

Committee against Torture

Australia's seventh periodic report under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment pursuant to the optional reporting procedure, due in 2026

Consultation Draft

Introduction

1. Australia is pleased to present its seventh periodic report to the United Nations Committee against Torture (the Committee) on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), in accordance with article 19 of the CAT.
2. This report demonstrates Australia's enduring commitment to preventing torture and other cruel, inhuman or degrading treatment or punishment (CIDTP).

Preparation and structure of the report

3. This report has been prepared in accordance with the harmonised treaty-specific reporting guidelines and responds to the *List of Issues Prior to Reporting* (LoIPR) that was adopted by the Committee on 28 November 2025 (CAT/C/AUS/QPR/7). This report covers the period November 2022 to November 2026.
4. Headings marked with an asterisk (*) indicate where jurisdiction-specific information is available in the Annex to this report.
5. Australia has endeavoured to provide the information requested; however, Australia's federal system presents challenges for uniform data collection across jurisdictions, and not all requested data is available in a nationally comparable form. In addition, not all data for 2026 was available at the time of drafting, and so some data is unable to be provided in full.
6. This report should be read in conjunction with *Australia's Common Core Document, HRI/CORE/AUS/2023*, which details Australia's legal, political and human rights frameworks.

Consultation with state and territory governments and non-government organisations

7. The report was prepared by the Australian Government Attorney-General's Department (AGD) in consultation with other Australian Government agencies, including the Australian Human Rights Commission (AHRC), and state and territory governments. In August 2026, members of the public were invited to provide comments on the draft report.

I. Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

Follow-up questions from the previous reporting cycle

Reply to the issues raised in paragraph 1 of the LoIPR

Immigration detention

6. While Australia considers strong immigration and border protection policies to be an essential component of maintaining the integrity of its migration program, Australia has strengthened safeguards for children in relation to immigration detention.
7. The Department of Home Affairs (DHA) launched its updated Child Safety and Wellbeing Policy Statement in February 2026, together with its Best Practice for Interacting with Children instruction. These documents reinforce that children may be placed in Alternative Places of Detention (APOD) only as a measure of last resort and for the shortest practicable period, consistent with the principle set out in section 4AA of the *Migration Act 1958* (Cth) (Migration Act). In some circumstances, including airport turnarounds or for criminal or security issues, children may transit through immigration detention. Policies ensure that immigration detention for children is not arbitrary.

Article 2

Reply to the issues raised in paragraph 2 of the LoIPR

Implementation of the CAT across all jurisdictions

8. All levels of Australian government are responsible for complying with international law. Jurisdictions across Australia have mechanisms in place to ensure that governments act consistently with, and implement, Australia's obligations under the CAT.

9. The Standing National Human Rights Mechanism aims to strengthen Australia's engagement with human rights. A central component of the Standing Mechanism is the Intergovernmental Working Group, with consultation between Commonwealth, State and Territory governments on treaty matters, including coordinated domestic implementation of the CAT.

10. Australia implements its international obligations through measures including legislation, policies and programs at federal, state and territory levels, and through common law. Australian laws criminalise conduct that may constitute torture and provide protections for persons deprived of their liberty.

11. Conduct that may constitute CIDTP is criminalised through a range of offences under existing Commonwealth, state and territory legislation.

12. Division 274 of the *Criminal Code Act 1995* (Cth) (Criminal Code) criminalises acts of torture regardless of nationality or where the acts are committed and carries a maximum penalty of 20 years imprisonment. Division 268 criminalises acts of torture and severe infliction of pain or suffering when perpetrated as a crime against humanity or a war crime, attracting penalties of up to 25 years' imprisonment. Section 105.33 mandates that a person taken into custody or detained under a preventative detention order (PDO) must be treated with humanity and respect for human dignity and must not be subjected to CIDTP. Section 23Q of the *Crimes Act 1914* (Cth) (Crimes Act) contains a similar provision for persons under arrest.

13. State and territory criminal laws prohibit conduct that may constitute torture or CIDTP through a range of offences relating to assault, causing serious injury and related violent conduct. For example, in New South Wales (NSW), acts of CIDTP are captured by a range of offences under Part 3 of the *Crimes Act 1900* (NSW), including assault. The Australian Capital Territory (ACT), Victoria and Queensland have also enacted statutory human rights frameworks which explicitly prohibit torture.

14. Australia's ratification of the Optional Protocol to the CAT (OPCAT) in 2017 committed all Australian jurisdictions to establish preventative monitoring and accountability mechanisms.

Legislative scrutiny processes for human rights related bills

15. Australia has established a comprehensive scrutiny framework to promote the early and ongoing consideration of its international human rights obligations in policy and legislative development, and to support Parliament consideration through independent expert analysis of the human rights implications of proposed laws.

16. The *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) requires all bills and disallowable legislative instruments to be accompanied by a Statement of Compatibility, which assesses compatibility with the rights and freedoms recognised in the seven-core international human rights treaties that Australia has ratified, including the CAT.

17. Statements are reviewed independently by the Parliamentary Joint Committee on Human Rights (PJCHR). The PJCHR may seek further information from the relevant minister on whether a limitation on a human right is justifiable. Legislators respond to the PJCHR's queries. Failure to respond may affect the PJCHR's recommendations to Parliament, including recommendations concerning the passage or amendment of legislation. The PJCHR's concluding report sets out the minister's response and the PJCHR's final analysis on the legislation's compatibility with human rights. While PJCHR reports do not affect the legal validity of legislation or prevent a bill from passing, its

analysis and recommendations are considered by legislators when developing, refining and debating laws.

18. Additionally, the Australian Government requires all ministers to give genuine consideration of the human rights implications of new policy proposals, including their impact on Aboriginal and Torres Strait Islander people, and to consult with the National Indigenous Australians Agency (NIAA) before introducing new policies or legislative reforms. All Cabinet submissions and new policy proposals must also include a Gender Analysis Summary and gender-responsive budgeting may apply. These measures ensure that human rights considerations are embedded throughout parliamentary and legislative processes.

Reply to the issues raised in paragraph 3 of the LoIPR*

Legal safeguards for all detainees

19. All Australian jurisdictions have legislation that provides fundamental legal safeguards for persons deprived of their liberty, including safeguards relating to arrests procedures, detention timeframes and access to legal rights.

20. Commonwealth laws relating to pre-charge detention are under Part IC of the Crimes Act. These laws, and the PDO scheme under Division 105 of the Criminal Code, are subject to safeguards, including duration limits.

21. All jurisdictions' legislation, procedures and training address rights and obligations for persons arrested or detained, including legal representation, third-party notification, having a friend or relative present, interpreter services, medical access and legal requirements, such as informing the person of the grounds of the arrest. Further information is provided in the Annex.

22. Australia maintains legislative, policy and oversight mechanisms to ensure that law enforcement and other officials respect the fundamental legal safeguards of detained persons.

23. With respect to the Commonwealth, the Professional Standards Team within the Australian Federal Police (AFP) reviews excessive use of force complaints under the AFP (Categories of Conduct) Determination 2023 and acts against any member found to have breached the AFP Commissioner's Order on operational safety. DHA Field Operations, immigration detention facilities, interview and holding rooms have video monitoring systems and other safety and security controls to support the safety of detainees, staff and visitors, while providing an additional integrity mechanism.

24. Further information on jurisdictions' legislation, policy and oversight mechanisms is provided in the Annex.

25. Closed Circuit Television (CCTV) coverage is widely implemented across jurisdictions, with continuous monitoring in police custody, detention, and youth justice facilities, including watch houses, prisons, and interview areas, subject to limited exceptions (such strip-search rooms and interview rooms that are not designated for video recording). Further information is provided in the Annex.

Reply to the issues raised in paragraph 4 of the LoIPR*

Australian Human Rights Commission Act

26. The Australian Government considers that the *Australian Human Rights Commission Act 1986* (Cth) (AHRC Act) provides the AHRC with sufficient authority to investigate acts and practices relevant to Australia's obligations under the CAT.

27. The AHRC Act defines "human rights" as the rights and freedoms recognised in the International Covenant on Civil and Political Rights (ICCPR), and those declared by the Declaration of the Rights of the Child, the Declaration on the Rights of Mentally Retarded Persons and the Declaration on the Rights of Disabled Persons, or any other relevant international instruments, as they apply to Australia. This definition provides the AHRC with sufficient statutory authority to examine issues relevant to the CAT, as well as articles

7 and 10 of the ICCPR and articles 37(a) and (c) of the Convention on the Rights of the Child (CRC).

Australian Human Rights Commission resourcing and complaints

28. The Australian Government is committed to a strong and independent AHRC that is supported to fulfil its core functions, which are fundamental to Australia's domestic human rights framework.

29. In 2022, the Australian Government supported a transparent, merit-based selection process for AHRC appointments, consistent with the Paris Principles, and provided a funding boost of \$49.8 million over four years from 2022–23 to support the AHRC's functions. As a result, in 2023, the Global Alliance of National Human Rights Institutions (NHRI) re-accredited the AHRC as an 'A' status NHRI.

30. The AHRC receives an annual appropriation from the Australian Government and own-sourced revenue for sales of goods and services. The AHRC's appropriations from Government are forecasted to be \$27.9 million in 2026-27, increasing to \$29.4 million in 2029-30.

31. The AHRC investigates and conciliates complaints under Australia's anti-discrimination legislation. In certain circumstances, if conciliation is unsuccessful, individuals may commence legal proceedings regarding the complaint.

32. Under section 11(1)(f) of the AHRC Act, the AHRC can also inquire into complaints of breaches of human rights against the Commonwealth or its agencies. If complaints cannot be resolved through conciliation, the AHRC can prepare a report of the complaint for the Australian Attorney-General, which may be tabled in Parliament. The relevant Commonwealth entity considers each recommendation and endeavours to provide clear and consistent actions in response. The AHRC publishes these reports along with the department's response on their website for public visibility.

Reply to the issues raised in paragraph 5 of the LoIPR*

Combatting gender-based violence

33. Australia remains committed to preventing and responding to gender-based violence (GBV) and ensuring that all people can live free from violence, fear and harm in all settings.

National Plan to End Violence against Women and Children 2022-2032

34. The Australian Government's National Plan to End Violence against Women and Children 2022-2032 (National Plan) provides a whole-of-government framework for prevention, early intervention, response and recovery, and healing. The Australian Government's investment of \$4 billion in the National Plan since 2022 includes \$925.2 million over five years from 2023-24 to permanently establish the Leaving Violence Program, which helps people experiencing intimate partner violence leave relationships by providing up to \$5,000 in financial support, referral services, risk assessments and safety planning.

35. Governance drives effective implementation for work under the National Plan. In December 2025, the Department of Social Services published the new governance arrangements for the National Plan on its website. The department also published reports detailing the actions and investments made under the National Plan and their impacts.

36. The Australian Institute of Health and Welfare's National Plan Outcomes reports on the six long-term outcomes and six national targets identified in the Outcomes Framework 2023-2032, with the latest updates published in July 2025.

Other measures to prevent and combat gender-based violence

37. In October 2022, the Australian Government appointed the inaugural Australian Domestic, Family and Sexual Violence Commissioner in October 2022 to provide independent advice and strengthen coordination across jurisdictions.

38. In September 2023, the Australian Government released the National Principles to Address Coercive Control in FDV (National Principles), which set out the common features and impacts of coercive control to guide consistent responses to coercive control across jurisdictions.

39. In 2024, the Australian Government launched Working for Women: A Strategy for Gender Equality, outlining a vision where people have access to resources and equal outcomes no matter their gender.

40. In September 2024, National Cabinet prioritised approaches to prevent GBV, including a \$4.7 billion package, which includes strengthening frontline specialists and legal services, and developing innovative policing approaches to identify and respond to high-risk perpetrators of family and domestic violence (FDV). The Commonwealth has also commenced an ongoing audit of its systems to address the misuse of systems by perpetrators of FDV.

41. Jurisdictions have also introduced legislative and policy reforms to strengthen accountability and responses to GBV, including new offences, expanded evidence provisions, and long-term investments in integrating services. Further information is provided in the Annex.

Specific measures for Aboriginal and Torres Strait Islander women and girls and women and girls with disabilities,

42. The Australian Government recognises the disproportionate impact of violence against Aboriginal and Torres Strait Islander women and children. Findings from the Inquiry into Missing and Murdered First Nations Women and Children informed new initiatives under the National Plan, as well as the development of *Our Ways – Strong Ways – Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026-2036* (Our Ways). The Australian Government committed \$218.3 million towards delivering Our Ways which guides a whole-of-society approach and acknowledges the role of colonisation, intergenerational trauma and systemic inequalities in compounding violence. Our Ways will strengthen the long-term capability, infrastructure and reach of Aboriginal Community-Controlled Organisation (ACCO)-led family safety services.

