



QUEENSLAND PARLIAMENT **COMMITTEES**

Youth Justice (Monitoring Devices) Amendment Bill 2025

Justice, Integrity and Community Safety Committee



Report No. 6

58th Parliament, March 2025

Justice, Integrity and Community Safety Committee

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All references and webpages are current at the time of publishing.

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Chair's Foreword

This report presents a summary of the committee's inquiry into the Youth Justice (Monitoring Devices) 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*.

The Youth Justice (Monitoring Devices) Bill 2025 represents an extension of the trial of the use of electronic monitoring devices (EMD) for young people on bail. Insufficient data has been collected in the previous trial period and an extension is proposed in the Bill to allow further data and analysis to be conducted.

The committee held a public hearing and departmental briefing in Brisbane on 17 March 2025. The hearing and briefing heard evidence from stakeholders and departmental responses to submissions and questions from the committee.

I'm proud to be part of a Government that is advancing legislation which aims to explore innovative solutions to youth crime and community safety.

On behalf of the committee, I thank those organisations who made written submissions on the Bill and have worked to develop the Bill. I also thank our Parliamentary Service staff and the Department of Justice and Department of Youth Justice and Victim Support for working quickly to have this urgent report ready for the house to consider in a short timeframe.

I commend this report to the House.



Marty Hunt MP

Chair

Executive Summary

On 20 February 2025, the Hon Laura Gerber MP, Minister for Youth Justice and Victim Support and Minister for Corrective Services, introduced the Youth Justice (Monitoring Devices) Amendment Bill 2025 (Bill) into the Queensland Parliament. The Bill was referred to the Justice, Integrity and Community Safety Committee (the committee) for consideration and declared urgent.¹

The primary objective of the Bill is to extend for 12 months the expiry of section 52AA of the *Youth Justice Act 1992* (YJ Act). Section 52AA of the YJ Act allows a court, in certain circumstances, to impose the use of an electronic monitoring device (EMD) as a condition of bail for a child.

Extending the electronic monitoring trial period by one year will allow for a comprehensive review to be completed to inform government decisions about electronic monitoring for child offenders.²

Stakeholders were invited to make written submissions on the Bill and the committee received and accepted 14 submissions, which were published on the committee's webpage.

The committee received a written briefing on 25 February 2025 and an oral briefing on 17 March 2025 from the Department of Youth Justice and Victim Support.

The committee also heard from stakeholders at a public hearing in Brisbane on 17 March 2025.

The key issues raised during the committee's examination of the Bill included:

- evidence supporting further extension of the trial period
- research methodologies
- data collection and connected purposes
- the effectiveness of EMDs in responding to youth crime
- alternatives to EMDs
- use of public resources
- trial extension without implementation of additional supports.

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*.

Further, the committee is satisfied that the Bill is compatible with human rights as defined in the *Human Rights Act 2019*.

The committee made one recommendation, found at page vi of this report, that the Bill be passed.

¹ Queensland Parliament, Record of Proceedings, 20 February 2025, p 216.

² Department of Youth Justice and Victim Support (Department), written briefing, 25 February 2025, p 1.

Recommendations

Recommendation 1 **4**
The committee recommends that the Bill be passed. 4

Glossary

Atkinson report	Report on Youth Justice from Bob Atkinson AO, APM, Special Advisor to Di Farmer MP, Minister for Child Safety, Youth and Women and Minister for Prevention of Domestic and Family Violence published on 8 June 2018
Bill	Youth Justice (Monitoring Devices) Amendment Bill 2025
Committee	Justice, Integrity and Community Safety Committee
Department	Department of Youth Justice and Victim Support
EM	electronic monitoring
EMD	electronic monitoring device
GPS	global positioning system
HRA	<i>Human Rights Act 2019</i>
JRI	Justice Reform Initiative
LSA	<i>Legislative Standards Act 1992</i>
NZ	New Zealand
QATSICPP	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
QCOSS	Queensland Council of Social Service
QCS	Queensland Corrective Services
QFCC	Queensland Family and Child Commission
QHRC	Queensland Human Rights Commission
QNADA	Queensland Network of Alcohol and Other Drug Agencies
YAC	Youth Advocacy Centre
YJ Act	<i>Youth Justice Act 1992</i>

1. Overview of the Bill

The Youth Justice (Monitoring Devices) Amendment Bill 2025 (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 Justice, Integrity and Community Safety Committee (the committee) by the Legislative Assembly on 20 February 2025.

1.1. Aims of the Bill

The aim of the Bill is to extend the electronic monitoring device (EMD) trial under the *Youth Justice Act 1992* (YJ Act) for a further year, such that the trial period expires 5 years after the commencement,³ which will be 30 April 2026. The Bill only extends the existing trial - it does not alter the way the trial operates.

The objectives of the Bill are to:

- amend the YJ Act to increase by one year the duration of a trial on the use of EMDs as a condition of bail for young offenders
- enable a substantive review of the trial to be completed, including drawing as far as practicable on data accumulated as a result of the August 2024 amendments.⁴

1.2. Context of the Bill

1.2.1. Previous reviews

It is important to note that EMDs, and decisions about them, are made by the court, with the Department of Youth Justice and Victim Support (the department) providing the court with a suitability assessment. The court must be satisfied that the imposition of the EMD is appropriate and that it will mitigate a risk.⁵

The Legal Affairs and Safety Committee of the 57th Parliament undertook an inquiry⁶ into the Youth Justice and Other Legislation Amendment Bill 2021 (2021 Bill), clause 26 of which introduced an initial 2-year trial of the use of an EMD as a condition of bail for some offenders.

The inquiry into the 2021 Bill, which established the initial EMD trial, conducted an in-depth examination of the broader issue of imposing a bail condition requiring a child to wear a tracking device while released on bail.⁷

The 2021 Bill was passed, introducing section 52AA to the YJ Act to enable a trial of electronic monitoring (EM) as a bail condition, with a 2-year sunset clause.

Section 52AA of the YJ Act allows a court, in certain circumstances, to impose on a child - who is at least 15 years, is charged with a prescribed indictable offence,⁸ and has either

³ Bill, cl 3 (amends s 52AA(10), Youth Justice Act 1992 (YJ Act)).

⁴ Bill, explanatory notes, p 2.

⁵ Public briefing transcript, Brisbane, 17 March 2025, p 1.

⁶ *Report No. 7, 57th Parliament – Youth Justice and Other Legislation Amendment Bill 2021*, April 2021.

⁷ Legal Affairs and Safety Committee, *Report No. 7, 57th Parliament – Youth Justice and Other Legislation Amendment Bill 2021*, April 2021.

⁸ A prescribed indictable offence means (a) a life offence; or (b) an offence of a type that, if committed by an adult, would make the adult liable to imprisonment for 14 years or more, other than an offence against the *Drugs Misuse Act 1986*, s 9(1) for which the maximum penalty is 15 years imprisonment;

been charged with an unrelated prescribed indictable offence in the preceding twelve months or has been previously found guilty of at least one indictable offence - a condition that the child must wear a monitoring device while released on bail. The criteria were designed to target serious repeat offenders,⁹ as per section 150A of the YJ Act.¹⁰

Since 2021, the Queensland Government has made several legislative amendments to expand the use of EM for children. In particular:

- **2022:** A review found that the initial trial failed to confirm the overall effectiveness of EM in deterring offending behaviour, among other things, due to the low numbers of children ordered to wear a monitoring device, and that there was a need for further research with a larger sample size.
- **2023:** The *Strengthening Community Safety Act 2023* kept EM as a trial, but expanded the trial to include 15-year-olds and extended it for a further two years to the current expiry date, 30 April 2025. The Youth Justice (Monitoring Device Conditions) Amendment Regulation 2023 also added three new trial sites.
- **2024:** The Youth Justice (Monitoring Device Conditions) Amendment Regulation 2024 added a further five sites commencing on 28 August 2024, and from 30 August 2024 the *Queensland Community Safety Act 2024*:
 - expanded the list of prescribed indictable offences under section 52AA of the YJ Act to include specified offences involving violence or threats of violence, and
 - expanded the criteria to include children who have been charged with a prescribed indictable offence in the preceding 12 months.¹¹

