

Media release



7 August 2024

CUSTODIAL INSPECTOR CALLS FOR URGENT FUNDING TO FURTHER IMPLEMENT HUMAN RIGHTS AGREEMENT

Tasmania's Custodial Inspector Richard Connock has called for urgent funding to support the further implementation of OPCAT* in Tasmania, saying that vulnerable people in the community are being left at risk of being deprived of their human rights.

Mr Connock said his office's [*Inhumane Treatment in Dry Cells Review Report*](#) (Report), which was tabled in Tasmanian Parliament yesterday (6 August 2024), highlighted the importance of regular monitoring in places of detention.

"The concerns that our team observed and heard about in preparation of the Report came to light due to our presence in places of detention," he said. "It is timely, therefore, to reflect on the value of monitoring bodies in protecting people's human rights.

"With the Tasmanian Government having accepted in principle the Disability Royal Commission's OPCAT recommendations, and related [*Commission of Inquiry*](#) recommendations, it is essential that funding is committed to the Office of the Tasmanian National Preventive Mechanism (NPM)^ for it to carry out this oversight work.

"While Tasmania has been a leader in steps to implement OPCAT, funding commitments in response to the 2023 OPCAT implementation report, [*Preventing torture and ill-treatment in Tasmania*](#) remain unclear."

Mr Connock said the findings of the dry cells report, in which the Office of the Custodial Inspector deemed the Tasmanian Prison Service was in breach of the United Nations Standard Minimum Rules for the Treatment of Prisoners ([*the Nelson Mandela Rules*](#)), were just one example of the importance of monitoring in places of detention.

"Places of detention are not limited to custodial settings but include community-based places where people receive health and social care," he said. "Around the world NPMs visit places such as mental health facilities, out of home care, dementia units, specialised disability support accommodation, and other places where restrictive practices are used.

"There is an urgent need for the implementation of OPCAT in Tasmania to ensure that all people deprived of their liberty are treated humanely and in accordance with fundamental human rights."

Mr Connock said the Tasmanian NPM had already been funded by the State Government to complete preparations to monitor police and court cells, out of home care and mental health facilities, and stood ready to commence operations with appropriate resourcing.

He also praised the State Government's funding of OPCAT implementation planning related to health and social care settings, particularly in relation to residential aged care and disability support.

“These are two areas where national Royal Commission findings have highlighted the importance of regular monitoring,” he said.

“OPCAT implementation recommendations for Tasmania’s aged residential care and disability support places will be released within the next few months, and – subject to government funding to facilitate undertaking this important work – the provision of monitoring will be extended to these services.

“Australia, as a nation state, has not yet implemented OPCAT, despite ratifying it in 2017 and having an extended deadline of January 2023 to implement it.

“This is a valuable opportunity for Tasmania to continue to lead the nation and establish itself as a model state committed to upholding the rights of some of the most vulnerable people in our community.”

Inquiries: Paula Catchpole 0472 832 514. Please note the Custodial Inspector is unable to make further comment other than what is in this release and the reports.

* The *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) is a new type of international human rights agreement aimed at strengthening the protection of people deprived of their liberty.

^ Tasmania was the first state to pass legislation to enact OPCAT obligations, the [OPCAT Implementation Act](#), in 2021. As part of implementation, Richard Connock was appointed the [Tasmanian National Preventive Mechanism \(NPM\)](#) in addition to his duties as Custodial Inspector, Ombudsman, Health Complaints Commissioner, Principal Official Visitor and de facto information and privacy commissioner. The NPM’s primary function is undertaking preventive monitoring of places where people are or may be deprived of their liberty, which by definition is not limited to custodial settings.