



Australian  
Human Rights  
Commission

# Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Amendment Bill 2022

Submission to the Northern Territory Department of the Attorney-  
General and Justice

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# 1 Introduction

1. The Australian Human Rights Commission welcomes the opportunity to make this submission to the Northern Territory Department of the Attorney-General and Justice with respect to its consultation on the draft Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Amendment Bill 2022 (Bill).
2. In February 2017, the then Commonwealth Attorney-General invited the Commission to lead a consultation on how Australia should implement the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).
3. On 29 June 2020 the Commission published *Implementing OPCAT in Australia*.<sup>1</sup> This was the final step for the Commission's OPCAT project, and followed extensive consultations conducted by the Commission in 2017 and 2018. The final report contained 17 recommendations as to how Australia should implement OPCAT.
4. Under OPCAT, State Parties agree to establish an independent National Preventive Mechanism (NPM) to conduct inspections of all places of detention and closed environments, and to also agree to international inspections of places of detention by the United Nation Subcommittee on the Prevention of Torture (UN SPT).
5. Australia ratified OPCAT in 2017 and has chosen to adopt a multiple-body monitoring system, with each state and territory asked to designate their own NPM within their jurisdictions.
6. At the time of ratification, Australia made a declaration under Article 24 of OPCAT delaying the obligation to establish an NPM for three years. This extension formally ended on 20 January 2022.
7. In 2018, the Northern Territory Government passed the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* establishing the necessary legislative arrangements for the UN SPT to inspect places of detention in the Northern Territory. This Act was based on national model legislation previously drafted by the Parliamentary Counsel's Committee and developed with the collaboration of all Australian States and Territories.<sup>2</sup>
8. In April 2021, the Northern Territory Government also nominated the Northern Territory Ombudsman as its interim NPM. With regard to its role, the Commonwealth Ombudsman has remarked: 'As interim coordinating NPM, their focus will be on considering amendments to existing legislation

and engaging with existing oversight bodies and relevant stakeholders to progress NPM implementation'.<sup>3</sup>

9. The draft Bill seeks to augment the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*, with the intention of establishing NPMs for places of detention within the Northern Territory.

## **2 The OPCAT Bill**

10. The Commission strongly supports the introduction of dedicated legislation that gives full effect to the key provisions of OPCAT. Legislation should provide unfettered powers of access to all places of detention by NPMs; provide a clear foundation for visits; ensure access to facilities and information; and secure the continued, long-term, and effective operation of OPCAT.<sup>4</sup>
11. Many provisions of the Bill are consistent with the objective of OPCAT. The Bill requires the NPM to regularly examine the treatment of people deprived of their liberty.<sup>5</sup> The Bill enables the NPM to make unannounced visits, offer recommendations to improve the treatment of people deprived of their liberty and conduct private interviews with detainees and any person they wish to interview.<sup>6</sup>
12. The Bill also provides for the outward-facing functions of an NPM, including the ability to make proposals on existing and draft legislation and policy; and the ability to regularly publish reports.<sup>7</sup>
13. The Bill safeguards the functional independence of the NPM by ensuring the NPM is not subject to the direction or control a Minister, as well as introducing eligibility and conflict of interest criteria for NPM staff.<sup>8</sup> The Bill additionally prohibits reprisal or sanction against anyone assisting the NPM in its functions, through the inclusion of protection and offence clauses.<sup>9</sup>
14. The Commission recognises that Australia's diffuse NPM model will rely on good coordination between the various bodies performing the NPM function.<sup>10</sup> The Bill provides for coordination through the designation of a Chief NPM and encourages cooperation between the Northern Territory NPMs including through the ability to share staff, make joint reports, share information, and cooperate with other oversight bodies and the UN SPT.
15. The Commission endorses these elements of the Bill. However, the Commission considers that, in other respects, the Bill could be strengthened.

