

Serial

Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Amendment Bill 2022

Ms Uibo

A Bill for an Act to amend the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* and for related purposes

CONSULTATION DRAFT ONLY

**PREPARED FOR THE DEPARTMENT OF THE ATTORNEY-GENERAL
AND JUSTICE**

NORTHERN TERRITORY OF AUSTRALIA

MONITORING OF PLACES OF DETENTION (OPTIONAL PROTOCOL TO
THE CONVENTION AGAINST TORTURE) AMENDMENT ACT 2022

Act No. [] of 2022

Table of provisions

Part 1 Preliminary matters

1	Short title	1
2	Commencement	1

**Part 2 Amendment of Monitoring of Places of
Detention (Optional Protocol to the
Convention Against Torture) Act 2018**

3	Act amended	1
4	Section 3 amended (Interpretation)	2
5	Section 4 amended (Meaning of <i>place of detention</i>)	3
6	Section 9 amended (Ministerial arrangements)	3
7	Sections 14 and 15 replaced	3

Part 2A Local inspections

Division 1 NT NPM

14	Object of Part
15	NT NPM established
16	Functions of NT NPM
17	Cooperation with other oversight bodies
18	Independence of NT NPM
19	Staff of NT NPM
20	Delegation

Division 2 NPM Inspectors

21	Appointment of NPM Inspectors
22	Eligibility for appointment
23	Term of appointment
24	Conditions of appointment
25	Oath before taking office
26	Acting NPM Inspector
27	Vacancy in office
28	Resignation
29	Termination of appointment
30	Appointment of Chief NPM Inspector
31	Chief NPM Inspector taken to be NPM Inspector

Division 3 Inspections

32	Inspections	
33	Access to places of detention	
34	Access to information	
35	Interview of persons	
36	Detaining authority to give reasonable assistance	
37	Unreasonable obligations	
38	Application of Division	
	Division 4	Reporting and other matters
39	Reports of Chief NPM Inspector	
40	Reports of NT NPM	
41	Joint reports	
42	Opportunity to be heard	
43	Publication of identifying information	
44	Information sharing	
45	Publication of guidelines	
46	Policy review	
47	Recommendations	
48	Communication with Subcommittee	
	Part 2B	Protections and offences
49	Protection from liability	
50	Protection against actions	
51	Protection against reprisals	
52	Offence to obstruct NPM Inspector	
8	Section 16 amended (Directions of responsible Minister).....	18
9	Section 17 amended (Regulations)	18
	Part 3	Amendment of Children's Commissioner Act 2013
10	Act amended	18
11	Section 10 amended (Commissioner's functions and powers)	18
	Part 4	Amendment of Correctional Services Act 2014
12	Act amended	18
13	Section 4 amended (Definitions).....	19
14	Section 32 repealed (Minister's guidelines)	19
15	Act further amended	19
	Part 5	Amendment of Disability Services Act 1993
16	Act amended	19
17	Section 50 amended (Appointment)	19
18	Section 51 repealed (Interim community visitor).....	20
19	Act further amended	20

Part 6	Amendment of Mental Health and Related Services Act 1998	
20	Act amended	20
21	Section 101 amended (Principal community visitor)	20
22	Section 101A amended (Resignation and termination of appointment – principal community visitor).....	21
23	Section 103 amended (Community visitors)	21
24	Section 103A amended (Resignation and termination of appointment – community visitor)	22
25	Section 103B repealed (Interim appointment of community visitor)	22
26	Section 106 amended (Visiting duties)	22
Part 7	Amendment of Independent Commissioner Against Corruption Act 2017	
27	Act amended	22
28	Section 4 amended (Definitions).....	22
29	Section 93 amended (Meaning of <i>protected communication</i>).....	23
Part 8	Repeal	
30	Repeal of Act.....	23
Schedule 1	Correctional Services Act 2014 further amended	
Schedule 2	Disability Services Act 1993 further amended	



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2022

An Act to amend the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* and for related purposes

[Assented to [] 2022]
[Introduced [] 2022]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Amendment Act 2022*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018

3 Act amended

This Part amends the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*.

