

OPCAT Advisory Group

Terms of Reference

1. Purpose

The OPCAT Advisory Group (OAG) is established by the Commonwealth Ombudsman to provide expert advice and guidance to him regarding his functions and responsibilities under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) as conferred by Part 4 of the *Ombudsman Regulations 1977*.

2. Key functions

The OAG's key function is to provide considered advice to the Commonwealth Ombudsman regarding:

- a) his Office's current or proposed approach to inspecting places of detention under the control of the Commonwealth, as the Commonwealth National Preventive Mechanism (NPM)
- b) his Office's current or proposed approach to engaging with, and coordinating State and Territory NPMs, as the NPM Coordinator for Australia
- c) research or practice that may inform his Office's current or future approach to fulfilling its OPCAT responsibilities
- d) issues arising from, or impacting the implementation of OPCAT in Australia.

In most instances the Commonwealth Ombudsman will seek the OAG's advice via formal meetings but, in some circumstances, may invite members to provide advice or comment out of session.

The Commonwealth Ombudsman invites each of the members of the OAG for their respective experience and expertise but, as an independent and impartial statutory office holder, will not be bound by their advice.

3. Membership

As at April 2021, the OAG comprises:

Name	Organisation
Mr Michael Manthorpe PSM (Chair)	Commonwealth Ombudsman
Mr Paris Aristotle AO	CEO, Foundation House
Mr Noel Clement	Director, Australian Programs, Australian Red Cross
Professor Neil Morgan	Former Inspector of Custodial Services (Western Australia)
Professor Bronwyn Naylor	RMIT University; co-founder of the Australian OPCAT Network
Mr Edward Santow	Australian Human Rights Commissioner
Mr Brendan Thomas	CEO, Legal Aid New South Wales and a Wiradjuri man

If the Chair considers it is appropriate to do so, he may invite additional members to join the OAG at any time.

The Chair may, at his discretion, invite any other person to attend meetings as an observer or contributor, for specific discussions or the entire meeting, on a one-off or regular basis.

4. Operation of the OAG

The OAG will meet three times per year, or as otherwise determined by the Chair.

If a member is unavailable to meet they may, prior to the meeting, propose an alternative representative for the Chair's approval, to ensure adequate representation across the OAG.

Members agree that Chatham House Rules will apply to discussions by the OAG and any materials prepared for the purposes of a meeting of the OAG unless otherwise approved by the Chair.

A statement summarising the matters discussed at each meeting will be published on the Office of the Commonwealth Ombudsman website.

5. Secretariat

The Office of the Commonwealth Ombudsman will provide secretariat support to the OAG and will promulgate materials for discussion.

The Secretariat will set a preliminary agenda for each meeting but any member of the OAG may seek the Chair's agreement to add items for discussion. Items may be introduced verbally but papers are encouraged so as to maximise understanding and discussion of the relevant issues.

After approval from the Chair, the Secretariat will ensure the agenda and supporting papers for each meeting are circulated at least ten working days before the meeting. Minutes will be circulated within ten working days of the meeting to each member and approved observers, as appropriate, for comment.

The Secretariat will follow up action items as required, on behalf of the Chair.

6. Review

These terms of reference will be reviewed by the Chair on an annual basis with input from OAG members. The OAG will endorse any revised terms of reference.

The Chair will review the outcomes of the OAG annually, with input from OAG members.