



# **Post Visit Summary**

Lavarack Barracks, Townsville

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# Summary Our visit

The Commonwealth NPM conducted an announced visit to Lavarack Barracks, Townsville, on 27-28 November 2024. This was our second visit to Lavarack Barracks as part of our role monitoring Australian Defence Force (ADF) places of detention under the OPCAT.

The visit was conducted by 2 OPCAT Monitors.

Our previous visit in September 2022 was a familiarisation visit with no formal Post Visit Summary.

### What we found

The detention facility is in good condition and functions effectively in its primary role.

However, several areas could be improved to meet higher safety, compliance, and welfare standards. Notable concerns include the need for improved emergency cell access, enhanced first aid provisions and updated protocols for strip searches to ensure respect and adherence to best practices. The lack of toilet privacy within cells is a significant issue that warrants attention, however we acknowledge that the ADF have agreed to our previous recommendations to resolve our concerns regarding strip searching and toileting privacy.

Additionally, the absence of audio recording when managing personal property and insufficient facilitation of the right to lodge a complaint with the Defence Force Ombudsman highlight gaps in procedural compliance.



# Recommendations and suggestions



#### **Recommendation 1**

An automated external defibrillator (AED) be permanently located in the detention area and staff made aware of its location.

#### **Recommendation 2**

The key safe be repaired and a sufficient quantity of keys to access the facility be supplied and locked in the key safe for the use of registered users.



#### **Suggestion 1**

An angle grinder or similar tool be located in the detention area to cut the tongues of locks in the event of an emergency.

#### **Suggestion 2**

Staff receive training in the selection and use of firefighting equipment.

#### **Suggestion 3**

The padded cell should either be discontinued for use as a padded cell or refurbished and brought back to an operational state and utilised exclusively for its intended purpose - providing a secure, controlled environment for detainees at risk of self-harm or requiring temporary confinement in line with the ADF Detention Manual.



#### **Suggestion 4**

Servicepersons in detention be made aware of their right to make a complaint to the Defence Force Ombudsman.

#### **Suggestion 5**

Develop and document clear procedures for medical staff to use when determining whether a person is "Fit for Detention" and ensure that contracted staff are aware of and comply with the procedures. The procedures should require a formal assessment to be done, specify what form this is required to take, and set out the roles and responsibilities of staff, and who/if these roles can be delegated.

#### **Suggestion 6**

Develop a suite of nationally available training and guidance on the process and procedures for medical staff to ensure sustainable national consistency of services.

**Comment 1:** Strip searches be conducted on the basis of risk assessment rather than as a routine practice.

**Comment 2:** Provide privacy for people in detention from CCTV cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

#### **Joanne Mulder**

Acting Commonwealth Ombudsman

Commonwealth National Preventive Mechanism



# Facility and demographics

Lavarack Barracks is a major Australian Army base situated under Mt Stuart in the suburb of Murray in the City of Townsville, Queensland. It was originally established in 1914 and restored in 1967 for the Vietnam War.

With almost 7000 troops, it is the largest Brigade in the Australian Army.

The Area Detention Centre (ADC) is an ADF local detention facility operated by the ADF for the short-term detention of ADF members.

The detention centre is not a full-time facility but is kept in contingency mode and activated and staffed as required when a Serviceperson is placed in detention. There are a total of four (4) cells.

On 27-28 November 2024, when we visited, the facility held no Service people in detention with the last individual held two years ago.



# Observations Safety

### Emergency cell access is not satisfactory

In the unlikely event of both a power failure and a failed/broken lock there are no emergency entry tools on site to gain immediate access to cells, and there was nothing located close by that could be used.

This is not satisfactory, as power failures, particularly in hot and humid climates can occur at any time. Additionally, such climates can contribute to insect infestations creating further challenges to the uninterrupted supply of power.

Detainees may also attempt to obstruct locks by stuffing them with toilet paper or other materials, which can hinder staff ability to respond to incidents including self-harm.

The Mandela Rules require evacuation plans for the protection of people in detention.1



#### **Suggestion 1**

An angle grinder or similar tool be located in the detention area to cut the tongues of locks in the event of an emergency.

<sup>&</sup>lt;sup>1</sup> Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms p10, 24.



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# Emergency evacuation is satisfactory

There are 2 emergency access/egress points within the facility with emergency exit lighting in place that was in working order.

The facility has standalone emergency and evacuation procedures in place.

Upon admission, all Servicepersons in detention receive instruction on emergency and evacuation procedures as part of their march in process.

