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28th January 2026

Inspector of Detention Services
Office of the Queensland Ombudsman
GPO Box 3314
Brisbane QLD 4000

By email: inspector@ombudsman.qld.gov.au

Dear Inspector of Detention Services,

**Re: Inspection of West Moreton, Brisbane and Cleveland Youth Detention Centres**

Thank you for the opportunity to provide comments on the inspection of West Moreton (**WMYDC**), Brisbane (**BYDC**) and Cleveland Youth Detention Centres (**CYDC**).

In this submission, we have raised concerns relating to: the transfer of children from a South-East Queensland youth detention centre to CYDC for the purpose of separating them from a co-accused and the impacts that such has on their family; a failure by youth detention centres/Youth Justice to communicate to the lawyer/s representing a child when a decision has been made to move the child to another youth detention centre; an increase in serious assault charges imposed on children detained in CYDC involving youth workers and detention staff; and the continued use of separation at CYDC.

## Preliminary consideration: Our background to comment

The Aboriginal and Torres Strait Islander Legal Service (Qld) Limited (ATSILS), is a community-based public benevolent organisation, established to provide professional and culturally competent legal services for Aboriginal and Torres Strait Islander peoples across Queensland. The founding organisation was established in 1973. We now have 25 offices strategically located across the State. Our Vision is to be the leader of innovative and professional legal services. Our Mission is to deliver quality legal assistance services, community legal education, and early intervention and

prevention initiatives which uphold and advance the legal and human rights of Aboriginal and Torres Strait Islander peoples.

ATSILS provides legal services to Aboriginal and Torres Strait Islander peoples throughout Queensland. Whilst our primary role is to provide criminal, civil and family law representation, we are also funded by the Commonwealth to perform a State-wide role in the key areas of Community Legal Education, and Early Intervention and Prevention initiatives (which include related law reform activities and monitoring Indigenous Australian deaths in custody). Our submission is informed by over five decades of legal practise at the coalface of the justice arena and we, therefore, believe we are well placed to provide meaningful comment, not from a theoretical or purely academic perspective, but rather from a platform based upon actual experiences.

## Comments on the upcoming inspection of West Moreton, Brisbane and Cleveland Youth Detention Centres

We wish to draw your attention to the below concerns.

Where client examples have been used, for the purposes of maintaining our obligations to client confidentiality and privacy, we have referred to them using randomly generated codes (pseudonyms).

A. *Transfer of children to another youth detention centre to separate them from a co-accused*

Client BKR was on remand at BYDC and subsequently transferred to CYDC on the basis that the co-accused was already detained at BYDC. This caused significant issues as Client BKR's family could not visit their child in person, and as the matters were serious and proceeding on indictment, there would be quite some time before the matters reached finalisation.

To the extent that this might be a systemic issue, it is recommended that the Inspector investigates whether there are avenues for keeping a co-accused separate within the facility in which they are detained, or alternatively, if the accused's family lives in South East Queensland, that the accused is moved to another facility within the South East Queensland region to avoid families having to travel in excess of a thousand kilometres to visit their child whilst the child is in detention (if travel that far is even possible in consideration of their circumstances).

B. *Failure to communicate to the lawyer representing a child, that the child has been moved to another youth detention centre*

Our legal practitioners have expressed concerns regarding a failure to advise them that the child that they represent has been moved to another youth detention centre. This causes delays and difficulties in obtaining instructions. It should be a matter of practice that when a decision is made by a youth detention centre/Youth Justice to move a child from one youth detention centre to another, that the youth detention centre/Youth Justice formally advises the lawyer/s representing the child to keep them abreast of this change and to avoid scenarios where lawyers are scrambling to find where their client is located so that they can obtain instructions.

C. *Increase in serious assault charges imposed on children detained in CYDC involving youth workers and detention staff*

We have observed a significant spike in serious assault charges imposed on children detained in CYDC involving youth workers and/or detention staff. Notably, our practitioners have advised of incidents involving clients where the clients have engaged in an altercation with another young person detained at the youth detention centre, and when the staff intervene to de-escalate the altercation, they get caught in the 'crossfire' so to speak, e.g. when the child has spat out at another young person. Our practitioners have also advised that serious assault charges have been laid when clients, for example, jump onto a fence for several hours as this is considered a 'wilful obstruct'.

We respectfully ask the Inspector to investigate this spike in assault charges. Whilst we cannot say with certainty what the cause of the spike is, it is possible that such could be attributed to the effects of a deterioration in the conditions/treatment of children detained at CYDC. We are aware of the use of separation at BYDC due to staff shortages or incidents (even where children locked down to their cell for extended periods of time were not part of the precipitating incident). We have raised this issue with a bit more detail in the next item in this submission. Our practitioners have also made observations that, in their view, it is possible that contributing factors for this spike in assault charges might include: that children are now having to serve longer periods of time in detention and they have not yet comprehended that the laws have changed such that they are able to be punished more severely now; and the trend of limited prospects for bail for a child, particularly, if they have a history of breaching bail or unsatisfactory compliance with their Youth Justice orders.

*D. Children detained in cells in CYDC for extended periods due to staff shortages or incidents during their time on remand*

Our Children's Court team have a practice of requesting separation reports from a youth detention centre when a sentence is listed to determine how the child has spent their time on remand. In relation to CYDC, in particular, the team has observed that these separation reports often state that children have been detained in their cells for extended periods due to staff shortages or incidents. In practice, Children's Court of Queensland judges have taken the view that being locked down in cells in this manner is akin to solitary confinement, and such should be taken into account when considering a penalty (similar to how time spent in a watch house is considered more onerous). Notwithstanding, the continued use of separation at CYDC remains a significant concern given the considerable body of evidence that establishes the detrimental psychological impact of separation on a child in a custodial environment.

We thank you for the opportunity to provide feedback on the upcoming inspection of West Moreton YDC, BYDC and CYDC.

Yours faithfully,

Shane Duffy
Chief Executive Officer