



Monitoring deprivation of liberty under the Optional Protocol to the Convention Against Torture report

Annual Report of the Australian
National Preventive Mechanism



1 July 2024

–

30 June 2025

Acknowledgment of Country

The Australian National Preventive Mechanism (NPM) acknowledges the Traditional Owners of the Country throughout Australia and their continuing connection to land, waters, and community. We pay our respects to Aboriginal and Torres Strait Islander peoples, their cultures, and to Elders past and present.

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Foreword

Anne Hollonds AO



The role of Australia's National Preventive Mechanism (NPM) is not widely understood but signifies much about what the Australian public expects from its governments. This is a story about human rights in practice, not just in theory.

As citizens we should be able to have confidence that our government officials are acting in ways consistent with 'Australian values', which have been officially described with terms such as a 'fair go', 'compassion', 'respect', 'dignity'.

Australia's NPM provides a critical platform for accountability and visibility, designed to protect those most vulnerable in our community. The risks of harm to vulnerable children and adults deprived of their liberty are extremely high without independent and adequately resourced monitoring.

As the National Children's Commissioner from 2020 to 2025, I observed Australia going backwards on the human rights of our youngest and most vulnerable citizens: children deprived of their liberty, the majority detained without being sentenced. These are children who disproportionately experience disabilities, disadvantage, discrimination, and maltreatment.

As Australia's National Children's Commissioner, I witnessed things I can't unsee.

Children as young as 10 held in isolation in concrete police watch-house cells, with no window, no natural light or fresh air, no outdoor area, no recreation, rehabilitation or education, no visits from family allowed.

Children were often held in watchhouses for many weeks because of overcrowded detention centres, and I was distressed to hear that there was no-one with training to care for children, especially children with complex health needs and disabilities.

At a Northern Territory police watchhouse last year, I asked: *"What do you do when children are in psychological distress?"* I was told that they use the 'Restraint Chair'. The NT has also brought back spithoods and lowered the age of criminal responsibility back down

to 10, taking us back to where we were prior to the ‘Royal Commission into the Protection and Detention of Children’ in 2016.

Youth detention centres across the country were routinely in ‘lockdown’ when I visited, because of staffing shortages. This meant that the children were locked up in isolation for most of every day. Shockingly there were two suicides of children in detention in WA.

We have an official government report admitting that new Queensland laws will limit the protection of children from ‘cruel, inhumane and degrading treatment’.

According to international experts, Australia may be the only country in the world to have removed ‘detention as a last resort for children’. Australia’s youth justice policies were described by the UN Chair of the Committee on the Rights of the Child as ‘a flagrant breach of human rights and international law’.

Evidence shows that the younger a child gets pulled into the justice system, the more likely it is that they will go on to commit more serious crimes. That’s because crime by children is a symptom of their unmet needs and underlying issues that we are failing to address.

The children said to me: ‘We need help way earlier’. My report tabled in Parliament in 2024 was called *Help Way Earlier!* and it outlines an evidence-based reform roadmap.

Australia’s NPM annual report is a story that goes to the heart of our humanity as a nation. To care and show compassion for fellow citizens as human beings, especially our most vulnerable citizens who are too often failed by inadequate support systems and too often are deprived of their liberty.

A strong NPM in Australia is not a ‘soft’ issue. It is critical for our human rights and for building stronger foundations for community safety and wellbeing, which affects us all.

I would like to acknowledge everyone who contributed to the work of Australia’s NPM in 2024-25 and I look forward with expectation to this critical work being strengthened through increased resources and national coverage, in order to provide the protections that we need and deserve.

Anne Hollonds AO

Australia’s National Children’s Commissioner 2020-2025

Executive Summary

This report presents insights from the preventive monitoring activities of Australian NPM members during the reporting period – 1 July 2024 to 30 June 2025 – across a range of places of detention.

It does not seek to provide a comprehensive national analysis, given New South Wales (NSW), Victoria and Queensland governments have still not nominated members of the Australian NPM for their states.

OPCAT implementation remains incomplete, and monitoring coverage varies across jurisdictions and detention settings.

The findings presented therefore reflect the scope of activities undertaken, rather than conditions across all places of detention.

The report focuses on themes that emerged consistently across NPM monitoring activities and that are particularly relevant to preventing harm before it occurs.

These themes do not capture the full scope of monitoring work undertaken but reflect areas where systemic issues were most clearly identified.

Within this context, the findings point to a detention system under pressure. Across jurisdictions, NPM monitoring identified gaps between the standards expected in places of detention and the conditions experienced in practice.

These gaps are not uniform, but they arise in similar ways – through pressures on the system that shape the use of and experience for people in detention.

These pressures include increasing prison populations, staffing shortages, limitations in infrastructure, and policy settings that result in more people in detention.

For example, the absence of appropriate healthcare services or facilities can result in people being held in environments that are not designed to provide the care they require.

Changes to bail settings and limited alternatives to custody are contributing to a greater reliance on detention, including for children and young people.

At the same time, the continued use of restrictive practices and limitations in how these are recorded point to challenges in maintaining transparency and safeguarding the rights of people deprived of liberty.

The increase in deaths in custody, including among Aboriginal and Torres Strait Islander people, underscores the ongoing relevance of concerns identified by the *Royal*

Commission into Aboriginal Deaths in Custody and the need to strengthen safeguards across all detention settings.

The activities of Australian NPM monitoring bodies give transparency to how detention operates in practice and work towards preventing harm before it occurs.

As implementation of the Australian NPM continues to develop, full coverage and appropriate resourcing will be critical to ensuring that monitoring can operate effectively as a national system and contribute to improved conditions and safeguards for people deprived of liberty.

OPCAT implementation in Australia

The Australian National Preventive Mechanism

Australia implements the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) through the Australian NPM, established through designated oversight bodies across Commonwealth, state and territory jurisdictions.

Australia has a multi-body model reflecting its federal system, under which responsibility for monitoring deprivation of liberty is distributed across jurisdictions and legislative mandates. NPM bodies undertake preventive monitoring within their respective areas of authority, including prisons, youth detention, police custody, immigration detention, and secure health settings.

NPM bodies are currently designated at the Commonwealth level and in Western Australia (WA), South Australia (SA), Tasmania, the Australian Capital Territory (ACT) and the Northern Territory (NT).

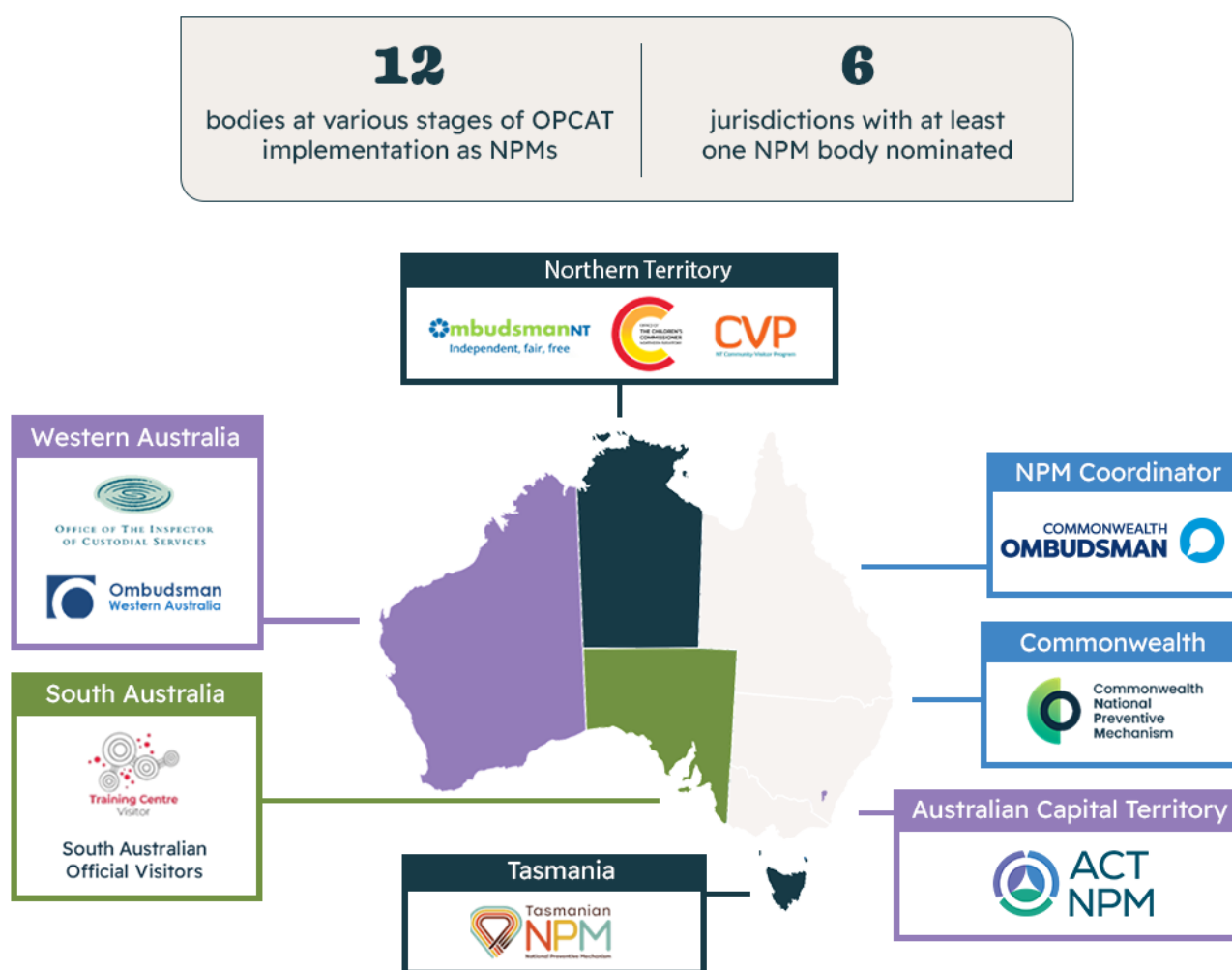
The Office of the Commonwealth Ombudsman performs the role of NPM Coordinator, facilitating cooperation, information sharing and greater consistency in preventive monitoring approaches across the Australian NPM, including through joint activities and engagement with international OPCAT bodies.