4 Section 3 amended (Interpretation)

(1) Section 3(1)

insert

Chief NPM Inspector means the Chief NPM Inspector appointed under section 30.

eligible person, see section 22.

identifying information means information in relation to a person that:

- (a) contains identifying details in relation to the person; or
- (b) enables the identity of the person to be ascertained or discovered.

national preventive mechanism has the meaning that it has in the Optional Protocol.

NPM Inspector means an NPM Inspector appointed under section 21.

NT NPM means the NT National Preventive Mechanism established by section 15.

oversight body means a person or Agency or an agency of the Commonwealth that has the function, in whole or in part, of providing oversight in relation to places of detention or of preventing torture and other cruel, inhuman or degrading treatment or punishment.

prescribed office means any of the following:

- (a) the Ombudsman under the *Ombudsman Act 2009*;
- (b) the Children's Commissioner under the *Children's Commissioner Act 2013*;
- (c) the principal community visitor under the *Disability Services Act 1993*;
- (d) the principal community visitor under the *Mental Health and Related Services Act 1998*;
- (e) an office or designation prescribed by regulation.

relevant Commonwealth agency means the Commonwealth office or agency that has responsibility for the Commonwealth's obligations under Article 23 of the Optional Protocol.

(2) Section 3(1), at the end

insert

Note for subsection (1)

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

5 Section 4 amended (Meaning of *place of detention*)

Section 4(2)(c)

omit, insert

(c) a part of a police station or court complex where a person may be detained or deprived of their liberty;

6 Section 9 amended (Ministerial arrangements)

Section 9(2)(f)

omit

juveniles

insert

children

7 Sections 14 and 15 replaced

Sections 14 and 15

repeal, insert

Part 2A Local inspections

Division 1 NT NPM

14 Object of Part

The object of this Part is to establish a national preventive mechanism to fulfil the mandate set out in Article 17 of the Optional Protocol in relation to places of detention in the Territory.

15 NT NPM established

The NT National Preventive Mechanism is established.

16 Functions of NT NPM

- (1) The NT NPM must exercise its functions with the purpose of improving the treatment and conditions of detainees and to prevent torture and other cruel, inhuman or degrading treatment or punishment.
- (2) The NT NPM has the following functions:
 - (a) to regularly examine and review the conditions of detention and treatment of persons deprived of their liberty in places of detention;
 - (b) to have contact, collaborate and exchange information with the Subcommittee and other oversight bodies;
 - (c) to make recommendations and provide advice to responsible Ministers and Agencies;
 - (d) to review, comment on and engage in consultation on existing or proposed policies and laws;
 - (e) to report on the exercise of its functions to responsible Ministers;
 - (f) any functions that are conferred on the NT NPM under this or any other Act;
 - (g) to do all things necessary or convenient to be done in connection with, or incidental to, the exercise of its functions.
- (2) The NT NPM has the powers necessary for the exercise of its functions.

17 Cooperation with other oversight bodies

- (1) The NT NPM must endeavour to act in cooperation with other oversight bodies in relation to aspects of the NT NPM's functions that are relevant to those bodies.
- (2) The NT NPM may at any time communicate, consult and collaborate with other oversight bodies.

18 Independence of NT NPM

- (1) In exercising its functions under this Act, the NT NPM must act independently, impartially and in the public interest.
- (2) The NT NPM is not subject to the direction or control of a Minister under this or any other Act in relation to the performance of functions under this or any other Act (including in relation to the content of any report or recommendation made by the NT NPM).

19 Staff of NT NPM

- (1) The NT NPM may do any of the following for the purposes of enabling the NT NPM to exercise its functions under this Act:
 - (a) appoint, employ or engage the services of any person;
 - (b) make arrangements with an Agency to make use of the services of any public sector employee;
 - (c) make arrangements with another oversight body to make use of the services of any employee of the oversight body.
- (2) An arrangement under subsection (1) is made on the terms agreed to by the parties.
- (3) A person involved in the management of a place of detention must not be employed or engaged under subsection (1) in relation to that place of detention.