43. Following the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (the Disability Royal Commission or DRC), established in 2019, the Australian Government committed \$2 million to improve the safety of women and girls with disability.

Capacity-building activities for law enforcement officers and members of the judiciary

44. Across Australia, law enforcement officers and the judiciary participate in professional development and training for capacity-building, including gender-sensitive responses to domestic violence.

45. The principle of judicial independence means that the Executive Government cannot direct the content of judicial education or require judicial officers to undertake particular training. However, the Australian Government has co-funded measures with jurisdictions to improve the family safety competency of judicial officers, including a National Domestic and Family Violence Bench Book and the Family Violence in the Court training program.

46. Law enforcement officers are trained in human rights through training, diversity and inclusion policies, and laws. The AFP has delivered the National Interviewing Vulnerable Persons Program which explores factors in persons being considered vulnerable, including gender, identity, culture, ethnicity, language and religion. Several jurisdictions have programs to increase police officers' understanding of trauma-informed practices and campaigns to strengthen education and awareness of coercive control and GBV, encouraging reporting. Further information is provided in the Annex.

47. In addition, the National Principles established a shared understanding of coercive control to improve awareness and inform more effective responses to FDV. They promote consistent and safer outcomes for victim-survivors, which is supported by the provision of cohort-specific education and awareness-raising materials.

Data

48. Data on violence against women and children varies across jurisdictions due to differing definitions of domestic and family violence, differences in legislation, and the division of responsibilities for key services such as education, policing and health.

49. Not all data requested is available in a form that would enable a sufficient response; available data is provided below. The following tables provide data on family and domestic violence, separated by jurisdictions across Australia.¹

Australia - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
	Homicide and related offences	71	73	80	86	59	71	94	99
	Kidnapping/abduction	125	119	127	94	123	135	134	132
	Sexual assault	7,456	7,645	7,690	8,739	10,063	10,633	12,421	14,066
Males	Assault	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
	Homicide and related offences	59	65	47	59	45	57	63	73
	Kidnapping/abduction	33	25	27	24	22	25	33	27
	Sexual assault	1,212	1,156	1,253	1,413	1,280	1,288	1,618	1,896
Persons	Assault	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
	Homicide and related offences	129	139	130	145	106	131	161	175
	Kidnapping/abduction	159	144	148	113	152	163	169	160
	Sexual assault	8,688	8,826	8,985	10,175	11,362	11,944	14,069	16,281

n.a.: data are not available or calculation is not applicable due to denominator being equal to 0.

Australian Capital Territory - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault	677	608	696	634	692	672	717	684
	Homicide and related offences	0	0	3	0	0	3	3	3
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	60	60	104	66	102	101	113	143
Males	Assault	287	261	275	307	260	300	347	309
	Homicide and related offences	0	0	0	0	0	3	0	0
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	10	6	16	9	9	9	9	17
Persons	Assault	974	872	978	942	968	977	1,099	1,019
	Homicide and related offences	0	3	0	0	0	6	3	3
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	66	72	115	77	113	111	119	160

New South Wales - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault	19,265	19,675	20,427	20,432	20,893	21,395	23,429	23,518
	Homicide and related offences	17	17	24	27	7	10	20	26
	Kidnapping/abduction	68	70	59	28	76	63	79	65
	Sexual assault	2,844	2,896	2,890	3,524	4,015	4,022	5,154	5,688
Males	Assault	9,510	10,087	10,459	10,930	11,544	11,463	12,820	13,268
	Homicide and related offences	17	20	16	14	19	13	19	20
	Kidnapping/abduction	15	14	12	9	20	15	12	7
	Sexual assault	574	546	634	750	682	646	856	1,028
Persons	Assault	28,796	29,902	30,937	31,411	32,476	32,893	36,317	38,722
	Homicide and related offences	28	37	38	38	26	29	44	47
	Kidnapping/abduction	77	90	72	37	88	73	96	77
	Sexual assault	3,424	3,459	3,533	4,288	4,701	4,678	6,017	6,996

¹ Australian Institute of Health and Welfare, 2026, Family, domestic and sexual violence in Australia ABS Recorded Crime- Victims, Available at: <https://www.aihw.gov.au/getmedia/e25c70e8-f058-4c53-9277-6f20574f2081/AIHW-FDSV-RCV-data-download.xlsx>.

Northern Territory - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault	3,632	3,542	3,239	4,070	4,473	5,332	6,239	5,997
	Homicide and related offences	3	0	3	3	7	4	3	7
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	135	92	70	96	90	107	111	80
Males	Assault	848	814	788	1,052	1,258	1,465	1,677	1,484
	Homicide and related offences	4	4	0	3	0	3	0	0
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	8	7	5	14	0	7	6	0
Persons	Assault	4,478	4,359	4,030	5,131	5,733	6,796	7,926	7,502
	Homicide and related offences	7	3	3	3	7	8	6	7
	Kidnapping/abduction	0	0	0	0	0	3	0	0
	Sexual assault	140	98	79	111	90	114	122	79

Queensland - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault ¹	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	24,380	25,152
	Homicide and related offences	13	9	14	11	4	24	24	27
	Kidnapping/abduction	7	3	3	9	3	12	3	4
	Sexual assault	1,337	1,421	1,441	1,561	1,923	2,331	3,014	3,539
Males	Assault	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	11,086	11,722
	Homicide and related offences	14	11	6	9	7	7	15	16
	Kidnapping/abduction	4	0	5	0	0	5	3	3
	Sexual assault	205	203	230	239	222	268	340	397
Persons	Assault	n.p.	n.p.	n.p.	n.p.	n.p.	n.p.	35,483	36,907
	Homicide and related offences	27	20	20	28	8	29	41	43
	Kidnapping/abduction	5	3	11	10	4	13	10	6
	Sexual assault	1,541	1,626	1,671	1,798	2,156	2,592	3,359	3,940

n.p.: data are not published.

¹ FDV assault data is not published for Queensland prior to 2023.

South Australia - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault	5,407	5,467	5,965	6,421	6,469	7,039	7,581	8,409
	Homicide and related offences	10	4	8	9	10	6	11	3
	Kidnapping/abduction	25	16	17	13	20	15	15	18
	Sexual assault	577	536	524	531	633	594	667	659
Males	Assault	1,717	1,829	2,043	2,269	2,314	2,539	3,074	3,471
	Homicide and related offences	5	4	8	8	4	10	5	3
	Kidnapping/abduction	3	4	0	0	0	0	3	3
	Sexual assault	71	61	64	61	62	47	62	78
Persons	Assault	7,124	7,291	8,009	8,686	8,788	9,588	10,666	11,886
	Homicide and related offences	22	12	14	12	14	15	12	11
	Kidnapping/abduction	25	17	21	21	19	19	23	19
	Sexual assault	643	603	585	595	689	643	724	738

Tasmania - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault	1,072	1,062	1,150	1,177	1,181	1,228	1,293	1,455
	Homicide and related offences	0	0	3	0	3	0	3	0
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	65	78	93	104	167	232	214	256
Males	Assault	1,072	1,062	1,150	1,177	1,181	1,228	1,293	1,455
	Homicide and related offences	0	0	3	0	3	0	3	0
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	65	78	93	104	167	232	214	256
Persons	Assault	1,431	1,467	1,578	1,601	1,616	1,720	1,821	1,997
	Homicide and related offences	0	0	3	0	7	3	5	6
	Kidnapping/abduction	0	0	0	0	0	0	0	0
	Sexual assault	82	82	101	124	194	257	243	284

Victoria - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault ²	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
	Homicide and related offences	18	19	25	18	21	21	21	20
	Kidnapping/abduction	27	22	40	34	30	45	28	41
	Sexual assault	1,832	1,943	1,935	2,130	2,299	2,485	2,282	2,685
Males	Assault	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
	Homicide and related offences	17	9	6	13	16	11	13	14
	Kidnapping/abduction	11	3	7	9	3	4	10	9
	Sexual assault	241	225	207	230	221	205	230	257
Persons	Assault	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
	Homicide and related offences	35	33	34	35	32	30	31	37
	Kidnapping/abduction	40	25	42	39	33	47	34	49
	Sexual assault	2,086	2,167	2,140	2,366	2,522	2,691	2,516	2,947

¹ FDV assault data is not available for Victoria.

Western Australia - Victims of family and domestic violence crimes, by sex [2014 to 2024]									
Sex	Offence	2017	2018	2019	2020	2021	2022	2023	2024
Females	Assault	13,695	13,595	14,562	16,262	16,873	18,260	20,042	22,282
	Homicide and related offences	11	16	9	19	10	12	15	15
	Kidnapping/abduction	3	0	0	6	0	0	6	5
	Sexual assault	607	616	637	718	829	760	861	1,020
Males	Assault	4,767	4,788	4,663	5,871	5,879	6,486	7,084	8,054
	Homicide and related offences	6	18	3	13	3	10	9	6
	Kidnapping/abduction	3	0	0	0	3	0	3	0
	Sexual assault	92	99	95	100	69	89	83	102
Persons	Assault	18,711	18,520	19,437	22,257	22,880	24,896	27,237	30,451
	Homicide and related offences	13	37	12	28	12	18	18	22
	Kidnapping/abduction	6	3	3	3	3	0	8	3
	Sexual assault	715	718	757	821	909	864	960	1,142

Accommodation

50. The Government is investing \$275 million through the Safe Places Emergency Accommodation program and the Crisis and Transitional Accommodation Program (CTAP) to deliver crisis and transitional accommodation. The programs fund capital works grants to support the renovation, building or purchase of new crisis and transitional accommodation for women and children experiencing family and domestic violence in areas of demonstrated need. Grant funding is being provided across all states and territories in remote, regional and metropolitan areas.

51. The Housing Australia Future Fund increases overall social housing supply, including for women and children experiencing violence. Funding decisions are informed by demand, with focus placed on priority cohorts, including Aboriginal and Torres Strait Islander women and children.

52. The NT and Australian Government provided funding of \$28.36 million in 2025-26 for wraparound supports such as outreach, counselling, children's support, Flexible Support Packages, supervision, practice management support and Risk Assessment and Management Framework implementation in 29 services located across the NT.

53. Several other jurisdictions support operations and fund initiatives to address social housing and homelessness services across Australia, including accommodation services and services for those escaping domestic and family violence. Further information is provided in the Annex.

Reply to the issues raised in paragraph 6 of the LoIPR*

Combatting trafficking in persons

54. Australia maintains comprehensive frameworks to prevent, disrupt, investigate and prosecute modern slavery and human trafficking, including criminal offences with penalties of up to 25 years' imprisonment. Australia's victim-centred approach prioritises prevention and disruption alongside prosecutions.

55. The *Modern Slavery Act 2018* (Cth) (Modern Slavery Act) requires large entities and the Australian Government to report annually on modern slavery risks and actions to address them. The online Modern Slavery Statements Register contains over 17,500

statements covering more than 28,000 entities. In 2024, 85% of published statements fully complied with mandatory criteria.

56. A 2023 independent statutory review found the Modern Slavery Act had substantially driven more robust business engagement and practices to manage modern slavery risks. The Australian Government is implementing its response to the review (it agreed in full, part, or in principle to 25 of 30 recommendations). Extensive national consultations on the recommendations concluded in 2026. The Australian Government is also progressing recommendations to enhance guidance, administration of the Act and user experience of the Register.

57. The Australian Anti-Slavery Commissioner was established in 2024, with core functions including promoting compliance with the Modern Slavery Act.

58. Following a 2023 Targeted Review of modern slavery offences in the Criminal Code, Government has agreed to develop potential legislative amendments. In 2024-25, the AFP received 371 reports of alleged modern slavery, accepting 280 for investigation, while 30 matters involving 41 defendants were referred or continued for prosecution.

Referral of victims and redress

59. Victims and survivors may access civil and administrative remedies, including through the Fair Work Ombudsman, the Fair Work Commission, state and territory victims of crime compensation schemes, and reparations under the Crimes Act.

60. The Support for Trafficked People Program (STPP) provides intensive (90 days) and transition (20 working days) support irrespective of participation in a criminal justice process. An additional \$24.3 million over 4 years (from 2023–24) was allocated to the STPP. The Additional Referral Pathway pilot (commenced July 2024) enables access to the STPP without initial engagement with law enforcement. The pilot has been extended to 30 June 2027 with an additional \$3.4 million.

61. The new Forced Marriage Specialist Support Program does not require engagement with law enforcement or a criminal justice process.

