

Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026

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Submission By: Queensland Ombudsman and Inspector of Detention Services
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SENSITIVE

8 September 2026

Justice, Integrity and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Sent by email: jicsc@parliament.qld.gov.au

Dear Committee,

I provide our submission to the committee's inquiry into the *Breach Bail, Go to Jail and Other Legislation Amendment Bill 2026*.

While we support the government's goal of strengthening community safety, we are concerned that further overcrowding of detention facilities will reduce community safety.

The focus of our submission is the government's own assessment in the Statement of Compatibility that the Bill's reforms will affect the capacity of detention facilities, impact on the humane treatment of detainees and may even result in them being subject to cruel, inhuman or degrading treatment.

These impacts will hamper the capacity of prison authorities to rehabilitate offenders and thereby reduce their ability to strengthen community safety.

We submit that the committee should seek greater transparency of information about:

- the anticipated increases in the number of detainees
- how the reforms will engage the right to humane treatment, and right to protection from cruel, inhuman or degrading treatment.

In the event the Bill's reforms proceed, we submit the committee should also recommend the government prioritise developing a strategy to address the risks to humane containment and community safety arising from the Bill, which should include:

- investment in additional detention capacity
- programs and services that reduce the risk of harm to detainees and reduce reoffending.

Finally, we are concerned about the proposed *Human Rights Act 2019* override declarations. If they proceed, we submit that the current role of the Queensland Ombudsman and Inspector of Detention Services becomes even more important to humane detention in Queensland.

Government's assessment of impact of the Bill's reforms on detainees

In its Statement of Compatibility for the Bill, the government acknowledges that the Bill's reforms will impact the right to humane treatment when deprived of liberty.

Further the Statement observes that the reforms may 'also engage the right to protection from cruel, inhuman or degrading treatment.'

The *United Nations Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* provides:

- that any act of cruel, inhuman or degrading treatment is an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights (Article 2)
- that no State may permit such treatment – and that exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification for it to occur (Article 3).

The Statement of Compatibility indicates that the causes of the above impacts are that the Bill's reforms will affect the current capacity of detention facilities, increase the number of children and adults held on remand or otherwise detained in youth detention centres or police watch-houses, and give rise to impacts on detention conditions.

It is not clear whether there has been any detailed modelling about how great the increase in the number of detainees will be, how quickly the increases will occur, or which facilities will be most impacted.

There is also an absence of detail about the nature of the anticipated impacts on capacity and conditions in detention facilities, although some additional insight is provided about impacts in watch-houses:

Increased detention in police watch-houses may affect decisions concerning the placement, classification, transfer and separation of detainees, movements within and between facilities, staffing and security arrangements, as well as access to health, rehabilitation, education and other services.

To enable the committee to fully assess the Bill's impact on detainees and community safety, we submit that the committee should seek greater transparency of information from relevant government departments about the anticipated increases in the number of detainees that will be caused by the Bill's reforms, and why it is considered that the reforms will engage the right to humane treatment, and right to protection from cruel, inhuman or degrading treatment.

Potential problems arising from an increase in the number of detainees

Based on the knowledge gained through our inspection of detention facilities, we anticipate that a range of problems will arise from an increase in the number of detainees.

Prisons

Queensland's detention facilities are already overcrowded.

In its 2025 annual report, Queensland Corrective Services recognised that the most significant environmental factor impacting QCS' operations has been the continued overcrowding and long-term growth in prisoner numbers.

The QCS response to our 2026 *Brisbane Correctional Centre inspection report* advised that it is currently facing unprecedented capacity issues.

In July 2026, prior to the introduction of the Bill, the Queensland Audit Office report *Rehabilitating and reintegrating prisoners* stated that prisoner numbers were already forecast to grow in the years ahead between 14 per cent (approximately 1,500 prisoners) and 46 per cent (approximately 5,200 prisoners) by June 2035.