20 Delegation

The NT NPM may delegate any of its powers and functions under this Act to a person.

Division 2 NPM Inspectors**21 Appointment of NPM Inspectors**

- (1) The Administrator may appoint an eligible person to be the NPM Inspector for a place of detention.
- (2) A person may be appointed under subsection (1) for more than one place of detention.
- (3) An appointment under subsection (1) may be made by reference to a particular designation or office.

- (4) An NPM Inspector has the functions of the NT NPM under this Act in relation to a place of detention for which the NPM Inspector is appointed.
- (5) The responsible Minister for a place of detention for which the person is appointed must table a copy of the appointment in the Legislative Assembly within 6 sitting days after the appointment is made.
- (6) A person may hold office as, and exercise the functions of, an NPM Inspector in addition to holding another office or exercising functions under another Act.

Note for section 21

See the Children's Commissioner Act 2013, the Correctional Services Act 2014, the Disability Services Act 1993 and the Mental Health and Related Services Act 1998 for further provisions relating to NPM Inspectors.

22 Eligibility for appointment

- (1) A person is an **eligible person** to be appointed as an NPM Inspector if:
 - (a) the person is the holder of a prescribed office; or
 - (b) the person:
 - (i) has suitable qualifications or experience relating to the NT NPM's functions; and
 - (ii) is committed to the purposes of this Act and its underlying principles; and
 - (iii) is not involved in the management of, and has no direct interest in, any place of detention; and
 - (iv) is not any of the following:
 - (A) a judicial officer;
 - (B) a member of an Australian parliament;
 - (C) a member of a local government council or of an equivalent body in a State or another Territory;
 - (D) a member of a political party;
 - (E) a prescribed officer of a Territory controlled entity;and

- (v) the person does not have a recent political affiliation.
- (2) For subsection (1)(b)(v), a person has a recent political affiliation if, at any time during the previous 5 years, the person:
- (a) was a member of the Legislative Assembly or a local government council; or
 - (b) was an office holder or elected representative of a political party in the Territory or elsewhere in Australia; or
 - (c) was a member of staff of a minister; or
 - (d) made a reportable donation to a political party, or an associated entity of a political party, in the Territory or elsewhere in Australia.
- (3) For subsection (2)(d), a person made a reportable donation if it was made by the person or by a body corporate of which the person was an office holder or majority shareholder at the time the donation was made.
- (4) In this section:

reportable donation means a gift or loan that is required to be disclosed or reported under Part 10 of the *Electoral Act 2004* or under a similar law in force in the Commonwealth or in a State or another Territory.

23 Term of appointment

An NPM Inspector holds office for a period of 5 years and is eligible for reappointment.

24 Conditions of appointment

- (1) An NPM Inspector holds office on the conditions, including conditions about remuneration, expenses and allowances, determined by the Administrator.
- (2) An NPM Inspector's conditions of office:
- (a) cannot provide any conditions (for example as to remuneration) that are contingent on the NPM Inspector's performance in office; and
 - (b) cannot be varied during the NPM Inspector's term in office.

25 Oath before taking office

- (1) Before exercising any functions as an NPM Inspector, the NPM Inspector must take an oath that the NPM Inspector will faithfully, impartially and truly exercise the functions of the NPM Inspector according to law.
- (2) Before exercising any functions as an Acting NPM Inspector, the Acting NPM Inspector must take an oath that the Acting NPM Inspector will faithfully, impartially and truly exercise the functions of the Acting NPM Inspector according to law.
- (3) The oath must be administered:
 - (a) for an NPM Inspector – by the Administrator; or
 - (b) for an Acting NPM Inspector – by the Administrator or the responsible Minister for a place of detention for which the Acting NPM Inspector is appointed.