The Mandela Rules<sup>2</sup> and Association for the Prevention of Torture (APT) provide guidance<sup>3</sup> as well as the Work Health and Safety Act 2011.

# CCTV system is satisfactory

CCTV cameras were located in strategic areas and provided coverage of all internal and external areas of the facility. The cell cameras have inbuilt infra-red for viewing in low light conditions but have no audio. The picture was clear, with no blind spots detected. All cameras were working at the time of our visit.

Footage is overridden every 3 months except where there is a Serviceperson in detention where the footage is retained onto a separate Hard Disk Drive (HDD) and stored and retained in accordance with the Archives Act 1983 (Cth).

All CCTV was correctly date and time stamped.

The monitoring screen was set up in an office opposite the cells where detention supervisors maintain a constant presence when a Serviceperson is in detention.

Staff also have direct lines of sight from the office space to the 3 primary cells but not into the padded cell.

The APT acknowledges that existing standards surrounding the use of CCTV in detention settings are few in number, however, should still be assessed by monitors.<sup>4,5</sup> We are satisfied with the operation of the CCTV system.

<sup>&</sup>lt;sup>5</sup> Monitoring Police custody: A practical guide, 4.1 Audio-video recording



<sup>&</sup>lt;sup>3</sup> Association for the Prevention of Torture. (2013). Monitoring Police Custody, A Practical Guide. p159.<sup>4</sup> Association for the Prevention of Torture. (2013). Monitoring Police Custody: A Practical Guide. Geneva, Switzerland. p145.

<sup>&</sup>lt;sup>4</sup> Association for the Prevention of Torture. (2013). Monitoring Police Custody: A Practical Guide. Geneva, Switzerland. p145.

# Fire safety is good except for staff training

There are fire alarms and prevention systems. However, there was no automated fire suppression system such as a sprinkler system in place which is in accordance with safety considerations for detention facilities, where such systems may pose a risk of ligature points.

All cells have smoke detectors fitted.

There was one Dry Powder fire extinguisher located in the detention control room and a further dry powder and water extinguisher in the guard room which is situated across the hall. All were last tested in August 2024, 3 months prior to the visit.

Fire extinguisher selection charts were attached to the emergency evacuation signs positioned in strategic locations throughout the facility, which enable staff to identify the type of extinguishing medium required to extinguish a particular class of fire in order to not endanger detained persons or staff by using the incorrect type of extinguisher.

Fire systems are tested every 6 months by private contractor Downer. We consider this good practice and compliant with Australian Standards.<sup>6</sup>

We were advised that staff do not receive training in basic firefighting including the use of extinguishers. We do not consider this satisfactory as staff should be trained in the correct identification and use of fire extinguishers as different types of fires require specific extinguishers, for example, electrical fires should not be tackled with water-based extinguishers. Additionally, knowing how to quickly and correctly operate an extinguisher can prevent small fires from escalating into major emergencies. While there is no requirement for staff to be trained in the use of fire extinguishers, we consider it good practice to be compliant with Australian Standard 3745:2010 – Planning for Emergencies in Facilities.



#### **Suggestion 2**

Staff receive training in the selection and use of firefighting equipment.

<sup>&</sup>lt;sup>6</sup> AS 1851-2012 Routine Service of Fire Protection Systems and Equipment



### First Aid response requires a defibrillator

All staff are First Aid and defibrillator trained. There is one first aid kit onsite with appropriate signage. However, there was no defibrillator located in the detention area.

The nearest Defibrillator is located in the Battalion area some 300 metres away and may not be in an immediately accessible area. Not all staff are full time and they may not be aware where the AED is located. Accordingly, the time to retrieve it may not fall within accepted timeframes.

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) state that facilities should have resuscitation equipment.



#### **Recommendation 1**

A defibrillator be permanently located in the detention area and staff made aware of its location.

# Padded cell is no longer appropriate for use

There is one padded cell in the facility which has not been used for 3-4 years and has all the padding taken out due to damage.<sup>7</sup> The cell is not fit for purpose in its current state, so should be either refurbished or decommissioned.



#### **Suggestion 3**

The padded cell should be discontinued for use as a padded cell or refurbished and brought back to an operational state and utilised exclusively for its intended purpose- providing a secure, controlled environment for detainees at risk of self-harm or requiring temporary confinement in line with the ADF Detention Manual.

<sup>&</sup>lt;sup>7</sup> Royal Commission into Aboriginal Deaths in Custody, recommendation 142.



