



**Central Australian
Aboriginal Congress**
ABORIGINAL CORPORATION | ICN 7823

Robert Bradshaw
Director, Policy Coordination
Solicitor for the Northern Territory
Department of the Attorney-General and Justice, Northern Territory Government

By email: robert.bradshaw@nt.gov.au

4 February 2022

Dear Mr Bradshaw,

RE: CONSULTATION – NORTHERN TERRITORY LEGISLATION FOR NATIONAL PREVENTATIVE MECHANISM – OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

Thank you for providing Central Australian Aboriginal Congress with the opportunity to make comment on the draft *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Amendment Bill 2022*.

Congress welcomes the drafting of this Bill that fulfils the Northern Territory's obligation as a State Party under OPCAT to establish an independent National Preventive Mechanism (NPM) in order to conduct inspections of places of detention, provide reports, make recommendations and ensure transparency in places where people are detained.

In particular, Congress is pleased that the draft Bill:

- Provides for unrestricted access, without notice, to places of detention by the NT NPM inspector, as well as access to information and records and the ability to speak with staff and make public reports on inspections
- Sets out protections and supports for detainees and others who provide information and make disclosures to the NT NPM and establishes an offence for obstructing the function of the NT NPM
- Expands the definition of 'places of detention'
- Establishes the NT NPM as an independent entity, with a preventive role.

**Central Australian Aboriginal Congress
Aboriginal Corporation**

ABN 76 210 591 710 | ICN 7823
PO Box 1604, Alice Springs NT 0871
(08) 8951 4400 | www.caac.org.au



**Aboriginal health
in Aboriginal hands.**

In our view, Congress considers that the draft Bill could be further strengthened by:

- Strengthening the transparency of the NT NPM's reporting mechanisms whereby it should be made explicit that reports made by the NT NPM are released into the public domain and published in a way that is accessible to the general population, as well as being tabled through the relevant Minister in the NT Legislative Assembly
- Considering the over-representation of Aboriginal people within the Northern Territory's places of detention, Congress believes that there should be a requirement that the NT NPM Inspector (or, if there is more than one, at least one NT NPM Inspector) needs to be an identified Aboriginal and/or Torres Strait Islander position
- Relevant expertise in the unique NT context should also be considered to provide oversight to other vulnerable groups within places of detention, including women, people with disability including neurodevelopmental disorders, and young people
- Ensuring that the NT NPM is allocated sufficient funding and resources to allow it to undertake its role and function to the full extent possible. Whilst the draft Bill sets out alternative positions that become the default NT NPM should inspector roles be vacated (such as the NT Children's Commissioner or the Principal Community Visitor), in our observation these important roles within the Officer of the Children's Commission and the NT Anti-Discrimination Commission are already over-stretched. Sufficient resourcing must ensure that the NT NPM can maintain a rigorous, independent and preventive function.

Thank you once again for the opportunity to make comment on the draft Bill. Should you have any questions or require further clarification on Congress' feedback, please don't hesitate to contact Emma Delahunty, Health Policy Advisor by email on emma.delahunty@caac.org.au

Yours sincerely,

Donna Ah Chee

Chief Executive Officer