26 Acting NPM Inspector

- (1) The Administrator may appoint an eligible person act as the NPM Inspector for a place of detention:
 - (a) during a vacancy in the office of the NPM Inspector for the place of detention; or
 - (b) during a period, or all periods, when the NPM Inspector for the place of detention is for any reason unable to perform the duties of the office.
- (2) A person may be appointed under subsection (1) for more than one place of detention.
- (3) An Acting NPM Inspector holds office on the conditions, including conditions about remuneration, expenses and allowances, determined by the Administrator.

27 Vacancy in office

- (1) The office of an NPM Inspector becomes vacant if:
 - (a) the NPM Inspector resigns under section 28; or
 - (b) the NPM Inspector's appointment is terminated under section 29; or

- (c) the NPM Inspector is found guilty of an offence, whether in the Territory or elsewhere, for which the maximum penalty is imprisonment for a term of at least 12 months, with or without a fine; or
 - (d) the NPM Inspector becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (e) the NPM Inspector becomes a candidate for election as a member of an Australian parliament or a local government council; or
 - (f) the NPM Inspector is no longer an eligible person for appointment.
- (2) A decision, an act or an omission of an NPM Inspector is not invalid only because of a defect in the appointment of the NPM Inspector, including not being an eligible person for appointment.

28 Resignation

An NPM Inspector may resign office by written notice given to the Administrator.

29 Termination of appointment

- (1) The Administrator may terminate the appointment of an NPM Inspector if:
- (a) the NPM Inspector becomes physically or mentally incapable of satisfactorily performing official duties; or
 - (b) the NPM Inspector engages in corrupt conduct as defined in section 10 of the *Independent Commissioner Against Corruption Act 2017*; or
 - (c) the NPM Inspector engages in paid employment outside the duties of office without the approval of the responsible Minister for a place of detention for which the NPM Inspector is appointed; or
 - (d) the NPM Inspector is absent from duty, without the approval of the responsible Minister for a place of detention for which the NPM Inspector is appointed and without reasonable excuse, for 28 consecutive days or for 42 days in any period of 12 months.

- (2) The Minister for a place of detention for which the NPM Inspector was appointed must immediately give the NPM Inspector a statement of reasons for the termination.
- (3) The Minister for a place of detention for which the NPM Inspector was appointed must table in the Legislative Assembly the statement and any written response by the NPM Inspector within 6 sitting days after the termination.

30 Appointment of Chief NPM Inspector

The Administrator must appoint an NPM Inspector to be the Chief NPM Inspector.

31 Chief NPM Inspector taken to be NPM Inspector

The Chief NPM Inspector is taken to be the NPM Inspector for a place of detention if:

- (a) no other person is appointed or taken to be the NPM Inspector for the place of detention under this or any other Act ; and
- (b) no other person is appointed under section 26 to act as the NPM Inspector for the place of detention.

Division 3 Inspections

32 Inspections

- (1) The NT NPM may at any time inspect or review a place of detention, or any aspect of a place of detention, as the NT NPM considers appropriate.
- (2) The NT NPM is not required to give a detaining authority notice of any inspection.

33 Access to places of detention

- (1) The NT NPM may visit and examine any place of detention, and any vehicle, equipment or other thing in, or relating to, a place of detention.
- (2) The NT NPM may take such photographs, films or audio or visual recordings at it considers necessary to exercise its functions.

- (3) Subject to subsection (4), the responsible Minister and detaining authority for a place of detention to which the NT NPM requests access must ensure that the NT NPM is:
- (a) given unrestricted access to every part of that place; and
 - (b) able to exercise the NT NPM's functions under this Act in relation to the place of detention.
- (4) The responsible Minister or detaining authority for a place of detention may object to a visit under this section only on urgent and compelling grounds of national security, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit.

34 Access to information

- (1) The NT NPM may, by notice served on a person, require the person to produce to the NT NPM any information, document or thing in the person's possession or control that the NT NPM considers relevant to the exercise of its functions under this Act.
- (2) Information required to be produced under subsection (1) may include information relating to:
- (a) the number and treatment of detainees and the conditions of their detention; and
 - (b) places of detention, including the number of such places and their location.
- (3) The Crown may not prevent or obstruct information from being produced, or evidence from being given, for the purpose of an inspection carried out under this Act, even if it would be entitled to do so if the inspection were a legal proceeding held before a court.
- (4) A person is not excused from giving information, producing a record or answering a question, when required to do so under this Act, on the ground that to do so would disclose legal advice provided to an Agency or other authority.