During the reporting period, NPM members conducted monitoring visits and other oversight activities across a range of detention environments. Members also contributed to national coordination activities, including joint publications, submissions to parliamentary inquiries and engagement with international human rights mechanisms.

Status of NPM designation in Australia

The designation of NPM bodies across Australia remains incomplete, and national coverage of places of deprivation of liberty has not yet been achieved.

As shown in Figure 1 below, NPM bodies have been nominated or appointed at the Commonwealth level and in WA, SA, Tasmania, the ACT and the NT. In these jurisdictions, preventive monitoring is being undertaken through a combination of Ombudsman offices, inspectors of custodial services and other oversight mechanisms. These arrangements draw on a mix of existing oversight frameworks and bodies established or expanded to perform NPM functions.



Within these jurisdictions, NPM bodies are undertaking preventive monitoring functions and contributing to the development of Australia's NPM framework. However, coverage is not yet comprehensive.

At the time of reporting, NPM bodies had not yet been nominated by the governments of NSW, Queensland and Victoria. While oversight of deprivation of liberty continues to be

undertaken by existing bodies in these jurisdictions, the absence of designated NPMs means that OPCAT's preventive monitoring framework has not been fully implemented.

In addition, existing NPM arrangements do not yet extend to all forms of deprivation of liberty within OPCAT scope. As a result, preventive monitoring remains incomplete both across jurisdictions and in relation to full range of deprivation of liberty covered by OPCAT.

In its first annual report for 2022–23, the Australian NPM recommended that all governments complete the NPM appointments within 12 months to achieve national coverage of places of deprivation of liberty. That recommendation remains unimplemented.

Current arrangements demonstrate progress towards establishing an Australian NPM, but coverage and implementation remain uneven. Completing designation across all jurisdictions, and extending coverage within existing arrangements, will be necessary to achieve a fully functioning preventive system consistent with OPCAT.

Resourcing of NPM functions

Resourcing of NPM functions varies across jurisdictions and remains a key constraint on the implementation of OPCAT in Australia. In most jurisdictions, NPM activities are undertaken within existing oversight mandates and funded through existing general agency resources rather than dedicated or additional OPCAT-specific funding.

As a result, NPM functions are often integrated into broader oversight responsibilities. This limits the frequency and coverage of visits and the development of monitoring approaches that focus on systemic issues that can prevent harm before it occurs.

Resourcing constraints also limit the capacity of NPM bodies to participate fully in national coordination activities, including joint work, information sharing and engagement with international OPCAT mechanisms.

In its first annual report, the Australian NPM recommended that governments ensure NPM bodies are adequately resourced to undertake preventive monitoring consistent with OPCAT. This includes sufficient staffing, expertise and operational capacity to conduct regular visits and support coordinated national implementation.

The absence of sustained and dedicated funding has resulted in a model that supports preventive monitoring activity but limits the extent to which it can be delivered systematically, at scale, and with consistency across jurisdictions.

NPM legislation

Limited legislative developments to support OPCAT implementation occurred during the reporting period.

In the ACT, amendments to the [*Monitoring of Places of Detention \(Optional Protocol to the Convention Against Torture\) Act 2018 \(ACT\)*](#) commenced on 18 September 2024. These amendments establish the ACT NPM in law and clarify its functions, powers and reporting requirements, providing a clear statutory basis for NPM monitoring in that jurisdiction.

However, other than these important ACT developments, there were no other legislative developments during the reporting year in furtherance of OPCAT implementation in Australia.

In jurisdictions where NPM bodies have been designated, their oversight activity remains supported through a patchwork of dedicated NPM legislation and other existing oversight legislation.¹

This means in various cases oversight activity occurs under legislation not designed to implement OPCAT, and which does not always meet all OPCAT requirements. In particular, legislative provisions do not uniformly guarantee access to all settings where people are deprived of their liberty, do not consistently provide for access to all relevant information, and do not always clearly support confidential engagement with people deprived of their liberty.

This patchwork affects both the scope of NPM powers and the extent to which OPCAT requirements – particularly access to all relevant settings, access to information, and confidential engagement – are fully reflected in practice.

¹ Current OPCAT-specific legislation in Australian jurisdictions is as follows:

Commonwealth: [*Ombudsman Regulations 2017 \(Cth\)*](#)

Australian Capital Territory (ACT): [*Monitoring of Places of Detention \(Optional Protocol to the Convention Against Torture\) Act 2018 \(ACT\)*](#)

Northern Territory (NT): [*Monitoring of Places of Detention \(Optional Protocol to the Convention Against Torture\) Act 2018 \(NT\)*](#). See also [*Monitoring of Places of Detention \(Optional Protocol to the Convention Against Torture\) Amendment Act 2022 \(NT\)*](#), which has not commenced

Queensland: [*Monitoring of Places of Detention \(Optional Protocol to the Convention Against Torture\) Act 2023 \(Qld\)*](#)

Tasmania: [*OPCAT Implementation Act 2021 \(Tas\)*](#)

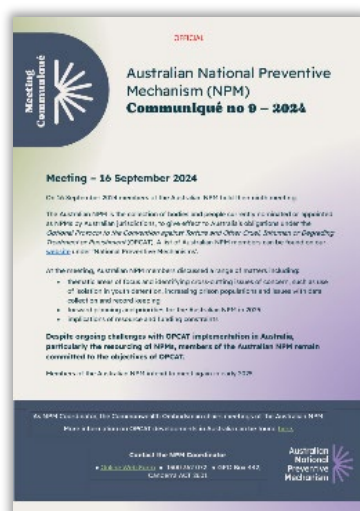
Victoria: [*Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture \(OPCAT\) Act 2022 \(Vic\)*](#)

Australian NPM joint work in 2024–25

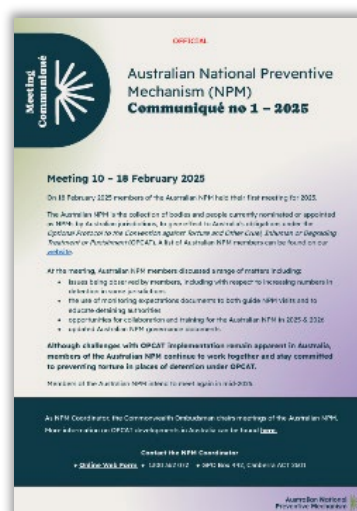
Australian NPM meetings

Australian NPM members met online on three occasions during the reporting period to bring together observations from monitoring across jurisdictions and to identify issues requiring coordinated response. These discussions informed joint publications and engagement with parliamentary and international processes and supported a shared understanding of risks arising across places of deprivation of liberty.

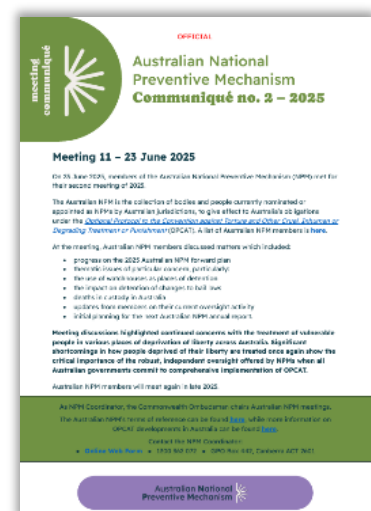
Communiqués published following each meeting outline the issues discussed and areas of shared focus.



