McKenzie	Chair

Queensland Youth Services

Ms Pania Brown	Chief Executive Officer

Townsville Crime Committee

Ms Wendy Ambrose	Secretary

Appendix E – Witnesses at Public Hearing, Cairns, 21 January 2026

Individuals

Mr Graham Stokes

Mr Paul Drabble

Mr Shane Cuthbert

Ms Perri Conti

Ms Anna Raye

Ms Sharon Guest

Mr Steve Scott

Organisations

Community Justice Action Group, Inc.

Mr Aaron McLeod	President

Declan's Voice

Ms Samara Laverty	Owner/Director

Appendix F – Evaluation statistics infographic from *Evaluation of the Electronic Monitoring Trial: Final Report*

The Electronic Monitoring (EM) trial was introduced in 2021 as part of the then QLD Government's approach to reduce serious youth crime and keep QLD safe. It is available in 13 locations....

The EMD trial reached 116 youth in more than 4 years of operation

297 suitability assessments were ordered to consider an EMD.

139 EMD conditions were ordered.

116 young people received an EMD (some received more than 1).

So far, the EMD trial has reached around 13% of eligible youth (based on the estimated number of SROs vs young people with EMDs*).

84% EMD conditions were ordered in urban SEQ, and only 16% in regional SEQ.

EMDs are used selectively

Not all young people are able to participate under the defined eligibility and suitability criteria.

Only 55% (137) of episodes deemed suitable resulted in an EMD order.

85% of all assessments (248) were suitable.

Bail refused 60% of the time when an EMD was not ordered.

Considerations regarding community safety, attitudes of the youth and the capability of families informs decisions made by courts to order an EMD.

EMDs are typically used together with curfews

EMDs are regarded as a tool to enable location monitoring to track compliance with bail conditions.

99% of EMD conditions included a curfew.

53 days was the median length of EMD condition, although the longest was 449 days and the shortest was 5 days.

39% on a 24-hour curfew,
39% on a 12-hour curfew,
21% had an 'other' curfew,
only 1% (2) had no curfew.

EMDs increased bail compliance and reduced reoffending for youth

82 young people completed bail.

24% reduction in offending likelihood (EMD group vs comparison group).

26% less offences involving victims (EMD group vs comparison group).

Reduced time in detention – Youth spent 28 days less in custody during EMD orders, than the 3 months previous.

Young people were more successful in reducing reoffending and completing orders when engaged with wrap-around supports.

5,667 alerts recorded across the trial

Support from Youth Co-Responder Teams (YCRTs) and bail services was critical to helping young people comply with EMD conditions and reduce reoffending.

50 alerts for each young person per EMD condition generated on average

70% inclusion zone alerts,
16% low battery alerts,
8% no communication alerts
5% strap alerts.

Every alert required resolution by QCS via phone or escalation to YCRT and/or QPS in person

Police conducted an average of 14 street checks per EMD condition (in addition to alerts).

The operational demands of the EM trial must be carefully weighed

The operational demands of the EM trial must be carefully weighed against its intended benefits when assessing the efficiency, sustainability, and intrusiveness of the model. Key issues included:

too much paperwork and need to support activities outside rostered hours

restrictive data-sharing and unclear roles delayed responses and led to duplicated calls and visits

the rollout left delivery partners and legal sectors without consistent procedures or technical knowledge

frequent double-handling of alerts, and minimal staff resources to manage high alert volumes

* This indicative comparison is calculated based on the annual estimated number of all SROs at all EM trial sites (412), against the annual estimated number of young people with EMD conditions (54). While the eligibility criteria for the EM trial may include both SROs and non-SROs aged 15-17, meaning that this comparison is indicative only. Figure C1. Reducing serious youth crime (Report 15: 2023–24). Queensland Audit Office.

Nous Group | Evaluation of the Electronic Monitoring Trial: Final Report | 9 October 2025 | 9 |

Statement of Reservation

QUEENSLAND LABOR OPPOSITION

Statement of Reservation

Education, Arts and Communities Committee

Youth Justice (Electronic Monitoring) Amendment Bill 2025

58TH PARLIAMENT

Acknowledgment of Country

We acknowledge the Traditional Owners of the lands, seas, skies and waterways from across Queensland.