35 Interview of persons

- (1) The NT NPM may interview:
- (a) any detainee; and

- (b) any other person the NT NPM believes may be able to give relevant information concerning a place of detention, the treatment of detainees or the conditions of detention.
- (2) The responsible Minister and detaining authority for a place of detention must ensure that:
- (a) the NT NPM is provided with all reasonable assistance to interview, without witnesses, either personally or through an interpreter, any person the NT NPM chooses to interview under subsection (1); and
 - (b) correspondence between a detainee and the NT NPM is not read, copied or removed without the consent of the detainee.
- (3) A support person chosen by a person the NT NPM wishes to interview may be present during the interview at that person's request and with the agreement of the NT NPM.

36 Detaining authority to give reasonable assistance

- (1) A detaining authority must give reasonable assistance and cooperation to the NT NPM in the exercise of functions under this Act.
- (2) For subsection (1), reasonable assistance and cooperation includes answering questions and responding to enquiries.

37 Unreasonable obligations

In the exercise of its functions under this Act, the NT NPM must use its best endeavours not to impose an unreasonable or disproportionate obligation on a detaining authority.

38 Application of Division

This Division applies despite anything to the contrary in any of the following:

- (a) the *Children's Commissioner Act 2013*;
- (b) the *Correctional Services Act 2014*;
- (c) the *Court Security Act 1998*;
- (d) the *Disability Services Act 1993*;
- (e) the *Health and Community Services Complaints Act 1998*;

- (f) the *Mental Health and Related Services Act 1998*;
- (g) the *Notifiable Diseases Act 1981*;
- (h) the *Ombudsman Act 2019*;
- (i) the *Police Administration Act 1978*;
- (j) the *Public and Environmental Health Act 2011*;
- (k) the *Sheriff Act 1962*;
- (l) the *Youth Justice Act 2005*;
- (m) any other Act prescribed by regulation.

Division 4 Reporting and other matters

39 Reports of Chief NPM Inspector

The Chief NPM Inspector may communicate with, or provide any document, report or information to, the relevant Commonwealth agency in relation to the activities of the NT NPM.

40 Reports of NT NPM

- (1) The NT NPM must, within 3 months after the end of each financial year, give to the responsible Minister for a place of detention a report on its activities during that year.
- (2) In addition to any report provided under subsection (1), the NT NPM may at any time provide the responsible Minister for a place of detention with a report relating to the activities of the NT NPM.
- (3) The Minister must table a copy of a report received under subsection (1) or (2) in the Legislative Assembly within 6 sitting days after the Minister receives the report.
- (4) The Minister must provide the NT NPM with a response to any recommendations contained in the report.

41 Joint reports

Nothing in this Act prevents a report from being made jointly under this and another Act or between two or more oversight bodies.

42 Opportunity to be heard

The NT NPM must not make a recommendation or report or publish information obtained under this Act that contains adverse or derogatory comments in respect of a person or Agency unless the NT NPM first gives the person or Agency:

- (a) a draft of the recommendation, report or information to be published; and
- (b) a reasonable opportunity to respond to the comments, either orally or in writing.

43 Publication of identifying information

If the NT NPM obtains identifying information in the exercise of its functions under this Act, the NT NPM must not publish the information unless the person to whom the information relates consents to the release of the information.

44 Information sharing

- (1) Despite any other Act, the NT NPM may share and exchange information gained through the exercise of its functions under this Act with other oversight bodies.
- (2) Despite section 43, information shared under subsection (1) may include identifying information.

45 Publication of guidelines

- (1) The Chief NPM Inspector may make guidelines and standards in relation to the conduct of NPM Inspectors.
- (2) Any guideline or standard made under subsection (1) must be published on a website operated by, or on behalf of, the Chief NPM Inspector.

