

Tasmanian NPM Civil Society Advisory Council

Charter, July 2024



Acknowledgment of Traditional Owners

In recognition of the deep history and culture of this Island, we acknowledge Tasmanian Aboriginal people, the original and continuing Custodians of the Land, Waterways, Sea and Sky.

We acknowledge and pay our respects to all Tasmanian Aboriginal people, all of whom have survived invasion and dispossession, and continue to maintain their identity, culture and Aboriginal rights.

We commit to working respectfully to honour their ongoing cultural and spiritual connections to this land.

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A. Background

1. The Advisory Council

The Tasmanian National Preventive Mechanism (NPM) Advisory Council (“the Advisory Council”) is established by the Tasmanian NPM, Richard Connock.

2. The Tasmanian NPM

The Tasmanian NPM is an independent statutory body established in accordance with the *OPCAT Implementation Act 2021* (Tas). The purpose of the Tasmanian NPM is to prevent the torture and ill-treatment of people deprived of their liberty by embedding best practice human rights policies and practices. It does this through proactive oversight of settings where people are or may be deprived of their liberty, ongoing cooperation with government and relevant authorities, and by providing education and advice.

The Tasmanian NPM works alongside NPM’s across Australia to ensure the fulfilment of Australia’s obligations under the *Optional Protocol to the Convention against Torture, Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT).

3. Role of the Advisory Council

Recognising the importance of proactive, continuous civil society engagement in the delivery of the Tasmanian NPM’s functions, and to give effect to Recommendation 6 in the *Preventing torture and ill-treatment in Tasmania* report, the Tasmanian NPM is establishing the Advisory Council.

The role of the Advisory Council will be to informally report to and advise the Tasmanian NPM in relation to its activities, and assist in promoting wider civil society engagement through the dissemination of information to stakeholder populations.

Advisory Council meetings will also provide a confidential forum to obtain feedback on emerging issues in deprivation of liberty settings, and to discuss performance and strategic planning.

In its formative years of operationalisation, the Advisory Council will also provide feedback on implementation activities and informally assist with awareness raising.

B. Charter

1. Functions

The Council shall:

1. Assist in monitoring the implementation of Tasmanian NPM framework.
2. Informally advise the Tasmanian NPM on matters critical to the success of the National Preventive Mechanism.
3. Provide confidential feedback in relation to strategy planning, policy development, and outcomes of examinations.
4. Present solutions to issues raised in meetings.
5. Ensure that the perspectives of people deprived of their liberty within the Tasmanian community and overrepresented populations in deprivation of liberty settings are reflected in advice provided to Government.
6. When relevant to do so, consult and work in partnership with International, National and State stakeholders.
7. Provide feedback on the Tasmanian NPM Annual Report prior to its submission to the Australian NPM Coordinator.

The Advisory Council is not a board of Directors, and does not approve direction or budget.

2. Chair and External Representation

The Advisory Council is chaired by the Director, Office of the Tasmanian NPM.

The Tasmanian NPM, and Principal Inspection Officer, Office of the Custodial Inspector (or a nominated Office representative) shall attend meetings.

Where relevant, Tasmanian Agency representatives, independent statutory bodies, experts, and other Australian NPM members may be invited to attend Advisory Council meetings and provide feedback in relation to Tasmanian NPM activities, or provide briefings on related matters.

Preference will be given to briefing requests from relevant regulatory and human rights bodies, including the:

- Office of the Independent Regulator Tasmania
- Commission(er) for Children and Young People Tasmania
- Disability Commissioner Tasmania
- Equal Opportunity Tasmania
- The Australian Human Rights Commission
- The NDIS Quality and Safety Commission
- The Aged Care Quality and Safety Commission
- The Subcommittee on Prevention of Torture
- The Association for Prevention of Torture

3. Membership

The Advisory Council shall consist of seven (7) independent members.

Each person appointed to the Advisory Council will serve for a fixed term period of two (2) years, commencing in June 2024.