62. Both support programs enable access to accommodation, healthcare, counselling, legal and migration advice, financial assistance, training and social support. Grant funding under the National Action Plan to Combat Modern Slavery 2020–25 has also supported community organisations to deliver support not linked to participation in a criminal justice process.

63. Australia has continued to strengthen officials' ability to identify and refer potential victims of trafficking. AFP's 'Look a Little Deeper' program has been rolled out to 16 Commonwealth, state and territory agencies since June 2023 and supports the identification and referral of potential victims. Agencies including the Fair Work Ombudsman (FWO) and DHA also provide mandatory training for staff in certain roles. Agencies continued to implement referral procedures, including among DHA, Australian Border Force (ABF), AFP, FWO and the Department of Foreign Affairs and Trade (DFAT).

64. In 2023, the AFP established a Human Exploitation Community Officer Team to support prevention and early intervention. The Government also promotes victim identification and referral through the Practice Guidelines for Organisations: Working with People in or at Risk of Modern Slavery, the Modern Slavery in Australia website, and grant funding for community projects to improve awareness and screening.

Article 3

Reply to the issues raised in paragraph 7 of the LoIPR

Migration, asylum and non-refoulement

65. Sections 36 and 197C of the Migration Act ensure that the duty to remove does not require return of individuals involuntarily to a country where there are substantial grounds for real risk of exposure to torture or CIDTP upon assessment of a protection visa application.

66. The Australian Government exercises its sovereign right to manage its borders and maintain a robust migration system. Australia maintains its regional processing arrangements and upholds the policy that people who attempt to travel to Australia through irregular migration will not settle in Australia.

67. People who cannot be safely returned will be transferred to a regional processing country for the purpose of assessing their protection claims. Australia has entered a separate arrangement with the Government of the Republic of Naoero (Naoero). The Third Country Reception Arrangement (TCRA) allows Australia to remove individuals without the legal right to remain in Australia, but who cannot be returned to their country of citizenship or former residence.

68. Australia's migration system is underpinned by the Migration Act and operates on the basis of legislated visa eligibility criteria that apply irrespective of race, ethnicity or religion. A person who does not hold a valid visa is an unlawful non-citizen and must be detained to undergo relevant security, health and identity checks.

69. Under the Migration Act, immigration detention is mandated for an unlawful non-citizen following the refusal, cancellation or expiry of a visa, until their immigration status is resolved or they are removed from Australia. Immigration detention decisions are subject to statutory and administrative review mechanisms. Where appropriate, non-citizens are managed in community-based arrangements, with detention used as a last resort and where required under the legislative framework governing immigration status resolution.

70. Detention ends when the person is either granted a visa, removed from Australia, or if there is no real prospect of removal from Australia in the reasonably foreseeable future. Visa processing and removal processes depend on varying factors including identity, health, character or security matters, as well as circumstances in their country of origin. Assessments are completed as quickly as possible to minimise time spent in immigration detention.

Asylum procedures and non-refoulement determinations

71. All persons in immigration detention have the right to lodge complaints without hindrance or fear of reprisal, and are made aware of their rights, including under international human rights law.

72. Persons in immigration detention may seek judicial review of the lawfulness of their detention before the High Court of Australia (HCA) or the Federal Court of Australia (FCA). The length and conditions of immigration detention are subject to regular reviews by DHA, the Commonwealth Ombudsman, and Administrative Review Tribunal (ART).

73. Non-citizens in Australia may apply for a protection visa for the purpose of seeking asylum, provided they are not subject to a statutory bar. Whether a person arrives in Australia lawfully or unlawfully affects the type of protection visa for which they may be eligible to apply. However, all protection visas provide access to the same process for the assessment of protection obligations.

Procedural safeguards

74. The Australian Government conducts entry screening to ensure it does not return asylum-seekers with legitimate protection claims before they are provided an opportunity to seek protection. While seeking asylum is not an offence under Australian law, unauthorised maritime arrivals have breached Australian border controls and domestic laws by entering without a valid visa. The Australian Government is committed to complying with domestic law, including where that enacts its international legal obligations.

75. Government-funded legal advice and interpretation services are available to protection visa applicants. Most protection visa refusal decisions can be reviewed through an independent merit review process. However, merit reviews can be constrained in certain circumstances, such as for security reasons pursuant to subsection 36(1B) of the Migration Act. All protection visa refusal decisions are judicially reviewable for jurisdictional error.

Sections 197C of the Migration Act

76. Section 197C(1) of the Migration Act provides that, for removal purposes under section 198, Australia's non-refoulement obligations in respect of an unlawful non-citizen are irrelevant. However, subsection 197C(3) provides that where a person is subject to a protection finding, officers are not authorised to remove a non-citizen to a country in respect of which that protection finding has been made.

77. If an individual is to be removed, prior to removal, where certain risk factors are engaged, a check is undertaken by DHA of a person's circumstances and relevant country information to identify whether there is any risk that the proposed removal would breach Australia's non refoulement obligations. Where a concern is identified that may warrant further assessment, the non-citizen may be informed of their right to lodge a protection visa application or seek ministerial intervention.

Oversight mechanisms

78. Australia welcomes rigorous external scrutiny of its immigration detention network.

79. Regular engagements with the Commonwealth Ombudsman, including the Commonwealth National Preventive Mechanism (Commonwealth NPM) under OPCAT, the AHRC, Australian Red Cross and Comcare inform an active program of improvements, including ligature reviews, enhanced mental health training, and network-wide review of unplanned uses of force.

80. The Commonwealth Ombudsman has functions under the Migration Act to assess the appropriateness of detention arrangements for people in long-term immigration detention. The Ombudsman provides these assessments, which may include recommendations, to the minister responsible.

197D of the Migration Act

81. The Australian Government does not intend to repeal section 197D of the Migration Act. This section permits a determination that a non-citizen previously found to have engaged non-refoulement obligations, no longer engages those obligations, thereby making their removal not inconsistent with those obligations.

82. The assessment by the Minister for Home Affairs, or their delegate, is not arbitrary and is based on the same protection obligation definitions used when assessing a protection visa application. Decisions made under subsection 197D(2) are reviewable by an independent merits review body and by the courts.

Incorporation of Conventions

83. Australia's interpretation of its protection obligations under the Convention relating to the Status of Refugees is articulated in sections 5H-5M, 36 and 197C of the Migration Act. While many stateless individuals may also be able to access protection pathways, there are no legislative barriers to stateless individuals accessing other visa pathways, such as spouse or skilled visas.

84. Stateless people who hold a permanent visa have the same access to Australian citizenship by conferral as any other permanent visa holders. There are specific provisions in the *Australian Citizenship Act 2007* (Cth) to prevent and avoid statelessness, including for: stateless persons born in Australia who did not acquire Australian citizenship by birth; stateless persons born outside Australia to a parent who is an Australian citizen by descent, but that parent has not spent the required two years in Australia; and citizenship renunciation, revocation and cessation that would otherwise result in an individual becoming stateless.

85. Stateless individuals found not to engage protection obligations and who are ineligible for other substantive visas and unable to be returned to their former habitual residence may be subject to status resolution. Where such individuals have exhausted merits review, they may request the Minister to exercise their public interest powers to intervene in their case.

86. Individuals granted a permanent visa under sections 351 and 501J of the Migration Act will have access to general services as Australian permanent residents.

Right to seek asylum and appeal deportation decisions

87. If an individual is to be removed involuntarily, where certain risk factors are engaged, DHA may undertake an assessment prior to removal of the person's circumstances and relevant country information to identify risks associated with Australia's non-refoulement obligations. This is called pre-removal clearance.

88. Where concerns are identified, the DHA considers appropriate next steps, including informing the individual of their right to apply for a protection visa or progressing the matter through a ministerial intervention process.

Identification of vulnerable asylum seekers

89. Australia has established processes to connect vulnerable asylum-seekers to a suite of support services.

90. From July 2026, the Humanitarian Integration and Settlement Program replaces the Humanitarian Settlement Program supporting humanitarian entrants and other eligible visa holders to integrate into Australian life, through improved client-centric, strengths-based, and self-agency service models.

91. The Community Refugee Integration and Settlement Pilot became a permanent feature of Australia's Humanitarian Program in 2026, providing refugee visa holders with settlement support directly from trained community groups.

92. The Program of Assistance for Survivors of Torture and Trauma provides specialised support to people who survived trauma and torture before moving to Australia on refugee or humanitarian grounds.

93. Certain unaccompanied children on refugee or humanitarian visas may be supported under the Unaccompanied Humanitarian Minors (UHM) Program, either under ministerial guardianship under the *Immigration (Guardianship of Children) Act 1946* (Cth) or in the care of an adult relative.

94. Where appropriate, children are referred in a timely manner to services including health care, trauma support, child protection, disability services, and settlement assistance, with priority for those with acute or complex needs. Children in the UHM program can access the Program of Assistance for Survivors of Torture and Trauma free of charge.

95. DHA conducts monthly reviews of immigration detainee cases (Mandatory Control Point 17) to support timely status resolution. These reviews assess individual circumstances, risks, and barriers, identify vulnerabilities, and set actions to progress cases to resolution. Status Resolution Officers also identify support services that a person may require while in immigration detention, upon potential release into the Australian community or following removal to their home country.

Reply to the issues raised in paragraph 8 of the LoIPR*

Asylum applications

96. Between 1 November 2022 and 30 April 2026, there were 83,995 protection visa applications lodged in Australia.

Lodgement date	Lodgements
1 Nov - 31 Dec 2022	3,466
2023	24,092
2024	25,473
2025	24,096
1 Jan - 30 Apr 2026	6,868
Total	83,995

Sex	Lodgements
Female	33,729
Male	50,234
Other	32
Total	83,995

Citizenship	Lodgements
India	8,822
China (excluding SAR)	8,723
Vietnam	6,450
Indonesia	4,388
Philippines	3,484
Pakistan	3,228
Malaysia	2,996
Fiji	2,811
Iran	2,543
Sri Lanka	2,249
Others	38,301
Total	83,995

Age group	Lodgements
Adult	73,710
Minor ⁴	10,285
Total	83,995

97. There were 14,543 protection visas granted between 1 November 2022 and 30 April 2026. Of these, 787 protection visas were granted on the basis of a real risk of significant harm as defined in the Migration Act. This includes CIDTP, torture, arbitrary deprivation of life and the application of the death penalty. It is not possible to determine which of these decisions specifically involved a risk of torture as defined in article 1 of the CAT because the Migration Act definition of “significant harm” encompasses a broader range of harms.

Grant date	Grants
1 Nov - 31 Dec 2022	496
2023	3,306
2024	4,151
2025	5,242
1 Jan - 30 Apr 2026	1,348
Total	14,543

Sex	Grants
Female	<6,980
Male	7,561
Other	<5
Total	14,543

Citizenship	Grants
Australia	3,520
Myanmar	1,746
Malaysia	1,622
Iran	1,010
China (excluding SAR)	814
Pakistan	799
Afghanistan	529
Papua New Guinea	382
Sri Lanka	378
Yemen	288
Others	3,455
Total	14,543

Age group	Grants
Adult	11,192
Minor ⁵	3,351
Total	14,543

98. Between 1 November 2022 and 30 April 2026 there were 1,357 persons removed from Australia who also met the criteria of 'persons seeking asylum.'

99. Australia's Migration Act creates the statutory framework which regulates the entry and stay of non-citizens in Australia. Section 198 of the Migration Act places an obligation to remove an unlawful non-citizen as soon as reasonably practicable according to their case circumstances.

100. A person may become an unlawful non-citizen for reasons including where they overstayed their visa, have had their visa cancelled or refused, or arrived in Australia without a visa.

Returns, extraditions and expulsions

101. During the reporting period, Australia did not carry out any returns, extraditions, or expulsions based on diplomatic assurances or equivalent guarantees.

102. Australia's *Extradition Act 1988* (Cth) (Extradition Act) contains safeguards for Australia's cooperation with international counterparts in criminal matters. Paragraph 22(3)(b) implements Australia's non-refoulement obligations with respect to torture under the CAT, requiring refusal of extradition where there are substantial grounds to believe the person would be in danger of being subjected to torture. The Attorney-General also retains broad discretion under paragraph 22(3)(f) to consider any relevant factors when considering surrendering a person.

103. In limited circumstances, diplomatic assurances may be considered to address identified risks. Australia assesses whether any assurance is credible and sufficient to remove the real risk of harm, considering its terms, scope, the provider, and their capacity to bind the Receiving State.

104. Monitoring arrangements are determined case-by-case and may include consular access, ongoing engagement with the individual, and requests for updates from the Receiving State. The AGD informs DFAT of the extradition of every Australian citizen to enable monitoring through the consular network

105. Australia does not rely on diplomatic assurances where they would not sufficiently mitigate a real risk of torture, including in cases of systemic risk or insufficient confidence that the assurance would be upheld.