46 Policy review

The NT NPM may review and comment on any policy or law, whether in force or proposed, that relates to places of detention or to the prevention of torture or other cruel, inhuman or degrading treatment or punishment.

47 Recommendations

- (1) The NT NPM may make recommendations or provide advice to the Chief Executive Officer of an Agency.

- (2) The Chief Executive Officer must enter into dialogue with the NT NPM regarding the steps to be taken to enable effect to be given to a recommendation made, or advice provided, under subsection (1).
- (3) If the NT NPM makes a recommendation or provides advice under subsection (1), the NT NPM may request that the Chief Executive Officer notify the NT NPM within a specified time of:
 - (a) the steps that have been or are proposed to be taken to give effect to the recommendation or advice; or
 - (b) if no steps have been or are proposed to be taken, the reasons why not.

48 Communication with Subcommittee

The NT NPM may at any time communicate with the Subcommittee.

Part 2B Protections and offences

49 Protection from liability

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a function as an NPM Inspector or as a delegate or staff member of the NT NPM.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.
- (3) In this section:

exercise of a function includes the purported performance of the function.

50 Protection against actions

- (1) A person who provides information or makes a disclosure to the NT NPM or the Subcommittee:
 - (a) does not incur any civil or criminal liability in relation to the provision of the information; and

- (b) cannot be held to have breached any code of professional etiquette or ethics, or to have departed from any accepted standard of conduct in relation to the provision of the information; and
 - (c) cannot be held to have contravened any Act in relation to the provision of the information.
- (2) This section has effect:
- (a) whether the information provided is true or false; and
 - (b) whether the person provides the information at the request of the NT NPM or Subcommittee or of the person's own volition; and
 - (c) despite any duty of secrecy or confidentiality or any other restriction on the provision of information applicable to the person.

51 Protection against reprisals

- (1) A person commits an offence if:
- (a) the person intentionally takes detrimental action against another person; and
 - (b) the detrimental action is taken wholly or partly because the person believes the other person has given or disclosed information to the Subcommittee or the NT NPM.

Maximum penalty: 100 penalty units or imprisonment for 2 years.

- (2) A detaining authority who intentionally takes detrimental action against another person that is wholly or partly because the detaining authority believes the other person has given or disclosed information to the Subcommittee or the NT NPM is taken to have engaged in conduct that constitutes misconduct in the performance of the person's duties as a detaining authority and that justifies the taking of disciplinary action against the detaining authority, including disciplinary action provided for:
- (a) by or under an Act that regulates the employment or service of the detaining authority; or

- (b) by or under a contract of employment or contract for services that governs the employment or engagement of the detaining authority.
- (3) This section extends to a case where a person takes detrimental action against another person even if the other person did not in fact give or disclose information to the Subcommittee or the NT NPM.
- (4) In this section:
- detrimental action*** means action causing, comprising or involving any of the following:
- (a) injury, damage or loss;
 - (b) change of the conditions of detention;
 - (c) intimidation or harassment;
 - (d) discrimination, disadvantage or adverse treatment in relation to employment;
 - (e) dismissal from, or prejudice in, employment;
 - (f) disciplinary proceeding;
 - (g) other disadvantage or prejudice of any kind.

52 Offence to obstruct NPM Inspector

- (1) A person commits an offence if:
- (a) the person intentionally obstructs another person; and
 - (b) the other person is an NPM Inspector or a delegate or staff member of the NT NPM; and
 - (c) the NPM Inspector or the delegate or staff member of the NT NPM is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 100 penalty units or imprisonment for 2 years.

- (2) Strict liability applies to subsection (1)(b).

(3) In this section:

obstruct includes hinder and resist.

8 Section 16 amended (Directions of responsible Minister)

Section 16

renumber as section 53

9 Section 17 amended (Regulations)

Section 17

renumber as section 54

Part 3 Amendment of Children's Commissioner Act 2013

10 Act amended

This Part amends the *Children's Commissioner Act 2013*.