Trial sites are prescribed by the Youth Justice Regulation 2016, and currently include Townsville, North Brisbane, Moreton, Logan, Gold Coast, Toowoomba, Mount Isa, Cairns, South Brisbane, Ipswich, Fraser Coast, Mackay, and Rockhampton.¹²

The explanatory notes tabled with the Bill state:

*... there was never going to be adequate time to evaluate data arising from the August 2024 amendments before the trial expired, which would have resulted in electronic monitoring of child[ren] ending without an adequate assessment of the use of electronic monitoring in the youth justice system.*¹³

The explanatory notes also advise that the Bill will enable a substantive review of the trial to be completed, including drawing as far as practicable on data accumulated as a result

or (c) an offence against specific provisions as set out in the Criminal Code and itemised in s 52AA of the YJ Act.

⁹ Bill, explanatory notes, p 1; Bill, statement of compatibility, p 2.

¹⁰ YJ Act, s 150A.

¹¹ Bill, explanatory notes, p 1.

¹² Bill, explanatory notes, p 1.

¹³ Bill, explanatory notes, p 2.

of the August 2024 amendments. This comprehensive review will inform government decisions about EM for child offenders.¹⁴

The following key issues were raised during the committee's examination of the Bill,¹⁵ which are discussed in Section 2 of this Report:

- evidence supporting further extension of the trial period
- research methodologies
- data collection and connected purposes
- the effectiveness of EMDs in responding to youth crime
- alternatives to EMDs
- use of public resources
- trial extension without implementation of additional supports.

1.3. Inquiry process

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

- 14 written submissions accepted from stakeholders
- a written briefing provided by the department on 25 February 2025
- a public briefing provided by the department in Brisbane on 17 March 2025
- evidence provided by witnesses at a public hearing on 17 March 2025.

1.3.1. Urgency

Under the provisions of Standing Order 137, the Legislative Assembly declared the Bill urgent with a report due by 28 March 2025.¹⁶

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* (LSA) and the *Human Rights Act 2019* (HRA).

1.4.1. Legislative Standards Act 1992

Assessment of the Bill's compliance with the LSA identified the following issue which is analysed in Section 2 of this Report:

- whether the Bill has sufficient regard to the rights and liberties of individuals, including children and victims.

The committee is satisfied that the explanatory notes tabled with the Bill comply with the requirements of Part 4 of the LSA. The explanatory notes contain a sufficient level of

¹⁴ Bill, explanatory notes, p 2.

¹⁵ Note that this section does not discuss all consequential, minor, or technical amendments.

¹⁶ Queensland Parliament, Record of Proceedings, 20 February 2025, p 216.



information, background and commentary to facilitate understanding of the Bill's aims and origins.



1.4.2. *Human Rights Act 2019*

The committee notes that the human rights implications of the use of EMDs on young offenders, and previous expansions of the trial, have been considered in detail in the inquiries of previous committees.¹⁷

Assessment of the Bill's compatibility with the HRA identified issues with the following, which are analysed further in Section 2:

- the right to be presumed innocent until proved guilty according to law¹⁸
- the right of a child charged with a criminal offence to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation¹⁹
- the right to liberty and security²⁰
- the right to privacy²¹
- the right to freedom of association²²
- the right to freedom of movement²³
- the right of First Nations people to maintain kinship ties.²⁴

The committee found that the Bill is compatible with human rights under the HRA on the basis that the limitations imposed on the above rights are justified in the circumstances.

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 under the HRA (subject to the committee's comment noted in section 2.9 of this Report).

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.

¹⁷ Legal Affairs and Safety Committee, Report No. 7, 59th Parliament – Youth Justice and Other Legislation Amendment Bill 2021, April 2021, pp 100–101; Community Safety and Legal Affairs Committee, Report No. 15, 57th Parliament – Queensland Community Safety Bill 2024, p 19.

¹⁸ Human Rights Act 2019 (HRA), s 32(1).

¹⁹ HRA, ss 32(1), (3).

²⁰ HRA, s 29(1).

²¹ HRA, s 25(a).

²² HRA, s 20.

²³ HRA, s 19.

²⁴ HRA, s 28(2)(c).

2. Examination of the Bill

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

2.1. Evidence supporting further extension of the trial period

The central theme of the inquiry was regarding the evidence demonstrating the effectiveness of EMDs.

This also involved a discussion regarding the ability of the extension of the trial to achieve its purpose as the trial, despite several amendments and additions since 2021, has not produced conclusive evidence about its effectiveness in preventing further offending.²⁵

Both stakeholders and the department recognised gaps in the current data. While some felt that a 12-month extension would be adequate to collect the necessary evidence to support future government decision making, the majority of stakeholders were sceptical about further extending the timeframe to obtain more data.

2.1.1. Lack of data to date

The Queensland Network of Alcohol and Other Drug Agencies (QNADA) raised concerns that the justification for extending the EM trial is not supported by strong evidence. It stated that:

The rationale for this extension relies on the claim that more time is needed to assess the impact of recent legislative changes. However, this justification overlooks the fact that previous extensions have already provided additional time for evaluation without producing conclusive findings.

It is also problematic to continue extending this trial given that the literature on EM use on children and young people is, at best, inconsistent.²⁶

The Justice Reform Initiative (JRI) shared similar views:

As noted in our submission to the Queensland Community Safety Bill 2024, increasing the number of children who are subject to invasive and restrictive electronic monitoring to achieve an adequate 'sample size' or 'trial' whether it works, despite evidence noting the contrary, is both unethical and empirically unnecessary in Queensland...there is very limited evidence that electronic monitoring is effective as a form of crime control for children. However, the absence of robust research literature when it comes to the success (or otherwise) of electronic monitoring of children, is not a sufficient justification for the expansion of the scheme in Queensland.²⁷

2.1.2. Configuring a suitable sample size

The department advised that:

The larger the sample size, the more robust the evaluation. Numbers have increased recently which will assist in developing more robust conclusions. Orders for 30 distinct young people were made in the four months to February 2025. The extension is not only to allow further accumulation of data. It is to

²⁵ Department, written response to submissions, 11 March 2025, p 3.

²⁶ Submission 2, p 3.

²⁷ Submission 5, p 3.

*enable the finalisation of the evaluation, including the consideration of victim impacts.*²⁸

Voice for Victims, supporting the Bill, believes that the proposed extension would allow for the collection of a larger dataset and additional time to ensure that sufficient evidence and longitudinal data is gathered to evaluate the true impact of monitoring devices on reducing reoffending.²⁹

At the public briefing, the department acknowledged that previous evaluations found the program promising but lacked sufficient data for certainty. It stated that current numbers remain too low for a definitive assessment.³⁰

While evidence from other jurisdictions is ‘equivocal’, the department highlighted a recent increase in participants – from 62 in September 2024 to 94 in February 2025 – as an indicator that more data will soon be available.³¹

The department also clarified that ‘well over... 130 or 140’ participants in the trial would be considered a sufficient number to conduct an evaluation that would yield ‘true results’.³²

Regarding when the evaluation of the data would be completed, the department responded:

*I would like to think that within the next six months we would have sufficient data and have done the work. Importantly, though, for the qualitative data—and I know you are going to hear evidence from people that represent defendants and from peak organisations—it will take us at least six months to go through that in a way that withstands scrutiny, and to that end we have employed experts outside the department so that they can make sure the methods we are using and the results we have are the best they can be so we can provide ultimately the parliament with good advice.*³³

The JRI questioned the current approach to EM should the extension proposed in the Bill not achieve an adequate sample size and whether the intention is to continually expand the trial.³⁴

The department confirmed that it would expect to have sufficient data and have completed its evaluation by the end of the trial period, being April 2026.³⁵ It was also noted that possible changes to the model will be considered following the evaluation, and if the evaluation concludes that EM should continue beyond 20 April 2026, stakeholders will be consulted.³⁶

²⁸ Department, written response to submissions, 11 March 2025, p 3.