106. There have been no instances, in the context of extradition requests, where Australia has offered diplomatic assurances or guarantees in respect of torture or CIDTP.

107. Removals from Australia are undertaken in accordance with the Migration Act and relevant legal frameworks.

S.L. v. Australia

108. Australia's response to the Committee's Views in the case of *S.L. v. Australia* was submitted on 8 October 2024. The Australian Government welcomes the finding that claims under articles 2, 7 and 16 of the CAT were inadmissible. The Australian Government does not concede that the involuntary removal of the Author would have constituted a breach of article 3.

109. As outlined in the Australian Government's response to the Committee's Views:

- On 27 July 2024, the then Minister for Immigration, Citizenship and Multicultural Affairs exercised discretionary powers under sections 46A(2) and 48B(2) of the Migration Act to enable the Author to apply for a Temporary Protection (subclass 785) or Safe Haven Enterprise (subclass 790) visa (SHEV).
- On 2 August 2024, the Author lodged a SHEV application and had the opportunity to provide all relevant evidence in support of his protection claims. Australia therefore considers it has met its obligations under article 3.

110. In the Committee's follow-up report dated 26 November 2024, the Committee found that Australia had fully implemented its obligations under article 3 and closed the dialogue with a finding of satisfactory resolution.

Articles 5-9

Reply to the issues raised in paragraph 9 of the LoIPR

Extradition, and obligation to extradite or prosecute

111. Torture was first criminalised at the Commonwealth level under the *Crimes (Torture) Act 1988* (Cth). In 2010, that Act was repealed and the offence incorporated into the Criminal Code. Since then, Division 274 of the Criminal Code has criminalised acts of torture consistently with the CAT, with offences applying regardless of the nationality of the offender or victim, or where the conduct occurred. Additionally, all Australian jurisdictions maintain laws criminalising conduct that could constitute torture or CIDTP.

112. Australia complies with its obligations to extradite under the Extradition Act and Extradition Regulations, which implement its treaty obligations. Where a person is not surrendered, section 45 of the Act provides an avenue for prosecution in lieu of extradition.

113. In the reporting period, Australia extradited 24 individuals to Requesting States. Offences spanned various categories, including a small subset involving serious crimes against the person (offences against a child, attempted murder and manslaughter). No extraditions involved torture-related offences, and no cases arose during the reporting period in which domestic prosecution was pursued in lieu of extradition.

114. There are limitations in capturing extradition cases specifically involving "torture or related offences", as such conduct is frequently prosecuted under broader offences such as assault or causing grievous bodily harm in Requesting States, making disaggregation and quantification difficult.

115. Australia has identified nil cases where it rejected the extradition request of a third State for an individual suspected of having committed torture or subsequently initiated domestic prosecution proceedings.

Extradition Treaties

116. Australia has concluded 40 bilateral treaties and inherited 13 extradition treaties between the United Kingdom and other State Parties. Most treaties adopt a penalty threshold under which extraditable offences reference whether the conduct is criminal in both States and are punishable by a specified minimum penalty, or alternatively provide discretion to both States to determine extraditable offences under their domestic laws.

117. Offences under article 4 of the CAT, including torture and related conduct, may fall within the scope of extraditable offences where they are criminalised in both States and meet applicable penalty thresholds. Australia criminalises torture and related conduct under Commonwealth law and through state and territory criminal offences addressing comparable conduct.

118. In the absence of a bilateral treaty, the Extradition Act provides that an “extradition offence” is one punishable by a maximum penalty of death, imprisonment, or deprivation of liberty for at least 12 months. Alternatively, conduct not classified as an offence under the other State’s laws may still be treated as an extradition offence if it is recognised under an applicable extradition treaty binding both countries.

Mutual Assistance

119. Australia has 31 bilateral mutual legal assistance treaties and may also provide assistance on the basis of reciprocity where no treaty exists. The *Mutual Assistance in Criminal Matters Act 1987* (Cth) establishes the framework for such assistance, including in relation to torture-related offences. Where coercive action is required in Australia, the offence must meet applicable penalty thresholds (maximum penalty of death, imprisonment or a fine exceeding \$99,000). However, data on requests involving “torture or related offences” is difficult to disaggregate, as such conduct is often prosecuted under broader offences such as assault or grievous bodily harm.

120. Section 43C of the Act prohibits the disclosure of information about assistance requests from foreign countries. Therefore, detailed information or examples of evidence transfers relating to prosecutions concerning torture or ill-treatment cannot be provided.

Article 10

Reply to the issues raised in paragraph 10 of the LoIPR*

CAT educational and training programs

121. Human rights education is a key component of training and professional development for law enforcement officers in all jurisdictions. Depending on the jurisdiction, human rights training includes dedicated modules or is integrated into broader training programs and is reinforced through mandatory and optional programs, diversity and inclusion policies and legal frameworks.

122. Officers in immigration detention roles receive training on international obligations, including refugee law, complementary protection, and non-refoulement. Immigration detention service providers must comply with Australia's international obligations, including under the CAT and OPCAT. Personnel are required to possess appropriate qualifications and training in human rights and cultural awareness before commencing duties. ABF officers undertake training on human rights, international obligations, human trafficking, refugee protection and, humanitarian settlement programs, supported by role-specific vocational programs for Field Operations, Removals and Border Clearance.

123. At the state and territory level, mandatory training incorporates human rights, lawful use of force, trauma-informed practice, and professional standards. These elements are embedded in recruit and in-service training to support lawful, accountable conduct. Further information is provided in the Annex.

Non-coercive investigative techniques

124. Immigration detention is an administrative, and not law enforcement or investigative capability. Management of safety and security for immigration detainees and incidents may be referred to law enforcement agencies. ABF’s College delivers a course, which is a non-accusatory, information gathering approach to investigative interviewing.

125. The AFP does not authorise or use coercive investigative techniques. Operations, programs and investigative processes are conducted in accordance with relevant international human rights obligations and applicable policy frameworks. AFP training

emphasises that torture and CIDTP are prohibited, may give rise to criminal liability and may result in the exclusion of evidence.

126. Training programs addressing obligations and procedures include appropriate training for detectives regarding investigative interviewing, and custody-specific training that cover legal representation, third-party notification, medical examinations, and legal requirements. Several jurisdictions incorporate non-coercive, trauma-informed and victim-focused training that emphasise communication and safeguard vulnerable persons. Further information is provided in the Annex.

Specific training of judges and medical personnel

127. The National Judicial College of Australia delivers non-compulsory training to judicial officers across Australia. Although there is no judicial education program dedicated specifically to the Istanbul Protocol, judicial officers may choose to access training resources such as the Istanbul Protocol Manual.

128. Immigration detention health services are multidisciplinary and patient-centred, with consideration for particular health needs. Health personnel undertake induction training that includes identifying survivors of torture and trauma, cultural safety, applying trauma-informed questioning techniques and responding to disclosures with required referrals.

129. In Western Australia, medical practitioners and nurses are legally mandated to report abuse to the appropriate authorities whenever they form a "reasonable belief" or suspicion of harm.

130. In NSW, forensic mental health clinical leads attend judicial officer training to present on matters of therapeutic jurisprudence and support information sessions for defence and prosecution staff training.

Article 10(2): Prohibition against torture in rules

131. Immigration detention measures which give effect to the provisions of article 10(2) of the Convention include providing training to officers on relevant international obligations.

132. Australian Defence Force (ADF) members receive general Law of Armed Conflict training throughout their careers, from their enlistment, through various stages of professional development. Emphasis is placed on lawful conduct of military operations, minimum standards of treatment, and safeguarding fundamental individual human rights.

133. In several jurisdictions, guidance is provided to mental health services, including in relation to human rights and legal obligations under international treaties and recognising and responding to trauma. Further information is provided in the Annex.

Article 11

Reply to the issues raised in paragraph 11 of the LoIPR*

Interrogation rules, methods and practices

134. Australia recognises the importance of regular review of interrogation rules, instructions, methods and practices to ensure they remain fit for purpose and prevent cases of torture. Jurisdictions periodically review relevant standards governing powers and safeguards. Further jurisdiction-specific information is provided in the Annex.

Reply to the issues raised in paragraph 12 of the LoIPR*

Pre-trial detention

135. The Standing Council of Attorneys-General (SCAG) considered the issue of the Bail and Remand Report for Aboriginal and Torres Strait Islander peoples in the context of the Closing the Gap justice targets 10 and 11 to reduce the rate of incarceration in November 2025. A report on the issue made several recommendations aimed at reducing

the overuse of pre-trial detention, including the need for evidence-based strategies, initiatives and case studies on alternatives to remand and enablers of bail.

136. Implementation of recommendations from the report is a matter for each jurisdiction in Australia. Several jurisdictions have introduced legislation requiring those making bail decisions to consider a range of matters. Further information is provided in the Annex.

Reply to the issues raised in paragraph 13 of the LoIPR*

Conditions in detention, including overcrowding and access to healthcare

137. In accordance with the 2025 *Guiding Principles for Corrections in Australia*, responsibility for adult corrective services rests primarily with state and territory governments. These Principles provide a consistent framework informed by internationally accepted standards, including the Nelson Mandela Rules, the Tokyo Rules, and the Bangkok Rules, and are used by jurisdictions to guide legislation, policy, and operational practice. The Principles reflect comprehensive reviews undertaken since 2017 to align policies and practices with contemporary best practice, including collective commitments under the National Agreement on Closing the Gap, person-centred service delivery, and technological modernisation.

138. Jurisdictions have taken steps to reduce overcrowding, including through risk assessments, active monitoring systems, infrastructure planning and alternative accommodation arrangements. Further information is provided in the Annex.

139. The Australian Charter of Healthcare Rights applies to people in detention, including rights to dignity and respect, safe and high-quality care, informed consent, confidentiality, participation in decision-making, and accessible complaints mechanisms.

140. All jurisdictions maintain that health services in places of detention meet, at a minimum, the same standards as the public health system. State and territory jurisdictions provide health assessments upon admission, including physical and mental health screenings, and provide access to health services. Further information is provided in the Annex.

141. In 2023, the Australian Government, on behalf of the Aboriginal and Torres Strait Islander Health Collaboration (Health Collaboration), commissioned the National Review of First Nations Healthcare in Prisons (Review). In 2024, Health Ministers jointly endorsed the Review and committed to developing a national approach to implementation (Implementation Approach) to address its recommendations.

142. The development of the Implementation Approach is being led by the Health Collaboration, in partnership with Governments and Aboriginal and Torres Strait Islander stakeholders from the health and justice sectors. Once finalised, the Implementation Approach will guide nationally consistent, system-level reform to improve health outcomes for Aboriginal and Torres Strait Islander people in custody.

143. Alongside the development of the Implementation Approach, Health Ministers have agreed that the Australian Government will support jurisdictions wishing to trial new or expanded Aboriginal Community-Controlled Health Services (ACCHS), sector-led healthcare in prisons and youth detention facilities, via the National Health Reform Agreement Schedule B First Nations Reform Fund. In addition, the Australian Department of Health, Disability and Ageing has committed funding for the National Aboriginal Community Controlled Health Organisation (NACCHO) to deliver a community-controlled transition care program to support Aboriginal and Torres Strait Islander people exiting custody.

Recreational, educational and vocational activities

144. Jurisdictions are investing in programs to promote rehabilitation and prepare prisoners for successful re-entry into the community, including recreational, educational and vocational activities consistent. Further information is provided in the Annex.

Use of restraints

145. The Australian Government is committed to limiting the use of restraints to ensure all detainees are treated humanely and with dignity.

146. All jurisdictions have legislation, operational policies, and strict procedural safeguards to govern the use of restraints. Further information is provided in the Annex.

Spit hoods, tasers and chemical agents

147. Spit hoods are not used in Commonwealth facilities. Further, tasers and chemical agents not issued or employed within the Immigration Detention Network.

148. In all jurisdictions except the Northern Territory, spit hoods are not used on young people. Their use on adults is governed by legal and policy controls, requirements of necessity, proportionality, and as a last resort, with robust oversight and accountability mechanisms. States and territories continue to review the suitability of alternative protective measures to spit hoods. Most jurisdictions do not use tasers or chemical agents in police custody, with their use subject to tight controls and safeguards. Further information is provided in the Annex.

Solitary Confinement

149. All Australian jurisdictions limit the use of solitary confinement and isolation, particularly for children and young people, with regulatory frameworks governing the use of any separation including limits on duration, approval mechanisms, and requirements for ongoing review and reporting. Further information is provided in the Annex.