16. The Commission's recommended amendments to the Bill are as follows.
17. **First**, the Bill currently requires the NPM to 'report on its activities', but does not offer guidance on the content of these reports. The Commission considers all OPCAT reporting should adopt a human rights framework, which requires, at a base level, consideration of whether NPM activities and outcomes have resulted in better protection of human rights in places of detention. The Commission therefore recommends NPMs report on: the extent to which governments and relevant authorities are protecting detainee human rights; whether law, policy and procedures reflect best practice standards; and whether recommendations made by the NPM are being implemented.<sup>11</sup>
18. **Secondly**, the Bill requires the Minister to respond to any recommendations made by the NPM in its reports. The Bill also affords the NPM the ability to request that a response to its recommendations be provided by an agency Chief Executive Officer within a specified time. There is, however, no requirement for the response of either the Chief Executive Officer or Minister to be tabled in the Legislative Assembly. Nor is a timeframe specified for when the response of the Minister is to be made.
19. The Commission's Interim report documented that mandating a timeframe for response from government to recommendations was supported by several stakeholders.<sup>12</sup> The Commission also notes another Australian jurisdiction has mandated a timeframe in its implementing legislation.<sup>13</sup> The Commission recommends that the Bill be amended to require that the Ministers table the government's response to recommendations made by the NPM in the Legislative Assembly, no later than six months after an NPM report has been tabled.
20. **Thirdly**, the Bill outlines the eligibility for appointment as an NPM inspector, requiring that a person 'has suitable qualifications or experience relating to the NT NPM's functions'. However, Article 18 of the OPCAT also notes that attention should be given toward achieving a 'gender balance and the adequate representation of ethnic and minority groups in the country'. The Commission acknowledges other Australian jurisdictions have sought to incorporate Article 18 in their implementing legislation.<sup>14</sup>
21. The importance of this approach, as noted by the Commonwealth Ombudsman, is 'to ensure that NPMs are able to effectively assess places of detention and take into account all relevant perspectives'.<sup>15</sup>
22. The Commission's final report referred to stakeholder suggestions that the incorporation of relevant expertise could be secured by an ancillary

agreement with civil society organisations.<sup>16</sup> Some submissions also noted the importance of the NPM being disability aware and inclusive of people with disability.<sup>17</sup> Other stakeholders submitted there should be Aboriginal and Torres Strait Islander representation in the NPM body or on its visits to places of detention.<sup>18</sup>

23. The inclusion of Aboriginal and Torres Strait Islander representation in the NPM body is particularly significant in the Northern Territory context. In its Final Report, the Royal Commission into the Protection and Detention of Children in the Northern Territory observed that: 'The youth justice and child protection systems in the Northern Territory are disproportionately populated by Aboriginal young people from disadvantaged backgrounds.'<sup>19</sup> The Royal Commission therefore recommended, with respect to the proposed Commission for Children and Young People, 'that a significant proportion of the staff be Aboriginal'.<sup>20</sup>
24. The Commission recommends attention be given to ensuring Article 18 is complied with in the staffing of NPMs. Specific efforts should be made to employ Aboriginal and Torres Strait Islander staff and people with a lived experience of disability.<sup>21</sup>
25. **Fourthly**, the Bill amends the *Children's Commissioner Act 2013* to allow the Office of the Children's Commissioner of the Northern Territory to be designated the NPM for monitoring places of detention administered under Part 8 of the *Youth Justice Act 2005* (unless another appointment is made).
26. The Commission supports the designation of the Children's Commissioner as an NPM observing that the Royal Commission into the Protection and Detention of Children in the Northern Territory assessed it would be 'the natural body to undertake the inspection of places of detention that house children and young people for the purposes of Australia's implementation of the OPCAT'.<sup>22</sup>
27. The Commission is concerned that the Bill does not support the full implementation of the Royal Commission's recommendation for the Children's Commissioner to 'monitor and inspect all institutional settings where children and young people are routinely accommodated, or where children are involuntarily detained. Such places include detention centres, police cells, residential facilities, secure bail accommodation, and diversion programs that require significant overnight stays away from home'.<sup>23</sup>
28. The Commission considers it necessary for all NPMs to have technical expertise about child development, children's rights, trauma and how detention can affect children – particularly when visiting institutions where

children and young people are detained.<sup>24</sup> The Commission therefore supports the expansion of the Children’s Commissioner’s jurisdiction to include all places of detention where children and young people are detained.<sup>25</sup>