The impacts of overcrowding in prisons are well documented in our reports, such as the 2024 *Prison overcrowding and other matters report*, the 2026 *Brisbane Correctional Centre inspection report* and the 2026 *Capricornia Correctional Centre inspection report*. Impacts include:

- cells designed for a single person being used to accommodate two people (referred to as being "doubled up")
- reduced out of cell time for many prisoners to 4 hours per day
- increased levels of assaults on prisoners and front-line officers
- increased workloads and pressures on staff
- impact on officers maintaining positive engagement with prisoners
- delays and waitlists for medical treatment
- reduced access rehabilitation programs and education and work opportunities
- reduced access to phone calls
- facilities originally designed for a much smaller number of prisoners being unable to meet demands e.g. kitchens, health facilities, visit areas, training rooms

A longer-term impact of overcrowding is that it hampers the capacity of prison authorities to rehabilitate offenders and thereby reduces their ability to reduce reoffending. It is this impact that we are concerned will undermine the Bill's goal of strengthening community safety.

In 2025, the UK House of Commons Justice Committee report *Ending the cycle of reoffending – part one: rehabilitation in prisons*, concluded that the overcrowding of their prisons was having a profound effect on the ability of prisons to deliver rehabilitation, and this risked undermining the very purpose of imprisonment, to reduce reoffending.

In 2026, the Queensland Audit Office report *Rehabilitating and reintegrating prisoners* reached a similar conclusion, stating:

An increasing prisoner population places pressure on staffing and infrastructure, heightens safety and security risks, and disrupts routine operations. More prisoners mean greater demand for existing programs and services. If not managed effectively it can impact delivery to programs, training and education, and employment opportunities that are fundamental to effective rehabilitation and successful transition into the community.

The recent opening of the Lockyer Valley Correctional Centre has eased overcrowding pressures somewhat – for the moment at least. Other announced infrastructure expansion initiatives will further enhance capacity. However, it is not clear whether these initiatives are sufficient to avoid the worsening of overcrowding of prisons in the face of the Bill's reforms.

Watch-houses

When the capacity of prisons or youth detention centres come under pressure, this increases the number of detainees and their length of stay in watch-houses.

The Queensland Police Service has recognised the problems arising from longer prisoner stays in watchhouses. The *QPS Watch-house review 2025* stated:

longer prisoner stays in watch-houses can lead to increased rates of non-compliance by prisoners and increase in self-harm events...Watch houses are simply not environments that are designed for lengthy prison stays, and there are serious implications and risks with this fact being routinely overlooked...Length of stay remains a significant issue in Queensland, particularly for vulnerable groups, including women, girls and children.

Our 2024 *Cairns and Murgon watch-houses inspection report: Focus on detention of children* identified a range of concerns about lengthy detention in watchhouses for children, such as:

- unsuitable infrastructure resulting in problems such as overcrowding, no fresh air, no natural light and no privacy for toilet use
- inadequate admission process with health clinicians not generally involved in the assessment process
- inadequate approach for managing at-risk children in watch-houses compared with the options available in youth detention centres.
- children being held in isolation
- limited guidance for watch-house staff on behavioural management strategies for children generally, let alone those with complex needs.
- lack of organised activities for children.
- limited access to service providers.

Some of the specific impacts for watch-house detainees listed in the Statement of Compatibility (as quoted above) appear to forecast particular future problems in watchhouses, such as:

- impacts on the separation of detainees, which may anticipate that men, women and children will need to be accommodated together in some watch-houses
- reduction of access to health services
- pressure on staffing which will result in limited meaningful engagement, or limited education and programs for children, during lengthy stays in watch-houses
- potential increased movement of detainees between watch-houses.

Since the QPS review was conducted, two important increases in detention facility capacity have eased some of the pressures on watch-houses. The first was the opening of the Wacol Youth Remand Centre in early 2025, which has been used to accommodate recently arrested children from across the state while they await accommodation in a youth detention centre. The second was the already mentioned opening of the Lockyer Valley Correctional Centre.

However, there is evidence that pressures on watch-houses are reemerging, resulting in numerous lengthy stays in watch-houses.