Strip Searches

150. The use of strip searches in jurisdictions is subject to strict controls, with particularly strong protections for children and young people and a focus on protecting the dignity and privacy of individuals. Jurisdictions are increasingly introducing X-ray body scanning technology as a less invasive search practice. Further information is provided in the Annex.

Reply to the issues raised in paragraph 14 of the LoIPR**Immigration detention*

151. The Migration Act sets the conditions in which detention is lawful. Where necessary, unlawful non-citizens are detained until their immigration status is resolved – either through the grant of a valid visa or their departure from Australia.

152. Where possible, the Australian Government manages non-citizens in the community, using immigration detention as a last resort. Appropriate detention conditions are determined through individual assessments of each detained unlawful non-citizen, based on health, identity, and security checks. Australia is committed to providing a person-centred approach within its immigration detention network, ensuring appropriate garrison, security and health services are delivered.

153. Section 4AA of the Act affirms the principle that children will only be detained, other than in community-based residence determination arrangements, as a measure of last resort. In almost all cases, such detention occurs in APODs for very few purposes and short periods, mainly due to airport turnarounds, transfers on medical grounds, or being in the final stages of removal to their country of origin.

Time limits and review of detention

154. A person in immigration detention may seek judicial review of the lawfulness of their detention before the HCA, or of the decision that rendered them unlawful (and thus subject to mandatory detention) before the FCA. The length and conditions of immigration detention are subject to regular reviews conducted internally by DHA, and independently, including through the Commonwealth Ombudsman.

155. The HCA decision in *NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor* (2023) requires the release of individuals from immigration

detention where there is no real prospect of their removal from Australia becoming practicable in the reasonably foreseeable future.

156. As a result of this judgment, Australia has established a process for the continuous assessment of the detention cohort for the potential release of individuals who may be impacted by this judgment. This includes robust legal and quality assurance processes to ensure that decisions to release are lawful, appropriate, and consistently documented.

Families and children

157. Australia remains committed to protecting and promoting the rights of children, including migrant children, and ensuring children in Australia can reach their full potential. Australian governments have devoted significant resources to policies and programs related to education, health and child safety. Children are only accommodated in immigration detention facilities as a last resort and for the shortest possible time, consistent with section 4AA of the Migration Act.

158. DHA prioritises placing unlawful non-citizen children, and their family unit where possible, in the least restrictive accommodation appropriate to an assessment of individual risk and welfare needs (such as in the community under a residence determination arrangement). In practice, the department places children who cannot be accommodated in the community under a residence determination in APODs.

159. The Australian Government seeks to provide assurances that the safety and wellbeing needs of children accommodated in held detention are being satisfactorily met and support the conduct of inquiries into its own child-focused practices and those of contracted services.

160. Where minors are accommodated within the immigration detention environment, the best interests of the child are a primary consideration. All school-aged children are provided age-appropriate activities, and are provided with access to educational opportunities consistent with applicable legal obligations.

Conditions in detention

161. Within Australia's immigration detention network, all detainees are treated in accordance with Australia's obligations under human rights law, including the CAT. The Australian Government ensures all detainees have access to services and that dietary and cultural requirements are met. Australia's commitment to the upkeep of detainee welfare and safety is reinforced by ongoing contracts, with performance management, uplifts in infrastructure and investments in welfare.

162. Accommodation facilities are designed to meet requirements related to health and human dignity, and the privacy and accessibility needs of detainees. Detainees can access social, welfare, recreational, and educational programs and activities to maintain autonomy and develop skills for future participation in the community.

163. Religion Liaison Officers coordinate religious activities at each facility. Facilities and Detainee Service Providers develop personalised welfare management plans and tailor ongoing care and preventive strategies in collaboration with health providers. All detainees receive health procedures, treatment, assessment, and investigation. Care is patient-centred and based on informed consent. Services are accessible, inclusive, and culturally and religiously appropriate.

164. A Virtual Care Centre operates to provide increased health and wellbeing support, including support for fit-to-travel and health induction assessments, with 24/7 telehealth services. Clinical Case Managers are allocated to detainees with complex needs to ensure end-to-end health and wellbeing support. Recently, Australia has introduced an electronic medical records system, which has improved record management and assurance access.

165. DHA has engaged Healthcare Australia as the Detention Health Service Provider (DHSP), which delivers mental health services through a qualified team of physicians and mental health staff, including a 24/7 hotline. The DHSP arranges treatment through clinical pathways when in-patient mental health treatment is required. To ensure the DHSP delivers

high-quality health and wellbeing services that align with Australian community standards, the Chief Medical Officer Branch conducts regular assurance activities.

166. Australia's partnership in Naoero for regional processing operates under a Memorandum of Understanding (MOU) with the Government of Naoero. Under the MOU, the Government of Naoero is responsible for administering regional processing arrangements in accordance with Naoero law. The Australian Government provides support, including through contracted service providers. The Australian Government provides a fortnightly support payment to individuals living in the dei-Naoero community to assist with the purchasing of necessities.

Identification of victims of torture

167. Australia has a long history of providing resettlement for refugees and other persons displaced because of conflict, persecution, or human rights abuses. The Program of Assistance for Survivors of Torture and Trauma provides specialised support to people who survived trauma and torture before moving to Australia.

Identification of people who may face a particular risk of harm

168. DHA undertakes monthly reviews of individual detainee cases which provide a comprehensive assessment of individual circumstances and immigration pathways, including potential vulnerabilities an individual could face and support services which may be required.

169. Paragraph 7 of this report details the measures Australia has taken to improved safeguards for children in relation to immigration detention.

170. Standard Operating Procedures provide steps for considering the appropriate mechanism to effect a detention decision, including an APOD. DHA's guiding principles for APODs are that placements should be fair, reasonable, risk-based and apply the least restrictive option available.

Reply to the issues raised in paragraph 15 of the LoIPR

Monitoring and investigation

171. All complaints or allegations concerning the use of excessive force are taken seriously and reviewed, with law enforcement agencies engaged where necessary. CCTV footage is viewed and interviews are conducted to assess the allegations.

172. If use of force by an officer of a Facility Contracted Service Provider (FDSP) was considered excessive or disproportionate to the risk, the contract provides multiple mechanisms to be pursued, including individual and organisational consequences, financial penalties and removal from duties. The FDSP must deliver all services in accordance with Australian law and policies.

173. The regular and independent monitoring of facilities used in regional processing arrangements is a matter to be addressed by the regional processing country, such as the Republic of Naoero. However, Australia welcomes rigorous external scrutiny regarding its immigration and detention operations and values the important oversight role of external scrutiny bodies. The recent visit to Australia by the Working Group on Arbitrary Detention was also welcomed.

174. Formal detention facility inspections, thematic and individual reports, and regular engagement and consultation with the Office of the Commonwealth Ombudsman (OCO), AHRC, Australian Red Cross, UNHRC and Comcare contribute to an active program of improvement and the considered implementation of legislative and policy changes.

175. Senior executives from DHA, including ABF, meet with these bodies routinely to discuss significant policy changes and emerging issues, address concerns, track implementation and provide updates on progress on agreed recommendations.

Regional processing

176. The Australian Government is committed to maintaining strong border protection measures, including regional processing. Under this approach, anyone who attempts to

travel to Australia by boat without a valid visa will be returned to their country of origin or departure where it is safe to do so.

177. Those who cannot be safely returned will be transferred to Naoero for regional processing, where any protection claims they make will be assessed by the Government of Naoero. Applications of asylum-seekers transferred to Naoero will be assessed by the Government of Naoero in which Australia is not involved.

178. Non-government lawyers are contracted to support transferees' protection claims and engage with migration outcomes. Transferees receive information, support, legal advice, and counselling following a protection claim and/or an assisted voluntary return.

179. On 29 August 2025, the Australian Government signed the TCRA MOU between Australia and Naoero. The MOU allows individuals to be removed to Naoero, with support to settle and integrate with the dei-Naoero community. Individuals removed under this arrangement are granted 30-year long-term stay visas by the Government of Naoero. Australia understands that this visa allows freedom of movement, permission to work, to leave and re-enter Naoero and provides accommodation, reasonable living allowances, access to local transport, health services, and welfare.

180. The MOU provides long-term residence to those who have no legal right to stay in Australia. The Australian Government considers the arrangements to be consistent with Australia's international obligations.

Resettlement

181. The Australian Government is committed to ensuring the integrity of Australia's migration system. This includes ensuring that, where a person has no lawful basis to remain in Australia, Australian laws operate to facilitate their timely and lawful removal.

Reply to the issues raised in paragraph 16 of the LoIPR*

Aboriginal and Torres Strait Islander peoples in prison

182. Australia recognises that overrepresentation is driven by intersecting and systemic factors, including intergenerational trauma, the impacts of colonisation and the forced removal of children, racism, dispossession, and entrenched socioeconomic disadvantage. In response, justice reforms prioritise prevention, early intervention and diversion, alongside culturally safe rehabilitation and reintegration.

183. The Australian Government continues to work with state and territory governments and in partnership with the community to reduce the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system, address underlying causes and expand diversionary responses.

184. At the national level, work is progressed through partnerships and coordination mechanisms under the *National Agreement on Closing the Gap* (Closing the Gap), including the Justice Policy Partnership (JPP) and Closing the Gap targets. Justice outcomes for Aboriginal and Torres Strait Islander peoples are a standing agenda item for national ministerial forums, including SCAG. The National Justice Reinvestment Unit supports community-led, place-based approaches to reduce contact with the criminal justice system.

185. In Australia's federal system, states and territories have primary responsibility for criminal justice and continue to implement diversionary programs, alternatives to custody, and culturally appropriate justice responses as part of implementing Closing the Gap. All states and territories have justice reinvestment initiatives and programs to address underlying drivers of crime and causes of incarceration, reduce the overrepresentation of Aboriginal and Torres Strait Islander people in custody and reduce recidivism, including through skills development, education and services. Further information is provided in the Annex.

Closing the Gap

186. Australian governments continue to work closely through Closing the Gap on justice targets as key priorities, in partnership with Aboriginal and Torres Strait Islander peoples, communities, and organisations.

187. Unfortunately, Closing the Gap Target 10 to reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15% and Target 11 to reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30% are not on track. Recent data from the Productivity Commission shows Target 10 is worsening nationally and Target 11 has not changed from the baseline.

188. The Australian Government acknowledges the unacceptably high rates of Aboriginal and Torres Strait Islander adults and young people being incarcerated and the tragedy of deaths in custody. Australia remains committed to working with states and territories to focus on early intervention and prevention.

189. States and territories are working towards meeting Closing the Gap targets through strengthening partnerships with ACCOs to deliver culturally responsive and Aboriginal-led services. These include community courts, law and justice groups, policy and reforms, place-based partnerships early intervention and diversionary programs funding, and initiatives to reduce incarceration rates of Aboriginal and Torres Strait Islander people. Further information is provided in the Annex.

Legal Services

190. Australian governments are committed to ensuring access to legal services for Aboriginal and Torres Strait Islander peoples. The Australian Government has committed approximately \$3.9 billion under the National Access to Justice Partnership 2025–2030 (NAJP) toward ensuring vulnerable persons can access timely and appropriate legal support, with priority given to matters involving children and offences where a prison sentence is likely. The NAJP includes almost \$837.8 million over five years for First Nations peoples and approximately \$366.8 million over five years for family violence prevention.

191. The NAJP reflects Australian governments' commitment to support progress towards Closing the Gap Priority Reforms, relevant targets and outcomes, including Target 10 and Target 11, by:

- increasing investment in specialist, community-controlled organisations that provide culturally safe legal assistance and non-legal support services to Aboriginal and Torres Strait Islander peoples, and
- providing funding for the Custody Notification Service in each state and territory, which deliver independent and culturally safe wellbeing checks, and may include legal assistance.

192. Under the NAJP, the Commonwealth and state and territory governments have committed to developing a Closing the Gap Schedule by 30 June 2027 in partnership with the Aboriginal and Torres Strait Islander community-controlled legal assistance sector. The Schedule will include actions to prioritise and support progress towards the Priority Reforms and relevant targets and outcomes and improve access to justice outcomes for Aboriginal and Torres Strait Islander peoples.

193. Victoria has also committed \$17.3 million in 2025-26 to support Victorian Aboriginal Legal Service (VALS) and Djirra (Aboriginal Family Violence Prevention Legal Services) to provide culturally safe legal services and wrap around supports to Aboriginal and Torres Strait Islander Victorians.

Reply to the issues raised in paragraph 17 of the LoIPR**Deaths in custody*

194. States and territories have primary responsibility for investigating deaths in custody occurring within their respective jurisdictions, as well as any criminal prosecution if there is

evidence of criminal conduct. It is important that any investigation of a death in custody is undertaken in line with the investigative process of the jurisdiction in which it occurs, free from external influence.