[September 2024](#)



[February 2025](#)



[June 2025](#)

Joint training / webinars

Australian NPM members participated in four joint training and engagement sessions during the reporting period to support the development of preventive monitoring practice.

Sessions included contributions from Emeritus Professor Neil Morgan on visit methodologies and building effective relationships in oversight activity, from the New Zealand Office of the Inspectorate on deaths in custody and self-harm incidents, and from the Queensland Inspector of Detention Services on recent inspection work relating to watch houses and the detention of children.

Joint written work

Joint statements

Joint submissions

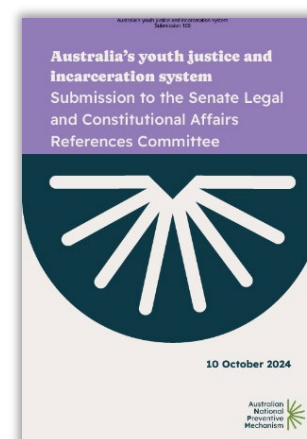
Submission to the United Nations Committee against Torture:
[Convention against Torture follow-up procedure – sixth periodic review of Australia](#)

In August 2024, Australian NPM members made a joint submission to the United Nations Committee against Torture as part of its follow-up procedure on Australia. Drawing on monitoring across jurisdictions, the submission set out that priority issues identified in Australia’s previous review remain unresolved, including conditions in immigration detention, youth justice settings, and other places of deprivation of liberty.



Submission to the Senate Legal and Constitutional Affairs
References Committee:
[Inquiry into Australia’s youth justice and incarceration system](#)

In October 2024, this submission was made as part of the public call for submissions to the Committee’s inquiry. Member information in the submission summarised prior observations from members on youth justice and youth detention and included 6 suggested recommendations to improve Australia’s youth justice approach, for the Committee’s consideration.



Submission to the United Nations Human Rights Committee:
[Written contribution to List of Issues Prior to Reporting – seventh periodic report of Australia under the International Covenant on Civil and Political Rights](#)

In May 2025, members made a submission to the United Nations Human Rights Committee in advance of Australia’s upcoming review under the *International Covenant on Civil and Political Rights* (ICCPR). The submission identified detention-related issues arising from monitoring activity and emphasised the continuing importance of conditions, oversight, and safeguards to Australia’s compliance with its international human rights obligations.



Monitoring deprivation of liberty

Deaths in custody

Deaths in custody are a critical issue in Australia, with implications for the safety of people deprived of liberty and the effectiveness of custodial safeguards. In 2024–25, 113 people died while in custody in Australia.

Ninety people died in prison custody, 22 people died in police custody or custody-related operations, and one person died in youth detention. Of the 113 deaths, 33 people were Aboriginal and/or Torres Strait Islander people, and 80 were non-indigenous.²

National data indicates that deaths in custody arise from a range of causes, including natural cause (often associated with chronic health conditions), suicide and self-harm, and, less frequently, use of force or medical complications.

These patterns highlight ongoing challenges in custodial environments, particularly in relation to healthcare provision, mental health support and risk identification.

Further, the 33 deaths of Aboriginal and Torres Strait Islander people in custody in 2024–25 represent the highest number of such deaths since 1979–80,³ when national data collection on deaths in custody first commenced, and almost double the average annual number of deaths of Aboriginal and Torres Strait Islander people in custody since 1989–90. Among these deaths, 31 people were unsentenced.⁴

As at 30 June 2025, Australia had reached the tragic milestone of 600 deaths of Aboriginal and Torres Strait Islander people in custody recorded since 1991.⁵

This milestone underscores the enduring nature of the concerns identified by the Royal Commission into Aboriginal Deaths in Custody, including failures in custodial care, inadequate responses to health and wellbeing, and the broader systemic factors contributing to overrepresentation of Aboriginal and Torres Strait Islander people in detention.

² Australian Institute of Criminology (AIC), [Deaths in custody in Australia 2024–25](#), page VIII ('Deaths in Custody')

³ AIC, [Deaths in custody in Australia 2024–25](#), page 6

⁴ AIC, [Deaths in custody in Australia 2024–25](#), page 7

⁵ I.e. since 1 July 1991. AIC, [Deaths in custody in Australia 2024–25](#), page 41

For the NPM, deaths in custody represent a critical indicator of systemic risk. Preventive monitoring plays an essential role in identifying conditions, practices and institutional factors that increase the risk of harm, and in strengthening the safeguards necessary to protect the life and wellbeing of people deprived of liberty.⁶

⁶ Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [*General comment No. 1 \(2024\) on article 4 of the Optional Protocol \(places of deprivation of liberty\)*](#), CAT/OP/GC/1 (4 July 2024), paragraph 41

Conditions and treatment in detention

Oversight conducted by members during the reporting period identified recurring pressures affecting custodial detention across jurisdictions. These included increases in detention populations, inadequate infrastructure and staffing shortages, all of which affect conditions and the delivery of services.

Although the findings discussed below relate primarily to custodial detention, reference is also made, where relevant, to similar issues identified in other forms of deprivation of liberty within OPCAT scope, including immigration detention, secure mental health facilities and disability settings.

While the specific manifestations vary, these pressures commonly result in reduced access to programs, limitations on time out of cell, and constraints on rehabilitation activities. In some settings, they also contribute to increased use of restrictive practices and reduced access to healthcare and support services.

International standards, including Australia's obligations under the Convention against Torture, require detention environments to support humane treatment and rehabilitation.

This includes access to appropriate living conditions, opportunities for meaningful activity, and services that respond to individual needs. For children and young people, these standards emphasise developmentally appropriate care and the use of detention only as a last resort.

Monitoring across jurisdictions indicates that these expectations are not being met. Members observed that, in practice, system pressures continue to limit access to programs, healthcare, and rehabilitation supports, with particular impacts for children and young people and for Aboriginal and Torres Strait Islander people.

System pressures and capacity constraints in detention

Increasing detention populations continue to place pressure on correctional systems. As at 30 June 2025, the adult imprisonment rate in Australia was 216 people per 100,000 adults, up from 208 the previous year and the highest recorded since 2019.⁷ The total number of adults in prison reached 46,998, representing a 6 percent increase over the previous year.⁸

Table 1. Recent changes in Australia's prison population⁹

Indicator	On 30 June 2025	Change from 30 June 2024
Adult imprisonment rate	216 people imprisoned per 100,000 adults	+ 3.8% (up from 208 people imprisoned per 100,000 adults)
Total adults in prison	46,998	+ 5.8% (up from 44,403)
Women in prison	3,831	+ 11.6% (up from 3,432)
Unsentenced adults in prison	19,850	+ 10.1% (up from 18,036)
Aboriginal and Torres Strait Islander adults in prison	17,432	+ 9.8% (up from 15,871)
Relative imprisonment rate	Aboriginal and Torres Strait Islander adults imprisoned at 16.8 times the rate of non-Indigenous adults	+ 6.3% (up from 15.8 times)

⁷ Australian Bureau of Statistics (ABS), [Prisoners in Australia, 2025](#) (11 December 2025), table 16

⁸ ABS, [Prisoners in Australia, 2025](#), table 16

⁹ These data relate to Australia as a whole. Changes are not uniform in different states and territories across the country. ABS, [Prisoners in Australia, 2025](#), table 2, table 19

These figures reflect not only overall growth in adult prison population, but also changes in its composition, with distinct operational and cultural implications. The increase in women in prison places pressure on a comparatively small number of facilities designed to accommodate women.¹⁰

Growth in unsentenced population places additional strain on remand accommodation and reception functions, reinforcing the need to separate and differentiate the treatment of convicted and unconvicted people in accordance with human rights standards.¹¹

The continued and substantial overrepresentation of Aboriginal and Torres Strait Islander people in custody means that population growth disproportionately affects communities already subject to entrenched structural disadvantage.

As members observed, increases in populations occur alongside constraints in infrastructure, staffing and services. Pressures are transmitted across detention systems; accommodation becomes tighter, temporary accommodation contingency arrangements are used more frequently, and access to programs, healthcare and meaningful activity is reduced.¹² Sustained crowding also affects staff workloads and the capacity of facilities to maintain safe and regular regimes.

These dynamics were reflected in oversight findings across jurisdictions. In the NT, the Ombudsman observed that the corrections system was “struggling to keep up with the administrative and infrastructure burden associated with having such significant proportion of the population in custody.”¹³

In Tasmania, while the overall prison population remained relatively stable, the average population of women in custody increased. Data indicates that the average daily number of women in custody for June 2025 was 13.8% higher than that of July 2024 and 43.1% higher than that of July 2023.

