



Ms Hon Sue Higginson MLP
Acting Chair
Portfolio Committee No.5
Parliament of NSW
SYDNEY NSW 2000

10 November 2022

BudgetEstimates@parliament.nsw.gov.au

Dear Chair

Clarification of evidence/transcript for Budget Estimates hearing

I write to advise of a clarification to my evidence at the Budget Estimates hearing for Legislative Council Portfolio Committee No.5 – Regional NSW and Stronger Communities, on Monday 24 October 2022 regarding the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Torture (**OPCAT**).

Page 50 of the transcript currently reads as:

MICHAEL TIDBALL: It may be helpful Ms Higginson, if I talk quickly about the time line with OPCAT.

The ACTING CHAIR: Please do. That is exactly part of my inquiry.

MICHAEL TIDBALL: It is just a little bit of history which I think does contextualised it.

...

One of the key elements in bringing life and operationalising OPCAT is the creation of a national preventative mechanism. From memory, the Meeting of Attorneys-General discussed the form that OPCAT would take. In essence, what is being developed is a federated model for that mechanism. In respect of the Corrective Services facilities, that **would** be the Inspector of Custodial Services. [emphasis added]

This last line should be amended to:

MICHAEL TIDBALL: It is just a little bit of history which I think does contextualised it.

...

In respect of the Corrective Services facilities, that **could** be the Inspector of Custodial Services. [emphasis added; not required for final]

I went on to explain that there are issues of conflict with the current funding arrangements for the Inspector of Custodial Services being considered as the National Preventative Mechanism (**NPM**), as that office is funded by the Department of Communities and Justice (**DCJ**), an arrangement which does not meet the strict threshold for independence required by an NPM under OPCAT. No formal decision has been made about the Inspector of Custodial Services taking the role of the NPM in NSW.

Yours sincerely,

Michael Tidball
Secretary