

MEDIA RELEASE

Subject: Publication of Commonwealth NPM report

Today, 20 January 2023, is an important day for human rights in Australia. Today marks the deadline for Australia to establish its National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT).

As Commonwealth NPM, the Commonwealth Ombudsman, Iain Anderson, today published a report about his monitoring of Commonwealth places of detention under OPCAT from 1 July 2021 to 30 June 2022.

“This report marks not only Australia’s deadline to establish an NPM, but also the 5th anniversary of the Commonwealth Ombudsman’s appointment as the National Preventive Mechanism (NPM) for places of detention under control of the Commonwealth, and as the NPM Coordinator for all NPM bodies within Australia,” said Mr Anderson.

The report illustrates the Commonwealth NPM’s preventive oversight of Commonwealth places of detention in 2021-22. The report also provides an overview of the separate, but equally important, Commonwealth Ombudsman functions as coordinator of Australia’s NPM Network and statutory assessment of the conditions of immigration detention for individuals held for more than 2 years.

“The 2021–22 year was dominated by the ongoing impacts of COVID-19 on people in detention and staff as in the general community,” said Mr Anderson. “We continued to carry out our preventive mandate under OPCAT throughout lockdowns and closed state and territory borders, and were generally satisfied with the management of COVID-19 outbreaks in immigration detention facilities.”

In this report, the NPM made 18 recommendations to the Department of Home Affairs. This included recommendations on concerns raised previously such the long-term use of hotels as alternative places of detention, the use of mechanical restraints for medical appointments and the length of time people are held in detention. This report also includes recommendations on the programs and activities available to people held in detention, and staff fatigue.

The Department of Home Affairs accepted 13 recommendations, noted 3 recommendations, and did not accept 2 recommendations. The Commonwealth NPM will monitor the implementation of recommendations accepted, and work with the department on the issues underpinning the remaining recommendations.

The Ombudsman remains concerned about the increasing number of individuals in long-term held detention and delays in their case progression. The average length of time an individual spends in detention has increased by approximately 191 days in the last 2 years. In June 2021, the average length of time was 673 days compared to 742 days in June 2022.

“There remains a high number of people held in immigration detention. This includes individuals facing apparent indefinite detention, such as those who engage Australia’s protection obligations and cannot be involuntarily removed,” Mr Anderson said. “I have recommended the Department of Home Affairs work with relevant ministers to consider alternative arrangements for individuals facing prolonged or indefinite detention.”

In 2021-22 the Commonwealth NPM also worked to familiarise itself with Australian Defence Force and Australian Federal Police detention facilities. This work is continuing in 2022-23.

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“I appreciate the open approach and dedication to improvement demonstrated by the Department of Home Affairs and Australian Border Force, the Department of Defence and Australian Defence Force and the Australian Federal Police,” said Mr Anderson. “This ongoing dialogue between agencies and the NPM contributes to continuous improvements to strengthen protections against ill-treatment of people in detention.”

The report can be found on the [Commonwealth Ombudsman website](#).