This led to women being double bunked and previously decommissioned units being brought back into use, and some women being temporarily accommodated at the Hobart Reception Prison, separate from men but still within their sight and hearing. Additionally, women’s safety and access to services has been impacted, and therapeutic and trauma-informed approaches eroded as a result of population pressures.¹⁴

¹⁰ See e.g. Tasmanian Custodial Inspector (Tasmanian CI), [Annual Report 2024–25](#), pages 10–11

¹¹ See e.g. Tasmanian CI, [Custody: reception to release – inspection report 2025](#), page 26. See also [United Nations Standard Minimum Rules for the Treatment of Prisoners](#), A/RES/70/175 (17 December 2015), rules 111–120 (‘Nelson Mandela Rules’)

¹² See e.g. Western Australian (WA) Office of the Inspector of Custodial Services (WA OICS), [Annual Report 2024–25](#), pages 26–7

¹³ NT Ombudsman, [Annual Report 2024–25](#), page 32

¹⁴ Tasmanian CI, [Annual Report 2024–25](#), pages 10–11

In WA, increases in the prison population and concurrent shortages of custodial and non-custodial staff affected multiple aspects of custodial operations. This included reduced time out of cells, as well as contact with loved ones by phone or through visits.¹⁵

Further, this affected not only the safety and security in facilities, but also the capacity of facilities to provide rehabilitation to best support people on release.¹⁶ Staffing constraints were also an exacerbating factor in SA. Members reported that shortages extended to Aboriginal Liaison Officers (ALOs), critical points of contact within facilities for Aboriginal people, resulting in reduced access to culturally appropriate support.¹⁷

Environmental conditions and infrastructure limitations were also observed. In some facilities, inadequate temperature control and poor ventilation affected living conditions.¹⁸ More broadly, ageing infrastructure and maintenance backlogs contribute to deteriorating conditions.

In immigration detention poor maintenance and cleanliness was an identified issue, including where parts of a facility remained out of use, still awaiting repair, due to unrepaired fire damage almost 18 months earlier.¹⁹

Elsewhere, in several jurisdictions, reliance on temporary accommodation arrangements increased,²⁰ including the use of mattresses on floors and watch house accommodation for people who would otherwise be held in correctional facilities.²¹

Taken together, these developments illustrate how population growth can affect the functioning of detention systems. Persistent population pressures raise broader questions about whether detention systems are adequately resourced to maintain conditions consistent with human dignity, safety and rehabilitation.²²

Access to rehabilitation, education and community connection

International human rights standards, including Australia's obligations under the ICCPR and the Convention on the Rights of the Child (CRC), recognise that imprisonment must be

¹⁵ WA OICS, [Annual Report 2024-25](#), pages 26-7; see also WA OICS, [Non-custodial staffing shortage](#) (August 2025)

¹⁶ WA OICS, [Annual Report 2024-25](#), pages 26-7

¹⁷ South Australian (SA) official visitor – Aaron Cooke, [Annual Report 2024-25](#), page 16

¹⁸ See NT Ombudsman, [Annual Report 2024-25](#), page 33; Tasmanian CI, [Annual Report 2024-25](#), page 20

¹⁹ Commonwealth NPM, [Post Visit Summary: Villawood Immigration Detention Centre and Miowera Village \(APOD\)](#) (June 2025), page 19 ('Villawood IDC PVS')

²⁰ WA OICS, [Annual Report 2024-25](#), page 26

²¹ NT Ombudsman, [Annual Report 2024-25](#), pages 32-3

²² Nelson Mandela Rules, rules 1, 4, 5

directed towards rehabilitation and reintegration, and should include opportunities for education, activities, personal development and preparation for return to the community.²³

Participation in education and behaviour change programs can address factors associated with offending, while maintaining contact with family and other supports provides stability during detention and supports reintegration after release.

Oversight activities identified a number of factors limiting access to these opportunities. Across jurisdictions, demand for rehabilitation programs exceeded available places. Program delivery was affected by staffing constraints, population pressures and the availability of suitable program spaces, resulting in delays for some people in custody.

In SA, official visitors reported concerns about limited access to behaviour change programs.²⁴ Participation in such programs is often required to meet parole requirements, and so limited availability can affect individuals seeking to meet these requirements. Access to education opportunities hosted online was also constrained by limited ICT access, including where people were locked in their cells.²⁵

Access to education and structured activity was also affected in youth detention environments. Findings in the ACT, SA and NT indicate that staffing limitations, lockdowns and resource constraints reduced the availability of education programs and opportunities for meaningful daily activity.²⁶

Maintaining connection with family and community is also critical to rehabilitation and reintegration, and the need for improved access to loved ones was a common issue.²⁷ Oversight activities highlighted barriers, including restrictions on in-person visits, limited access to other forms of communication,²⁸ and in some cases, unjustified blanket restrictions on physical contact during visits.²⁹

²³ See e.g. Nelson Mandela Rules, rules 4, 87, 91, 92, 104, 105

²⁴ See SA official visitor – Lauren Messmer, [Annual Report 2024–25](#), page 4; SA official visitor – Tim Fitzgerald, [Annual Report 2024–25](#), page 7; SA official visitor – Aaron Cooke, [Annual Report](#), page 27

²⁵ SA official visitor – Jo Battersby, [Annual Report 2024–25](#), pages 5–6; SA official visitor – Aaron Cooke, [Annual Report](#), page 29

²⁶ See South Australian Training Centre Visitor (SA TCV), [Annual Report 2024–25](#), pages 63–4; ACT NPM, [Post Visit Summary – Bimberi Youth Justice Centre](#) (August 2025), pages 12–14 (‘Bimberi PVS’); NT Office of the Children’s Commissioner (NT OCC), [Annual Report 2024–25](#), pages 32, 35–6

²⁷ See e.g. WA Ombudsman, [Annual Report 2024–25](#), page 26; NT OCC, [Annual Report](#), pages 21–2, 32

²⁸ See e.g. SA official visitor – Aaron Cooke, [Annual Report](#), pages 21, 24–5, 31–2, 36–7; SA official visitor – La Nina Clayton, [Annual Report 2024–25](#), page 6

²⁹ SA official visitor – Aaron Cooke, [Annual Report](#), pages 21, 24–5; ACT Office of the Inspector of Custodial Services (ACT OICS), [Annual Report 2024–25](#), pages 10, 16; ACT OICS, [Healthy Centre Review of Bimberi Youth Justice Centre 2024](#) (December 2024), pages 142–4 (‘Bimberi HCR’).

Positively, blanket restrictions on physical contact during visits at the ACT’s Bimberi Youth Justice Centre were reversed during this reporting year, including after sustained pressure from ACT OICS,

The detention of people far from their home communities remains an issue, particularly in the NT, where the NT Office of the Children’s Commissioner (NT OCC) noted the impact of facility relocations and transport barriers on children and young people in detention.

These impacts are particularly acute for Aboriginal and Torres Strait Islander children and young people, for whom distance from family, community, Country and culture can compound the effects of detention.³⁰

Positively, in Tasmania, a mobile polling service was provided by the Tasmanian Electoral Commission in prisons for the 2025 state election, marking the first time mobile polling has been facilitated in Tasmanian prisons for a state election for over a decade. While more work is needed to increase engagement and rates of enrolment, it was a positive step towards ensuring people in prisons have equal access to the political process.³¹

Access to rehabilitation or other pre-release programs, education and family contact is central to providing adequate treatment and conditions in detention environments. It is closely linked to the broader capacity of detention systems to operate to an appropriate standard. Where facilities operate under sustained population pressure, access to these opportunities is often among the first to be constrained.

Access to healthcare

Detention populations include a high proportion of people with complex health needs, including mental illness, substance dependence and histories of trauma. In Australia, more than half of prison entrants report having previously been told they have a mental health or behavioural condition, and mental illness is substantially more prevalent among people in custody than in the general population.³²

International standards, including CAT, require that people deprived of liberty have access to health care at least equivalent to that available in the community, and that prison health services operate in close connection with public health systems.³³ Meeting these expectations requires adequate clinical staffing, appropriate facilities and effective coordination between correctional and health authorities.

Oversight findings identified a number of challenges affecting the delivery of health and mental health care across detention environments.

the ACT Human Rights Commission (ACT HRC), the Aboriginal and Torres Strait Islander Children and Young People Commissioner, and facility Official Visitors

³⁰ NT OCC, [Annual Report](#), pages 21-22, 32, 34

³¹ TAS CI – [Annual Report](#) – PAGES 14-17

³² Australian Institute of Health and Welfare, [Mental health of people in Australia's prisons](#) (10 December 2024)

³³ See Nelson Mandela Rules, rule 24

In WA, the WA Office of the Inspector of Custodial Services (WA OICS) identified pressures on prison mental health services associated with increasing prisoner numbers, staffing shortages and the complexity of health needs among people in custody. Limited availability of specialist mental health beds and therapeutic facilities mean that some people with significant mental illness continued to be managed within mainstream prison environments.³⁴

Oversight findings also highlighted gaps in forensic mental health pathways and coordination between custodial, health and disability systems.

