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Members of Parliament
Parliament of Tasmania
Parliament House
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Dear Members of Parliament

Tasmanian NPM – Implementation update and second consultation paper

I enclose for your consideration my office's second consultation paper related to the implementation of my new Tasmanian National Preventive Mechanism (NPM) office. As foreshadowed in my letter of 25 January 2023, the focus of this second consultation round is the identification of Australia's obligations related to the prohibition of torture and ill-treatment and related best practice, which I will have regard to when examining places of detention under my visiting function. I also take this opportunity to provide a further update on my implementation activities.

Following my January letter, progress continues on scoping the substantive and operational requirements of my new office. Led by my Project Manager, Mr. Mark Huber, I am pleased to say that this implementation work is now at an advanced stage and remains on schedule to provide an implementation report by mid-year.

With the assistance of our organisational design consultants (ELM Consulting Australia), and in consultation with stakeholders, a clear picture is now forming of the office's governance, strategic, budgetary, and capability requirements. I am also working with Tasmanian creative design agency, The20, to develop the office's branding and related materials. Alongside this business unit scoping, I have engaged a number of subject-matter experts to provide assistance with the development of my office's substantive 'Expectations', including:

- Emeritus Professor Neil Morgan
- Megan Mitchell AM
- Louise Finer
- Sarah Cooke OBE

- Scott Tilyard APM
- Dr. Linda Steele

Similar to my Custodial Inspector inspection standards, these Expectations will set out the criteria used to examine places visited, to assess the treatment of persons deprived of their liberty and ensure that Australia's human rights obligations are met. I am grateful for feedback provided by stakeholders in response to the first consultation paper, which has directly informed this component of work by assisting in the identification of places of detention in Tasmania. In response to these submissions, I will be creating five Expectations documents, covering the following types of detention that I will examine under my visiting function:

1. Adult criminal detention. This includes settings such as prisons, the transport of detainees, and other court-ordered deprivations of liberty, such as home detention.
2. Police and court custody. This includes settings in which a person may be deprived of their liberty by police or within a court facility. It will include places such as police and court cells, and transport vehicles.
3. Children and young people. Applicable to any setting in which a child or young person may be deprived of their liberty, including youth detention.
4. Mental health. This will apply to settings in which a person is deprived of their liberty under relevant legislation, such as Tasmania's *Mental Health Act 2013*, and by order of a court or tribunal.
5. Health and social care. This includes settings where a person is deprived of their liberty for medical reasons, along with social places where support is provided to older people or people with disability, such as aged and disability care.

This approach is similar to that adopted by other established NPMs. The Expectations documents will be developed with stakeholder involvement (including responses to the enclosed consultation paper), and will be released publically for feedback prior to finalisation. To aid in the development of these documents, in early May Mr. Huber coordinated an orientation visit to places of detention around the state. This included custodial, health, mental health, police and court facilities. Joining Mr Huber and me on the visit was Prof Morgan, Ms. Mitchell, Mr. Tilyard, and Mr. Sam Christensen (Principal Inspector, Office of the Custodial Inspector). The Commissioner for Children and Young People also joined our visit to Ashley Youth Detention Centre.

The purpose of these orientation visits is to become familiar with different settings and gather relevant information through the lens of the NPM. Attendees and I viewed the physical environment, spoke to staff and detainees, and requested information such as policies and practices. Prior to visits we also met with responsible Agency representatives to discuss the places, to understand the existing oversight mechanisms, and learn about any relevant ongoing reforms. I am grateful for the ongoing, proactive assistance that I am receiving from across government. Further orientation visits will occur later this year.

In the meantime, in June I am sending two staff (Mr. Huber, and my Custodial Inspector Acting Principal Inspection Officer, Ms. Belinda Chamley) to accompany the Office of the

New Zealand Ombudsman on NPM visits to aged care, mental health, and correctional settings. I am aware that public service overseas travel is exceptional and I consider it merited in the circumstances.

Although I hold over five years' experience inspecting custodial facilities as Custodial Inspector, it is important to recognise that the requirements of an NPM are different. Notably, the NPM jurisdiction is wider than the Custodial Inspector, and the U.N. Subcommittee on Prevention of Torture has emphasised that proactive NPM visits are not the same as inspections undertaken by existing oversight bodies. Before commencing my visit program, it is important that my staff and I are familiar with what an NPM visit looks like in practice.

The New Zealand Ombudsman has been operating as NPM for over a decade and is held in high regard by stakeholders. Given that no Australian jurisdiction is currently OPCAT compliant, New Zealand represents the closest and most cost effective training option. I am grateful for the New Zealand Ombudsman's support, which has also included providing copies of substantive and training materials and related advice.

It is likely that Tasmania will be the first Australian NPM to develop a comprehensive suite of OPCAT-specific materials. I am encouraged by the government and community support that I have received as this work has progressed and I am confident that the materials prepared will reflect contemporaneous best practice, serving as a model for other Australian NPMs as they become operational.

My next update will coincide with the release of my implementation report. As key stakeholders, you are of course welcome to contact me in the meantime if you have any questions relating to my activities as Tasmanian NPM. Enquiries related to the consultation paper or the implementation project generally may be directed to Mr Huber at enquiries@npm.tas.gov.au.

Yours sincerely,



Richard Connock

TASMANIAN NATIONAL PREVENTIVE MECHANISM