

Media release



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TASMANIAN GOVERNMENT MUST INCREASE PROTECTIONS FOR PEOPLE WHO REPORT CONCERNS TO THE CUSTODIAL INSPECTOR

The Custodial Inspector has repeated his call on the Tasmanian Government to adequately protect people in custody and Tasmania Prison Service staff from reprisals for raising concerns with his office. The call comes ahead of the release of an Office of the Custodial Inspector (Office) review report into Inhumane Treatment in Dry Cells in Tasmanian prisons, which will be tabled in Parliament tomorrow*.

Dry cells are traditionally cells with no water and are used to retrieve contraband from people in custody who are suspected of having concealed it internally.

“My office initiated a review of dry cells due to concerns raised with our inspection team by a Tasmania Prison Service staff member,” Custodial Inspector Richard Connock said. “The staff member was concerned that the treatment of people in custody while in dry cell regimes was inhumane. Sadly, our review found this to be true, and we have prepared a report that will be tabled in both houses of Parliament that details our findings and the Department of Justice’s response.”

Mr Connock praised the staff member’s courage in coming forward with their concerns, along with the people in custody and other staff who spoke to the inspection team during the Office’s review of dry cells.

“If the staff member hadn’t raised their concerns with my team, this inhumane treatment in Tasmanian prisons may have continued undetected,” he said. “Unfortunately, we have limited resources to cover custodial centres throughout the state, including Ashley Youth Detention Centre.”

However, Mr Connock said urgent action needed to be taken by the State Government to increase protection for people raising concerns with his office.

“One of the main ways in which we hear about issues within custodial centres is when people (including those in custody and staff) raise them with us,” he said. “Some people who have raised concerns with my office in the past have reported that their actions were not well received, either by other custodial staff or by other people in custody. Some people have also indicated that they are reluctant to disclose information knowing there is no protection against reprisal.

“Thankfully, so far, I have heard no reports of reprisal towards the staff who raised concerns with us about the treatment of people in dry cells.

“While people can contact us anonymously, unfortunately there are no protections in the *Custodial Inspector Act 2016* against reprisal targeting those who have spoken with my Office. There should be.

“Although we strive to protect the identity of people who provide us with information, sometimes assumptions and conclusions can be drawn from the circumstances being reviewed and reported on.”

The Custodial Inspector is required to make recommendations for legislative change that they consider should be made pertaining to the performance of their functions.

“We highlighted this issue, among others, in our [2022-23 Annual Report](#) but have not yet received any indication from the Minister for Corrections and Rehabilitation that this legislative defect will be addressed,” Mr Connock said. “We encourage Minister Ogilvie and Parliament to address this issue in the interests of improving the welfare of people in custody.”

As part of his recommendations for changes in the Office’s [2022-23 Annual Report](#), Mr Connock referred to the Section 36 of the *OPCAT[^] Implementation Act 2021*, which details protections from reprisal:

A person must not –

(a) prejudice, or threaten to prejudice, the safety or career of; or

(b) intimidate or harass, or threaten to intimidate or harass; or

(c) do any act that is, or is likely to be, to the detriment of; or

(d) incite or permit another person to take any of the actions specified in paragraph (a), (b) or (c) in relation to –

another person because the other person has provided, is providing or may in the future provide information, whether true or false, to a Tasmanian national preventive mechanism or the Subcommittee for the purposes of this Act.

Penalty: Fine not exceeding 240 penalty units or imprisonment for a term not exceeding 2 years, or both.

“As can be seen, the penalty for reprisal under the *OPCAT Implementation Act 2021* can be severe and a significant deterrent to reprisal action,” Mr Connock wrote in the Annual Report. “People should be protected under the *Custodial Inspector Act 2016* in similar terms to the *OPCAT Implementation Act 2021* when they report matters of concern to my office.

“The Custodial Inspector was established in compliance with Australia’s obligation to prevent ill-treatment. Without legislative protections from reprisal, our engagement with staff and people in custody could contribute to the very thing we are tasked with trying to prevent.

“I would encourage Parliament to consider bolstering protections for people who bring matters of concern to my office’s attention, including breaches of fundamental human rights such as the prohibition against torture and degrading treatment.”

ENDS

Inquiries contact Paula Catchpole 0472 832 514. Note the Custodial Inspector is unable to make further comment than what is in this release.

****Details of the Inhumane Treatment in Dry Cells - Review Report 2024 will not be released publicly until tabled in Parliament.***

[^] Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)