For example, the publicly available QPS data on persons in Queensland police watch-house custody reported at 0600 hours on 4 September 2026 there were 49 adults and 30 children who had been in custody in a watch-house for more than 7 days. The 30 children were held in a swathe of watch-houses across Queensland, namely Brisbane,

Bundaberg, Caboolture, Cairns, Caloundra, Hervey Bay, Ipswich, Pine Rivers, Rockhampton, Southport, Toowoomba and Townsville.

The Queensland Police Union publishes a longitudinal data set on watch-house detainee numbers which shows an increasing trend in length of stay for children and adults in watch-house custody since around July 2026.

Youth detention centres

Queensland already has more children in detention than any other state in Australia. In fact, according to the 2026 *Report on Government Services*, in 2024-25 Queensland held over 39% of all the children detained in Australia (290 children detained in Queensland out of a total of 734 children across Australia).

Our 2025 *Combined inspection report for youth detention centres* identified that detaining such a large number of children was placing Queensland's youth detention centres under significant pressure. In 2023–2024, the overall YDC utilisation rate (that is, how much of the accommodation of the youth detention centre is used) in Queensland was 99.6% – well above the safe capacity, and the highest utilisation rate in Australia.

Our subsequent 2026 *Combined inspection report for youth detention centres* reported that the opening of the Wacol Youth Remand Centre (which added additional capacity to the existing Brisbane, West Moreton and Cleveland youth detention centres) in late March 2025 had relieved some of these capacity issues and reduced the utilisation rate.

However, the above reported information about the length of stay and number of children detained in watch-houses indicates that the gains achieved by Wacol Youth Remand Centre are ebbing away.

The planned opening of the Woodford Youth Detention Centre in 2027 will further increase capacity. However, it is not known whether it will be sufficient to absorb the anticipated increase in the number of children detained in youth detention centres that will be caused by the Bill's reforms.

In recent years, one of the most concerning problems facing youth detention centres, and the children detained in them, has been separations caused by staff shortages. We explored the harm to children caused by staff shortage separations in our 2024 *Cleveland Youth Detention Centre inspection report*. Our 2026 *Combined inspection report for youth detention centres* noted that while the problem has reduced somewhat, it remains.

If the number of children in youth detention centres grows because of the Bill's reforms, the government will need to redouble their efforts to recruit enough front-line staff to avoid the spectre of frequent, lengthy separations of children returning to our youth detention centres.

Such separations are not only harmful to children but also undermine the capacity of youth detention centres to deliver meaningful education and rehabilitation.

Proposed response to the Bill's impact on detainees

In the absence of detailed information about the nature and extent of anticipated impacts of the Bill's reform on detainees, it is difficult to assess options for responding to the problem.

However, in the likely event that the Bill's reforms proceed, we submit the committee should recommend to the government that it prioritise developing a strategy to mitigate the risks to humane treatment and community safety arising from the Bill's reforms. The strategy should include investment in additional detention capacity, as well as programs and services that reduce the risk of harm to detainees and reduce reoffending.

Increased importance of role of Queensland Ombudsman and Inspector of Detention Services

The government's recognition that the Bill's reforms may engage the right to humane treatment when deprived of liberty and the right to protection from cruel, inhuman or degrading treatment heightens the importance of independent scrutiny of operations in detention facilities.

With this in mind, we do not support the proposed *Human Rights Act 2019* override declarations as they will not only continue to prevent scrutiny by the Queensland Human Rights Commission of the protection of human rights of children in watch-houses and youth detention centres but extend the same situation to adults in watch-houses.

If the override declarations proceed, we submit that the current role of the Queensland Ombudsman and Inspector of Detention Services to investigate complaints, inspect detention facilities and report to Parliament becomes even more important. As is presently the case, the Office's reports will be an important source of independent information for members of Parliament to understand and address problems in our detention facilities.

If you have any questions regarding this submission, I can be contacted through my Executive Assistant Gillian Thompson on telephone [REDACTED] or via email at [REDACTED].

Yours sincerely

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