29. **Fifthly**, the Bill allows for the Minister or detaining authority to temporarily object to an NPM visit on urgent and compelling grounds of national security, public safety, natural disaster, or serious disorder in the place to be visited.<sup>26</sup> Article 14(2) of OPCAT allows for the temporary restriction of UN SPT visits during a declared state of emergency. Article 14(2) has equal application to NPMs.<sup>27</sup>
30. While a declared state of emergency may temporarily restrict an NPM visit, restrictions might not need to apply in all such situations or prevent an NPM from entering a place of detention. The COVID-19 pandemic has, for example, shown the importance of continued visits during a declared state of emergency.<sup>28</sup>
31. The Association for Prevention of Torture has also noted that ‘preventive visits can be particularly relevant during times of emergency when safeguards against unlawful detention, torture, other ill-treatment, and the violation of the right to life may come under threat from state or other interference’.<sup>29</sup>
32. The Commission strongly recommends that, should an objection to an NPM visit be made, the reasons for that objection should be provided to the NPM in writing, detailing why the objection was made and the period for which the temporary restriction will remain in place.
33. **Sixthly**, the Bill facilitates information sharing, including identifying information, between the NPM and *other oversight bodies*. The meaning of ‘oversight bodies’ is provided for in the Bill, however whether this extends to sharing information with the UN SPT is unclear. The Northern Territory Legislative Assembly Social Policy Scrutiny Committee previously considered the UN SPT’s access to identifying information and recommended that access be provided ‘to ensure full compliance with Article 14(1)(a) of the Optional Protocol’.<sup>30</sup> The Commission recommends the Bill be amended to clarify that the information sharing provisions also extend to the UN SPT.
34. **Seventhly**, recognising that OPCAT is a human rights treaty, fulfilling the NPM functions requires human rights expertise. Given that some proposed NPM bodies may not have a specific grounding in human rights law or policy, it is necessary to consider how to provide the requisite human rights training and education.<sup>31</sup> NPM bodies will also need to retain



expertise and receive training on the needs of vulnerable people in places of detention.

35. Human rights institutions, or civil society organisations and individuals with expertise in human rights and preventive detention, would be well placed to deliver this kind of training. The Commission therefore recommends education and training on the human rights framework, of which OPCAT is a part, be included in the resourcing considerations of the NPM.<sup>32</sup>
36. **Lastly**, throughout the Commission’s consultations on OPCAT, there was a strong theme of the ‘importance of ongoing involvement in the OPCAT process of civil society organisations, academic and other experts and people with lived experience of detention’.<sup>33</sup> Both domestic and international commentators, including the UN SPT and UN Committee on the Rights of Persons with Disabilities, have recommended strong and formal relationships be established between the NPM and civil society.<sup>34</sup>
37. Evidence in other Australian jurisdictions is indicative that involvement of civil society is becoming common practice.<sup>35</sup> The Commission strongly encourages the continued and formalised involvement of civil society in the work of the NPM and recommends it be included in the resourcing considerations of the NPM.

### **3 Recommendations**

38. The Commission makes the following recommendations.

#### **Recommendation 1**

The Commission recommends that proposed ss 40(1) and (2) be amended to include reporting on the extent to which government and relevant authorities are protecting detainee human rights; whether law, policy and procedures reflect best practice standards, and whether recommendations made by the NPM are being implemented.

#### **Recommendation 2**

The Commission recommends that proposed s 40(4) be amended to require the Minister to table in the Legislative Assembly a response to any recommendation made by the NPM, no later than six months after a report is tabled pursuant to s 40(3).

