

PARLIAMENT OF TASMANIA

Legislative Council

TEXT OF MOTION

Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment

Ms WEBB (Nelson) - Mr President, I move -

That the Legislative Council -

- (1) Notes that Australia ratified in 2017 the Optional Protocol to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT), which provides for international inspections of places of detention, at both national and subnational levels, by the United Nations Subcommittee on the Prevention of Torture (SPT);
- (2) notes on 29 November 2021 Tasmania passed the OPCAT Implementation Act 2021 which commenced on 20 January 2022;
- (3) notes the recent disturbing reports that a delegation from the United Nations Subcommittee on Prevention of Torture (SPT) has taken the extraordinary step of suspending its current visit to Australia due to obstruction encountered in interstate jurisdictions when attempting to carry out its mandate as defined by OPCAT;
- (4) notes national and international condemnation and concerns raised by human rights and legal entities and individuals responding to news of the reported obstruction, including the Australian Human Rights Commission which has called for urgent action by all Australian and state governments to address the fallout from the suspension of this UN SPT visit;
- (5) acknowledges and welcomes reports that the SPT delegation did visit six Tasmanian custodial sites, including the Ashley Youth Detention Centre, before the national inspection tour was suspended;
- (6) notes that Part 3 of the Tasmanian OPCAT Implementation Act 2021 provides for the Minister to enter into arrangements with the Commonwealth Attorney-General to facilitate the SPT's functions under and in accordance with OPCAT in Tasmania, including access to detention facilities, potential interviewees, and documentation;
- (7) requests the Tasmanian Government:
 - (a) confirm which detention facilities were visited by the UN Subcommittee on the Prevention of Torture delegation during October 2022;

- (b) detail any arrangements made with the Commonwealth under Part 3 of the OPCAT Implementation Act 2021 to facilitate the UN SPT delegation's inspection visit; and
- (c) undertake to evaluate the OPCAT Implementation Act 2021 in context of the recommendations of the Australian Human Rights Commission's Road Map to OPCAT Compliance released on 17 October 2022, and report back to the Parliament; and
- (d) formally reiterate its commitment to:
 - (i) co-operating fully with all future visits and unannounced inspections of Tasmanian detention facilities, including the capacity to interview privately any person deprived of their liberty and access documentation, undertaken by the United Nations Subcommittee on Prevention of Torture (SPT) under the auspices of OPCAT; and
 - (ii) the recognised rules-based international legal system underpinning OPCAT.

[Debated on Tuesday 23 May 2023.]