# Intercoms provide direct avenues for assistance

We observed a functioning intercom in each cell which are monitored by control room staff.

As recommended in the RCIADIC, it is imperative that proper functioning intercom systems are in each cell which give direct communication to custodians for people in detention to summon assistance in the event of illness or emergency.<sup>8</sup>

We are satisfied with the functionality of the intercom systems. They are in good working order, providing reliable communication between Servicepersons in detention and staff.

# Use of Force is managed well

Mechanical restraints are only used by Detention Centre Supervisors (DCS) who are properly authorised and trained in their use.

Use of force (UoF) forms must be completed in the event of a UoF incident which must also be documented in the Daily Occurrence Book. This is a paper-based book which is later scanned for digital record keeping. All personnel are trained in defensive tactics and UoF tactical options models.

Record keeping and training in Use of Force are satisfactory and in line with established ADF policies and guidelines.

# Insufficient number of keys for detention facility and inoperative key safe

The detention facility relied on a single key for access, which had to be physically handed over between personnel because the key safe was broken. These handovers were not recorded.

Relying on a single key presents significant security risks, as it can create delays in emergency situations, limit access for multiple staff members and increase the risk of total system failure if the key is lost, stolen or falls into the wrong hands.

<sup>&</sup>lt;sup>8</sup> Royal Commission into Aboriginal Deaths in Custody, recommendation 140.



This practice compromises safety, operational efficiency and emergency preparedness.



#### **Recommendation 2**

The key safe be repaired and a sufficient quantity of keys to access the facility be supplied and locked in the key safe for the use of registered users.

# Respect

# Strip searches should not be routine

All new arrivals undergo a strip search upon entry into the facility. The search is undertaken in the interview room which has no CCTV camera surveillance.

The search is carried out by the Officer in Charge (OIC) of the facility and one other person.

The ADF Detention Manual (DETMAN) notes that Service personnel may be categorised as Male, Female or Gender X (Indeterminate/Intersex/Unspecified) and outlines the management of each of these specifically including asking those who identify as Gender X by which gender they would like to be searched.

No risk assessment is conducted to determine the necessity of strip searching to balance security needs with respect for human dignity and legal rights. Conducting searches based on risk ensures they are used only when absolutely necessary to prevent the introduction of contraband, such as weapons and drugs, rather than as a routine or arbitrary practice.

Since our visit, we have been informed that, the ADF has implemented a new policy whereby strip searches are now conducted based on a risk assessment rather than as a routine practice.

**Comment 1:** Strip searches be conducted on the basis of risk assessment rather than as a routine practice.



# Complaints mechanisms are well managed

Servicepersons in detention are made aware of their ability to lodge a complaint as part of the march in procedure which is also contained in the Detainee Orders folder (a folder outlining Servicepersons in detention rights and responsibilities) which is retained in their cell.

Complaints can be made orally at a daily parade which is held each morning.

Complaints can also be made directly to the Officer in Charge (OIC) of the facility who conducts a parade each morning, and the Visiting Officer (VO) every fortnight. These visits and any complaints raised are documented in the Daily Occurrence Book (DOB).

ADF members can also make a formal complaint through the ADF's Redress of Grievance (ROG) process.

External complaints mechanisms are also available through the Defence Force Ombudsman, however these are limited to administrative or serious abuse matters only and we were advised by staff that Servicepersons in detention are not made aware of this avenue of complaint.

The Mandela Rules and the APT provide that every prisoner shall be provided with written information about his or her rights including making a complaint.<sup>9, 10</sup>



#### **Suggestion 4**

Servicepersons in detention be made aware of their right to make a complaint to the Defence Force Ombudsman.

# Management of personal property is not satisfactory

Servicepersons in detention are not allowed to take any personal property into the facility. Property is itemised and recorded in the interview room which has no CCTV or audio function. The property is then locked in an individual property locker. Cash and valuables are stored in a locked safe.

<sup>10</sup> https://www.apt.ch/knowledge-hub/dfd/complaints-procedures



<sup>&</sup>lt;sup>9</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 54.

They receive a booklet containing the rules, regulations, standing orders and the facilities daily regime.

Servicepersons under punishment (SUPs) are issued a trunk with "kit" consisting of uniform clothing items, bedding, shaving coat, uniform cleaning equipment etc.