We pay our respect to the Elders, past, present and emerging, for they hold the memories, traditions, the culture and hopes of Aboriginal peoples and Torres Strait Islander peoples.

This artwork by The Hon Leeanne Enoch MP is called "The Power of Many" from her "Connections" series. It represents the paths we take to reach our goals and the many important and often powerful connections we make with each other along the way.

All Queenslanders deserve to be safe and feel safe, in their homes and in their communities.

Queenslanders rightfully hold expectations for safer communities, fewer victims and fewer people, in particular fewer young people, entering the criminal justice system.

Not one political party nor Member of Parliament has a monopoly on the notion that keeping Queenslanders safe is important. It is the responsibility and the strong belief of all elected officials that Queensland should be the safest place to live, work and play.

The Queensland Labor Opposition will always consider and support laws which are evidenced based, are properly resourced and robust, to support the reduction of victims and crime in Queensland communities.

It is a matter of public record that the former Queensland Labor Government introduced strong community safety laws, including laws to strengthen the youth justice system. This included a trial of electronic monitoring devices as a bail condition for recidivist youth offenders, accompanied by intensive support and supervision to facilitate their compliance and to avoid reoffending and further victimisation.

This Bill builds on the work undertaken by the former government, so for the current Minister for Youth Justice and Victim Support to label the legislation, which was supported by the Liberal National Party, as "botched" is not consistent with the facts.

Like with every legislative change, and particularly within the community safety space, a review of laws is appropriate to ensure they are effective. A review has occurred, as was the course that the former Queensland Labor Government was undertaking, which has highlighted both the important support programs needed, and the actions that are required by the current Crisafulli LNP Government, to ensure that any application of electronic monitoring devices works as a youth bail condition.

IMPORTANCE OF WRAP-AROUND SUPPORT SERVICES

It is clear from the Nous Group's *Evaluation of the Electronic Monitoring Trial: Final Report* (the evaluation report) that the implementation of electronic monitoring devices is not a panacea. It is just one tool, and it must be implemented with wrap-around support services to be effective. As the evaluation report stated:

> ***"Importantly, EMDs do not prevent offending on their own. They are tools for monitoring, and their impact is shaped by how they are implemented and supported."***

The evaluation report further went on to state that:

> ***"…wrap-around services were critical to the success of EMDs…",*** and that vulnerable cohorts ***"…may require additional support to succeed with EMDs."***

and:

> ***"The evaluation was not designed to isolate the impact of EMDs from the impact of wrap-around supports. This aligns with the design of the EM trial, which embeds wrap-around services into the delivery model. Future evaluations may consider methods to distinguish the relative contributions of each component to further refine program design, if necessary."***

This position was reinforced through the parliamentary committee process across written and oral evidence from victim-survivors, victim advocates and not-for-profit service providers and experts, who identified challenges and limitations within the existing trial, and emphasised the central role of support services alongside monitoring.

Many of these witnesses warned that without statewide implementation and transparent reporting of these supports, the efficacy of electronic monitoring devices would be weakened, creating foreseeable failure

points – particularly for younger children, First Nations children and children in regional and remote Queensland, where service access and technological capacity differ markedly from Southeast Queensland.

The Queensland Labor Opposition supports and values the vital work undertaken by all public servants and not-for-profit organisations in Queensland who are involved in support delivery, including Youth Co-Responder Teams, bail support services and intensive case management. These support services are what helps prevent youth offenders from reoffending

This was also the most consistent evidence provided throughout the committee process: improved bail outcomes are inseparable from these effective wrap-around supports.

