

20 June 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Clarification to Hansard – Budget Estimates hearing on 25 May 2023

I am writing to provide a clarification of evidence I gave to the Senate Standing Committee on Legal and Constitutional Affairs during the Budget Estimates hearing on 25 May 2023.

On page 97 of the transcript, Senator Shoebridge asked me to provide an update of each state and territory jurisdiction regarding nominations for National Preventative Mechanisms (NPMs) under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In relation to South Australia, I said:

Mr Anderson: ...In South Australia, the NPM nominees are three official visitors. The official visitors are individuals appointed by the South Australian government to carry out the function of an official visitor; they don't have staff. It is extremely challenging for those three individuals to carry out all the functions of a NPM, which includes visiting places where people may be being deprived of their liberty; providing advice to governments and others on particular measures; carrying out education for civil society and others; and cooperating both nationally and internationally with relevant bodies in terms of OPCAT. South Australia is particularly challenged in terms of resourcing.

I wish to clarify that South Australia has nominated three forms of official visitors as NPM bodies (Official Visitors, Principal Community Visitor and Training Centre Visitor). The Official Visitors are appointed as individuals, without staff. The Principal Community Visitor (PCV) is an individual, who has 4.5 FTE of staff to support both the PCV and a number of volunteer Community Visitors. The Training Centre Visitor is an individual and has 3 staff. None of these entities received any additional resourcing to carry out the functions of an NPM that I outlined in my evidence.

Yours sincerely

Iain Anderson
Commonwealth Ombudsman