#### **Recommendation 3**

The Commission recommends that proposed s 22(1) be amended to implement Article 18(2) of OPCAT. Special attention should be made to

ensuring NPMs attract, employ, and retain staff from an Aboriginal and Torres Strait Islander background and staff with lived disability experience.

#### **Recommendation 4**

The Commission recommends that the Office of the Children’s Commissioner Northern Territory be designated an NPM with responsibility and jurisdiction to monitor all institutions within the Northern Territory where children and young people are or may be detained.

The Office of the Children’s Commissioner Northern Territory should work collaboratively with the Chief NPM and other NPMs in the exercise of this function.

#### **Recommendation 5**

The Commission recommends that proposed s 33(4) be amended to require the Minister or detaining authority to provide the NPM written notice of an objection to a visit including why the objection was made and the period for which the temporary restriction will remain in place.

#### **Recommendation 6**

The Commission recommends that proposed s 44(1) be amended to explicitly include the UN SPT.

#### **Recommendation 7**

The Commission recommends that the NPM be adequately resourced to undertake human rights training and education on an ongoing basis.

#### **Recommendation 8**

The Commission recommends that the NPM be adequately resourced to establish formal and ongoing relationships with civil society.

## **Endnotes**

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<sup>1</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>

<sup>2</sup> Legislative Assembly of the Northern Territory, Debates Day 6 - 23 August 2018, *13th Assembly 2016 - 2020* [4407], <https://hdl.handle.net/10070/376458>

- <sup>3</sup> Michael Manthorpe (Commonwealth Ombudsman), 15 June 2021, *10th Annual Prisons Conference Presentation by Michael Manthorpe PSM, Commonwealth Ombudsman 'The Implementation of OPCAT in Australia and challenges for detention inspections in a COVID-19 world'*, [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0015/112533/Prisons-2021-speech-FINAL-A2174238.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0015/112533/Prisons-2021-speech-FINAL-A2174238.pdf)
- <sup>4</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, p 55 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>
- <sup>5</sup> Article 19(2), OPCAT; proposed s16(2)(a)
- <sup>6</sup> Articles 12(a), 14(c), 19(a), 20(c) and 20(d), OPCAT; proposed ss32(1) and (2), proposed s47, proposed s35
- <sup>7</sup> Articles 19(c) and 23, OPCAT; proposed s16(2)(d), proposed s46, proposed ss39 and 40. See also Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, pp 29-31 and 36 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>. While OPCAT does not expressly require NPMs to publish reports of their visits, or recommendations to government, it does require States Parties to publish annual reports. The Commission considers that all reporting by the NPMs should be made public. The Commission considers transparency of how NPMs operate is an important mechanism to ensure accountability, both of the NPM and authorities for places of detention. Reporting should therefore be regular and comprehensive.
- <sup>8</sup> Article 18(1), OPCAT; proposed s18(2), proposed ss22 and 25, proposed s19(3)
- <sup>9</sup> Article 22(1), OPCAT; proposed ss49-52
- <sup>10</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, p 5 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>.
- <sup>11</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, p 36 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>. See also United Nations, *Preventing Torture: The Role of National Preventive Mechanisms (A Practical Guide: Professional Training Series No. 21)*, 2018), pp 26-27, [https://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/NPM\\_Guide.pdf](https://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/NPM_Guide.pdf), See also *Inspector of Correctional Services Act 2017 (ACT)*, s 27(2)
- <sup>12</sup> Australian Human Rights Commission, *OPCAT in Australia Interim Report to the Commonwealth Attorney-General*, September 2017, p 24 [https://humanrights.gov.au/sites/default/files/document/publication/20180618\\_OPDAT\\_Stage2\\_ConsultationPaper\\_Interim\\_report.pdf](https://humanrights.gov.au/sites/default/files/document/publication/20180618_OPDAT_Stage2_ConsultationPaper_Interim_report.pdf) See National Aboriginal & Torres Strait Islander Legal Services, Submission No 47, 3, 17
- <sup>13</sup> See *Correctional Services Act 1982 (SA)*, s 20G(4) and OPCAT Implementation Bill 2021 (SA), s 11(5)
- <sup>14</sup> See *OPCAT Implementation Act 2021 (Tas)*, s 12(4) and *Correctional Services Act 1982 (SA)*, s 20(2)
- <sup>15</sup> Commonwealth Ombudsman, *Implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)*, Report No. 3 of 2019, September 2019 p 17 [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0025/106657/Ombudsman-Report-Implementation-of-OPCAT.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0025/106657/Ombudsman-Report-Implementation-of-OPCAT.pdf)
- <sup>16</sup> Submissions to CP 1: Victorian Equal Opportunity and Human Rights Commission, 3; National Aboriginal and Torres Strait Islander Legal Services, 6.
- <sup>17</sup> Submissions to CP 1: Disabled People's Organisations Australia, 2; Advocacy for Inclusion, 9
- <sup>18</sup> Submissions to CP 1: National Aboriginal and Torres Strait Islander Legal Services, 7; Commission for Children and Young People (Victoria), 6, 13; Jesuit Social Services, 6, 7; Law Council of Australia, 12; Commission for Children and Young People (Victoria). See also