> ***"VFV reiterates that electronic monitoring should not operate in isolation."***
> — Submission 21, Voice for Victims Foundation

> ***"The most effective responses to behaviour change on bail occur when monitoring and compliance measures are intentionally integrated with support and rehabilitation interventions. In this integrated model, each element reinforces the other rather than operating in isolation."***
> — Submission 16, Luke Twyford, Principal Commissioner, Queensland Family & Child Commission (QFCC)

> ***"While the study found that monitoring devices often correlate with reduced custody time, their success is heavily dependent on family support and wrap-around services, especially Youth Co Responder Teams (YCRTs) which were recorded in 91% of EMD episodes.***
> — Submission 24, Queensland Law Society

> ***"…a support model must be mandatory. Electronic monitoring should never be ordered without guaranteed intensive wraparound supports that are both therapeutic and practical to avoid the predictable technical breaches that will occur."***
> — Mr Tom Allsop, CEO, PeakCare, Brisbane Public Hearing

> ***"If you do not have a wraparound service or a guiding adult in these young people's lives, just monitoring them and knowing where they are while they are up to no good is not going to change their behaviour."***
> — Cr Nick Dametto, Mayor, Townsville City Council, Townsville Public Hearing

> ***"They go hand in hand …they cannot sit alone. Leaving electronic monitoring up to a mother to administer is not right. Wraparound services are a part of it and they have to be. I think everyone understands that."***
> — Mr Karl McKenzie, Chair, Townsville Justice Group, Townsville Public Hearing

> ***"Evidence shows that better outcomes occur with intensive family support, trauma informed casework, in-home supervision, stable schooling and culturally appropriate programs."***
> — Ms Peri Conti, Cairns Public Hearing

AVAILABILITY OF WRAP-AROUND SUPPORT SERVICES

It is clear from the evaluation report and through the parliamentary committee process that the use of electronic monitoring devices will only work if there are available wrap-around support services for young people and their families.

The Townsville Justice Group gave insight into the reality of service availability, stating at the public hearing:

> ***"Services come and go. ...There needs to be ongoing and constant mapping of the services in the area. Someone will have a service for three years and they get funding and then it drops away and we do not know it has gone ...It is critical to know what the services are so we can recommend them to families."***

It is clear that the Department of Youth Justice and Victim Support are also aware of this concern, as in their departmental response to the committee, they noted stakeholder concerns that electronic monitoring *"has not been demonstrated to be an effective standalone intervention"* and that any *"limited benefits identified are contingent on the presence of intensive wrap-around support."*

The Queensland Labor Opposition and many stakeholders who engaged with the parliamentary committee process agree with the views of the stakeholder, which was clearly noted by the department.

It is therefore concerning and alarming that when the Queensland Labor Opposition questioned the now former Director-General of the Department of Youth Justice and Victim Support regarding the locations of the wrap-around services. The now former Director-General of the Department of Youth Justice and Victim Support responded in correspondence stating:

> ***"…Information about the services and programs delivered and funded by the Department of Youth Justice and Victim Support to support youths including those on bail and those subject to an electronic monitoring order, is available on the DYJVS website."***

Is it disappointing that the Department of Youth Justice and Victim Support just referred the parliamentary committee to a website, with no specific link provided and no actual list of locations in Queensland that are not supported by programs, which was the question posed. It is the Queensland Labor Opposition's view that this is a damning indictment and reflection on the Crisafulli LNP Government, because victims, referral services and all Queenslanders have a right to know where these wrap-around support services are operational, and where they are not.

FUNDING CERTAINITY FOR WRAP-AROUND SUPPORT SERVICES

It is clear from the evaluation report and stakeholders who engaged in the parliamentary committee process that wrap-around support services are a vital element to ensure any success of electronic monitoring devices. It is therefore alarming to note that it appears that ongoing funding from the Crisafulli LNP Government for some of the wrap-around support services is non-existent. In their submission to the parliamentary committee, the Youth Advocacy Centre in stated:

> ***"… many bail support services do not have funding certainty beyond 30 June 2026."***

During the parliamentary committee process, questions from the Queensland Labor Opposition to the former Director-General of the Department of Youth Justice and Victim Support if any existing service providers have had their funding extended past June 2026 to provide important wrap-around support services, were not specifically answered.

