

OPCAT Implementation

FEDERATION FUNDING AGREEMENT – AFFORDABLE HOUSING, COMMUNITY SERVICES AND OTHER

Table 1: Formalities and operation of schedule																									
Parties	Commonwealth Australian Capital Territory																								
Duration	This Schedule is expected to expire on 30 June 2023.																								
Purpose	<p>This Schedule will support the designation or establishment of National Preventive Mechanism (NPM) Body/ies in the Australian Capital Territory (the ACT), in accordance with Part 4 of the <i>Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i> (OPCAT).</p> <p>Article 17 under Part 4 of the OPCAT provides that 'Each State Party shall maintain, designate, or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level.'</p> <p>In the context of Article 17, 'designate' means to assign the role of NPM to an existing institution or institutions, and 'establish' means to set up a new body or bodies to carry out the functions of an NPM on an ongoing basis.</p>																								
Estimated financial contributions	<p>The Commonwealth will provide an estimated total financial contribution to the ACT of \$0.143m in respect of this Schedule.</p> <table border="1"> <thead> <tr> <th colspan="4">Table 1</th> </tr> <tr> <th>(\$ million)</th> <th>2021-22</th> <th>2022-23</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Estimated total budget</td> <td>0.143</td> <td>0.143</td> <td>0.286</td> </tr> <tr> <td><i>Less estimated National Partnership Payments</i></td> <td>0.0715</td> <td>0.0715</td> <td>0.143</td> </tr> <tr> <td>- Australian Capital Territory</td> <td>0.0715</td> <td>0.0715</td> <td>0.143</td> </tr> <tr> <td>Balance of non-Commonwealth contributions</td> <td>0.0715</td> <td>0.0715</td> <td>0.143</td> </tr> </tbody> </table>	Table 1				(\$ million)	2021-22	2022-23	Total	Estimated total budget	0.143	0.143	0.286	<i>Less estimated National Partnership Payments</i>	0.0715	0.0715	0.143	- Australian Capital Territory	0.0715	0.0715	0.143	Balance of non-Commonwealth contributions	0.0715	0.0715	0.143
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Additional terms	<p>The ACT will at least match the Commonwealth contribution to support the implementation of this Schedule.</p> <p>If the ACT does not at least match the Commonwealth's full funding commitment of \$0.143 million over two years, the Commonwealth may reduce its funding to match the ACT's contribution or withhold payments until the matching requirement is met.</p>
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Table 2: Performance requirements, reporting and payment summary

Performance milestones	Report due	Payment
<p>Notify the Commonwealth in writing that NPM Body/ies have been designated or established, including confirmation that NPM Body/ies have the necessary mandates in accordance with Part 4 of OPCAT or providing sufficient evidence that they are in the process of putting these in place (such as introducing legislation, seeking Cabinet approvals or other similar actions).</p>	<p>20 January 2022</p>	<p>\$71,500</p>
<p>Provide a summary of activities and progress made by NPM Body/ies over the first 12 months from 20 January 2022. The summary should include, where applicable:</p> <ul style="list-style-type: none"> • the monitoring activities undertaken • observations and findings, including: <ul style="list-style-type: none"> ◦ analysis of any torture prevention issues, and ◦ challenges to the effective execution of the NPM Body/ies' mandate • recommendations to address risks of ill treatment of people in places of detention • an overview of all other activities and outcomes • an overview of the structures and resources made available to the NPM Body/ies, including any short-term or long-term plans, and • any future priorities for the NPM Body/ies that have been set. <p>The summary of activities and progress may leverage from information already prepared by NPM Body/ies as part of their own annual reporting obligations under their own governing legislation, or as required to support the NPM Coordinator to prepare its consolidated annual report covering the activities of all Australian NPM Bodies.</p>	<p>28 April 2023</p>	<p>\$71,500</p>
<p>Provide evidence that demonstrates the ACT has contributed matched funding which has been used to designate or establish the ACT's NPM Body/ies. This can include any funding already spent by the ACT in previous years.</p>		

The Parties have confirmed their commitment to this schedule as follows:

Signed for and on behalf of the Commonwealth of
Australia by



Senator the Honourable Michaelia Cash
Attorney-General; Minister for Industrial Relations

10/03/2022

Signed for and on behalf of the
Australian Capital Territory by



Mr Shane Rattenbury MLA
Attorney-General; Minister for Consumer Affairs;
Minister for Water, Energy and Emissions
Reduction; Minister for Gaming

24/3/2022