²⁹ Submission 8, p 2.

³⁰ Public briefing transcript, Brisbane, 17 March 2025, p 2.

³¹ Public briefing transcript, Brisbane, 17 March 2025, p 2.

³² Public briefing transcript, Brisbane, 17 March 2025, pp 2-3.

³³ Public briefing transcript, Brisbane, 17 March 2025, p 3.

³⁴ Submission 5, p 3.

³⁵ Public briefing transcript, Brisbane, 17 March 2025, p 3.

³⁶ Department, written response to submissions, 11 March 2025, p 6.

2.2. Research methodologies

While a primary aim of the trial is to increase the sample size, the public hearing heard from witnesses who stressed the importance of not only quantitative but qualitative data when evaluating the effectiveness of EM on youth offenders.

The JRI suggests that alternative research methodologies should be explored, including a mixed methods approach which, they suggest ‘would be much more effective than relying on a large sample size, and cause far less harm to the children involved’. Further, that:

Findings based on the current sample size of children could easily be supplemented with rich qualitative data (which is often much more useful in terms of unpacking ‘why’ a particular intervention is or isn’t successful). Consideration should also be given to utilising linked administrative data to create a matched comparison group to deepen understandings of the difference between children who are ‘participating’ on the pilot, and those who are not.³⁷

At the public hearing, the Queensland Family and Child Commission (QFCC) commented on the need for qualitative evaluation to support decision-making:

... recidivism and offence rates post the use of the electronic monitoring device would be something that would capture the headlines. Underlying that— and this is why I highly recommend that the evaluation methodology actually speaks to the young people—has this tool and the application of this tool changed mindsets and changed behaviours of those young people?³⁸

The QFCC corroborated the view of PeakCare’s submission, around the need for intensive bail support programs to be associated with this program, and ‘that strapping on a device is not as important as strapping on support’.³⁹

Further, regarding research methodologies, while the Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) believed that the 12-month extension would ‘go further than where we are now in terms of having available evidence’ they suggested that an independent evaluation is undertaken. QATSICPP expressed their hope that the evaluation contains a review of bail conditions, with disaggregated data to a ‘useful level including indigeneity, data across the prescribed sites for the trial, what sorts of offences and, if breaches have been made, what sorts of breaches—those types of things’.⁴⁰

While many stakeholders noted how the EMD running out of battery was technically a breach, the department provided anecdotal testimony at the public hearing that technical breaches (such as the battery running out of charge on the device) were being dealt with sensibly by police, and so in practice, technical breaches involving EMDs were not being used as a punitive measure.⁴¹ QATSICPP was ‘really pleased to hear the department say

³⁷ Submission 5, p 3.

³⁸ Public hearing transcript, Brisbane, 17 March 2025, p 19.

³⁹ Public hearing transcript, Brisbane, 17 March 2025, p 19.

⁴⁰ Public hearing transcript, Brisbane, 17 March 2025, p 14.

⁴¹ Public briefing transcript, Brisbane, 17 March 2025, p 1.

that, in their view, the police are not charging for technical breaches' but that it was still a concern.⁴²

Committee comment



While the committee welcomed anecdotal evidence from the department regarding the Queensland Police Services' measured approach to enforcing bail conditions – such as not immediately charging individuals for failing to charge their device – breaches due to technical issues have been a recurring theme in this and previous inquiries.

Given this, the committee notes the benefit of the department collecting data specifically on this issue as part of its research into the use of EMDs.

The QFCC supported an independently run and 'holistically evaluated' approach, delivered to a clear timeframe.⁴³ It also noted, while the further 12 months of data would 'certainly' be helpful, without further interventions beyond simply counting the number of EMDs imposed as bail conditions alongside the rate of reoffending, the task for researchers and evaluators becomes 'very difficult' and that a more scientific approach should be taken when the study involves intervening in young peoples' lives.⁴⁴

The QFCC advised that it is willing to support the pilot program, despite the current system 'underperforming' if there is a 'clear evaluation, with a clear independent evaluation methodology and a timeline on that evaluation, so we do not see more and more extensions'.⁴⁵

As noted in section 1.2.1, there have been several reviews undertaken. Youth Advocacy Centre (YAC) stated in their submission that they had contributed to one of the reviews undertaken by an external consultant, but that no outcomes had been made publicly available. The department advised that this was an ongoing piece of work that was not published and was continuing.⁴⁶

At the public briefing, the department gave assurances that a range of data will be consulted, both quantitative and qualitative.⁴⁷ This was echoed in the department's response to submissions.⁴⁸

⁴² Public hearing transcript, Brisbane, 17 March 2025, p 15.

⁴³ Public hearing transcript, Brisbane, 17 March 2025, pp 17-18.

⁴⁴ Public hearing transcript, Brisbane, 17 March 2025, p 18.

⁴⁵ Public hearing transcript, Brisbane, 17 March 2025, 20.

⁴⁶ Public briefing transcript, Brisbane, 17 March 2025, p 7.

⁴⁷ Public briefing transcript, Brisbane, 17 March 2025, p 2.

⁴⁸ Department, written response to submissions, 11 March 2025, pp 2, 8.

Committee comment

The committee acknowledges stakeholder views supporting a mixed-methods approach to evaluating data collected during the trial and the department's current implementation of this approach.

The committee welcomes the department's engagement of external experts in qualitative data analysis as part of its efforts to provide the best possible advice to Parliament.⁴⁹

To further enhance transparency and stakeholder confidence, the committee considers it beneficial for the final review to clearly outline the methodologies used, including whether an independent evaluation was conducted.

2.3. Data collection and connected purposes

The QHRC noted that the YJ Act does not impose any explicit limits on how the data captured during the EM trial can be used. It recommended that for the avoidance of doubt, the Bill should amend the YJ Act to include a section similar to section 30O of the *Bail Act 2000* (NZ). Section 30O states information obtained during the course of monitoring can only be used to verify compliance with bail conditions, detecting an offence and providing evidence of that offence, and verifying that the person has not tampered with or otherwise interfered with the equipment. The QHRC explained that:

This would clarify how authorities can use the information and prevent uses which might constitute an unreasonable limitation on rights – for example, if the data can be used as evidence against third parties.⁵⁰

Committee comment

The committee notes the benefit of the department making clear what data is captured as part of the EM trial and for which purpose it is used.

2.4. Effectiveness of EM

The JRI's submission highlighted evidence submitted by the QHRC to the previous parliamentary inquiry on the 2021 Bill⁵¹ which noted that:

... a meta-analysis of 18 studies from around the world about electronic monitoring published in May 2020-21 found that GPS trackers do not have a statistically significant effect on crime, except when used for sex offenders placed on electronic monitoring post-trial. The study found that there were 'sobering results'." Similarly, an earlier meta-analysis of 9 studies examining the use of electronic monitoring between 1986 and 2002 found there was no overall impact on recidivism.⁵²

⁴⁹ Public briefing transcript, Brisbane, 17 March 2025, p 3.

⁵⁰ Submission 6, p 13.

⁵¹ Queensland Human Rights Commission, submission 48 (2021 Bill).

⁵² Submission 5, p 4.