The Crisafulli LNP Government appear to have announced $560 million to implement early intervention, diversion and rehabilitation programs, including bail support services. However, it is clear from stakeholders and submitters to the committee process that not many new services have commenced delivery, and there is a significant gap between announcing funding and actually implementing the services.

In a public hearing in Brisbane, the Voice for Victims Foundation stated:

> ***"We have seen a lot of announcements around different programs and things, and I think there is still a little bit of a gap between them being announced and them rolling out, so I think it might be a wait-and-see as to how that will positively impact communities and where those gaps perhaps remain."***

In fact, it appears that the Crisafulli LNP Government is continuing to use a number of programs established by the former Labor Government to support young offenders in Queensland. These include wrap-around services acknowledged within the evaluation, such as the Youth Co-Responder teams, the Intensive Bail Initiative, the intensive case management program and many of the currently funded bail support services.

The evaluation clearly demonstrates that the Crisafulli LNP Government has continued to rely on these programs, despite the trial drawing on data up to 30 June 2025.

Queenslanders have a right to know where their money is being spent. The Queensland Labor Opposition calls on the Crisafulli LNP Government to provide, submitters to the parliamentary committee, all stakeholders and indeed all Queenslanders information on:

- where wrap-around support services will be delivered;
- where wrap-around support services will not be delivered;
- which organisations are currently receiving funding and when their funding ends;
- which organisations have received funding but are not yet operating, and when they will commence delivery;
- which of the "rolled gold early intervention programs" they have announced are actually delivering services; and if they are not yet delivering services, when this will occur.

The Queensland Labor Opposition also calls on the Crisafulli LNP Government to provide funding certainty now and into the future.

TECHNOLOGY ISSUES

Queensland is a vast and diverse landscape; many areas have limited mobile telecommunications and network coverage. While this predominantly occurs in regional, rural and remote Queensland, it can also affect some metro and built-up areas.

The evaluation report evidenced this, identifying challenges with *"patch connectivity,"* while young people and their families observed issues mainly related to connectivity, leading to "*alleged false inclusion zone alerts generated by GPS drifts and spikes…"* and "*frequent follow-up calls and home visits from QPS and YCRT*." These unnecessary police responses compound the existing resourcing demands faced in regional and remote settings, and the Queensland Labor Opposition notes that the significant expansion of the eligible cohort could further exacerbate this issue.

The Queensland Law Society's submission exampled how this digital divide can disproportionately impact specific cohorts:

> ***"In remote communities, over 43% of Aboriginal and Torres Strait Islander communities and homelands across Australia lack mobile service, and 45.9% of residents are highly digitally excluded, compared to 94.5% for the broader Australian population. Therefore, remote communities face technological barriers that may increase the risk of breaches, often resulting in harsher consequences and further justice involvement."***

During the Townsville hearing, the committee heard from the Mayor of the Townsville City Council, Cr Nick Dametto:

> ***"…We could have service today and no service tomorrow. We are in a situation where we have natural disasters and we have disruptions to the network so it is a very fluid situation when it comes to telecommunication services in Queensland."***

This is why the Queensland Labor Opposition requested information regarding the coverage of the tracking devices. The Department of Youth Justice and Victim Support responded on behalf of Queensland Corrective Services which stated:

> ***"…QCS does not publicly report on locations that may experience network coverage issues in order to protect the integrity of electronic monitoring programs across Queensland."***

A witness at the Townsville hearing said:

> ***"I do not know about other people but I know at the retirement village I cannot get a signal on my phone. I have to go out to the shopping centre."***

Queenslanders have a right to know where electronic monitoring devices will work and where they may not. The Crisafulli LNP Government states that the bill will allow *"the use of electronic monitoring for any youth offender right across the state*" and is claiming that this Bill will provide *"safety where you live,"*, yet for those living in parts of Queensland that do not have consistent mobile coverage, how does this bill protect you?

It is time that the Crisafulli LNP Government clarifies and outlines clearly to the people of Queensland regarding how electronic monitoring devices will work in regional and remote areas of Queensland and stop suggesting to Queenslanders these devices will be reliable and operational in every community.