195. Coronial investigations and inquests into all deaths in custody are mandatory in all states and territories. In Victoria, the *Coroners Act 2008* (Vic) mandates a coroner must investigate a death in custody but provides discretion on holding an inquest where a medical investigator finds the death was due to natural causes. Information concerning coronial inquests is not routinely reported by states and territories. Some coronial inquest details are published on Coroners Court websites. Further information is provided in the Annex.

196. The Commonwealth has access to information on the number and outcome of investigations through the National Coronial Information System (NCIS). The Australian Institute of Criminology (AIC) utilises information from the NCIS for the National Deaths in Custody Program (NDICP) which monitors and reports on the extent and nature of deaths that occur in prison, police custody and youth detention, and provides real-time, quarterly, and annual reporting on deaths in custody. This reporting is publicly available on the AIC's website.

197. In Victoria, potential criminal conduct is investigated by police and may proceed through the criminal justice system, while employment or professional conduct matters are addressed through the Department of Justice and Community Safety disciplinary and integrity processes. Following a death in custody, the coroner may make recommendations to prevent similar deaths in the future. The department considers and responds to coronial and internal review recommendations, and may implement policy, procedural or operational reforms to address risks and make improvements.

198. Where applicable, relatives of deceased persons may have access to compensation through separate legal proceedings or settlement processes, which are case-specific and may be subject to confidentiality requirements.

199. The Australian Government is committed to influencing change through practical investment in early intervention and prevention. This includes justice reinvestment as a long-term, community-led approach to prevent crime, address drivers of contact with the justice system, and improve justice outcomes for Aboriginal and Torres Strait Islander peoples.

Royal Commission into Aboriginal Deaths in Custody

200. The Commonwealth has sole responsibility for 29 recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) and shares responsibility with the states and territories for a further 194 recommendations. The 2018 Deloitte review of the RCIADIC found that the Australian Government has fully or partially implemented 222 of the 223 recommendations for which it was solely or jointly responsible. A key finding of the RCIADIC was that reducing Aboriginal and Torres Strait Islander incarceration rates is the best way of reducing deaths in custody.

201. States and territories are responsible for administering justice systems and the operation of custodial settings. Most states and territories are actively responding to the key themes and recommendations, including through the development of Aboriginal Justice Agreements and progressing reforms to strengthen culturally safe policing practices. Further information is provided in the Annex.

Inter-prisoner violence

202. Jurisdictions have taken measures to reduce violence in custodial settings, strengthen staff capability, and ensure accountability. This includes mandatory staff training in de-escalation, use of force and protective tactics, oversight and regular review of incidents. Jurisdictions have also invested in frontline workforce recruitment, targeted staff deployment, and expanded detainees' access to education, cultural activities and structured programs that support engagement and reduce violence. Further information is provided in the Annex.

Reply to the issues raised in paragraph 18 of the LoIPR*

Minimum age of criminal responsibility

203. In September 2023, the SCAG Age of Criminal Responsibility Working Group delivered a report to Attorneys-General on options for raising the minimum age of criminal responsibility. This report sets out a principles-based framework and provides options for implementation by way of examples, recognising that jurisdictions have different legal and operational contexts and are at different stages of considering reform.

204. Several jurisdictions have already taken action to raise the minimum age of criminal responsibility, including the ACT, Tasmania and Victoria. All jurisdictions have either codified the presumption of *doli incapax* in legislation or apply it under common law. Further information is provided in the Annex.

Detention of children as a last resort

205. The Australian Government is committed to working with all jurisdictions to improve outcomes in the youth justice system. Jurisdictions have youth justice laws incorporating the principle that detention should be used as a measure of last resort and for the shortest period of time, prioritising the diversion of children away from court processes and formal justice system involvement and have programs in place as alternatives to detention. Further information is provided in the Annex.

Use of force, including physical restraints

206. Most states and territories have legislation providing that force may only be used against young people as a measure of last resort and where it is reasonable, necessary and proportionate in the circumstances, including to prevent injury or escape. In most jurisdictions, spit hoods are not used in youth justice settings.

207. In many jurisdictions, young people are medically assessed following incidents involving the use of force. Several youth detention centres prioritise de-escalation, communication and non-physical responses. Complaints and serious incidents may also be independently investigated or referred to oversight and integrity bodies. Further information is provided in the Annex.

Conditions in detention, training and inspections

208. Australia is committed to improving outcomes in the youth justice system. All jurisdictions continue to take measures to provide appropriate living conditions and access to rehabilitation programs and recreational activities in youth detention. Many states and territories provide those in detention with access to education, vocational and cultural activities, rehabilitation programs and primary and specialist healthcare, including alcohol and drug support. Further information is provided in the Annex.

209. All jurisdictions continue to provide comprehensive training to ensure appropriate care of detainees, with specific training provided to support staff in youth justice facilities. Training generally covers trauma-informed practice, de-escalation and conflict management techniques, emergency procedures, suicide prevention, child safety, human rights, disability and cultural awareness. Further information is provided in the Annex.

210. All state and territory detention centres are subjected to inspections and oversight by independent monitoring bodies, including nominated NPMs in some jurisdictions. Reviews may also be conducted by Children and Young People's Commissioners, Human Rights Commissions, Public Advocate, Official or Independent Visitors and the Inspector of Custodial Services. These bodies and individuals may provide both scheduled and announced visits to independently scrutinise conditions, treatment, and outcomes for young people in custody. Further information is provided in the Annex.

Separation of children and adults, and the use of solitary confinement

211. Australia recognises the importance of separating children from adults in detention, except where doing so would be contrary to the best interests of the child, including the ability to stay in touch with their families given Australia's geography.

212. Australia remains committed to ensuring that the use of isolation or segregation is limited to circumstances when it is reasonably necessary for the child's protection, or the protection of another child, staff, or property. Most jurisdictions do not use solitary confinement for young people. Where practices such as segregation, isolation or separation are used, they are strictly limited by law, subject to close monitoring and accountability, and accompanied by safeguards including time limits, regular staff contact, access to support services and necessities. Most states and territories have legislative safeguards to prevent solitary confinement of children and to separate children from adults in detention. Further information is provided in the Annex.

Reducing the incarceration rate of Aboriginal and Torres Strait Islander children, and treatment in detention

213. The Australian Government recognises that early intervention and prevention are the most effective strategies for reducing the contact of Aboriginal and Torres Strait Islander youth with the justice system and has invested in early intervention, including through the Indigenous Advancement Strategy (IAS). Through the IAS, the Government has allocated over \$84 million to programs with a focus on justice, health and wellbeing, including:

- \$5.3 million for through-care programs providing intensive case management to Aboriginal and Torres Strait Islander young people transitioning from detention back into community;
- \$31 million to employ Aboriginal and Torres Strait Islander peoples to patrol local communities and offer culturally sensitive assistance and transportation for those at risk of harm; and
- \$16.3 million for youth support and diversion activities to provide intensive case management approaches that address the underlying drivers of crime.

214. The National Justice Reinvestment Program includes a four-year commitment of \$79 million to support up to 30 community-led initiatives in Aboriginal and Torres Strait Islander communities across Australia, with ongoing funding of \$20 million per annum from 2026-27. Of the 28 justice reinvestment initiatives, 13 focus on youth. Since September 2024, the Commonwealth has committed \$41.9 million for youth engagement and intervention activities for individuals aged 10-25 years at risk of engaging with the criminal justice system.

215. States and territories have progressed initiatives to reduce the involvement of Aboriginal and Torres Strait Islander children in the justice system, and to prevent and respond to instances of physical and verbal abuse. Initiatives include expanding diversionary programs, restorative justice conferencing, and community-based alternatives to detention. Risk assessments, policies, staff training, monitoring systems and independent, transparent and tailored oversight also help prevent abuse and ill-treatment. Many jurisdictions have accessible complaints processes and clear disciplinary and criminal accountability mechanisms, with matters referred for independent investigation where appropriate, including to external oversight and integrity bodies. Further information is provided in the Annex.

Royal Commission into the Protection and Detention of Children, and National Children's Commissioner's report

216. The Australian Government is currently considering the recommendations of the former National Children's Commissioner's *Help Way Earlier!* Report. While consideration of the report and its recommendations is still underway, the Australian Government highlights a number of initiatives relevant to the recommendations in the Report, including:

- *Safe and Supported: The National Framework for Protecting Australia's Children 2021-2030*, which includes (under the 'Aboriginal and Torres Strait Islander First Action Plan 2023-2026') action items relating to:

- Improving the availability and quality of legal support for Aboriginal and Torres Strait Islander children and families engaged with child protection systems; and
- Establishing and strengthening advocacy through Aboriginal and Torres Strait Islander Commissioners, which has been implemented through the establishment of a new National Commission for Aboriginal and Torres Strait Islander Children and Young People and the appointment of its Commissioner.
- The expansion of evidence-based diversionary programs for children through a \$13.5 million program to support crime prevention and drug diversion programs nationally for people aged 10-25.
- Ongoing work to implement the OPCAT.
- Prioritisation of investments in prevention and early intervention through the justice reinvestment grant programs, including through strong partnerships with ACCOs.

217. The NT has undertaken significant reform to implement recommendations arising from the Royal Commission into the Protection and Detention of Children, the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse and the National Children's Commissioner's report on transforming youth justice systems. These reforms have focused on strengthening safeguards, improving detention conditions and reducing reliance on custody. In response, Youth Justice NT has revised policies, including stronger thresholds for governing the use of force, prohibitions on punitive or degrading practices, expanded CCTV coverage and monitoring and improved incident reporting.

Reply to the issues raised in paragraph 19 of the LoIPR*

Conditions in psychiatric hospitals, forensic disability closed centres etc

218. Several state and territory jurisdictions have specific forensic hospitals or forensic mental health and disability services or support units. The human rights of persons with psychosocial or intellectual disabilities are protected under federal legislation, including the federal *Disability Discrimination Act 1992* (Cth), and several states and territories also have protection under criminal law or through mental health legislation. Further information is provided in the Annex.

Involuntary hospitalisation and forced institutionalisation

219. States and territories have legislative and other measures to move away from involuntary hospitalisation and forced institutionalisation of people with psychosocial or intellectual disabilities.

220. All jurisdictions have Mental Health Acts, and many only permit involuntary hospitalisation where statutory criteria are met and no less restrictive options are reasonably available. Several states prioritise community-based mental healthcare services and aim to increase access to outpatient care. Further information is provided in the Annex.

Instruments of restraint and force

221. All states and territories have taken steps to regulate instruments of restraint and force through strict legal frameworks, mandatory operational policies, and accountability mechanisms. Where the use of restraint and force occurs, many frameworks limit their use to circumstances where it is strictly necessary and proportionate, with application for the shortest possible duration, and is subject to rigorous review and oversight. Further information is provided in the Annex.

Medical treatment and interventions

222. Australia remains committed to protecting the human rights of people with disability and is working to strengthen protections relating to non-therapeutic procedures resulting in the permanent sterilisation of people with disability. The Australian Government and state

and territory governments continue to consider the DRC's recommendation to prohibit non-therapeutic sterilisation of people with disability. The Australian Government supports greater publication of data on the sterilisation of people with disability.

223. Some state and territory jurisdictions have legislation addressing medical treatment and interventions, including sterilisation of persons with disabilities, including Guardianship and Administration Acts and Powers of Attorney Acts. Often only Civil and Administrative Tribunals can consent to treatment if the person is, by reason of mental incapacity, incapable of giving effective consent. Further information is provided in the Annex.

Solitary confinement of people with disability

224. Several states and territories have taken steps to reduce the use of restrictive practices with respect to people with disability. In Victoria, solitary confinement is strictly prohibited for young people, and isolation must not be authorised unless all other reasonably practicable behavioural, relational, and therapeutic interventions have been attempted. In Queensland, any period of seclusion is short-term, time-limited, justifiable, considers relevant legislation and is reviewed at least every three hours. Further information is provided in the Annex.

Measures to prevent indefinite detention

225. All Australian governments recognise the importance of providing effective access to justice for people with disability, including intellectual or psychosocial disability, to ensure their rights are respected. The Australian Government and certain state and territory governments have accepted a number of recommendations made by the DRC.

226. Under *Australia's Disability Strategy 2021-2031* (ADS), all Australian governments have agreed to work towards ensuring the criminal justice system responds effectively to the complex needs and vulnerabilities of people with disability and reduce the overrepresentation of people with disability across the criminal justice system.

