



Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2022-2023 **ANSWER TO QUESTION ON NOTICE**

Asked by Mr Braddock MLA:

Reference: Hearing on 22 November 2023, Office of Inspector of Correctional Services

In relation to: UN Subcommittee for the Prevention of Torture

Question Lodgement Date: 24/11/2023

Can you confirm if the ACT was, in your view, not among the reasons for the UN Subcommittee for the Prevention of Torture cancelling its recent planned visit, and that you were expecting full cooperation from the ACT Correctional Services system during that visit had it proceeded?

Inspector of Correctional Services: The answer to the Member's question is as follows:–

I understand the question relates to the visit to Australia in 2022 of the United Nations Subcommittee on Prevention of Torture (UN SPT), which was suspended on 23 October 2022 (see <https://www.ohchr.org/en/press-releases/2022/10/un-torture-prevention-body-suspends-visit-australia-citing-lack-co-operation>). Based on the public statements of the UN SPT, and related public information, it is my understanding that access to places of detention in the ACT were not among the reasons for the UN SPT to terminate its visit on 20 February 2023 (see <https://www.ohchr.org/en/press-releases/2023/02/un-torture-prevention-body-terminates-visit-australia-confirms-missions>).

I note in a submission to the Australian Parliamentary Joint Committee on Human Rights (*Inquiry into Australia's Human Rights Framework*), members of the Australian National Preventive Mechanism summarised the situation as follows:

The SPT first visited Australia between 16 and 27 October 2022. The SPT suspended this visit on 23 October 2022 because it was prevented from accessing places of detention in NSW and Queensland, had difficulties carrying out a full visit in other places of detention, and was not being provided all relevant information and documents it requested. On 20 February 2023, the SPT formally terminated its visit to Australia stating that Australia was unable to provide the assurances required to enable the SPT to resume its visit within a reasonable timeframe. Members of Australia's NPM released a joint statement following the SPT's decision noting that this was a missed opportunity for Australian governments, detaining authorities, civil society organisations and other oversight bodies to work cooperatively with

the SPT to achieve the shared goal of protecting the human rights of people in detention. The SPT has provided its report from the visit to the Australian Government, which can choose whether to publish the report. We encourage the Australian Government to do so.

I further note that on 10 November 2022, I appeared before the Standing Committee on Justice and Community Safety's *Inquiry into Annual and Financial Reports 2021-2022*, and in a question, the Chair referred to the UN SPT visiting the AMC. In my evidence, I stated in relation to the UN SPT:

They are very tight-lipped about where they go, because a part of their modalities is about unannounced visits. So they certainly did not tell us or anyone. It so happened that we were, as Neil said, following up on a matter for the Healthy Prison Review and we did see them out there. They did not share any insights with us.

... When a country ratifies the treaty, the country accepts the modality. So Australia was well-aware in 2017 originally, when we ratified the treaty. They did announce that they were coming to Australia and they announced the dates. So there were a lot of discussions going on with the federal Attorney-General's Department, the ACT JACS Directorate and others. AMC was well-aware that, in this two-week period, you may get people turning up and asking to enter. They do expect to be let straight in because that is the modality. It is about ensuring that there is no pre-planned preparation for visits. I understand it went smoothly at AMC. I know there were commissioner's instructions to staff beforehand to put them on notice and there was a number to call for a senior staff member to let them in. It went fairly well I understand.

In media reports, the then ACT Corrective Services Commissioner made public comment about the UN SPT's visit to AMC (see <https://www.abc.net.au/listen/programs/canberra-drive/un-anti-torture-delegates-visit-canberra-jail/101561726>)

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 30/11/2023

By the Inspector of Correctional Services