LEGISLATIVE REVIEW

It is clear from the Nous evaluation report that the trial findings are drawn from a small and tightly defined cohort, primarily concentred in South-East Queensland. The evaluation report notes differential outcomes across demographic groups, the underrepresentation of First Nations young people within the trial, the mixed perception of cultural safety and the need for additional support in some cohorts.

During the Cairns hearing, the Community Justice Action Group stated:

> ***"…There is not any trial data, there is no increased intelligence for populations north of Rockhampton to understand that this technology and the framework, by and large, is actually going to work."***

The Queensland Law Society submitted:

> ***"…The study provides no examination of the effectiveness or safety of EMDs for this 10 to 14-year-old age group. Because the trial was conducted under 'intentionally narrow' thresholds that required participants to be at least 15 years old, the evaluation could not assess the specific impacts on younger children, such as the psychological burden of stigmatisation in school environments or the risk of social isolation."***

HUB Community Legal submitted:

> ***"… These significant changes are worthy of ongoing review and evaluation."***

During the Townsville hearing, Queensland Youth Services stated:

> ***"We heard earlier: where is the data? Where are the figures? Where are the numbers? There is scepticism when people claim that there has been success in a program and people say we are comparing apples and oranges.***
>
> ***What dataset were we using in the first instance? Yes, we can say we have had a 20 per cent increase but were we measuring against the same things? I think any review gives people confidence that there is a robustness in a new process but I think the word 'reassurance' is really important."***

Many individual submitters in Townsville and Cairns, including victims of crime, expressed frustration that the reductions in crime that had been promised by the LNP Government, had not occurred; and that there had in fact been an increase in crime.

This perception is backed up by Queensland Police Service data, which shows Townsville saw a 30.1% increase in unlawful entry offences by youth offenders in 2025, compared to 2024, and a 1.5% overall increase in offences in the district over the last 12 months.

The data also showed that there were 29 more victims of car theft in the far Northern region in 2025 than 2024, an increase of 19%. The region also saw a 4.4% increase in overall offences in the same period.

Many of these same witnesses supported the introduction of electronic monitoring devices, in the hope that it would reduce youth offending. However, all qualified this further, supporting the suggestions by the Queensland Labor Opposition that the Crisafulli LNP Government must:

- support electronic monitoring device roll-out with sufficient wrap-around services;
- commit to sufficient Queensland Police Service and Queensland Corrective Services resources to operationalise the roll-out; and
- commit to review the legislation and the wrap-around services, to ensure it was effective.

The Queensland Labor Opposition is of the view that many Queenslanders in communities that the committee visited felt misled and let down by the Crisafulli LNP Government on the effectiveness of their law-and-order legislation in their cities. Locals are very concerned and want to be assured that any new initiatives actually work.

The Queensland Labor Opposition acknowledges and hears the views of the many submitters and stakeholders and agrees that as with any major legislative reform, there should be a review function, and believe that a review mechanism should be included in this legislation. This will enable future governments to assess the current state, see if it is working and make any changes to continue to keep Queenslanders safe.

INCREASED FUNDING AND RESOURCES

It is clear from the evidence provided through the parliamentary committee process that the proper implementation of any electronic monitoring program needs to be adequately resourced. This is not a set and forget exercise, but one that requires a major investment by the government to ensure that frontline services, such as the Queensland Police Service, Queensland Corrective Services, Youth Justice staff, the Youth Co-Responder Teams and other frontline agencies are properly and adequately resourced, now and into the future.

The Bar Association of Queensland in the Brisbane hearing stated:

> ***"As I read the report, it seems that the vast majority of stakeholders already have concerns about the resources that are in place, or the lack thereof, with respect.***
>
> ***When one considers expanding it beyond the very narrow scope that currently exists without significant consideration as to whether putting aside just the wraparound resources but just the mere resources to ensure compliance are in place, it seems like a recipe, with respect, for disaster."***

These concerns were reflected by many of the individual witnesses in Townsville and Cairns.