227. The National Principles Relating to Persons Unfit to Plead or Found Not Guilty by Reason of Cognitive or Mental Health Impairment identify safeguards throughout legal processes. These Principles ensure that treatment is tailored, inclusive and recovery-oriented, with coordinated care. In August 2025, SCAG agreed to establish a cross-jurisdictional working group to undertake a review of the National Principles in line with the DRC's recommendation to eliminate the risk of indefinite detention of persons with cognitive or mental health impairments.

228. In response to the DRC, all Australian governments agreed to improve national data collection relating to persons found unfit to plead or not guilty by reason of cognitive or mental health impairment. The DRC recommended that all Australian states and territories implement actions to provide that certain restrictive practices be prohibited against people with disability. All but two jurisdictions accepted the recommendations in principle. State and territory legislation may place limits on the terms of detention of persons found unfit to stand trial or not guilty due to cognitive or mental health impairment. Further information is provided in the Annex.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

229. All Australian governments are committed to sustaining momentum to ensure an inclusive Australia for people with disability.

230. Since governments responded to the DRC's Final Report in July 2024, there has been a strong and ongoing focus on engaging with people with disability, representative organisations and disability advisory groups to guide the implementation of responses to the DRC's recommendations. The first Progress Report on the implementation of the 222 recommendations was published in 2025.

- Of the 172 recommendations for which the Commonwealth is solely or jointly responsible: 71 are in progress, 51 require further work, 36 are subject to further consideration, 8 are completed, and 6 are noted.

- Of the 50 recommendations which are solely the responsibility of states and territories, the 2025 Progress Report shows that 19 are in progress, 13 are subject to further consideration; 9 require further work, and 4 are completed.

231. The Progress Report builds on the National Interim Update that was released in December 2024. Additionally, there is broader disability reform that the Australian Government is working to progress, including establishing foundational supports and improving outcomes under the ADS. Ongoing joint government efforts will continue to focus on building better systems and implementing reforms to create an environment where people with disability can live free from violence, abuse, neglect, and exploitation.

232. The Queensland Government is guided by its Queensland Disability Stakeholder Engagement and Co-design Strategy and will also pilot a disability stream as part of the Court Link program in the Brisbane Magistrates Court. The Department of Justice has undertaken consultation to understand and improve the capability of courts and tribunals to deliver accessible services that enable the full participation of people with disability.

Reply to the issues raised in paragraph 20 of the LoIPR*

OPCAT

233. The Australian Government continues to work with states and territories and the UN Subcommittee on Prevention of Torture (SPT) to support the implementation of Australia's OPCAT obligations. On 23 December 2025, the SPT recognised that Australia has met the requirements for NPM designation, following nomination of the Australian NPM as the multi-body network model of NPMs currently nominated at the Commonwealth, state and territory level, which is supported by the Commonwealth Ombudsman as the Australian NPM Coordinator. Further information is provided in the Annex.

234. The Australian Government deeply regrets the decision by the SPT to terminate its visit to Australia in 2022 and remains committed to facilitating international monitoring consistent with Australia's OPCAT obligations. In response to barriers faced by the SPT, Queensland urgently introduced the *Monitoring of Places of Detention (OPCAT) Act 2023* (Qld), to facilitate SPT visits and provision of information to the SPT. Victoria's Parliament also passed the *Monitoring of Places of Detention by the United Nations Subcommittee on Prevention of Torture (OPCAT) Act 2022* (Vic) to support the SPT's visit. The SPT was not able to visit NSW at that time; however, NSW successfully facilitated the 2025 visit of the UN Working Group on Arbitrary Detention.

Implementation of recommendations from monitoring bodies

235. All recommendations made by monitoring bodies are considered in good faith by relevant responsible entities.

236. Overall, Australia's approach integrates careful and systematic consideration of recommendations, recommendation tracking and assurance processes, independent oversight, and operational and policy reform, ensuring that recommendations arising from monitoring visits, particularly those concerning allegations of torture or ill-treatment, are carefully considered, responded to and, where accepted, monitored through to completion.

237. At the Commonwealth level, recommendations from external monitoring bodies including the AHRC, the Commonwealth Ombudsman and the Australian National Audit Office (ANAO) are formally assessed, tracked and implemented through established governance and assurance processes.

238. With respect to immigration detention facilities, DHA monitors implementation through regular reporting with recommendations closed following independent verification that the underlying issues identified by the monitoring body, including risks relating to potential ill-treatment or human rights concern, have been effectively addressed.

239. Australia can demonstrate tangible progress in implementing external recommendations. In the past 12 months, DHA closed 226 recommendations, including 73 from external scrutiny bodies. This includes the full implementation of recommendations from reports such as the Commonwealth Ombudsman's post visit review of the Villawood

Immigration Detention Centre, demonstrating a consistent approach to responding to findings arising from inspections of detention facilities.

240. In cases where allegations of torture or ill-treatment are raised, recommendations are reinforced by operational responses. All complaints or allegations are promptly reviewed, including through review of CCTV footage, interviews and, where appropriate, referral to law enforcement authorities. Where misconduct is identified, disciplinary, contractual or criminal consequences may apply. Lessons from these investigations are incorporated into policy updates, staff training, and system wide reviews to prevent recurrence.

241. In the ACT, ACT Policing provides regular updates on progress against NPM recommendations and provided updates against all previous recommendations in 2025. In 2026, the NPM observed positive initiatives in ACT Policing's custody facilities including monitoring key health signs of people in detention, introducing the Watch House Readiness Team, improving onboarding for new staff, purchasing safety Personal Protective Equipment (PPE) and the collaborative relationship with the Clinical Forensic Medical Services to provide training and guidance. The NPM noted that ACT Policing was very responsive to comments and looked to remedy concerns.

Articles 12-13

Reply to the issues raised in paragraph 21 of the LoIPR*

Independent investigation of complaints

242. Australia maintains a comprehensive suite of complaint, investigation and oversight mechanisms available to adults, young people in detention, and members of the public. These mechanisms include both internal complaint mechanisms and independent external oversight bodies including official visitors, Ombudsman or Human Rights Commissions, anticorruption entities, advocacy services, and law enforcement.

243. The Guiding Principles for Corrections in Australia represent a statement of national intent that each Australian state and territory jurisdiction has accessible and effective complaints processes for prisoners and detainees; independent oversight, including through Official Visitors with unrestricted access to detention facilities; and prompt, fair, and transparent complaint review frameworks.

244. The OCO oversees the AFP's handling of complaints relating to the use of force through annual reviews and notification requirements for certain complaints, including serious misconduct, breach of criminal law, and serious neglect of duty.

245. DHA assesses allegations of excessive force within immigration detention facilities through review of available evidence including video footage, incident and medical reports and detainee statements.

246. Members of the Australian Defence Force are required to comply with Australian law and applicable international legal obligations during the conduct of operations, including Criminal Code Divisions 268 and 274, dealing with genocide, crimes against humanity, war crimes and torture. Offences under these Divisions attract significant penalties reflecting the gravity of the conduct, including up to 25 years' imprisonment for torture as a crime against humanity or a war crime under Division 268, and up to 20 years' imprisonment for the offence of torture under Division 274. ADF personnel are subject to the *Defence Force Discipline Act 1982* (Cth) and also liable for prosecution by the independent Director of Military Prosecutions for offences committed under the military discipline system.

247. The ADF has a system of independent oversight and complaints mechanisms, including the independent Inspector-General of the ADF, the Defence Ombudsman, and the Public Interest Disclosure scheme, in addition to internal chain-of-command complaints mechanisms. Civilians and ADF personnel may also make complaints to civilian police about mistreatment, and to raise civil liability claims in respect of alleged unlawful conduct that may have occurred.

248. Several states and territories also have Ombudsmen, Anti-Corruption Commissions and Professional Standards or Public Integrity groups to provide oversight, review incidents involving alleged excessive use of force and, where appropriate, refer matters for investigation. Further information is provided in the Annex.

Interactions between CDPP and investigative authorities

249. The Office of the Director of Public Prosecutions (Cth) (CDPP) does not investigate allegations that offences have been committed. Investigations are carried out by the AFP, state or territory police or a government agency with investigative capabilities, such as the Australian Taxation Office.

250. If a Commonwealth offence appears to have been committed, a brief of evidence will be referred to the CDPP for assessment as to whether a prosecution should commence in accordance with policy. Where a person has been arrested and charged prior to the brief of evidence being referred, CDPP will assess the brief to determine whether the prosecution should continue. The CDPP provides a range of services for partner agencies including pre-brief engagement and advice, support with building briefs, brief assessments, prosecution reviews, secondments, liaison, training and specialist conferences. The CDPP works with around 50 Commonwealth partner agencies, as well as state and territory police and public prosecution agencies. Further information is provided in the Annex.

Confidential complaints in places of detentions

251. Complaints mechanisms are promoted within places of detention during induction processes and through ongoing access to information materials and support services including prominently displayed posters, pamphlets and free, confidential phone call services. In immigration detention facilities, interpreter services are available to all detainees to facilitate access to complaints mechanisms.

252. Complaint processes include protections for confidentiality and allow complaints to be made anonymously. Each complaint is managed discreetly, and complainants are protected against victimisation. Legislation makes it an offence to victimise people who make complaints to complaint handling and inspection bodies like the Commonwealth, state or territory Ombudsmen and the Inspector of Custodial Services.

253. Correctional staff are required to record, monitor and respond appropriately to complaints raised by detainees in accordance with jurisdictional requirements. Correctional facilities and external oversight agencies such as the Commonwealth, state or territory Ombudsmen, the AHRC, or the police have complaint-handling procedures that require a formal response to the complainant.

254. AFP and ACT Policing personnel are subject to complaint and integrity processes established under the *Australian Federal Police Act 1979* (Cth). Complaints are triaged by the AFP Workplace Issues and Complaints Resolution team and managed through confidential integrity and oversight processes. State and territory police forces have accessible complaints mechanisms and independent review bodies such as Corruption and Crime Commissions. Further information is provided in the Annex.

DPP investigations

255. The CDPP does not have investigative powers and functions. Where the CDPP becomes aware of allegations of offending against federal or state or territory laws, the CDPP will advise the complainant of the investigative or policing agency that is most appropriately placed to consider investigating the allegations or refer the matter to that agency.

Alleged perpetrators relieved of duties during investigations

256. Employers may suspend staff members from duty while allegations of serious misconduct are assessed, subject to applicable legal and industrial requirements. An assessment is usually undertaken, with consideration for the seriousness of allegations, the nature of employment and whether the staff's presence in the workplace may pose a serious risk. Further information is provided in the Annex.

Reply to the issues raised in paragraph 22 of the LoIPR*

Data on acts of torture

257. While Commonwealth, state and territory authorities record complaints in relating to alleged torture, CIDTP and excessive use of force, these data are not collected nationally in a uniform manner and are therefore not available in a form that would enable a comprehensive response to all aspects of the Committee's request. Further information is provided in the Annex.

Article 14

Reply to the issues raised in paragraph 23 of the LoIPR*

Redress and compensation measures for torture or ill-treatment

258. Under Australia's federal system, victims' compensation schemes are primarily administered by states and territories. Every jurisdiction has a victims' compensation scheme which provides for counselling and financial assistance for compensable violent acts, as well as financial assistance for financial loss and compensable injuries that arise from a violent act. Further information is provided in the Annex.

259. Victims of torture and other CIDTP have access to victims' compensation schemes within their relevant jurisdiction. Specialist torture and trauma services also exist in all jurisdictions to assist refugees who enter Australia and are victims of torture and CIDTP. Civil remedies are also available under Australian law in relation to actions which breach human rights, for example, wrongful imprisonment.

260. The Australian Government also administers the National Redress Scheme for Institutional Child Sexual Abuse, which may offer redress to people who have experienced child sexual abuse in an institutional setting. All state and territory governments and a number of non-government institutions participate in the Scheme.

261. Under the National Redress Scheme, an offer of redress comprises three components (which the applicant can select, where eligible): a monetary payment up to \$150,000, access to counselling and psychological care, and a 'direct personal response' from the responsible institution/s.

262. Since the Scheme's commencement in 2018, and as of 22 May 2026, there have been 80,065 applications received. Of these, 25,776 applications have been finalised, with 22,666 eligible and receiving payment.

263. The National Redress Scheme is governed by the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth). The Scheme is based on institutional responsibility assessed against the evidentiary threshold of "reasonable likelihood", which is lower than the civil standard of proof. This means it is not a requirement that a perpetrator has been identified or found guilty of an offence, for an applicant to be found eligible.

264. Prisoners and former prisoners can report child sexual abuse allegations to the National Redress Scheme via a free, confidential unmonitored call listed on the Common Auto Dial List. The Scheme is also recognised as an exempt body for privileged mail.

