



Media release

13 September 2024

STATEMENT FROM THE TASMANIAN NATIONAL PREVENTIVE MECHANISM ON THE 2024 – 2025 TASMANIAN BUDGET

I wish to communicate my disappointment that the Tasmanian Government has decided not to carry through with its commitment to appropriately resource the Office of the Tasmanian National Preventive Mechanism (NPM).

The announced funding of \$300,000 will make it impossible to establish this new office and exercise any of its statutory functions. Not resourcing the Office jeopardises Tasmania's newly acquired status as a leader in preventing the abuse of some of the most vulnerable people in our community by ensuring that they are treated humanely, appropriately, and in accordance with international law.

The creation of the NPM is an obligation for Tasmania, following Australia's ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The NPM is an independent oversight body that proactively visits and examines places where people may be deprived of their liberty, with the purpose of preventing their torture or inhuman or degrading treatment or punishment. It also provides education on human rights, cooperates with service providers to improve quality of treatment, and advises government on legislation and policy.

The places that I am required to visit as Tasmanian NPM go beyond prisons and youth detention, which I currently inspect as Custodial Inspector. It includes police and court cells, hospitals, mental health facilities, and community-based support environments for children and young people, older people, and people with disability. With the funding

announced I cannot conduct these visits and will be unable to exercise any other functions to reduce the risk of abuse.

The Tasmanian Government has, in the past, committed to fulfilling its OPCAT obligations, and in 2021 Parliament passed the *OPCAT Implementation Act* to establish the Tasmanian NPM. When passing this legislation the then Attorney-General committed to ensuring appropriate resourcing for the office.

Over the past two years the Tasmanian Government has been true to this, and has led the nation by providing me with over \$1.1m to undertake comprehensive implementation work. This funding ensured that my office could be set up to best meet the needs of Tasmanians and exercise my functions economically, effectively and efficiently. I commend this allocation of resources, which promoted Tasmania as a national leader on OPCAT and the prevention of abuse. With this funding I have been able to fulfil my work to the highest possible standard, including consulting extensively with the Tasmanian community, stakeholders, international NPM counterparts, and engaging national and international experts.

In December 2023, I released my implementation report, *Preventing torture and ill-treatment in Tasmania*.^{*} The report provides a comprehensive blueprint to establish the office and commence visits to hospitals, mental health facilities, and police and court cells; and makes key recommendations to implement relevant recommendations of the Commission of Inquiry into the Tasmanian Government's responses to child sexual abuse in institutional settings. Next month I will release a supplementary report focusing on community-based care and support environments, which will crucially enable Tasmania to meet relevant recommendations of the Disability Royal Commission.

Aligned with my implementation report, in December 2023 I provided the Tasmanian Government with a comprehensive budget submission, which detailed that for the 2024 - 2025 year I would require \$2.8m to commence building the office and exercising my functions. The submission was clear that for me to fulfil my functions I would need to build a diverse, multidisciplinary team of staff that included people with experience in investigations, trauma informed and child safe practices, policy, and community engagement. Adopting a progressive implementation approach, I outlined that my resourcing requirements would rise over the forward estimates and then stabilise.

I have not received a response to my recommendations, nor have I been invited to provide further detail. This is a regrettable outcome, particularly now that I stand ready to begin exercising my statutory functions if appropriate resourcing is provided. Consistent with my implementation report I have now established the NPM Civil Society Advisory Council.

In recent years our community has been rocked by successive commissions that have made findings of abhorrent and entirely preventable abuse to our most vulnerable, and expressed serious concern that such abuse continues to occur. While the Tasmanian Government's commitment to addressing identified failings is indeed commendable, it must action that commitment by ensuring that effective independent oversight exists to prevent this abuse happening again. The Tasmanian NPM will play a critical role as a body solely dedicated to this purpose.

I call on the Tasmanian Government to appropriately resource my office and accept my implementation recommendations. I welcome the opportunity to discuss this matter during the Budget Estimates process.

Inquiries to Paula Catchpole - 0472 832 514. Please note the Tasmanian NPM is unable to make further comment on this release.

* OPCAT is a new type of international human rights agreement aimed at strengthening the protection of people deprived of their liberty.

^ The NPM is a visiting body established for the purpose of preventing torture and other cruel, inhuman or degrading treatment or punishment. The NPM's primary function is undertaking preventive monitoring of places of detention.