

Prisoners Forum Report Quarter 3 | July to September 2021

1. Meeting of members of the Prisoners Forum

The Prisoners Forum met on Thursday 20 May 2021. Members of the following organisations participated in the meeting: the Aboriginal Legal Service, Community Legal Centres NSW, Community Restorative Centres, Corrective Services NSW, Inspector of Custodial Services, Just Reinvest, Just Connect, Justice Health & Forensic Mental Health Network, Kingsford Legal Centre, LawAccess, Legal Aid NSW, NSW Ombudsman, Revenue NSW, Weave Youth & Community Services and Youth Justice.

2. Presentation by Steve Caruana, Convener of the Australian OPCAT Network

Steven convenes the Australian OPCAT Network and presented to the group about the operation of OPCAT internationally, and its implementation in Australia.

Steven considered the history of OPCAT an International instrument with respect to the prevention of torture. It is considered a two tiered system: first, through visits of UN subcommittee, and second, the national preventative mechanism. The convention puts in oversight and independence protocols.

He reflected that OPCAT is a preventative rather than a responsive or reactive mechanism, and that its functions include a visiting function, an advisory function, a cooperative function, and an educative function. Fundamentally, its emphasis is on collaboration rather than fault finding.

Australia signed up to the protocol in December 2017, in part in response to events of Don Dale, but the implantation has been a stumbling block with questions over whether there is a need for separate state and federal legislation. OPCAT and the AHRC take the view that a separate framework is necessary, and in part as a voluntary pledge to assist Australia's bid to become part of the Human Rights Council. The Commonwealth Government has stated it may establish an intergovernmental agreement but doesn't think legislation is required, and recently has stated that even this may not be necessary. The states and territories have different iteration of a standalone bill, or variously nominating the custodial inspector and/or the ombudsman with the OPCAT monitoring task. Fundamentally, the NSW government has been silent and has suggested it will away Commonwealth funding before it implements the protocol. Australia has until 2022 for implantation with OPCAT/UN rebuke and international condemnation if it fails to do so.

3. Covid-19 Update from Corrective Services

Contingencies have been made to deal with the issues for detainees with Covid-19. They have been in contact with legal practitioner group to ensure lawyers have access to their clients. 36 extra tablets to offer access to inmates in quarantine. To reduce transmission, every prisoner from Sydney region is quarantined for 14 days until cleared by health professionals. All staff are wearing full PPE when managing people going in.

4. Covid-19 Corrective Services Legal Practitioner Group Update

An extraordinary covid-19 meeting was conducted by the group with concerns about access to clients. There is an attempt to ease the process to send, scan, and print documents between detainees and lawyers. There will be a survey conducted, and then a look if there can be resourcing directed.

5. Covid-19 update on Prisoners Legal Service

An update was provided by the legal service. Early release applications were being made last year but this hasn't been repeated on the grounds that Corrective Services is managing the challenges better.

Also mentioned was a possibility of a Victorian prisoner's legal service, with the NSW service offering support to VALS for its set up.

6. Discussion on Prisoner Communication Service

The Legal Aid and Law Access number has been combined. There is a dedicated team that will answer calls and provide information. They can check where grant applications are at. The numbers are stable – at about 250/day. There were some concerns about combining the services, but it doesn't seem to have had negative consequences. There is a plan to trial a messaging system with detainees to go to tablets but that is still in planning stage.

7. Next meeting

The next meeting of the Prisoners Forum is on **Thursday 28 October 2021, from 9:30am to 11am.**

Nadine Miles | **Chair, Prisoners Forum** | September 2021