

JOINT STANDING COMMITTEE ON TREATIES

REPORT 125: REVIEW INTO TREATIES TABLED ON 7 AND 28 FEBRUARY 2012

GOVERNMENT RESPONSE

Joint Standing Committee on Treaties

Report 125: Review into Treaties tabled on 7 and 28 February 2012

Government Response

Recommendation 5

That the Australian Government work with the states and territories to implement a national preventive mechanism fully compliant with the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* done at New York on 18 December 2002 as quickly as possible on ratification of the Optional Protocol and the exercise of Article 24 of that Protocol.

Agreed.

It is likely that the Australian Government will utilise Article 24 to delay the implementation of obligations under the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* regarding a National Preventive Mechanism. There is significant planning and consultation that must take place in order to develop a rigorous and robust National Preventive Mechanism. The Government appreciates the Committee's acknowledgement of the complexities involved in developing and finalising arrangements for a National Preventive Mechanism.

Should Article 24 be utilised upon ratification, the Government intends to implement a National Preventive Mechanism compliant with the Optional Protocol as quickly as possible.

The Government agrees with the Committee that the development of the National Preventive Mechanism should not be delayed unnecessarily and notes that early work on this has already begun.

The Australian Government is committed to broad consultation as it works on the development of a National Preventive Mechanism.