2.4.1. Human rights considerations under the HRA

The QHRC corroborated the findings from the above meta-analysis study. For the purposes of this Bill, they noted that:

The continued lack of evidence indicates that continuation of the trial is unlikely to achieve the purpose of deterring further offending and/or identifying mechanisms capable of deterring offending and therefore places unjustifiable limits on children's and families' rights.⁵³

Significantly, the extension of the trial infringes personal privacy⁵⁴ by providing for the possibility of a child's grant of bail being subject to a monitoring device condition requiring the child to wear a monitoring device. This limits the child's personal privacy because a monitoring device is worn on the person, and because such a device can be used for surveillance purposes.

During the public hearing, the QHRC stated how any legislation that limits human rights must be justified by clear evidence of effectiveness that its purpose will be achieved:

That evidence in this case we say is lacking. The electronic monitoring trial began for children in May 2021. At that time, the former government acknowledged that there was a lack of evidence of the efficacy of electronic monitoring for children on bail but, nevertheless, proceeded. Nearly four years later, neither the former government nor the current government have provided evidence demonstrating the effectiveness of electronic monitoring in reducing crime. Additionally, neither government has produced any evidence of efficacy arising from other jurisdictions which could support an extension of the trial. To the contrary, there appears to some evidence that electronic monitoring does not have statistically significant impact on crime and, in fact, may reduce community safety.⁵⁵

It continued:

Additionally, it is relevant that under the Human Rights Act children are entitled to special protection based on their particular vulnerability. Limitations on the rights of children are reasonable only if they will achieve a legitimate outcome—for example, keeping the community safe. While electronic monitoring may often be perceived to increase community safety, the evidence just is not there to support that. The commission urges the government to focus on strategies that are backed by evidence and not those that provide perhaps a false sense of security to the community.⁵⁶

As acknowledged by the statement of compatibility, the Bill limits a range of human rights as defined by the HRA.⁵⁷ The department noted that where there are reasonable

⁵³ Submission 6, p 9.

⁵⁴ 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: HRA, s 25; N Jones & P Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, p 264.

⁵⁵ Public hearing transcript, Brisbane, 17 March 2025, p 9.

⁵⁶ Public hearing transcript, Brisbane, 17 March 2025, p 10.

⁵⁷ Bill, statement of compatibility, p 5.

prospects that a measure may be compatible with human rights and contribute to community safety, trialling the measure can be a legitimate purpose.⁵⁸

A further discussion of the Bill's overall compatibility with human rights under the HRA is contained at section 2.9, of this report.

2.4.2. Impact on recidivism

QATSICPP noted that evidence across Australia and internationally is mixed about the impact of EM approaches on recidivism:

For example, a University of Queensland meta-analysis of 34 studies, has found no consistent evidence that EM reduces reoffending rates among youth. This is supported by a Bureau of Crime Statistics and Research study which found youth subject to EM had similar reoffending rates to those who were not monitored.

Internationally, a Justice Innovation (2021) report analysing EM across multiple countries found that EM does not address underlying causes of offending and, in some cases, can increase recidivism. Studies in the United States and the United Kingdom show that EM is most effective when combined with intensive community-based support—not as a standalone measure.⁵⁹

The QHRC noted the 'criminogenic effect' of contact with the criminal justice system and how children who have frequent or multiple contacts with the justice system are at a higher risk of reoffending and of committing more serious offences. As such, the QHRC believes that by exposing children to additional criminal justice system contact, the continuation of the trial may in fact increase offending and reduce community safety.⁶⁰

QNADA highlighted that punitive youth justice practices undermine key outcomes that governments are seeking to achieve. It acknowledged that while 'a minority of studies' have found reductions in offending due to EM, a 'majority of studies have identified the net widening effect of EM orders resulting in increased numbers of people in the criminal justice system and greater levels of contravention'.⁶¹

Committee comment



The department noted throughout the inquiry that EMDs were not operating in a silo and itemised the numerous wraparound supports provided. These include continuing to fund existing initiatives, and implementing new approaches.

The committee notes that the government is investing \$485 million over four years in new programs to prevent crime before it happens, intervene early in young lives, and rehabilitate young offenders.⁶²

⁵⁸ Department, written response to submissions, 11 March 2025, p 2.

⁵⁹ Submission 10, p 2.

⁶⁰ Submission 6, p 11.

⁶¹ Submission 2, p 4.

⁶² Department, written response to submissions, 11 March 2025, p 4.

2.4.3. Serious repeat offenders

Section 150A of the YJ Act covers 'serious repeat offenders'. Furthermore, the explanatory notes and statement of compatibility accompanying the Bill state that the criteria were designed to target serious repeat offenders via the Youth Justice (Monitoring Device Conditions) Amendment Regulation 2024 and the *Queensland Community Safety Act 2024*.⁶³

During the public hearing, the reference to EMs intended use for 'serious repeat offenders' was raised, noting that several submissions observed that these offenders are less likely to meet the eligibility criteria for EM.⁶⁴

PeakCare said that this has been their experience.⁶⁵ QATSICPP also stressed that this was a primary barrier to the EM trial's current target group.⁶⁶ At the public hearing, QATSICPP noted:

*With regard to 30 per cent of the young men and women who are serious repeat offenders, we know that a number of them are not suitable. We know that 30 per cent of them do not have stable accommodation. We know that their experience is as victims of domestic, family and sexual violence. We know that they do not have adults who are able and willing to support them in terms of monitoring the bail conditions around their device.*⁶⁷

As noted in section 1.2.1, the courts are only able to impose an EMD if certain prerequisites are met, including that it is necessary to mitigate a risk⁶⁸ and after considering a suitability assessment prepared by the department.⁶⁹ Considerations in this context include, but are not limited to:

- an evaluation of the young person's capacity to comply
- whether the young person has familial and other support
- whether they have a suitable residence with access to electricity for charging the device, and
- other matters such as the availability of a mobile phone to maintain communication.⁷⁰

The YAC articulated how the cohort labelled 'serious repeat offenders' are often those who do not meet the eligibility criteria for EMDs 'by virtue of a lack of stable accommodation, no parent/guardian to assist with compliance, lack of mobile phone access etc'.⁷¹

At the public hearing, in response to a question regarding whether available data has indicated a decrease in offending due to monitoring devices, the department advised that:

⁶³ Bill, statement of compatibility, p 1; Bill, explanatory notes, p 1.

⁶⁴ Public hearing transcript, Brisbane, 17 March 2025, p 7.

⁶⁵ Public hearing transcript, Brisbane, 17 March 2025, p 7.

⁶⁶ Public hearing transcript, Brisbane, 17 March 2025, p 13.

⁶⁷ Public hearing transcript, Brisbane, 17 March 2025, p 16.

⁶⁸ YJ Act, ss 52AA(1), 52A(2)(a).

⁶⁹ YJ Act ss 52AA(3)-(5).

⁷⁰ Public hearing transcript, Brisbane, 17 March 2025, p 7.

⁷¹ Submission 11, p 1.

... it is way too early to tell. I have made it very clear that the department's view is that we do not have enough evidence to provide a thorough evaluation.

I did talk about half the young people that were subject to EMD orders not offending. That in my experience...that is a remarkable outcome—half the young people not offending, 50 per cent not offending. I would say though for the other half, no matter what the offence—as I understand it, most of those offences were less serious—there is still a victim involved.⁷²

The department also advised that the large majority of young offenders who are granted bail with an EM condition continue supervision and receive support from the department beyond the EM condition expiring, receiving case management services to address their risks and needs. The department also works closely with community agencies to link young people into appropriate supports in the community that provide effective and valuable services and are sustainable beyond the department's statutory involvement.⁷³

Committee comment



The committee is encouraged by the preliminary indication that the use of EMDs may indicate a decrease in offending. The committee looks forward to the full findings of this trial being published and to the issue of youth crime in Queensland being tackled in a way that prevents offending, supports victims of crime in a meaningful way, and supports young people with rehabilitation in a bid to make Queensland safer for all.