Australian Human Rights Commission, *Media Release: Stop mass incarceration to prevent deaths in custody*, 14 April 2021 <https://humanrights.gov.au/about/news/media-releases/stop-mass-incarceration-prevent-deaths-custody>

- <sup>19</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 4*, Chapter 40 p 8  
<https://www.royalcommission.gov.au/system/files/2020-09/Volume%204.pdf>
- <sup>20</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 4*, Chapter 40 p 24  
<https://www.royalcommission.gov.au/system/files/2020-09/Volume%204.pdf>
- <sup>21</sup> Committee on the Rights of Persons with Disabilities. *Concluding observations on the combined second and third periodic reports of Australia*. 15 October 2019. [30(c)]  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsnzZGolKOaUX8SsM2PfxU7sdcBNJQCwIRF9xTca9TaCwjm5OInhspoVv2oxnsujKTRetaVWFXhEZM%2F0OdVJz1UEyF5leK6Ycmqmn8yzTHQCn>
- <sup>22</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 4*, Chapter 40 p 19  
<https://www.royalcommission.gov.au/system/files/2020-09/Volume%204.pdf>
- <sup>23</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 4*, Chapter 40 p 19  
<https://www.royalcommission.gov.au/system/files/2020-09/Volume%204.pdf>
- <sup>24</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, p 25  
<https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>. See also National Children's Commissioner, Australian Human Rights Commission, *Children's Rights Report 2016*, October 2016, <https://humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2016> See also Australian and New Zealand Children's Commissioners and Guardians, *Communique*, November 2018, <https://humanrights.gov.au/our-work/childrens-rights/publications/australian-and-new-zealand-childrens-commissioners-and-0>
- <sup>25</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 4*, Chapter 40 p 10  
<https://www.royalcommission.gov.au/system/files/2020-09/Volume%204.pdf>. The Royal Commission and Board of Inquiry into the Protection and Detention of Children noted there is a compelling need for a strong, independent oversight agency with responsibility for children in the Northern Territory with a broader jurisdiction than that conferred by the Children's Commissioner Act.
- <sup>26</sup> Consultation draft of the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Amendment Bill 2022, proposed s 33(4).
- <sup>27</sup> Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. *Advice provided by the Subcommittee to the National Preventive Mechanism of the United Kingdom of Great Britain and Northern Ireland regarding compulsory quarantine for coronavirus (COVID-19 virus)*. 31 March 2020 [4-5]
- <sup>28</sup> See Her Majesty's Inspectorate of Prisons. *Annual Report 2020-21*. 20 July 2021. p7.  
[https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2021/07/6.7391\\_HMI-Prisons\\_Annual-Report-and-Accounts-2020\\_21\\_v6.1\\_WEB.pdf](https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2021/07/6.7391_HMI-Prisons_Annual-Report-and-Accounts-2020_21_v6.1_WEB.pdf). The Chief Inspector for His Majesty's Inspectorate of Prisons, remarks in

his introduction that '[m]uch of the report, inevitably, focuses on the impact on the daily life of those held in prisons and other places of detention in England and Wales, who were subject to unprecedented restrictions. We were able to report on this because we were determined, in the early weeks of the pandemic, to find a safe way to enter and inspect places of detention. We could not report on treatment and conditions remotely.'