We are not satisfied with the handling of personal property which should be recorded under CCTV with an audio function to ensure transparency and accountability, and to prevent disputes or allegations of misconduct. Failing to do so can lead to discrepancies, loss of property, and a lack of evidence in the event of a complaint or investigation.

Since our visit we have been advised that CCTV does not have an audio function due to some detention units being situated in hearing distance of operational areas where audio recording is not allowed for operational security reasons.

### Cell toilets offer no privacy

The cell toilets had a concrete privacy wall that allowed for privacy from the cell door, however the CCTV camera sits above the toilet, so Servicepersons in detention are in full view of staff on the CCTV monitor when using the toilet thus negating any privacy afforded by the concrete screen. We were advised that Servicepersons would be required to ask for permission to go to the toilet to allow all members of the opposite sex be removed from the control room.

The lack of toilet privacy can have significant negative impacts on Servicepersons in detention dignity, mental well-being and overall health as the inability to use the toilet in private can cause humiliation, stress and anxiety.

The ICCPR guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy<sup>11</sup> and the APT states that sanitary installations be in working order and provide adequate privacy.<sup>12</sup>

We have been informed that since our visit, a remedial program is currently underway to install privacy screens in all ADF detention facilities.

<sup>&</sup>lt;sup>12</sup> Association for the Prevention of Torture. (2004). Monitoring Places of Detention: A Practical Guide. Geneva, Switzerland. p146, 147



<sup>&</sup>lt;sup>11</sup> International Covenant on Civil and Political Rights, Article 17.

**Comment 2:** Provide privacy for people in detention from CCTV cameras when toileting, while still allowing sight lines to the upper body for officers to maintain visibility for security and safety purposes.

#### Cells are small but well maintained

All cells were alike, in very good condition and measured 7.43m<sup>2</sup> which is smaller than the national standard of 8.75m<sup>2</sup> with ablutions and 7.5m<sup>2</sup> without.<sup>13</sup> We note however that Servicepersons in detention spend most of their day out of cell undertaking remedial training and exercise.

All cell doors are electronically operated from the officer workstation with a key override. They all open outward and are keyed alike.

When the cells are not in use they are professionally cleaned once per month by the garrison contractor Downer.

We were pleased to see that cell floors had a drain cover which was of a crocodile roll resistant (CRR) design.

We are satisfied with the maintenance and cleanliness of the cells.

#### Pastoral care for all faiths is available

The Chaplain's service caters for all religious faiths and is notified when a Serviceperson enters detention as part of the march in process. Religious preference is determined during the intake process and a text of any faith can be provided and retained in their cell.

Religious services can be attended in the Lavarack Barracks chapel or within the confines of the detention unit, depending on behaviour.

Freedom of religion or belief is guaranteed by the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Universal Declaration of Human Rights, Article 18 and International Covenant on Civil and Political Rights, Article 18.

We are satisfied with the religious arrangements in place and their application to all forms of religion.

<sup>&</sup>lt;sup>13</sup> Standard Guidelines for Prison Facilities in Australia and New Zealand. (1990)



# **Purposeful Activity**

# Outdoor exercise exceeds international standards

Servicepersons in detention have a very structured day commencing at 5:30am and ending in the late afternoon/early evening. Physical Training (PT) is conducted for at least one hour per day which is supervised by a Physical Training Instructor (PTI) and conducted at the rear of the facility.

Further training is provided throughout the day structured around soldiering skills such as drill and weapons handling.

The Serviceperson in detention is encouraged to provide input into their training program, particularly in identifying areas where they face challenges.

The staff spoken to were aware of minimum standards for exercise outlined in the Mandela Rules.

We are satisfied that exercise requirements exceed the minimum one hour as outlined in the Mandela Rules.<sup>14</sup>

# **Wellbeing and Social Care**

### Staffing model is appropriate

The facility is staffed by 6 Regimental Police (RPs) but also has 11 staff trained as Detention Centre Supervisors (DCSs) within the Battalion and 55 in the Brigade, 10 of which are female.

The detention unit does not operate as a full-time facility but can be activated for use with 30 minutes notice with a staffing level of at least 2 persons, one of which must be a DCS.

There is at least one female DCS on shift in the event a female is held in detention.

<sup>&</sup>lt;sup>14</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 23 & 42.



All the facilities systems such as alarms and intercoms are tested by staff every two weeks.

The Mandela Rules Checklist requires that prisons are adequately staffed during the day and night.<sup>15</sup>

Both the Mandela Rules and the Bangkok Rules require that female prisoners shall only be attended and supervised by female staff. <sup>16, 17</sup>

We are satisfied with the staffing model as it ensures appropriate coverage, professionalism and expertise.