2.5. Alternatives to EMDs

2.5.1. EMDs as an alternative to remand

The inquiry considered how EMDs can be used as an alternative to remand. The Atkinson Report specifically considered the use of EMDs 'together with community or home detention as an alternative to detention in a youth detention centre'.⁷⁴ The Atkinson Report also noted that 'the literature on programs that work to prevent offending is unequivocal; that is, programs that are therapeutic rather than control oriented have the best chance of success with young offenders'.⁷⁵

The QHRC noted that the statement of compatibility tabled with the Bill states '[i]n some appropriate circumstances, electronic monitoring keeps a child out of custody',⁷⁶ but that:

The Explanatory Notes for the Bill do not indicate that a purpose of the extension of the trial is to allow electronic monitoring to be used (or to be considered for use) as an alternative to remand. Similarly, the use of electronic monitoring as an alternative to remand was not contemplated by the Youth

⁷² Public briefing transcript, Brisbane, 17 March 2025, p 10.

⁷³ Department, written response to submissions, 11 March 2025, p 7.

⁷⁴ Bob Atkinson AO APM, Report on Youth Justice from Bob Atkinson AO, APM, Special Advisor to Di Farmer MP, Minister for Child Safety, Youth and Women and Minister for Prevention of Domestic and Family Violence, Volume 2, 8 June 2018 (Atkinson Report), p 10.

⁷⁵ Atkinson Report, p 26.

⁷⁶ Bill, statement of compatibility, p 5.

*Justice and Other Legislation Amendment Act 2021 which commenced the electronic monitoring trial.*⁷⁷

The QHRC recommended that if government intends EM to be used as an alternative to remand, this should be made clear by inclusion in the explanatory notes and should be fully explored in the statement of compatibility, allowing the community to make an informed assessment of the appropriateness of this Bill and the extension of the EM trial.⁷⁸

In contrast, when asked about the trial extension as an alternative to detention, and the explanatory notes not explicitly stating this as a purpose of the Bill, the QFCC noted that since the Bill is simply an extension of an existing measure, they were not overly concerned about the court's ability to interpret it. The QFCC stated that while it would be helpful for the explanatory notes to clarify the purpose, the QFCC sees the measure operating as intended and 'not as the fear underneath that exists'.⁷⁹

In practice, the department and witnesses highlighted that youth offenders request an EMD over remand. In its submission, the YAC articulated how this has been their experience with YAC lawyers receiving instructions from young people to make applications for EMDs where the alternative is likely detention.⁸⁰

At the public briefing, representatives from the department noted:

*... half the applications that are made are made by defence—about half. There have been about 224, from memory, applications to a court for an EM device to be considered by the court. I think 124 of them, from memory, are court ordered, the presiding justices wanted an assessment, but roughly 100 have been from defence.*⁸¹

2.5.2. Human rights considerations under HRA

The QHRC noted that if a purpose of the Bill is to facilitate EM to be used as an alternative to remand, this would serve the legitimate purpose of minimising the harms associated with keeping a child in custody. Thus it is possible that EM, while placing significant limits on children's and families' rights, may achieve the legitimate purpose of minimising the harms caused to children in custody.⁸²

At the public hearing, the QHRC highlighted that, in relation to the ability of the court to order an EMD as an alternative to remand, this 'is not the stated purpose of the law and that is not what the government has stated to be the purpose of extending the trial'.⁸³

The QHRC went on to state that:

... the commission can certainly see an avenue where providing electronic monitoring as a specific alternative to remanding a young person in custody may be a compatible option. It will certainly be less restrictive on human rights.

⁷⁷ Submission 6, p 4.

⁷⁸ Submission 6, p 14.

⁷⁹ Public hearing transcript, Brisbane, 17 March 2025, p 20.

⁸⁰ Submission 11, p 2.

⁸¹ Public briefing transcript, Brisbane, 17 March 2025, p 6.

⁸² Public hearing transcript, Brisbane, 17 March 2025, p 10.

⁸³ Public hearing transcript, Brisbane, 17 March 2025, p 10.

*The evidence before us in considering this bill and the former bill was that that is not the underlying purpose of the legislation. For a proper assessment of that to occur, we would like to see the government's justification for that.*⁸⁴

A further discussion of the Bill's overall compatibility with human rights under the HRA is contained at section 2.9, of this report.

Committee comment



When introducing the Bill, the Minister made it clear that EMDs are not intended to be an alternative to custody. The committee acknowledges however that government, stakeholders, and other data indicate that EMDs have previously been used in this way.

2.5.3. Alternative to police bail checks at home

In preparing their submission to the inquiry, QATSICPP consulted with the youth justice sector, with some contributors noting that the young people they work with perceived wearing a tracking device as less intrusive than complying with other police bail requirements.⁸⁵

QATSICPP stated however that 'on the flip side, there were noted a number of challenges around compliance with the electronic monitoring devices as well' and the feedback was 'definitely mixed' regarding the preference of young offenders for EMDs as opposed to police bail checks at home.⁸⁶

Cairns Regional Council, one of the trial sites, conveyed how police resources are stretched thin in the region, with EMDs serving as a proactive tool to reduce re-offending while allowing police tacticians to allocate resources more effectively.⁸⁷

2.6. Use of public resources

A central theme of the inquiry was that public resources should be used appropriately and in a measurable and accountable manner. Some stakeholders attested to the continuation of the trial, which had not yet shown measurable outcomes, as a poor use of public resources, while others itemised the considerable cost that the impact of youth crime had on their communities.

2.6.1. Stakeholder views

The Queensland Council of Social Service (QCOSS) believed that resources and policies should be 'targeted towards therapeutic, trauma informed, co-designed and culturally safe supports' and led by community services who work with young people as they are 'the experts on what works'.⁸⁸

⁸⁴ Public hearing transcript, Brisbane, 17 March 2025, p 11.

⁸⁵ Public hearing transcript, Brisbane, 17 March 2025, p 14.

⁸⁶ Public hearing transcript, Brisbane, 17 March 2025, p 14.

⁸⁷ Submission 4, p 2.

⁸⁸ Submission 9, p 2.

QNADA articulated that rather than repeatedly allocating resources to trial an approach which has only returned equivocal evidence, investment should focus on evidence-based policies that deliver measurable results and maximize public benefit. It cited international and domestic research⁸⁹ emphasising the importance of early intervention, rehabilitation, and community-based programs to address youth offending.⁹⁰

Conversely, Cairns Regional Council, who supported the time extension, articulated how beyond the ‘significant challenges with youth crime, particularly offences involving unlawful use of motor vehicles, break and enters, and violent assaults’ the region has experienced a surge in vandalism and damage to community infrastructure which has impacted:

... sporting clubs, social groups and other users of these facilities. These crimes have placed considerable strain on the community, causing fear and distress amongst residents and local businesses. It has also placed great financial burden on the ratepayers of Cairns with Council facing escalating repair costs for its assets.⁹¹

In 2023, the EM trial expanded the trial sites to include additional regions, including Cairns. The Cairns Regional Council submission noted how police in Far North Queensland have ‘repeatedly highlighted the prevalence of repeat youth offenders who continue to commit crimes whilst on bail’.⁹² The below table outlining vandalism costs was provided with their submission:⁹³

CRC Business area	FY 23/24	FY 24/25 YTD to DEC	FY 24/25 Forecast	% Difference
Facilities Maintenance	\$121,813	\$104,172	\$208,344	71%
Community Spaces	\$119,546	\$137,309	\$274,618	130%
Works	\$191,586	\$247,264	\$494,529	158%
Totals	\$432,945	\$488,745	\$977,491	126%

Specifically for Cairns, the submission noted how an extension to the EM trial would be ‘beneficial and serve as a tool’ to:

- improve supervision of high risk youth offenders, ensuring compliance with bail conditions, particularly from repeat offenders who frequently breach bail conditions, providing an additional layer of supervision
- deter repeat offending by increasing accountability and oversight
- enhance community confidence in the justice system by demonstrating a commitment to public safety.⁹⁴

⁸⁹ D Farrington, H Gaffney & H White, ‘Effectiveness of 12 types of interventions in reducing juvenile offending and antisocial behaviour’, *Canadian Journal of Criminology and Criminal Justice*, 64(4), October 2022, pp 47-68.