- <sup>29</sup> Association for the Prevention of Torture. *Optional Protocol to the UN Convention against Torture Implementation Manual*. 2010. p 79. <https://www.ap.t.ch/sites/default/files/publications/opcat-manual-english-revised2010.pdf>
- <sup>30</sup> Legislative Assembly of the Northern Territory Social Policy Scrutiny Committee. *Inquiry into the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2018*. June 2018. pp 17-19. [https://parliament.nt.gov.au/\\_data/assets/pdf\\_file/0005/528683/53-2018-Signed-OPCAT-Report-21-June-2018.pdf](https://parliament.nt.gov.au/_data/assets/pdf_file/0005/528683/53-2018-Signed-OPCAT-Report-21-June-2018.pdf)
- <sup>31</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, p 26 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>.
- <sup>32</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, pp 26,37-39 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>
- <sup>33</sup> Australian Human Rights Commission, *Implementing OPCAT in Australia*, 29 June 2020, pp 57-58 <https://humanrights.gov.au/our-work/rights-and-freedoms/publications/implementing-opcat-australia-2020>
- <sup>34</sup> See Rebecca Minty. "Involving civil society in preventing ill treatment in detention: maximising OPCAT's opportunity for Australia". Australian Journal of Human Rights, Vol 25 (1). April 2019. pp 91-112; Richard Harding. "Australia's circuitous path towards the ratification of OPCAT, 2002-2017: the challenges of implementation". Australian Journal of Human Rights, Vol 25 (1). April 2019. p 17; Steven Caruana. OPCAT series: The need for formal partnerships between civil society and the National Preventive Mechanism. University of Western Australia Public Policy Institute. 16 December 2019. <https://www.news.uwa.edu.au/archive/2019121611777/uwa-public-policy-institute/opcat-series-need-formal-partnerships-between-civil-societ/>; Committee on the Rights of Persons with Disabilities. *Concluding observations on the combined second and third periodic reports of Australia*. 15 October 2019. [30(c)] <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsnzSGolKOaUX8SsM2PfxU7sdcBNJQCwIRF9xTca9TaCwjM5OInhspoVv2oxnsujKTRetaVWFXhEZM%2F0OdVJz1UEyF5leK6Ycmqrn8yzTHQCn>
- <sup>35</sup> The Commonwealth Ombudsman established an OPCAT Advisory Group with civil society members [https://www.ombudsman.gov.au/\\_data/assets/pdf\\_file/0009/112500/Attachment-A-OAG-Terms-of-Reference-A2164827.pdf](https://www.ombudsman.gov.au/_data/assets/pdf_file/0009/112500/Attachment-A-OAG-Terms-of-Reference-A2164827.pdf) ; The ACT Inspector of Correctional Services has engaged 'experts by experience' in its prison visits. See pp 5-6 [https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0012/1699608/ACT-OICS-submission-to-Disability-Royal-Commission\\_web-version.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0012/1699608/ACT-OICS-submission-to-Disability-Royal-Commission_web-version.pdf) ; The Victorian Ombudsman established an advisory group and used civil society monitors in a trial OPCAT inspection. See pp 18,75. <https://assets.ombudsman.vic.gov.au/assets/Reports/Parliamentary-Reports/1-PDF-Report-Files/OPCAT-in-Victoria-A-thematic-investigation-of-practices-related-to-solitary--September-2019.pdf>