

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

<b>Submission No:</b>	4
<b>Submitted by:</b>	The Australian Workers' Union of Employees, Queensland
<b>Publication:</b>	Making the submission and your name public
<b>Attachments:</b>	See attachment

**16 December 2022**

Mrs Kathryn O'Sullivan  
Committee Secretary  
Legal Affairs and Safety Committee  
Parliament House  
George Street  
Brisbane Q 4000  
**By online submission**

Dear Mrs O'Sullivan,

**Re: Call for submissions - Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2022**

The Australian Workers' Union of Employees, Queensland ("AWUEQ") thanks the Legal Affairs and Safety Committee for their email of 5 December 2022 calling for submissions on the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2022 (Qld) ("Bill"). The AWUEQ makes these submissions accordingly.

We note that Part 4 of the Bill provides for the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Subcommittee") to interview any person at a place of detention during a visit to that place of detention.<sup>1</sup> We further note that a person may consent to be interviewed,<sup>2</sup> and can withdraw their consent at any time.<sup>3</sup>

The AWUEQ is concerned that the consent protections provided in clause 16 of the Bill do not go far enough to protect the interests of our members. We would prefer to see the current protections continue in the Bill along with additional safeguards for employees who maybe interviewed. Those safeguards should include amending the Bill so that:

- employees are aware of their rights not to consent to be interviewed;
- employees are aware of their rights to withdraw consent at any time;

<sup>1</sup> Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2022 (Qld) ("Bill") cl 16(1).

<sup>2</sup> Ibid cl 16(2)(a).

<sup>3</sup> Ibid cl 16(3).

Secretary/Branch Secretary: Stacey Schinnerl

**AWUEQ**  
**AWU QUEENSLAND BRANCH**  
Level 13, 333 Adelaide Street, Brisbane QLD 4000  
GPO Box 88 Brisbane QLD 4001  
T: 1800 298 753 E: [secretary@awu.org.au](mailto:secretary@awu.org.au) W: [www.qld.awu.net.au](http://www.qld.awu.net.au)



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- employees are warned prior to the commencement of any interview that their evidence maybe used against them in any related civil or criminal proceedings; and
- employees are advised of the right to be represented during an interview by a union official or legal practitioner of their choice.

Please do not hesitate to contact me if you have any questions or concerns about these submissions.

Kind Regards



Stacey Schinnerl

Secretary/Branch Secretary: Stacey Schinnerl