⁹⁰ Submission 2, p 4.

⁹¹ Submission 4, p 1.

⁹² Submission 4, p 1.

⁹³ Submission 4, p 1.

⁹⁴ Submission 4, p 2.

2.6.2. Government investment

In response to questions taken on notice at the public briefing, the department confirmed:

- Queensland Corrective Services (QCS) was allocated total funding of \$2.232 million for 2024-25 'to provide operational support and monitoring services' for the EM trial
- the following funding was provided to the department regarding broader youth justice programs (which have a small amount of support for the EM trial):
 - Youth Co-responder teams: \$25.8 million
 - Intensive Bail Initiative: \$14.2 million
- the costs of reviews of EM undertaken to date are as follows:
 - Youth Justice Reforms Review (2021): \$158,000
 - Electronic Monitoring Trial Review (2022): \$53,000
 - Electronic Monitoring Evaluation (2025): \$231,000.⁹⁵

The department outlined how it has multiple, new and ongoing (from the previous government), initiatives to tackle the issue of youth crime. The department cited an investment of \$485 million over four years in new programs to prevent crime before it happens, intervene early in young lives, and rehabilitate youth criminals.⁹⁶ This includes investments through the department in programs such as:

- Making Queensland Safer Laws
- Staying on Track Program
- Gold Standard Early Intervention
- Regional Reset Program
- Circuit Breaker Sentencing Program
- Detention with Purpose
- Youth Justice Schools
- Crime Prevention Schools
- Victim Advocacy Service.

A range of commitments to early intervention, prevention and rehabilitation have also been made for those agencies responsible for child protection, health and education. These are all detailed in Ministers' charter letters.⁹⁷

⁹⁵ Department, written response to questions on notice, 21 March 2025, pp 1-2.

⁹⁶ Department, written response to submissions, 11 March 2025, p 4.

⁹⁷ Department, written response to submissions, 11 March 2025, p 4.

2.7. Trial extension without implementation of additional supports

At the public briefing, some members of the committee raised concerns regarding an extension of the trial before additional supportive measures were in place, such as those outlined above by the department.

In response, the department noted:

All of our programs have been designed—the program logic—so that they are as integrated and coordinated as they possibly can be. There is always room for improvement in that space. Clearly the extra funding that will go to the market in terms of Staying on Track and Regional Reset and a whole range of other early intervention programs will provide supports for young people in the community. That is what is different about the trial in Queensland.⁹⁸

Regarding the availability of support for young people on EMDs, including early intervention and prevention programs, the department advised at the public briefing that there are already bail support programs available, including the Intensive Bail Initiative, and with the initiatives currently at tender stage, they would be in place ‘very soon – this year’.⁹⁹

The department also noted:

... there are a range of commitments to early intervention, prevention and rehabilitation across not just our agency but in the ministerial charter letters and in the current funded budgets.¹⁰⁰

Additionally, current programs being administered have not stopped, and are continuing and significant support will continue to be provided.¹⁰¹

Committee comment



Since the introduction of the 2021 Bill, Queensland has been exploring the option of EM as an additional tool for the courts in managing the issue of youth crime.

Previous trials have failed to produce conclusive evidence or provide sufficient data for informed government decision-making. The most recent amendments to this trial were in 2024 with the machinery of government changes.

Given the new investment and approach to youth crime, it is essential to see the EM trial progress to completion. Without this Bill, the current trial will expire in April 2025, without meaningful data to draw upon.

Thus, while the additional supports that young people require are either in place or due to be implemented soon, nonetheless, the Bill is required to avoid the cessation of the existing trial.

⁹⁸ Public briefing transcript, Brisbane, 17 March 2025, p 6.

⁹⁹ Public briefing transcript, Brisbane, 17 March 2025, p 8.

¹⁰⁰ Public briefing transcript, Brisbane, 17 March 2025, p 9.

¹⁰¹ Public briefing transcript, Brisbane, 17 March 2025, p 9.



2.8. Consistency with fundamental legislative principles

The explanatory notes observe that the Bill engages with the principle that legislation must have sufficient regard to the rights and liberties of individuals,¹⁰² including children and victims.¹⁰³

The explanatory notes state that the Bill ‘does not alter the way the trial operates or affect any impact the trial has on children or on victims’.¹⁰⁴

According to the explanatory notes:

The Bill will enable courts to continue to impose electronic monitoring if certain prerequisites are met, including that it is necessary to mitigate a risk (YJ Act s52AA(1) and 52A(2)(a)), and after considering a suitability assessment prepared by the Department of Youth Justice and Victim Support (YJ Act s52AA(3)-(5)). This is justified having regard to promoting compliance with bail conditions, which are aimed in part at protecting the community. These matters are also discussed in the Human Rights Statement of Compatibility.¹⁰⁵

Apart from this statement, the explanatory notes do not provide a justification for the usage of EMDs, rather, the notes focus on justifying the extension of the trial.

Accordingly, the explanatory notes observe that the proposed amendments achieve ‘the appropriate balance between individual rights and liberties and the protection of the broader Queensland community’.¹⁰⁶

As outlined throughout this report, the Bill will likely have significant ramifications for the rights and liberties of children. Children may experience detrimental impacts from wearing EMDs, such as possible social stigma arising from the presence of the device, which will signify to other members of the community that the child is subject to conditions of bail.

However, the Bill only proposes to extend the trial and retains existing safeguards, such as the power to order an EM condition being limited to the court and subject to an assessment of the child’s ability to comply. The extension of the trial for a further year will increase the potential cohort size of the trial, which should better enable a determination of the effectiveness of the trial.

Committee comment



As heard by the committee during the inquiry, the extension of the trial may deter young people from committing further offences and, in so doing, protect the community.

The committee considers that the limitations on the rights and liberties of young offenders arising from the use of EMDs, and the extension of the trial

¹⁰² Legislative Standards Act 1992, s 4(2)(a).

¹⁰³ Bill, explanatory notes, p 2.

¹⁰⁴ Bill, explanatory notes, p 2.

¹⁰⁵ Bill, explanatory notes, p 2.

¹⁰⁶ Bill, explanatory notes, p 2.

proposed under the Bill, are justified in order to achieve this legitimate purpose.

Accordingly, the committee is satisfied that the provisions of the Bill are consistent with fundamental legislative principles.



2.9. Compatibility with human rights under the HRA

As acknowledged by the statement of compatibility, the Bill limits a range of human rights under the HRA.¹⁰⁷

In particular, the Bill limits a young person's right to personal privacy¹⁰⁸ and the right to freedom of movement¹⁰⁹ as an EMD is worn on the person, and because such a device can be used for surveillance purposes with related conditions regarding a child's location.

A child required to wear an EMD will have their location and whereabouts monitored and be subject to contact by QCS staff in relation to certain alerts or notifications.

Additionally, a child wearing an EMD may feel there is a stigma associated with such a device which may result in the child limiting their usual activities, including within their family and/or community, thus potentially limiting the child's right to freedom of association.¹¹⁰

The Bill may limit a child's rights in criminal proceedings.¹¹¹ A person is entitled to the presumption of innocence as a charged, but unconvicted, person. Imposition of an EMD potentially limits this right as it could be considered to be a form of punishment.