In the ACT, the Public Advocate reported the lack of a purpose-built step-down option for people discharged from the Dhulwa Secure Mental Health Unit, observing that forensic mental health consumers have a right to access appropriate care in the least restrictive environments to their individual needs.³⁵

In the NT, the NT Community Visitor Program (NT CVP) continued to report on the absence of a dedicated forensic mental health unit.³⁶

The NT CVP also reported cases of Aboriginal men from remote communities spending 176 and 280 days in the Royal Darwin Hospital inpatient unit.

In both cases, prolonged stays were linked to delays in supports under the National Disability Insurance Scheme (NDIS).³⁷ These cases demonstrate how gaps in disability support systems can result in extended detention in hospital environments not designed for long-term custodial care.³⁸

The Commonwealth NPM reported during the year on some difficulties with the provision of supports in immigration detention for people with accessibility needs. People in need of items such as accessible beds and mobility aid devices faced long waiting periods during assessment and procurement before they had access to these items, rather than these being available to the health services provider within the facility on an anticipatory basis.³⁹

Concerns were also raised about the adequacy of facilities for women with complex mental health needs. In SA, official visitors reported that custodial environments did not provide therapeutic settings or appropriate on-site staffing to respond effectively to serious mental ill-health.⁴⁰ This limited the capacity to deliver gender-responsive and trauma informed care.

³⁴ WA OICS, [Annual Report 2024-25](#), page 28

³⁵ ACT HRC, [Annual Report 2024-25](#), page 88

³⁶ NT Community Visitor Program (NT CVP), [Annual Report 2024-25](#), page 14

³⁷ NT CVP, [Annual Report 2024-25](#), page 22

³⁸ NT CVP, [Annual Report 2024-25](#), page 22

³⁹ Commonwealth NPM, [Villawood IDC Post Visit Summary](#), pages 19-20

⁴⁰ SA official visitor – Lauren Messmer, [Annual Report](#), page 4

The Tasmanian Custodial Inspector observed a concerning number of attempted suicides in Tasmanian prisons over the 2024-25 period, with 211 incidents of self-harm involving 96 people in custody. Current facilities for people at risk of self-harm remains insufficient and are not therapeutic, despite previous recommendations to improve infrastructure. However, progress is underway to increase mental health care support, in line with previous recommendations from the Inspector.⁴¹

The Commonwealth NPM also reported on issues with access to healthcare by transgender people held in immigration detention. The default immigration detention facility where transgender people are detained, the Miowera Village, did not have medical services available onsite.

This meant transgender people detained there would have to be transported offsite to meet medical needs, which included being pat searched on each occasion just to receive medical care.

This concern compounded the Commonwealth NPM's ongoing observation of the lack of a nationally consistent policy in place for the management and placement of transgender and gender non-conforming people in immigration detention.⁴²

Healthcare in detention must also be culturally safe. In the ACT, oversight findings by ACT OICS identified issues affecting Aboriginal and Torres Strait Islander people at the Bimberi Youth Justice Centre, including barriers to accessing culturally appropriate primary health care.

This is despite the Royal Commission into Aboriginal Deaths in Custody recommending that detaining authorities work with Aboriginal Community Controlled Health Organisations in the provision of health care to detained people.⁴³

Questions about equivalence and consistency of care were also raised. The Commonwealth NPM highlighted concerns about healthcare provided in immigration detention on maritime vessels, including whether care was equivalent to that available to the crew on the vessels, where access depended on detention arrangements, location and the availability of external services.⁴⁴

In SA, official visitors also raised concerns about the consistency and adequacy of health care across custodial settings.⁴⁵ More broadly, oversight findings pointed to variation in the

⁴¹ TAS CI – AR – PAGE 13

⁴² Commonwealth NPM, [Villawood IDC Post Visit Summary](#), pages 21-4

⁴³ ACT OICS, Bimberi HCR, page 123

⁴⁴ Commonwealth NPM, [Post Visit Summary Merchant Vessel \(MV\) Besant and Australian Defence Vessel \(ADV\) Guidance](#) (March 2025), page 20

⁴⁵ See e.g. SA official visitor – Jo Battersby, [Annual Report](#), page 6; see e.g. SA official visitor – Aaron Cooke, [Annual Report](#), page 15

availability and quality of health care across jurisdictions, particularly in relation to specialist care and mental health support.

Population pressures further complicated the delivery of health services by increasing demand on clinical staff, infrastructure and specialist services, while constrained environments reduce the capacity to respond effectively. From a preventive perspective, these dynamics are significant because inadequate access to health and mental health care can increase vulnerability and the risk of harm within detention environments.

Ensuring timely access to appropriate treatment, including transfer to therapeutic settings where required, remains a critical component of detention systems that protect the dignity and wellbeing of people deprived of liberty.



Case Study: When care becomes custody - mental health treatment in the Northern Territory

Names have been changed to protect privacy

For more than 300 days, “Michael”, a person in custody was held in a high-acuity mental health ward at the Royal Darwin Hospital while awaiting appropriate placement.

Michael required forensic mental health care. In the NT, however, there is no dedicated forensic mental health facility.

Instead, Michael remained in hospital under continuous correctional supervision, with two uniformed officers present at all times. Care was provided in a general mental health ward alongside other patients, while correctional requirements shaped how Michael was managed within that environment.

Michael was awaiting transfer to the Cognitive Behaviour Unit (CBU) at Darwin Correctional Centre. While this was considered the most suitable available option, it remained a prison-based setting. The alternative was placement in the general prison population, which was assessed as less appropriate given Michael’s mental health needs.

Although the CBU was gazetted as an Approved Treatment Facility under the *Mental Health and Related Services Act 1998 (NT)*, it is managed and staffed by corrections rather than health services and is also used to accommodate people from the general prison population.

In the absence of a dedicated, clinically led forensic mental health facility, Michael remained in a hospital that was not designated for detention, while awaiting transfer to a prison environment that was not designed to provide therapeutic care.

Youth justice and the detention of children and young people

International human rights standards, including Australia's obligations under the CRC and the ICCPR, emphasise that detention of children should occur only as a measure of last resort and for the shortest appropriate period.⁴⁶ This reflects children's heightened vulnerability and the well-documented developmental harms associated with detention.

Within the OPCAT framework, preventive monitoring focuses not only on conditions of detention but also on the legal and systemic factors that shape when, why and for how long children are detained. Monitoring by Australian NPM members continued to identify concerns affecting children and young people, particularly where detention is used at a young age, applied too readily, or accompanied by isolation practices.

Previous Australian NPM reporting has emphasised the importance of diversionary responses, nationally consistent legislative frameworks, and detention practices that minimise the use of custodial settings for children.

Monitoring continued to highlight three areas of particular concern: the minimum age at which children may enter the criminal justice system, the erosion of detention as a measure of last resort, and the continued use of isolation and restrictive practices in youth detention environments.

The minimum age of criminal responsibility

The minimum age of criminal responsibility (MACR) remains 10 years in most Australian jurisdictions, meaning children as young as 10 may enter the criminal justice system.

Responsibility for youth justice legislation largely rests with state and territory governments, and national discussions among Attorneys-General have not resulted in agreement on a uniform approach to raising the MACR. In the absence of a higher national standard, reforms have proceeded unevenly across jurisdictions.

International monitoring bodies have raised concerns about Australia's low MACR. The UN Committee on the Rights of the Child recommended a MACR of at least 14 years,⁴⁷ and the

⁴⁶ [Convention on the Rights of the Child](#), opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), article 37(b) ('CRC').

⁴⁷ Committee on the Rights of the Child, [General comment No. 24 \(2019\) on children's rights in the child justice system](#), CRC/C/GC/24 (18 September 2019), paragraph 22

UN Committee against Torture has also called for Australia to raise the MACR.⁴⁸ These standards reflect concerns about detaining very young children, whose developmental needs are often not met in custodial environments.

“[C]hildren and young people – especially those who were 12 or 13 – confided how scared and out-of-place they felt being in a prison-like setting at such a young age. Being under 14 and in custody was something they themselves questioned, asking why there couldn’t be another way for kids their age.”

- SA Training Centre Visitor⁴⁹

Developments across jurisdictions were mixed. In Victoria, legislation passed in 2024 increased the MACR to 12 years. The previously legislated increase to 14 years in the ACT also entered into force on 1 July 2025, resulting in a MACR of 14 years in the ACT, although with some exceptions.