It was unclear from questioning from Queensland Labor Opposition members whether the Department of Youth Justice and Victim Support has done modelling to ascertain the impact on services. It is assumed that it has, otherwise the department would be negligent in their duties.

As such, the Queensland Labor Opposition joins with many stakeholders in calling on the Crisafulli LNP Government to release any modelling in relation to the new laws and proposals of this Bill, so Queenslanders can ascertain if there is appropriate resources being made available.

DEPARTMENTAL LEADERSHIP

The Queensland Labor Opposition notes that since the parliamentary committee has held public inquiries into this matter, the leadership of the Department of Youth Justice and Victim Support has changed yet again. The Queensland Labor Opposition thanks the outgoing Director-General and now permanent Victims' Commissioner Kate Connors for her work within the department and wish her all the very best in the important role of Victims' Commissioner.

However, just like many stakeholders, the Queensland Labor Opposition holds concerns about the revolving door of leaders at the top of the Department of Youth Justice and Victim Support since the Crisafulli LNP Government has taken office. Strong and stable leadership is important in every government department, in order to deliver the required policy, implement actions and build strong relationships with the sector. It is even more important in a department charged with the responsibility of Youth Justice and Victim Support, which plays such a significant role in keeping Queenslanders safe.

The legislation addressed by this Statement of Reservation can only be as good as its implementation. As such, the Queensland Labor Opposition will continue to monitor the issues plaguing the leadership of the department since the election of the Crisafulli LNP Government, noting that these issues are not of the public service's making, to ensure the effective rollout of community safety measures.

CONCLUSION

It is clear this bill is an expansion of the strong tool implemented and trialled by the former Labor Government. It is also clear that these expanded parameters have not been tested, and as outlined in the evaluation report, it is uncertain what benefit they will have.

As evidenced by the numerous submissions, submitters and witnesses through the parliamentary committee inquiry, the bill introduced by the Member for Currumbin provides more questions than it does answers.

The Queensland Labor Opposition has tried to seek the answers that Queenslanders are wanting, but the Crisafulli LNP Government continues to obfuscate, refusing to provide detailed answers to important questions like:

- where are the wrap-around support services operating in Queensland and where are they not?
- which organisations have been funded, and for how long?
- where will electronic monitoring devices work in Queensland and where will they not?
- what funding and resources have been provided to frontline agencies such as the Queensland Police Service, Queensland Corrective Services and the Department of Youth Justice and Victim Support to implement these new laws?
- which of the "rolled gold early intervention programs" they have announced are actually delivering services; and if they are not yet delivering services, when this will occur.
- will there be a review of the new laws, noting the significant expansion of this tool beyond the trial evaluated in the Nous report?

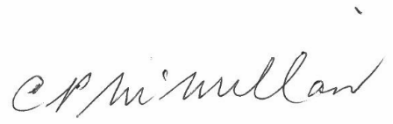
Queenslanders are again being sold false promises and hope with this bill, therefore Queenslanders deserve answers from the Member for Currumbin and the Crisafulli LNP Government.

The Queensland Labor Opposition thanks all submitters, witnesses, victims and victim-survivors for coming forward and sharing their stories, experiences and expertise with the committee.

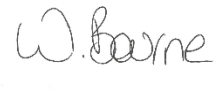
The Queensland Labor Opposition acknowledges you, and your important views, and will continue to advocate for strong evidence-based laws and programs that protect Queenslanders, support victims and victims-survivors and prevent individuals from entering the youth justice and justice systems in the first place.

Thanks also to the Queensland Parliamentary staff for their support during the parliamentary committee process.

The Queensland Labor Opposition reserves the right to articulate further views and concerns with the bill during the second reading debate.



CORRINE MCMILLAN MP
MEMBER FOR MANSFIELD
DEPUTY CHAIR OF THE COMMITTEE



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THE HONOURABLE DI FARMER MP
MEMBER FOR BULIMBA
SHADOW MINISTER FOR EDUCATION AND THE EARLY YEARS
SHADOW MINISTER FOR YOUTH JUSTICE

On behalf of the Queensland Labor Opposition