Finally, the Bill may also limit the right of children, without discrimination, to the protection they need, and is in their best interests.¹¹² The statement of compatibility observes that the nature of this right 'recognises the special vulnerability of children'.¹¹³ However, as noted by some submitters, children may not be able to understand the implications of a monitoring device, or the effects of non-compliance.

¹⁰⁷ Bill, statement of compatibility, p 5.

¹⁰⁸ HRA, s 25; N Jones & P Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, p 264.

¹⁰⁹ 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: HRA, s 19; HRA, s 25; N Jones & P Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, pp 180-191.

¹¹⁰ HRA, s 22(2); N Jones & P Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, pp 218-299.

¹¹¹ A child charged with a criminal offence also has the right to a procedure that takes account of the child's age and the desirability of promoting the child's rehabilitation: HRA, ss 32(1), (3); N Jones & P Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, pp 344-368.

¹¹² HRA, s 26(2); N Jones & P Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, pp 265-278.

¹¹³ Bill, statement of compatibility, p 3.

The Bill may limit the cultural rights of Aboriginal peoples and Torres Strait Islander peoples.¹¹⁴ This has been acknowledged in previous explanatory material concerning EM.¹¹⁵

*Electronic tracking may also have a specific cultural impact for Aboriginal young people and Torres Strait Islander young people in that it may be symbolic of the historical control and subjugation imposed on those peoples and may be a cause of shame in their community.*¹¹⁶

According to the statement of compatibility, the purpose of the extension of the monitoring device trial is:

*... to enable a substantive review of the trial to be completed, including drawing as far as practicable on data accumulated as a result of the August 2024 expansions, and focus on victims. This comprehensive review will inform government decisions about the longer-term use of the technology for child offenders.*¹¹⁷

The statement of compatibility details the history of the trial, referencing the repeated extension, expansion and review of the trial. The statement notes the reasons why sufficient evidence to determine the effectiveness of the monitoring device condition provisions has not been gathered from an appropriate sample size and analysed in a way that has reached an unequivocal conclusion.¹¹⁸

However, the statement of compatibility does not include an analysis of the human rights implications of EM as a condition of bail itself. To this end, the statement of compatibility states:

*The Bill extends the existing trial of electronic monitoring. Human rights issues were considered upon the introduction of electronic monitoring and subsequent trial extensions. The fundamental human rights issues remain the same as the Bill does not impose additional burdens or restrictions on children.*¹¹⁹

The statement also notes various mitigating factors on the impact of the monitoring device condition provisions. These include that such a condition may only be imposed by a court on a child offender in certain circumstances, after considering a suitability assessment prepared by the department.¹²⁰

The extension of the trial would continue the existing monitoring device condition provisions for a further period of 12 months, providing for the ongoing possibility that a court's grant of bail would require a child to wear an EMD. In contemplation of whether

¹¹⁴ The cultural rights of Aboriginal peoples and Torres Strait Islander peoples include that such peoples must not be denied the right, with other members of their community, to enjoy, maintain, control, protect and develop their kinship ties: HRA, s 28(2)(c); N Jones & P Billings, *An Annotated Guide to the Human Rights Act 2019 (Qld)*, pp 286-298.

¹¹⁵ Youth Justice and Other Legislation Amendment Bill 2019, explanatory notes, p 1.

¹¹⁶ Youth Justice and Other Legislation Amendment Bill 2019, explanatory notes, p 11.

¹¹⁷ Bill, statement of compatibility, p 4.

¹¹⁸ Bill, statement of compatibility, pp 3-4.

¹¹⁹ Bill, statement of compatibility, p 1.

¹²⁰ Bill, statement of compatibility, p 3.

these limits on human rights help achieve the purpose of the trial, the statement of compatibility asserts that the trial extension would directly help to achieve the purpose.¹²¹

The statement of compatibility contends that there is no other way to achieve the purpose:

*The current expiry date is 30 April 2025. An evaluation completed in time to inform a Bill that would establish permanent arrangements with commencement before the expiry date would be unable to properly consider the new cohorts emerging from the 2024 expansions, or consider victims.*¹²²

The purpose of the limitations is significant, that is to undertake a comprehensive review to inform government decisions about the longer-term use of EM technology for child offenders.

Committee comment



The committee is satisfied the Bill achieves an appropriate balance between the purpose of the limitations and potential limitation on rights, such that the Bill is compatible with human rights as defined by the HRA.

However, the committee is of the view that the purpose of such limitation, being to facilitate a research trial with a sufficient evidence base to draw conclusions regarding the effectiveness of the imposition of EMDs as a condition of bail to reduce serious youth crime, is a legitimate and important one considering the community safety objectives of the Bill.

¹²¹ Bill, explanatory notes, p 4.

¹²² Bill, statement of compatibility, p 4.

Appendix A – Submitters

Sub No.	Name / Organisation
1	Cat McDonald
2	Queensland Network of Alcohol and Other Drug Agencies
3	Joanne Daley
4	Cairns Regional Council
5	Justice Reform Initiative
6	Queensland Human Rights Commission
7	PeakCare
8	Voice for Victims
9	Queensland Council of Social Service
10	Queensland Aboriginal and Torres Strait Islander Child Protection Peak
11	Youth Advocacy Centre
12	Queensland Family & Child Commission
13	Aboriginal and Torres Strait Islander Legal Service
14	Human Rights Law Centre

Appendix B – Public Briefing, 17 March 2025

Department of Youth Justice and Victim Support

Robert Gee APM

Director-General

Michael Drane

Deputy Director-General

Megan Giles

Senior Executive Director,
Regions and Statewide Services

Appendix C – Witnesses at Public Hearing, 17 March 2025

Organisations

PeakCare

Gayle Walters

Acting Chief Executive Officer

Queensland Aboriginal and Torres Strait Islander Child Protection Peak

Murray Benton

Deputy Chief Executive Officer,
Youth Justice

Helena Wright

Deputy Chief Executive Officer,
Policy and Strategy

Queensland Family and Child Commission

Luke Twyford

Principal Commissioner

Queensland Human Rights Commission

Brenna Booth-Marxson

Acting Deputy Commissioner

Charlotte Wilson

Manager Public Policy

Youth Advocacy Centre

Katherine Hayes

Chief Executive Officer

Statement of Reservation

STATEMENT OF RESERVATION
Youth Justice (Monitoring Devices) Amendment Bill 2025

It is clear from the numerous stakeholders who made submissions or appeared before the Justice, Integrity and Community Safety Committee that while there may be broad ongoing support for electronic monitoring devices (EMDs) in particular circumstances, there is strong stakeholder support for the government investing in wrap-around support services for any young person fitted with an EMD, and for this support to be delivered sooner, rather than later.

The Director-General of Minister Laura Gerber MP's department stated that "*the facts are that EMD is not a panacea, but the difference in this state is that we have provided significant support and we continue to do that*". It is important to note that this "*significant support*" to which the Director-General of Minister Laura Gerber MP's department is referring has been provided for many years, under successive Labor governments.

The majority of stakeholders reiterated the importance of including early intervention and prevention alongside any punitive approaches the Government may take. As such, the Queensland Opposition, like many of the submitters and indeed all Queenslanders continue to watch the government with interest regarding the roll out of "Gold Standard Early Intervention" programs.

It is disappointing that the Crisafulli LNP Government has not provided a timeline for the commencement of these "Gold Standard Early Intervention" programs, with the department administered by Minister Gerber MP unable to provide a timeline to the parliamentary committee when questioned.

This Bill also represents another example of how the Crisafulli LNP Government has failed to plan for a proper legislative program. This Bill which has been scrutinised by a parliamentary committee, is four pages long, the first page is the cover page, the second page is blank, the third page is the long title and the final page is the actual clauses.