During the same period, the NT Government legislated to *reduce* the MACR from 12 to 10 as part of broader youth justice changes. As noted by the NT Anti-Discrimination Commissioner, this reduction ignored evidence on reducing offending and will overwhelmingly impact Aboriginal children, given Aboriginal children make up between 97 and 100 per cent of children in detention in the NT.⁵⁰

The NT OCC has reiterated its longstanding concerns that the reduction in the MACR, together with other youth justice changes in the NT, is not making communities safer and does little to address the circumstances that bring vulnerable children into contact with the justice system.⁵¹

Australian NPM members continue to call for an increase to the MACR. The MACR should be at least 14 years, Australia-wide and without exceptions. This should occur alongside development of diversionary and community-based response for children under that age. These responses should be therapeutic rather than justice-focused, timely, trauma-informed, evidence-based, culturally safe, and situated within a human rights framework.

Detention as a measure of last resort

Detention of children should occur only as a measure of last resort and for the shortest appropriate period of time. This principle is intended to ensure that custody is used only

⁴⁸ Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [Concluding Observations on the sixth periodic report of Australia](#), UN Doc CAT/C/AUS/CO/6 (5 December 2022), page 11

⁴⁹ SA Training Centre Visitor, [Annual Report 2024-25](#), page 63

⁵⁰ NT Anti-Discrimination Commission (NT ADC), [Annual Report 2024-25](#), page 32

⁵¹ NT OCC, [Annual Report 2024-25](#), page 39

when strictly necessary and that children are diverted to community-based and rehabilitative responses that better address the social, developmental and support needs that commonly bring them into contact with the justice system.

The UN Committee on the Rights of the Child has clarified that this standard applies in the context of criminal justice. It has also stated that the detention of children for migration-related reasons constitutes a violation of their rights.

Monitoring by Australian NPM members continued to identify pressures on this principle across several jurisdictions, particularly through changes to bail settings and remand practices that increase the likelihood that children will be held in custody.

In May 2025, the NT Government amended youth justice legislation to remove the principle that detention should be used only as a measure of last resort, alongside broader changes to bail laws. Legislative provisions relating to the presumption against bail for certain offences were strengthened, increasing the likelihood that children will be held on remand.⁵²

In March 2025, the SA Government released its *Young Offender Plan*, foreshadowing a review of the *Bail Act 1985* (SA) to tighten access to bail, alongside proposed changes to sentencing and expanded police powers aimed at addressing “youth gangs”.⁵³

The SA Training Centre Visitor (SA TCV) expressed concerns that these proposals could result in more children being held on remand, further increasing the detention population and disproportionately affecting Aboriginal and African-Australian children and young people.⁵⁴

The ACT NPM has also highlighted the relationship between bail law, remand practices and youth detention. ACT OICS reported patterns in which children were arrested, refused police bail and subsequently released on bail soon after by the Children’s Court.

The ACT NPM is also concerned that children are being remanded in custody for breaching their bail conditions, for reasons such as not residing at their nominated address or breaching curfew conditions, and not due to risks to community safety.⁵⁵

⁵² [Youth Justice Act 2005 \(NT\)](#), section 4(c), as repealed by [Bail and Youth Justice Legislation Amendment Act 2025 \(NT\)](#), section 10. The legislative amendments also amended the criteria to be considered before granting bail to adults and children. See also NT OCC, Annual Report, page 39

⁵³ SA Government, [Young Offender Plan 2025](#) (March 2025)

⁵⁴ SA TCV, [South Australia’s Youth Crime Plan is a Dangerous Step Backwards](#) (7 April 2025).

Legislative amendments giving effect to the Young Offender Plan commenced in February 2026

⁵⁵ ACT OICS – [Bimberi Healthy Centre’s Review](#); ACT NPM – [Bail Review Submission](#)

Taken together, these developments demonstrate how changes to bail settings and remand practices can weaken the principle that detention should be used only as a measure of last resort.

Where access to bail is restricted or detention thresholds are lowered, children and young people – particularly Aboriginal and Torres Strait Islander children and young people – are more likely to enter or remain in custody, increasing detention populations and the risk of ongoing contact with the justice system.

Isolation

Isolation in different forms remained a feature of youth detention. This included the use of lockdowns, separation practices and other restrictive measures that confine children to their cells or limit access to activities, education and meaningful interaction with others.

These practices are of particular concern in youth detention environments, where children often enter custody with complex developmental needs and significant trauma histories.

Isolation is widely recognised as harmful for children and young people. Extended periods of separation from others, or confinement without meaningful engagement, can contribute to distress, behavioural escalation and deterioration in mental wellbeing.

“Regardless of how it is named, the placement of a child alone in isolation with no meaningful engagement, can be harmful and at odds with a therapeutic model of care. It is not culturally safe and re-traumatising for children in detention who often have been subjected to significant trauma histories prior to being held in detention.”

- NT Children’s Commissioner⁵⁶

Evidence from several jurisdictions illustrates how isolation practices continue to arise in youth detention environments. In the ACT, young people detained at Bimberi Youth Justice Centre reported that centre-wide lockdowns were causing ongoing frustration and, at times, were perceived as collective punishment, potentially heightening rather than reducing tension.⁵⁷

In the NT, the closure of the Don Dale Youth Detention Centre and the relocation of children and young people to the Holtz Youth Detention Centre, alongside nearby adult facilities, resulted in extended periods of lockdowns.⁵⁸ Monitoring also highlighted

⁵⁶ NT OCC, [Annual Report 2024-25](#), page 37

⁵⁷ ACT OICS, [Bimberi Healthy Centres Review](#), pages 128, 131-4

⁵⁸ NT OCC, [Annual Report 2024-25](#), pages 34, 36

challenges in understanding the extent of isolation practices due to inconsistent definitions and recording.

In Tasmania, the Custodial Inspector reported difficulty determining how long children spent confined to their cells at the Ashley Youth Detention Centre, due to inconsistent terminology and limited documentation relating to restrictive practices.⁵⁹

Similarly, the SA TCV identified the apparent normalisation of isolation as a behaviour management response as a concern, noting multiple practice issues concerning the recording, application and oversight of isolation⁶⁰.

Accurate monitoring of isolation is further complicated where restrictive practices are not formally recorded as “separation”. In the NT, legislative requirements exist to notify the Children’s Commissioner when a separation order is made, but not when a child or young person is placed “at risk”, or where centre-wide lockdowns effectively isolate children from others.⁶¹

These practices can result in periods of isolation that are not captured within existing oversight mechanisms. Further, and as we and various others have repeatedly noted, the Australian Government’s *Report on Government Services* (RoGS) does not require public reporting from governments on the amount of time children and young people spend out of their cells in youth detention,⁶² in contrast to reporting requirements for adult corrections.

Taken together, these findings demonstrate that isolation practices remain a feature of youth detention environments across several jurisdictions, while inconsistent definitions and incomplete recordkeeping limit transparency about their extent and impact on children deprived of liberty.

⁵⁹ Tasmanian CI, [Annual Report 2024-25](#), pages 27-8

⁶⁰ [Special Report into the use of Isolation at the Adelaide Youth Training Centre](#)

⁶¹ NT OCC, [Annual Report 2024-25](#), page 37

⁶² Productivity Commission, *Report on Government Services* [chapter 8 – corrective services](#), [chapter 17 – youth justice services](#)



Case Study: Alone for 84 hours - Jayden's experience of isolation in youth detention

Names have been changed to protect privacy

For 84 hours, “Jayden”, a child in detention at Don Dale Youth Detention Centre, was held alone in a cell with nothing other than a bed.

Jayden, who identified as Aboriginal, was on remand and had a documented history of trauma, mental health concerns, and self-harm. He was placed in isolation following a disturbance and remained separated from others for more than three days.

An investigation by the NT OCC found that the separation occurred without a consistently explained legal basis and without the safeguards required by law. Jayden was not provided access to a medical practitioner, was not explained his rights, and the separation was not reported to the facility CEO or the NT OCC.

During this time, Jayden's basic care was also affected. There was a refusal to provide certain medication after hours, insufficient provision of meals, and no evidence that education materials or outdoor recreation time were provided.

The NT OCC concluded that Jayden's treatment did not comply with legislative requirements. Despite reforms following the *Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*, prolonged isolation of children in detention continues to occur.

This case reflects a broader issue. Isolation, in different forms, remains a feature of youth detention, and cases such as this demonstrate how legal safeguards can fail in practice.

More information on the investigation, including on the NT Department of Corrections' response, is available in the NT OCC's full report [here](#).

Jurisdictional updates during 2024–25

Below are selected updates on the OPCAT- and detention-related work of our 12 Australian NPM members in 2024–25. Further background on and profiles of each member can be found in [Appendix 2 of our 2022–23 Australian NPM Annual Report here](#).

Australian Capital Territory

ACT National Preventive Mechanism



The ACT NPM comprises ACT Office of the Inspector of Custodial Services (ACT OICS), the ACT Human Rights Commission (ACT HRC), and the ACT Ombudsman.



On 18 September 2024, amendments to the [*Monitoring of Places of Detention \(Optional Protocol to the Convention Against Torture\) Act 2018 \(ACT\)*](#) (MPD Act) commenced, formally establishing the ACT NPM and setting out its functions, powers and membership.