11 Section 10 amended (Commissioner's functions and powers)

After section 10(1)

insert

- (1A) If no other person is appointed to be the NPM Inspector under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* for a place of detention in which persons under 18 may be detained, the Commissioner is taken to be the NPM Inspector for that place.

Part 4 Amendment of Correctional Services Act 2014

12 Act amended

This Part amends the *Correctional Services Act 2014*.

13 Section 4 amended (Definitions)

Section 4

insert

NPM Inspector means the person appointed under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* as the NPM Inspector for places of detention administered under this Act.

14 Section 32 repealed (Minister's guidelines)

Section 32

repeal

15 Act further amended

Schedule 1 has effect.

Part 5 Amendment of Disability Services Act 1993**16 Act amended**

This Part amends the *Disability Services Act 1993*.

17 Section 50 amended (Appointment)

(1) Section 50(1)

omit

must

insert

may

(2) After section 50(1)

insert

(1A) If no person is appointed under subsection (1), the NPM Inspector appointed under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* for places of detention administered under Part 6 of this Act is taken to be the principal community visitor.

(3) Section 50(2)

omit

Minister

insert

principal community visitor

(4) Section 50(4)

omit

3 years

insert

the term, not exceeding 5 years, specified in the instrument of appointment

18 Section 51 repealed (Interim community visitor)

Section 51

repeal

19 Act further amended

Schedule 2 has effect.

Part 6 Amendment of Mental Health and Related Services Act 1998

20 Act amended

This Part amends the *Mental Health and Related Services Act 1998*.

21 Section 101 amended (Principal community visitor)

(1) Section 101(1)

omit

must

insert

may

- (2) Section 101(2) and (3)

omit, insert

- (2) If no person is appointed under subsection (1), the NPM Inspector appointed under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018* for places of detention administered under Part 14 of this Act is taken to be the principal community visitor.

22 Section 101A amended (Resignation and termination of appointment – principal community visitor)

- (1) Section 101A(1), after "visitor"

insert

under section 101(1)

- (2) Section 101A(2) and (3)

omit

the principal community visitor

insert

a principal community visitor appointed under section 101(1)

23 Section 103 amended (Community visitors)

- (1) Section 103(1) and (3)

omit

Minister

insert

principal community visitor

- (2) Section 103(2)

omit

3 years

insert

the term, not exceeding 5 years, specified in the instrument of appointment

24 Section 103A amended (Resignation and termination of appointment – community visitor)

Section 103A(1), (2) and (3)

omit

Minister

insert

principal community visitor

25 Section 103B repealed (Interim appointment of community visitor)

Section 103B

repeal

26 Section 106 amended (Visiting duties)

Section 106(2)

omit

Part 7 Amendment of Independent Commissioner Against Corruption Act 2017

27 Act amended

This Part amends the *Independent Commissioner Against Corruption Act 2017*.

28 Section 4 amended (Definitions)

(1) Section 4, definition ***independent entity***, after paragraph (m)

insert

(ma) the NT NPM or an NPM Inspector;

(2) Section 4

insert

NPM Inspector means an NPM Inspector appointed under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*.

NT NPM means the NT National Preventive Mechanism established under the *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2018*.

29 Section 93 amended (Meaning of *protected communication*)

After section 93(1)(b)(vi)

insert

(via) the NT NPM or an NPM Inspector;

Part 8 Repeal

30 Repeal of Act

This Act is repealed on the day after it commences.

Schedule 1 Correctional Services Act 2014 further amended

section 15

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 26(1) and (3)	Minister	NPM Inspector
section 26(4)	whole subsection	
section 26(5)	3	5
sections 27(a) and 28(1) and (2)	Minister	NPM Inspector
section 29	Commissioner	NPM Inspector
section 30(3)	Minister	NPM Inspector
section 30(4)	whole subsection	
section 30(5)	or (4)	

Schedule 2 Disability Services Act 1993 further amended

section 19

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 52(1) and (2)	Minister	principal community visitor
section 57(3)	whole subsection	
sections 61(1) and (4) and 62(1) and (2)	Minister	principal community visitor
section 64(4)	whole subsection	
