

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

Group: 2

Program: 1.1

Question No. SBE14/182

Senator Wright asked the following written question from the 20 November and 11 December 2014 hearings.

1. What progress has been made in engaging with the states and territories to develop a National Preventative Mechanism as required under the Optional Protocol to the Convention Against Torture?
2. As I understand it, the Commonwealth developed model legislation, in consultation with the states and territories, and received notification from states and territories that they would progress the model Bill.
 - a) Which states or territories have introduced legislation?
 - b) Have any states or territories passed legislation?
 - c) Have any states since advised they will not introduce legislation?
3. Have there been any further discussions between the Commonwealth and the states and territories in relation to the OPCAT since November 2013?
 - a) If yes, please outline the nature of the discussions
 - b) If no, are there plans for further discussions?
4. Is there an update in terms of a timeframe for when the OPCAT will be ratified?

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

1. As Australia has not ratified the Optional Protocol to the Convention against Torture, the obligation to develop a National Preventative Mechanism has not arisen.
2. We understand that the Australian Capital Territory, Northern Territory and Tasmanian parliaments have introduced legislation. Further questions on the issue are a matter for the state and territory governments.
- 3-4. The Government is considering whether it will ratify the Optional Protocol to the Convention against Torture and thus bring it into force in Australia.