There are three clauses. The first defines the short title, the second outlines the act that the Bill is amending and the third clause is changing the year from 4 years to 5 years. In effect, this Bill deals with one issue changes the date from 4 years to 5 years.

The contents of this Bill could have been dealt with in previous legislation, in particular the *Making Queensland Safer Laws Bill 2024* which was introduced by Premier David Crisafulli MP and led by Attorney-General Deb Frecklington MP, despite the majority of the legislation being in a different Ministers portfolio.

It was either not included because that law was rushed through by the Crisafulli LNP Government which has resulted in unintended consequences, or the relevant Minister, Minister Laura Gerber MP neglected to raise the issue for incorporation.

Unfortunately, we will never know because the cabinet submission regarding *Making Queensland Safer Laws Bill 2024* has not been released by the Crisafulli LNP Government.

Further views will be provided by the Labor Opposition during the second reading debate.



PETER RUSSO MP
MEMEBR FOR TOOHEY
DEPUTY CHAIR OF THE COMMITTEE
SHADOW ASSISTANT MINISTER FOR JUSTICE



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

Dissenting Report



MICHAEL BERKMAN MP

Member for Maiwar ▲

27 March 2025

**Dissenting report - Justice, Integrity and Community Safety Committee
Inquiry into the Youth Justice (Monitoring Devices) Bill 2025**

I remain unconvinced that extending the trial of electronic monitoring devices for children for another year — as with previous extensions and expansions in 2023 and 2024 — will produce evidence of their effectiveness in reducing recidivism amongst children. There must come a point where we accept that a trial like this won't produce any such evidence, because, quite simply, electronic monitoring devices for children are ineffective to this end.

I empathise with those submitters and witnesses who support a further extension of the trial to the extent that it provides one alternative to incarceration for children, and agree that we should be doing all we can to avoid young people being detained given the harm it causes and the increased likelihood that incarcerated children will reoffend on release. But this must surely start with the repeal of legislation delivered by consecutive Labor and LNP Governments that was introduced and passed with the express purpose of detaining more young children for longer periods, both in adult watch houses and youth detention centres.

Similarly, I am conscious of the anecdotal evidence that wearing a visible ankle bracelet gave some children a reason to resist peer pressure to engage in offending behaviour, but I remain more concerned about the potential stigmatisation of these same children, and the very real risk that they may disengage even further from schools and other supportive networks.

The Explanatory Notes claim that the criteria for imposing bail conditions under the trial were “designed to target serious repeat offenders”. Yet the Youth Advocacy Centre's direct experience supporting clients with these bail applications makes clear that this same cohort of children are least likely to meet the suitability criteria because they are without stable accommodation, have no parent or guardian who can assist with compliance, or don't have access to a mobile phone.

The best that could be said of the trial at this point is that it has taken attention, resources, and capacity away from proven policy solutions to youth crime, which continue to be ignored. At worst, the use of electronic monitoring devices has provided another barrier to establishing relationships of accountability,

care, and trust between children and their communities, the absence of which is a key cause of children committing crimes.

For these reasons I must dissent to the Committee's recommendation that the Bill be passed and to their summation and comments in support of this recommendation.

Lack of reason and purpose of the Bill

The primary reason for continuing the trial as advocated by the Department of Youth Justice and Victim Support (the Department) is to increase the sample of children who will have been subject to the use of electronic monitoring devices in order to evaluate the regime's efficacy at preventing re-offending. The Department also acknowledges that since the introduction of the original laws in 2021, there is no evidence that the use of electronic monitoring devices for children is effective at reducing reoffending.¹ This was reaffirmed by numerous submitters to the present Inquiry. The Queensland Human Rights Commission states

"...in May 2020, a meta-analysis of 18 studies from around the world, found GPS trackers do not have a statistically significant effect on crime, except when used for sex offenders placed on electronic monitoring post-trial."²

The investigation of novel measures to improve outcomes for the community and young offenders may be justified, but the evidence was already available when this trial commenced — the lack of efficacy at achieving hypothetical desirable outcomes, the manifest negative impacts on young offenders with flow on consequences to the community, and the resource cost of electronic monitoring of children, all make it a particularly poor tool for preventing reoffending.³ There is no clear policy rationale for the expansion of the trial because there was never any clear rationale for the original trial.

Manifest negative outcomes from the trial regime

The Department also acknowledges the potential negative outcomes of the trial regime which has likely flow-on consequences to the community.

The visibility and presence of electronic monitoring devices on a child creates or exacerbates negative personal and public perceptions of the child, leading to criminal stigmatisation and disengagement from

¹ Department of Youth Justice and Victim Support, Queensland Police Service (2021). *Joint Departmental Brief on the Youth Justice and Other Legislation Amendment Bill 2021 to the Legal Affairs and Safety Committee*

² Submission no 6, p10.

³ Australian lawyers Alliance, Queensland Council of Social Services, School of Public Health and Social Work QUT, CREATE Foundation, Human Rights Centre, Change the Record, Qld Human Rights Commission, Amnesty International, Queensland Aboriginal and Torres Strait Islander Child Protection Peak, Australian Association of Social Workers, Office of Public Guardian, Together, Institute for Collaborative Race Research, Anglicare Southern Queensland Community Legal Centres Queensland (2021). Submissions to the Legal Affairs and Safety Committee Inquiry into Youth Justice and Other Legislation Amendment Bill 2021.

prosocial supports and relationships in education, employment, and recreation.⁴ This further undermines relationships of accountability, care, and trust between the child and their community, the absence of which is at the root of antisocial offending. This occurs as a result of the use of electronic monitoring devices without any evidence that its use prevents an offence from occurring. That is, the use of electronic monitoring devices has harmful impacts on the child and makes it more likely that the child will harm others.

Queensland Police have indicated that breaches under this regime are handled with discretion on a case-by-case basis, which I'd suggest underscores the absurdity of the policy.⁵ The use of electronic monitoring devices creates criminal sanctions for behaviour that is so plainly harmless that police must exercise discretion not to enforce the law in order to avoid the obvious negative consequences that would arise from its enforcement. Such inconsistencies in the law erode respect for the law, and because discretion is not always applied, the regime inevitably results in the criminalisation of children for behaviour that causes no harm and where criminal sanction is clearly unjustified. Queensland Network of Alcohol and other Drug Agencies states:

“ ... a majority of studies have identified the net widening effect of EM orders resulting in increased numbers of people in the criminal justice system and greater levels of contravention.”⁶

Overall, electronic monitoring risks increasing rates of criminalisation and incarceration without reducing reoffending.

Recommendation

The trial regime impinges on the rights of children, worsens outcomes for children, results in greater harm to the community from anti-social youth offending as a result, and takes resources and attention away from proven policy solutions to reduce crime. This superficial, reactive, and opportunistic ‘tough on crime’ posturing exploits the genuine frustration, anger, and fear felt by victims of crime for political gain, yet it will only create more victims in the long run.

By continuing to endorse this approach, the Committee has either willfully ignored or neglected to consider the weight of the evidence presented by submitters. I reject their recommendation and instead recommend that the Bill not be passed.

⁴ Aboriginal and Torres Strait Islander Legal Service, Queensland Council of Social Services, Queensland Network of Alcohol and other Drug Agencies, Qld Human Rights Commission, Queensland Aboriginal and Torres Strait Islander Child Protection Peak, Youth Advocacy Centre, Queensland Family and Child Commission, Human Rights Law Centre (2025). Submissions to the Justice, Integrity and Community Safety Committee Inquiry into the Youth Justice (Monitoring Devices) Bill 2025.

⁵ Justice, Integrity and Community Safety Committee (2025). Public briefing transcript, Brisbane, 17 March 2025, p 1. Inquiry into the Youth Justice (Monitoring Devices) Bill 2025.

⁶ Submission no 2, p 4.