This legislative development marked a significant step in operationalising OPCAT in the ACT. In the 2024–25 ACT Budget, the ACT Ombudsman received funding for an ACT NPM Coordinator position to support governance arrangements and coordination of collective activities.

Building on this foundation, the ACT NPM Governance Committee has met 6 times, and in late June 2025, initiated consultations with stakeholders on draft ACT NPM guidelines, as required by section 8 of the MPD Act.

Work also commenced on standard operating procedures to guide the exercise of NPM functions and powers, with some members progressing operational delegations under the Act.

Alongside this institutional development, the ACT NPM progressed a program of visits across different detention contexts. In January 2025, it undertook a multi-site visit to three closed adult inpatient mental health facilities of varying size and acuity.

This was followed in May 2025 by a visit to Bimberi Youth Justice Centre, and in May and June 2025 by a joint visit with the Commonwealth NPM to the ACT Policing Watch House and Police Stations.

Following the Bimberi visit, the ACT NPM produced an internal evaluation report. The evaluation identified strengths in the use of a high-level, collaborative delegation model, as well as the effectiveness of coordinated messaging and media engagement.

The visit also prompted a positive response from government and created opportunities for further engagement.

At the same time, the evaluation highlighted ongoing challenges. In particular, it raised concerns about the sustainability of resource-intensive, multi-member visits in the context of current ACT NPM resourcing. It also identified areas for improvement in internal coordination and in engagement with detaining authorities.

During the reporting period, the ACT NPM also contributed to several ACT and Australian NPM submissions and statements and engaged in providing information session for custodial and policing recruits as well as health service workers.

More information on the work of the [ACT Ombudsman](#), [ACT HRC](#), and [ACT OICS](#) can be found in their individual 2024–25 annual reports. More information on the ACT NPM can be found on their [website](#).

Northern Territory

NT Ombudsman



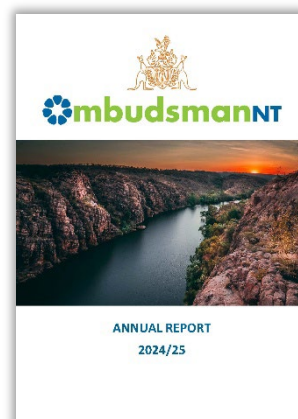
The NT Ombudsman has been identified as part of the NPM for the NT but has not assumed NPM functions, as responsibility for funding OPCAT implementation remains unresolved between the Commonwealth and NT governments.



Within its existing statutory mandate, the Ombudsman handles complaints and oversees administrative practices in correctional services and policing.

Despite not exercising formal NPM functions, the Ombudsman has undertaken work aligned with NPM objectives.

This includes contributing to the Australian NPM's October 2024 statement expressing concern about the NT Government proposal to reintroduce the use of spit hoods on children.



Through its complaint and oversight work, the Ombudsman has identified systemic issues across correctional and policing contexts. These include concerns regarding the use of restrictive practices, the treatment of people in prison as a form of de facto punishment, and ongoing pressures across the detention system, including overcrowding and the increased use of watch houses as a substitute for prison accommodation.

During the reporting period the Ombudsman commenced an investigation into watch house conditions, which is expected to be finalised in the next reporting year.

More information on the work of the NT Ombudsman can be found in their [2024-25 annual report](#), and on their [website](#).

NT Office of the Children's Commissioner

The NT OCC has been identified as part of the NPM for places where children are deprived of liberty. However, the legislative framework required to formally confer NPM functions has not progressed since its introduction to the NT Legislative Assembly in 2022.

In the absence of formally conferred NPM functions, the NT OCC continues to perform its existing statutory role, which includes oversight of youth detention centres, supported bail accommodation and certain residential care settings.

As part of this ongoing work, the NT OCC conducted 24 informal monitoring visits during the reporting period across three detention facilities, including the Youth Inpatient Unit at Royal Darwin Hospital in partnership with the NT CVP, as well as visits to supported bail accommodation in Alice Springs and Darwin.

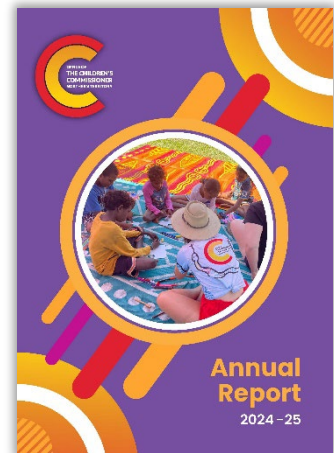
These visits form part of the Commissioner's regular oversight activities and provide visibility of conditions and treatment, including the experiences of children and young people in detention and care settings. Direct engagement with children and young people is a key component of this work, informing the NT OCC's understanding of conditions and emerging risks.

While this work engages with issues relevant to OPCAT, it is undertaken within existing legislative functions rather than as part of a formally designated NPM mandate.

Resourcing constraints continue to affect the NT OCC's ability to expand its monitoring activities and prepare for potential exercise of NPM functions. This has occurred alongside significant policy developments in the NT, including the 2024 legislative changes which lowered the minimum age of criminal responsibility in the NT from 12 back to 10 years.

These changes have had implications for the treatment and safeguards afforded children and young people in detention. In this context, the absence of fully implemented NPM arrangements constrains the ability to provide regular, independent preventive oversight as conditions and safeguards in detention settings evolve.

More information on the work of the NT OCC can be found in their [2024-25 annual report](#), and on their [website](#).



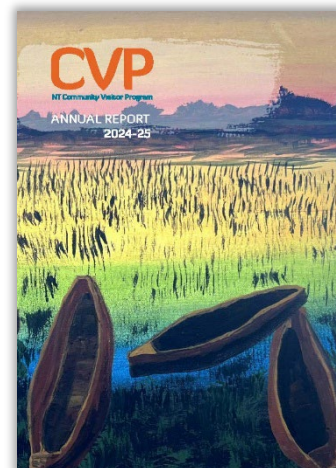
NT Community Visitor Program

The NT CVP provides independent, statutory monitoring and inspections of mental health and forensic disability settings in the NT, including through regular visits to approved treatment facilities and agencies and to people subject to non-custodial supervision orders living in the community.



The NT CVP has been identified as part of the NPM for these settings. However, formal designation and resourcing under OPCAT remain pending, with funding arrangements yet to be resolved.

In the absence of formally conferred NPM functions, the NT CVP continues to perform its statutory monitoring role. During 2024–25, the NT CVP completed 128 visits across mental health and forensic disability settings within existing resourcing.



These visits formed part of its regular oversight activities and provide visibility of conditions, treatment and the use of restrictive practices in these settings.

The NT CVP has also engaged in legislative reform processes during the reporting period, including providing input on the Mental Health Bill 2024 (NT) Exposure Draft, which proposes changes to the framework governing mental health treatment, including greater emphasis on voluntary treatment and supported decision-making.

Progress on the Bill has been delayed following a change of government. The NT CVP has emphasised that effective reform will require appropriate resourcing, oversight mechanisms and supporting infrastructure.

Issues identified through the NT CVP’s monitoring work include the absence of a dedicated forensic mental health unit in the NT and the resulting impacts on individuals requiring specialist care.

Additionally, the Government’s “tough on crime” approach has contributed to significant growth in the custodial population, leading to increased pressure, and subsequent lockdowns, across correctional facilities. Persons detained under forensic disability orders within the Complex Behaviour Unit have been disproportionately affected, raising concerns regarding their rights, wellbeing and access to therapeutic supports.⁶³

⁶³ <https://cvp.nt.gov.au/resources/publications/letters,-speeches-and-presentations/12.5.25-CVP-Media-Statement.pdf>

The NT CVP has also reported service challenges for discharging individuals from inpatient mental health units due to limited availability of community-based supports, contributing to ongoing pressure on mental health facilities. Workforce constraints were also noted, including vacancies in key clinical and allied health roles.

In this context, the absence of fully implemented NPM arrangements limits the capacity for regular, independent preventive oversight across mental health and disability settings as systems pressures and reform processes continue to evolve.

More information on the work of the NT CVP can be found in their [2024-25 annual report](#), and on their [website](#).

South Australia



SA Official Visitor Scheme

SA Official Visitors continue to undertake monitoring and complaints-handling functions within SA custodial facilities. This includes engaging with people in detention, identifying issues relating to treatment, access to legal counsel, visits and available programs and education.

In the absence of OPCAT-implementing legislation, Official Visitors operate within their existing statutory mandate. In September 2024, Official Visitors were advised in a meeting with staff of the SA Department of Correctional Services that any OPCAT-related work would need to be undertaken within existing resources. This contributed to one official visitor's decision not to continue in the official visitor role.