265. Some state and territory jurisdictions have legislative and administrative measures available to victims of torture and ill-treatment. For example, in Queensland, eligible victims of violent crime can apply for and receive financial assistance under the *Victims of Crime Assistance Act 2009* (Qld) (VCAA) and in NSW a victim of an 'act of violence' as defined in the *Victims Rights and Support Act 2013* (NSW) may be eligible for support through the Victims Support Scheme. Further information is provided in the Annex.

266. Under Queensland's VCAA, eligible victims of violent crime can apply for and receive financial assistance, including a lump sum payment for violent crime. Victims can also be reimbursed for expenses such as counselling, medical and other expenses which

support their recovery. The amounts of financial assistance available to eligible victims are prescribed in the VCAA.

Reply to the issues raised in paragraph 24 of the LoIPR

Redress for victims of unlawful assault and killing in Afghanistan

267. The Australian Government takes allegations of breaches of the Law of Armed Conflict by ADF personnel seriously and has established mechanisms to investigate allegations and provide redress where appropriate.

268. The Inspector-General of the ADF Afghanistan Inquiry was commissioned following allegations of unlawful conduct by members of the Special Operations Task Group in Afghanistan between 2005 and 2016.

269. The Inquiry was conducted at arm's length from the ADF chain-of-command and Government to ensure its independence and integrity, and reported in 2020. The Inquiry made a number of findings and 143 recommendations. Defence accepted all findings and developed a comprehensive plan in response to the Inquiry's recommendations.

270. The Afghanistan Inquiry Compensation Scheme has been established by the Australian Government to provide compensation to family members of victims of unlawful killing and individuals who have suffered an unlawful assault or property damage as established by the Inspector General of the ADF in the Afghanistan Inquiry Report. Compensation may be monetary, non-monetary (such as the construction of a building) and/or a letter of apology or acknowledgement. The scheme does not require the establishment of legal liability and is separate from any other financial, legal, or regulatory mechanism that a person may have access to.

271. The Office of the Special Investigator (OSI) is working with the AFP to investigate allegations of criminal offences under Australian law, arising from or related to any breaches of the Laws of Armed Conflict, by members of the ADF in Afghanistan from 2005 to 2016. Joint investigations conducted by the OSI and AFP have resulted in charges being laid against two former members of the Australian Special Forces for offences under section 268.70(1) of the Criminal Code.

Article 16

Reply to the issues raised in paragraph 25 of the LoIPR*

Corporal punishment

272. While Australian law does not prohibit corporal punishment in all settings, child protection laws and criminal offences apply where conduct amounts to abuse or causes harm to a child. The Australian Government does not endorse corporal punishment as an approach to student behaviour management in schools.

273. Most jurisdictions have expressly prohibited corporal punishment in government schools or repealed legislative provisions that previously provided a defence to use it. Criminal penalties apply in all jurisdictions to teachers who abuse or assault children. Further information is provided in the Annex.

274. Reasonable chastisement (or lawful correction) remains an available defence to charges of assault by a parent against a child under the Australian common law and in legislation in some states and territories. For example, in 2023 the Queensland Government requested a review of the defences and excuses in the *Criminal Code Act 1899* (Qld) and is considering options after the Queensland Law Reform Commission delivered its Final Report *Review of particular defence: Just, clear and modern: Reformed criminal defences for Queensland* in December 2025.

275. Australian governments promote positive parenting approaches and non-violent behaviour management through a range of parenting support and early intervention programs. The Australian Government invests around \$260 million annually in parenting and early childhood intervention and prevention programs to build the capacity of parents.

Services identify issues that could impact on child or family outcomes and provide interventions or appropriate referrals.

276. There are various programs in all States and Territories which provide training to people working with children in education and care settings for positive approaches to teaching and behaviour management. For example, all NSW Department of Education staff and teachers in schools are required to report concerns about suspected risk of harm to students. NSW introduced legislation in 2025 to reform the regulation of early learning services to rebuild trust and improve the safety of children in care.

277. The National Quality Framework (NQF), Australia's system for regulating early childhood education and care (ECEC), includes:

- Education and Care Services National Law (National Law) and Education and Care Services National Regulations (National Regulations)
- National Quality Standard (NQS)
- assessment and quality rating process
- national learning frameworks.

278. A key objective of the NQF is to ensure the safety, health and wellbeing of children attending education and care services. Corporal punishment and inappropriate or unreasonable discipline is contrary to this objective and are offences under the National Law.

Reply to the issues raised in paragraph 26 of the LoIPR*

Use of tasers

279. Australia continues to adopt the principle that the use of conducted energy weapons (tasers) is proportionate to the level of risk involved, and the minimum level appropriate for the safe and effective performance of police duties.

280. The Australia and New Zealand Policing Advisory Agency's use of force principles guide jurisdictions in policies and procedures and promote cross-jurisdictional cooperation for continuous improvement in the area of use of force, including the use of tasers.

281. Jurisdictions maintain governance structures to report, record, monitor, and evaluate the use of tasers. While reporting on the use of tasers is mandatory in all jurisdictions, the threshold and reporting requirements vary across each state and territory. In most jurisdictions, tasers may only be deployed where there is an "immediate physical threat of serious harm". Further information is provided in the Annex.

282. Tasers are not used on pregnant women and children except in exceptional circumstances where there is an imminent risk of serious injury and no reasonable alternative exists.

283. Tasers are not used in immigration detention network. Custodial staff generally do not use or have access to tasers in correctional facilities. Police officers are also not permitted to carry such devices in areas of police custody unless in exceptional circumstances and by officers with specific training.

Investigating causes of disproportionate use against Aboriginal and Torres Strait Islander people and members of minority groups

284. State and territory police forces in Australia recognise the importance of ensuring that the use of tasers is lawful, proportionate, and applied without discrimination. Use of force incidents are often subject to internal oversight and review mechanisms, mandatory reporting, and external oversight and scrutiny by bodies such as Ombudsmen and Anticorruption Commissioners. Further information is provided in the Annex.

Response to any allegations of excessive use of force

285. State and territory jurisdictions have safeguards in place in relation to use of force. ACT Policing has not identified complaint data specific to alleged excessive use of force arising from the use of conducted electrical weapons. Allegations are managed through the

AFP complaints framework and investigated according to the seriousness of the matter, with outcomes including no finding, an established finding, or management, disciplinary or other action, as appropriate. WA's Department of Justice has not had any alleged excessive use of force that has occurred as a result of such devices.

286. The ACT and Commonwealth Ombudsman published 'Use of force by ACT Policing: more to do to lessen harm', together with ACT Policing's formal response, concluding an own-motion investigation into ACT Policing's use of force in June 2025. ACT Policing is progressing the actions identified in its response, supported by oversight. In Victoria, custodial staff do not have authority to access or use tasers in correctional facilities.

II. Other issues

Reply to the issues raised in paragraph 27 of the LoIPR*

Counter-terrorism measures

287. Australia maintains a range of terrorist offences and counter-terrorism frameworks, powers and oversight mechanisms designed to protect the community from threatened or actual terrorist acts while respecting the rule of law, democratic freedoms and human rights. These include:

- Offences for engaging in a terrorist act and engaging with a terrorist organisation
- Offences for engaging in a state terrorist act and engaging with a proscribed state sponsor of terrorism
- Orders for managing high risk terrorist offenders and for protecting the public from a terrorist act, and
- Powers for police and intelligence agencies to investigate and prevent terrorist and state terrorist acts.

288. Most states and territories have counter-terrorism legislation and committees or groups to respond to terrorism and violent extremism. Further information is provided in the Annex.

Safeguards for counter-terrorism measures

289. The Australian Government is committed to ensuring that counter-terrorism measures remain compatible with human rights.

290. In January 2025, the Australian Government released *A Safer Australia Strategy* to counter terrorism and violent extremism. It prioritises prevention and early intervention measures to address radicalisation before the threshold for law enforcement or coercive powers. These measures aim to minimise unnecessary interference with individual rights, operate within clear policy and legal frameworks, and complement existing judicial, parliamentary and independent oversight arrangements.

291. Australia has introduced a range of legislative reforms to bolster safeguards and oversight mechanisms within the intelligence community, including:

- In 2023 to bolster the ability of the Inspector-General of Intelligence and Security (IGIS) to provide effective oversight of relevant intelligence and security agencies, and clarifying that whistleblowers can disclose classified information to the IGIS.
- The *Counterterrorism and Other Legislation Amendment Act 2023* (Cth) to enhance safeguards and oversight mechanisms for a range of counter-terrorism powers, including by introducing additional considerations for decision-makers, enhanced reporting requirements, and new notification requirements.
- The *Strengthening Oversight of the National Intelligence Community Act 2025* (Cth) to implement independent review recommendations to strengthen and expand oversight, including expanding the mandate of the IGIS and bringing all the agencies in the National Intelligence Community (NIC) within IGIS oversight

jurisdiction to ensure they operate under a consistent oversight framework. The Independent National Security Legislation Monitor (INSLM) may review any Commonwealth legislation relating to counter-terrorism or national security.

292. Both the IGIS and the Commonwealth Ombudsman continuously review the use of powers by agencies within their jurisdiction, including those related to counter-terrorism, and publicly report on their findings.

293. The AFP provides counter-terrorism and National Security Investigations training programs to address the legal framework governing terrorism offences and related powers. This includes relevant provisions of the Criminal Code concerning terrorism, terrorist organisations, terrorist financing, foreign incursions, treason-related offences, control orders and PDOs, as well as relevant powers under the Crimes Act, including arrest, investigation periods and extensions, stop, search and seizure powers, monitoring warrants and delayed notification search warrants.

294. AFP training emphasises the safeguards and legal requirements governing the exercise of these powers, including notification of rights, limits on questioning, age restrictions for PDOs, ministerial consent requirements for control orders, judicial authorisation and notification requirements for warrants, and the need to seek AFP legal advice where appropriate. States and territories also have safeguards and remedies established in legislation and oversight frameworks. Further information is provided in the Annex.

295. Control orders can only be issued by a court on application by AFP with the AFP Minister's consent, and must be necessary, proportionate, and time-limited, with consideration of personal and financial impacts. High Risk Terrorist Offender post-sentence orders are determined by the Supreme Court and subject to legal processes, review, and reporting requirements. These regimes are further overseen through parliamentary scrutiny, independent monitoring, and annual reporting mechanisms.

296. Australia's post-sentence order and control order frameworks allow for orders to be imposed on individuals to manage high risk terrorist offenders and for protecting the public from a terrorist act respectively. Under both frameworks, orders are issued by a court and are subject to strict statutory thresholds and maximum timeframes.

Definition of terrorism

297. The Parliamentary Joint Committee on Intelligence and Security (PJCIS) and the INSLM can conduct reviews into new or existing pieces of counter-terrorism legislation and have continued to review a range of prospective and existing national security legislation, in addition to their ongoing oversight activities.

298. Notably, the INSLM is reviewing the definition of "terrorist act" in section 100.1 of the Criminal Code on the INSLM's own motion and is expected to report to the Attorney-General in September 2026. The review is considering whether the legislation contains appropriate safeguards for protecting the rights of individuals, whether the definition remains necessary and proportionate, and whether the definition is consistent with Australia's international obligations.

299. The PJCIS recently reported on proposed reforms to the Australian Security Intelligence Organisation compulsory questioning warrants frameworks, making four recommendations to further strengthen safeguards and accountability in relation to the granting and use of the powers, including continued independent and proactive oversight by the IGIS. These recommendations were agreed or agreed in-principle by the Australian Government, including a further safeguard requiring the prescribed authority to provide written reason if they direct the removal of a lawyer for unduly disrupting questioning.

INSLM recommendations

300. The Australian Government gives careful consideration to all recommendations made by the INSLM, the Council of Australian Governments (dissolved), the Parliamentary Joint Committee on Intelligence and Security and other oversight bodies when reviewing and reforming national security legislation. The Government's responses to reports of the

Independent National Security Legislation Monitor are published online and tabled in Parliament.

III. General information on other measures and developments relating to the implementation of the Convention in the State party

Reply to the issues raised in paragraph 28 of the LoIPR

Other legislative, administrative, judicial or other measures

301. Amendments to the *Mutual Assistance in Criminal Matters Act 1987* (Cth) were made in 2023 strengthened Australia's protections against torture in the mutual assistance context. These amendments broadened the existing mandatory refusal ground for torture by replacing "the person" with "a person" in paragraph 8(1)(ca). This change requires the Attorney-General to refuse a request where there are substantial grounds to believe that granting assistance would expose any person to torture, not just the subject of the mutual assistance request.

Consultation Draft