Preference will be given to a composition of members that that holds combined experience or expertise across the following areas:

1. Children and young people;
2. People with disability;
3. Aboriginal and Torres Strait Islander peoples;
4. Health and social services;
5. Lived experience of deprivation of liberty;
6. Custodial settings; and
7. Expertise in human rights law.

All Advisory Council members are appointed as individuals and do not represent a particular organisation and/or its views.

All Advisory Council members are required to be engaged as independent consultants, following usual Tasmanian Government consultancy contracting processes. Nothing in this Charter shall override or replace a contractual term contained in any agreement signed between an Advisory Council member and the Tasmanian NPM.

As far as possible the membership will be regionally balanced and reflect the gender and cultural diversity of the Tasmanian community.

An Advisory Council member may vacate their position at any time, by providing notice in writing. The Tasmanian NPM may terminate an Advisory Council member's

position if they breach a term of their appointment, or if they fail to attend two (2) consecutive meetings.

Vacancies on the Advisory Council will be widely advertised and interested people will be invited to apply and participate in a selection process. In the event of a casual vacancy, applicants who were deemed suitable in the most recent selection process may be appointed during the following 12-month period without undergoing a further selection process.

Where a member has been appointed from a prior selection process to fill a casual vacancy that member will serve until the end of the departing member's term whereupon they may be offered a further additional two-year term.

The Tasmanian NPM may elect to leave a vacancy open if the vacancy arises within a year of scheduled membership rotation.

4. Secretariat

The Office of the Tasmanian NPM will provide secretariat services, including preparing meeting materials and facilitating member attendance at meetings.

The Secretariat is responsible for:

- supporting the Chair and Community Chair,
- liaison with Council members;
- organising meetings and collating meeting papers; and
- assisting in the compilation of reports and submissions.

Where an Advisory Council member(s) intends to submit additional materials for discussion at a future meeting, the Director, Office of the Tasmanian NPM may agree for that Advisory Council member to coordinate the preparation of this specific matter. Any papers must be provided to the Secretariat at least three (3) weeks before the scheduled meeting at which they are intended to be discussed. Papers received by the Secretariat within three weeks of a meeting may be held over to the next meeting by discretion of the Secretariat.

The Office of the Tasmanian NPM shall not incur any cost associated with an Advisory Council Member(s) preparing additional materials for discussion at a meeting, unless agreed in writing by the Tasmanian NPM.

5. Expectation of Members

Members are expected to give priority to attendance at normal meetings of the Council and cannot be represented by proxy members.

Membership will expire automatically if a member is absent for more than three (3) consecutive meetings. In this event, members will be notified in writing by the Chair.

Members may be asked to attend Advisory Council meetings or provide feedback out of session.

Members are required to:

- Actively participate in all meetings and share information advice and expertise in relation to issues of importance to people deprived of their liberties.
- Act in a professional, respectful and collaborative manner when discussing and resolving issues.
- Maintain the confidentiality of the Advisory Council deliberations and, on occasion, of sensitive information shared with the Advisory Council.

On occasion, Council members may be provided with confidential material. Members will be able to seek advice from the Secretariat where they have queries about confidential information and the circumstances in which it may be shared beyond the Council.

Advisory Council members will not attribute any comments or matter discussed at a meeting to an Advisory Council member(s), the Tasmanian NPM, or an external representative without their written consent.

Any member with a conflict of interest regarding a particular issue or agenda item must declare that interest prior to the commencement of related discussions.

6. Work Program

A work program for the Advisory Council will be determined annually by the Chair in consultation with members.

Any incoming correspondence for the Advisory Council will go to the Chair and be distributed to community members as soon as possible.

Advisory Council members may decide to prepare submissions on policy issues relevant to the NPM Framework and strategies, and may also submit meeting papers

for discussion on behalf of community members. Such papers are to be distributed to the Secretariat in the manner detailed at section B.4.

Following each meeting a communiqué will be published on the Tasmanian NPM website.