# Access to fresh air and natural light is adequate

The cells have no air conditioning or other climate control but plenty of flow through ventilation from steel security style mesh doors and windows. The temperature on the day was measured at 28.6°C with 65% relative humidity<sup>18</sup>. With the exception of the medical facilities there is no air conditioning anywhere on the base. This is due to several incidents which have occurred in Northern Australia from heat related illness where, among other factors, Defence personnel were not properly acclimatised. We also note that Servicepersons in detention spend a large amount of their day out of cell undergoing remedial training.

There is a large window in each cell that allows plenty of natural light. This was complemented by artificial lighting which was working at the time of our visit.

The APT states that police cells should have natural light and ventilation, and a temperature appropriate to the climate and season.<sup>19</sup>

We are satisfied that Servicepersons in detention have access to fresh air and natural light which is equal to or exceeds international standards.

<sup>&</sup>lt;sup>19</sup> Association for the Prevention of Torture. Monitoring Places of Detention: A Practical Guide. (2004). Geneva, Switzerland. p156.



<sup>&</sup>lt;sup>15</sup> United Nations Office on Drugs and Crime. 2017. Assessing compliance with the Nelson Mandela Rules, A checklist for internal inspection mechanisms. p23

<sup>&</sup>lt;sup>16</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 81.

<sup>&</sup>lt;sup>17</sup> United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rules 11 &19.

<sup>&</sup>lt;sup>18</sup> Measurements taken with Pinpoint PHT300 Digital Temperature and Humidity Meter. Precision +/- 1°C, +/- 3% RH

# Visiting arrangements are well organised

An initial telephone call can be made by any Serviceperson within the first 24 hours of detention to notify of their detention, including a family member, friend or legal representative. Telephone calls to legal representatives are unlimited.

Family and friends are allowed to visit on a Sunday by request and OIC approval. The Serviceperson in detention is also allowed to contact family via telephone at any time.

Members of the Servicepersons assigned Unit may also visit to conduct a welfare check, provide encouragement and check on their progress.

Lavarack Barracks has another level of welfare check being the Visiting Officer (VO).

The VO is an independent ADF member of the rank of Major or above from another unit within the ADF. They are randomly appointed for a 12-month term from other units and are required to visit once per fortnight on a rotational basis. Their role is to conduct an inspection of the detention centre and visit all Servicepersons in detention and hear any complaints or requests they may have. A report is then furnished to the OIC of the facility.

Servicepersons in detention can refuse visits from their Unit but cannot refuse a visit by the VO.

There is an interview room next to the staff office which is also used for visits. It has a table and 2 chairs which are bolted to the floor for security purposes.

We are satisfied with the visiting arrangements as they are well organised and adhere to both security and welfare standards.

# All personnel receive same standard of meals

Meals are brought in from the main mess (kitchen) which provides the same meals as other service members and at the same times. Meals can be eaten with other Servicepersons in detention in the exercise yard which has a picnic style table and benches which are permanently secured to the floor.

We are satisfied that meals meet or exceed the minimum standards as outlined in the Mandela Rules.<sup>20</sup>

<sup>&</sup>lt;sup>20</sup> The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rule 22.



# **Physical and Mental Health**

### Best practice health care model

Prior to placement into the detention unit a 'medical assessment of suitability to be detained' is undertaken by qualified medical practitioners and includes physical, mental and psychosocial health components. If for some reason the assessment is unable to be undertaken at the time it must take place in the first 24 hours of detention. If the Serviceperson is found to be not fit for detention, they will not enter the facility and alternatives such as confinement to their accommodation or placement in a hospital or psychiatric facility will be considered based on the medical assessment.

There are two medical parades with attendance by all Servicepersons in detention being mandatory:

- The first is a daily medical review where a nurse attends to the Serviceperson in detention regardless of whether there has been a request or not.
- 2. Once per week there is a medical parade with one of the Base's Medical Officers (MO). They are able to take a Serviceperson in detention offsite if there is a need to access medical equipment etc, but this is rare and most services are delivered on site, noting that if the detainee had a serious condition it would be unlikely they would have passed the health check required to be placed in detention.

We note, however, that the contracted civilian staff were not familiar with what they needed to do in regard to a detention assessment.

The base medical centre is open 24 hours per day and there is also a qualified Alcohol and Other Drugs (AOD) councillor onsite when a Serviceperson is detained who will determine if internal or external supports are required.