More broadly, the capacity of Official Visitors to undertake any NPM-related functions remains dependent on the availability of additional resourcing.

SA Training Centre Visitor

The SA TCV has a legislated mandate to regularly visit the Adelaide Youth Training Centre (AYTC), advocate for those held there, and have oversight of their care, treatment and control. In 2024–25, the SA TCV and a team of advocates, including an Aboriginal Advocate who was present for 70 percent of visits, undertook 90 visits to AYTC.



The team was regularly approached with complaints or requests, requiring action by the SA TCV after 83 percent of visits, and 442 unique enquiries were raised during the reporting year, the majority directly by children and young people. The most common category of issues related to legal and systemic safeguards.

These visits were complemented by other inspection and inquiry activity, including a comprehensive review of records at the AYTC, a confidential enquiry into the circumstances of a young person's detention, and a special report on the use of isolation.



Each included identification and reporting of systemic shortcomings. Collectively this work reflects core elements of preventive monitoring under OPCAT, undertaken within the SA TCV's existing statutory mandate.

The SA TCV continued without OPCAT-enabling legislation and received no OPCAT-specific funding to enable NPM activity.

In 2024–25, the SA TCV nonetheless received modest additional funding for their existing functions. This allowed it to address priority resourcing needs, including through increased recruitment.

SA TCV reported this enabled increased capacity to meet the intent of the statutory function as it relates to visiting functions, engagement with children and young people, and a stronger ability to provide Parliament with system analysis and advice.

However, the absence of OPCAT-specific legislative and resourcing frameworks limits the SA TCV's ability to undertake preventive monitoring on a sustained and systemic basis, including through the frequency, coverage and coordination of visits envisaged under the NPM model.

More information on the work of the SA TCV can be found in their [2024–25 annual report](#), and on their [website](#).

Tasmania

Tasmanian NPM

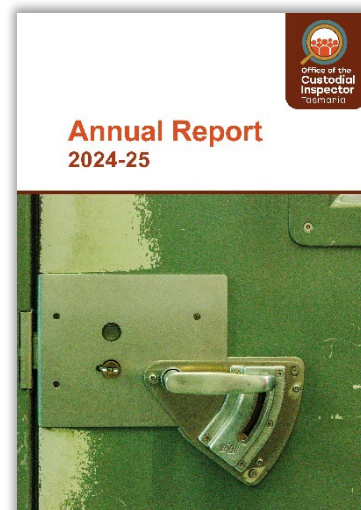


This reporting year saw the Tasmanian NPM progress several aspects of OPCAT implementation, making key steps toward operationalisation. However, resourcing constraints and planning delays continued to affect the pace and scope of reportable activities.



In November 2024, the Tasmanian NPM's Implementation Report (2023) and Supplementary Report were tabled in the Tasmanian Parliament.

The Supplementary Report focussed on the exercise of NPM functions across community-based residential health and social care settings, including disability support accommodation, related settings, and aged residential care. The Tasmanian NPM also published its Expectations for health and social care settings.



The Office of the Custodial Inspector Tasmania, which performs functions for the Tasmanian NPM, continued its existing oversight work of custodial facilities (prisons and youth detention centres), publishing seven review and inspection reports, and applying recently published expectations developed as part of the Tasmanian NPM implementation project.

With assistance from the Association for the Prevention of Torture, the Tasmanian NPM conducted its first examinations of police and court custody facilities across the state, with positive and cooperative engagement from agencies.

Examinations of non-custodial settings falling under OPCAT were constrained during the reporting year due to resourcing. The 2024–25 State Budget included AUD \$300,000 for the Tasmanian NPM to fulfil its functions, which was less than originally proposed and subsequently requested from the State Government through the Budget submission process.

Additional office operationalisation work was progressed in the reporting year, including development of a new joint 'Office of the Tasmanian NPM & Custodial Inspector' website, ongoing engagement with civil society, and submitting advice on policy and legislative reforms. This included a public submission on the *Commission for Children and Young People Bill 2024 (Tas)*, which was developed in response to recommendations made by the Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings.

The Tasmanian NPM also finalised its expectations for health and social care settings. Work also commenced to bring together the offices of the Tasmanian NPM and the Tasmanian Custodial Inspector, as part of progressing operationalisation of its NPM functions.

More information on the work of the Tasmanian NPM can be found in their [2024-25 annual report](#), and on their [website](#). More information on the work of the Office of the Custodial Inspector Tasmania can be found in their [2024-25 annual report](#).

Western Australia



WA Office of the Inspector of Custodial Services

Across 2024–25, WA OICS undertook five custodial inspections. These included two multi-facility inspections within the WA custodial estate – one of WA’s prison farms and another of the State’s prison work camps – as well as a follow-up inspection of Hakea Prison. WA OICS also conducted 80 liaison visits across custodial facilities within its jurisdiction.



In total, WA OICS released seven inspection reports and four review reports, the latter based on targeted scrutiny of systemic issues or specific groups within the custodial environment.

WA OICS observed the crisis in adult prisons as the most critical issues during the reporting year. Record adult facility populations, ongoing staffing shortfalls and infrastructure constraints continue to place pressure on the system, with consequences for people detained.



On OPCAT, there were no further developments toward implementation in WA. WA OICS remains nominated as the NPM for justice-related places of detention in WA, though resourcing and legislative change required to enable this has not progressed.

WA OICS continues to perform its statutory functions in relation to inspecting and reviewing adult and youth custodial facilities, court custody centres and prescribed lockups. Despite the lack of OPCAT progress, WA OICS continues to work collaboratively with other members of the Australian NPM, including supporting Australian NPM joint work where possible.

More information on the work of WA OICS can be found in their [2024–25 annual report](#), and on their [website](#).

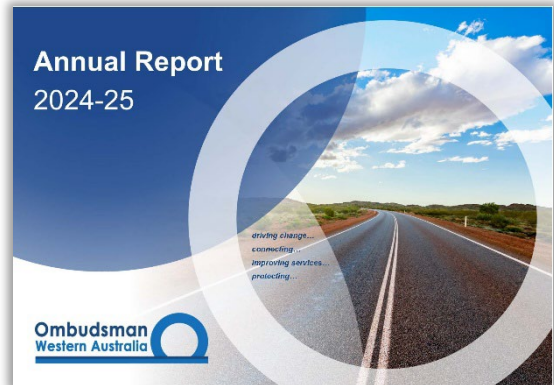
Ombudsman WA

Ombudsman WA is nominated NPM for mental health and other secure facilities in WA. However, it is yet to commence NPM functions, pending funding and enabling legislation.

Ombudsman WA continues to support the protection of rights and the prevention of harm to vulnerable people through its existing functions under the *Parliamentary Commissioner Act 1971* (WA).

This includes investigating complaints, overseeing investigations into allegations of child related harm under the Reportable Conduct Scheme and undertaking reviews of certain deaths.

More information on the work of Ombudsman WA can be found in their [2024-25 annual report](#), and on their [website](#).



Commonwealth

Commonwealth NPM

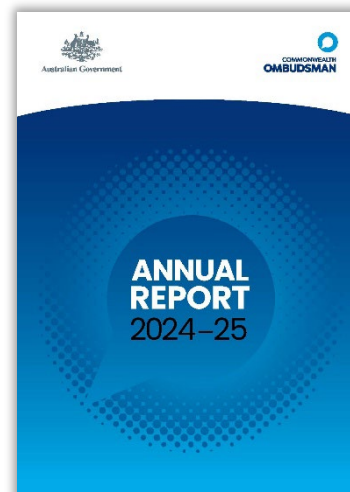


The Office of the Commonwealth Ombudsman is appointed as the NPM for places of detention under the control of the Commonwealth and monitors the treatment of people and the conditions of their detention in such places – principally through regular, preventive visits.



Commonwealth
National
Preventive
Mechanism

During the reporting year, the Commonwealth NPM team undertook 18 visits to places of detention. The team visited 4 facilities under the control of the Australian Federal Police, 2 facilities under the control of the Australian Defence Force, 7 facilities under the control of the Australian Border Force, and 5 seagoing vessels. From these visits, the Commonwealth NPM made 43 recommendations, of which 74 percent were accepted.



The Commonwealth NPM published 5 Post Visit Summaries (PVSs) and reports during the reporting year. These included individual summaries of facilities visited, as well as a report on a case study involving the use of chemical restraint on a person being involuntarily removed from Australia.

The PVSs highlight observations and concerns identified, including about the conditions and treatment of people at each facility. They also make recommendations for improvements and monitor progress on prior recommendations.

The Commonwealth NPM also closely monitored the transition from old to new contracted service providers in immigration detention, a transition which commenced during the reporting year. This has continued to be a focus for the team into the next reporting year.

More information on the work of the Commonwealth NPM can be found on their [publications and reports webpage](#), and in the [2024-25 annual report of the Commonwealth Ombudsman](#).

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