Where an Advisory Council member raise issues with the Secretariat out-of-session, this may be referred to the Chair for advice and a response.

7. Specialist Working groups

In consultation with the Advisory Council, the Chair may establish additional specialist working groups, comprised of at least three Advisory Council members, to assist it in undertaking its work program.

Working groups will be responsible for progressing all aspects of the assigned work and for reporting on progress to the Advisory Council. The Advisory Council will determine the membership and work program of the working groups.

Working group membership may include additional Office of the Tasmanian NPM staff participation, or the participation of third parties (e.g. subject matter experts).

Any working group established is immediately dissolved upon satisfaction of its work program. The Chair may also dissolve a working group after notifying the Advisory Council of its intention to do so.

8. Administrative Arrangements

The Advisory Council will aim to meet three times annually, and at least twice per financial year.

Wherever possible, video-conferencing facilities will be made available for meetings to minimise travel. Advisory Council members are encouraged to attend at least one meeting per year in person.

A quorum for meetings will be half the membership plus one.

The Tasmanian NPM may determine administrative arrangements on matters related to the operation of the Advisory Council, including:

- Policy in relation to reimbursement of reasonable out-of-pocket expenses of members;
- Guidelines for members in relation to conduct and participation;

- The process to support the Chair in the appointment of members; and
- Arrangements to assist the effective operation of the Council.

Administrative support for other specialist working groups will be determined by the Chair on a case-by-case basis.

9. Guide for Reimbursement of Costs

Travel

- Where a Council Member is based interstate, any airfares associated with attending a meeting are to be agreed in writing by the Chair prior to booking. Where possible, preference is to be given to same-day interstate travel within ordinary business hours.
- Taxi vouchers are available for members who have no alternate means of transport to attend local meetings.
- Members who are government employees are expected, whenever possible, to use a government vehicle to attend meetings.
- Where a person intends to use their own vehicle, travel allowance and mileage reimbursements are based on the current State Government per kilometre travel allowance rates.
- If the above options do not meet the travel needs of a member, please contact NPM office to make alternate arrangements.

Meal allowance

Lunch will be provided for members attending face-to-face meetings between 11am and 1pm. Advisory Council members are required to inform the Secretariat of their intention to attend a meeting in person, and any dietary requirements, at least two (2) weeks prior to a scheduled meeting.

Other Costs

Any other costs not captured by this Charter that relate to Civil Society Advisory Council membership are to be raised with the Secretariat as soon as practicable and before they are incurred. The Tasmanian NPM is not liable to pay any costs not approved in writing.

10. Personal support

Inherent in the mandate of the Tasmanian NPM is a high risk of personnel being exposed to matters that may be distressing, traumatising, or which may give rise to

vicarious trauma. The Tasmanian NPM acknowledges that this risk extends to Civil Society Advisory Council members, such as when asked to review or discuss Tasmanian NPM activities.

The Tasmanian NPM will endeavour to provide Civil Society Advisory Council members with appropriate forewarning when matters identified as potentially distressing are proposed for discussion, and structure meetings to provide wellbeing breaks.

Civil Society Advisory Council members may choose to withdraw from a discussion at any time. Safe spaces information will be included in all Civil Society Advisory Council meeting materials circulated to members.

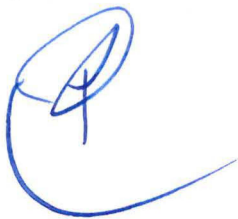
Through the Department of Justice, Civil Society Advisory Council members will have access to Wellbeing Support services, including access to psychologist/counsellors for debriefing purposes.

Civil Society Advisory Council members can contact Wellbeing Support services directly at wellbeing.support@justice.tas.gov.au or by phone: (03) 6165-6718.

On request, the Tasmanian NPM will consider in person Wellbeing Support attendance at meetings, and may also be able to arrange personal or family support if this is required to assist a member to attend meetings.

Date accepted: 22 July 2024

Signed:



Richard Connock
Tasmanian National Preventive Mechanism