We are satisfied that this is a best practice model for health care in detention due to the high standard of health services provided to Service personnel. The facility has clear procedures including regular assessments, proper documentation and swift responses to medical needs. There is also adequate access to mental health services including after-hours advice.

Of note however, health centre staff advised us they were not sure of what they needed to address from a medical perspective to approve a member for being fit for custody.





#### **Suggestion 5**

Develop and document clear procedures for medical staff to use when determining whether a person is "Fit for Detention" and ensure that contracted staff are aware of and comply with the procedures. The procedures should require a formal assessment to be done, specify what form this is required to take, and set out the roles and responsibilities of staff, and who/if these roles can be delegated.

#### **Suggestion 6**

Develop a suite of nationally available training and guidance on the process and procedures for medical staff to ensure sustainable national consistency of services.



# Methodology

The Commonwealth NPM visits places of detention to:

- monitor the treatment of people in detention and the conditions of their detention and
- identify any systemic issues where there is a risk of torture or ill-treatment
- make recommendations, suggestions, or comments promoting systemic improvement.

The Commonwealth NPM conducts three types of visits: announced, unannounced, and semi-announced. The type, location, and timing of each visit is determined by the Commonwealth NPM alone.

Each place of detention is assessed in terms of its performance based on the management and conditions for people in detention. We assess these against the 5 indicators of a healthy detention facility, adapted from those used by other international and domestic visiting bodies.

The five indicators of a healthy centre are<sup>21</sup>:

Safety	people in detention are held in safety and that consideration is given to the use of force and disciplinary procedures as a last resort.
Respect	people in detention are treated with respect for their human dignity and the circumstances of their detention.
Purposeful activity	the detention facility encourages activities and provides facilities to preserve and promote the mental and physical well-being of people in detention.
Well-being and social care	people in detention are able to maintain contact with family and friends, support groups, and legal representatives, and have a right to make a request or complaint.
Physical and mental health	people in detention have access to appropriate medical care equivalent to that available within the community.  Stakeholders work collaboratively to improve general and individual health conditions for people in detention.

<sup>&</sup>lt;sup>21</sup> These indicators have been adapted from expectations used by international and domestic inspectorates.



# The Commonwealth National Preventive Mechanism Mandate

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen the protections for people deprived of their liberty and potentially vulnerable to mistreatment and abuse.

OPCAT does not create new rights for people who are detained, rather it seeks to reduce the likelihood of mistreatment. OPCAT combines monitoring at an international level (by the Subcommittee for the Prevention of Torture) and by National Preventive Mechanisms (NPMs) at a domestic level.

NPMs are independent visiting bodies, established in accordance with OPCAT, to examine the treatment of persons deprived of their liberty, with a view to strengthening their protection against torture and other cruel, inhuman, or degrading treatment or punishment.

An NPM is not an investigative body. The mandate of an NPM differs from other bodies working against torture in its preventive approach: it seeks to identify patterns and detect systemic risks of torture, rather than investigating or adjudicating complaints concerning torture or ill-treatment.

In July 2018, the Australian Government announced the Commonwealth Ombudsman as the visiting body for Commonwealth places of detention (the Commonwealth NPM). At present, the Commonwealth NPM visits places of detention operated by:

- the Department of Home Affairs
- the Australian Federal Police
- the Australian Defence Force





#### CHIEF OF THE DEFENCE FORCE

1 9 Jun 2025

#### Mr Iain Anderson

Commonwealth National Preventative Mechanism Commonwealth Ombudsman Office of the Commonwealth Ombudsman GPO Box 442 CANBERRA ACT 2601

Dear Jain,

# COMMONWEALTH NPM'S FINDINGS FROM YOUR VISIT TO GALLIPOLI BARRACKS AND LAVARACK BARRACKS

Thank you for the opportunity to comment on the draft Commonwealth National Preventive Mechanism findings from visits to two ADF places of detention at Gallipoli Barracks, Enoggera, QLD and Lavarack Barracks, Townsville, QLD. I appreciate the ongoing cooperation between your Office and the Australian Defence Force, and look forward to continuing to support this important oversight mechanism.

I understand that the has worked with your staff with respect to one minor amendment to the report on your Lavarack Barracks visit. I have no concerns regarding the public release of the report.

My point of contact for this matter is who can be contacted by Yours sincerely

David Johnston AC Admiral RAN Chief of the Defence Force

06 June 2025

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