



**SUBMISSION OF THE TASMANIAN OMBUDSMAN TO THE JOINT STANDING COMMITTEE'S
INQUIRY INTO THE UNITED NATIONS OPTIONAL PROTOCOL TO THE CONVENTION AGAINST
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.**

The Tasmanian Ombudsman joins with the other State and Territory Parliamentary Ombudsman and the Commonwealth Ombudsman in supporting the ratification and implementation of the Optional Protocol and in submitting that the offices of the Ombudsman are well placed to fulfil a National Preventative Mechanism role as contemplated by the National Interest Analysis.

The Tasmanian Ombudsman is an independent statutory officer with the same extensive powers and functions as all other Australian Parliamentary Ombudsmen, who in the exercise of those powers and the carrying out of those functions is bound by the same basic core principles of objectivity, impartiality and confidentiality as the United Nations Subcommittee.

As in other jurisdictions, the Tasmanian Ombudsman deals with a large number of complaints from prisoners and detainees in the State's various prison facilities and its youth justice detention centre, and in the absence of an independent prison inspectorate in Tasmania, is the only independent authority with oversight of the management and operations of prisons. The Ombudsman's staff already have the requisite experience and knowledge to identify and address issues affecting the rights of prisoners and detainees.

The Ombudsman has conducted investigations resulting from prisoner complaints as well as large scale reviews of prison administration and management. Most recently, a complex own motion investigation into the high risk management unit at the main Risdon Prison Complex was undertaken and the report of the investigation tabled in Parliament. The report contained a number of significant and constructive

recommendations for change and to promote the preservation of the rights of those held in detention. The report can be viewed at:

http://www.ombudsman.tas.gov.au/data/assets/pdf_file/0010/147754/100624_Tamar_Report_June_2010.pdf

In addition, the Tasmanian Ombudsman coordinates and manages both the Prison Official Visitors Scheme and the Mental Health Official Visitors Scheme, and is himself a Mental Health Official Visitor. Thus the Ombudsman already monitors, effectively and on a regular basis, the conditions and treatment of not only prisoners and detainees but persons accommodated in secure mental health units.

The Tasmanian Ombudsman holds a parallel appointment as the Health Complaints Commissioner with jurisdiction over health service providers, including secure units and other facilities, in both the public and private sector.

In short, the Ombudsman, if properly resourced, has the experience, expertise and knowledge to act as an effective state based National Preventative Mechanism in Tasmania.

Leon Atkinson-MacEwen
OMBUDSMAN and HEALTH COMPLAINTS COMMISSIONER

2 April 2012