

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program:** 1.4 Justice Services

**Question No. SBE16/032**

**Senator McKim asked the following question at the hearing on 18 October 2016:**

Senator McKIM: Attorney, I want to follow up on an answer you gave to Senator Lambie regarding the process for ratifying OPCAT. You said you had written to state and territory attorneys on 25 February. I presume you have had replies. Could you just describe the nature of your letter and, if you are able to, the nature of the responses you have had from state and federal attorneys?

Senator Brandis: I will see if there is a copy of the letter available—I am sure I do not have all the responses here, so that part I will take on notice.

Senator McKIM: It is fair to say it has been a long-running process—probably going back six or seven years, I think. When I was Minister for Corrections in Tasmania, this was on my agenda, and that was a few years ago now.

Senator Brandis: It has been a long process. I do not have the letter, so I will take that on notice. I do not see any reason why we could not—I am happy to give you a copy of my letter to the states and territories, and I will ask those who advise me to think about this carefully, but I myself would not have any particular objection to releasing to the committee their replies.

Senator McKIM: Thank you, Attorney, so I will take it that you have taken it on notice.

**The answer to the honourable senator's question is as follows:**

The Attorney-General, Senator the Hon George Brandis QC, wrote to all Attorneys-General on 25 February 2016 seeking their agreement to commit to ratification of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

All Attorneys-General, save for the New South Wales Attorney General, replied to the letter of 25 February 2016. The New South Wales Attorney General did not respond because OPCAT was placed on the agenda for discussion at the April 2016 meeting of the Law, Crime and Community Safety Council.