

**NOTICE TO THE ATTORNEY-GENERAL AND/OR QUEENSLAND HUMAN
RIGHTS COMMISSION UNDER THE HUMAN RIGHTS ACT**

Matter: Reece Storme Ferrara v Commissioner of Police and State of Queensland

File No.: QP 2101 859 562

Court: Goondiwindi Magistrates Court

Place: Goondiwindi, Queensland

- 10 1. The defendant submits an application for the referral and notice that –
2. In the matter of *Reece Ferrara v Commissioner of Police and the State of Queensland*, a cause arises invoking the High Court's original jurisdiction pursuant to s 38(a) of the *Judiciary Act 1903* (Cth) 'matters arising directly under any treaty' and specifically relates to the
3. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 8 August 1989) [CAT]
- Article 1, alternatively article 16; article 2; article 5; article 6; article 7; article 10; article 12; article 13; article 14;
- 20 • Covenant on Civil and Political Rights opened for signature 19 December 1966, 999 UNTS 171 (entered into force 13 November 1980) [ICCPR]
- Article 7
 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.
1. The Criminal Code 1899 (Qld) Section 320A Torture
- A person who tortures another person commits a crime.
Maximum penalty—14 years imprisonment.
- 30 (1A) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an offence against this section. In this section—
- pain or suffering includes physical, mental, psychological or emotional pain or suffering, whether temporary or permanent.**
- torture means the intentional infliction of severe pain or suffering on a person by an act or series of acts done on 1 or more than 1 occasion.**

4. [2022/06/01] Reece Ferrara to Human Rights Commissioner, Ms Lorraine Finlay RE: Allegations of Torture
5. Additionally, a question of law arises and is specified in the Human Rights Bill 2018 Explanatory Notes of the Legislative Assembly of Queensland,
6. In order for a question to be referred a party must first make an application for referral to the court or tribunal. The (original) court or tribunal hearing the matter must then consider whether the question is appropriate for determination by the Supreme Court. A referral can only be made if both of these requirements are satisfied (subclause (2)).
- 10 7. Subclause (3) outlines the process that is to occur if a referral is made to the Supreme Court. It provides that if a question has been referred to the Supreme Court, the court or tribunal which made the referral must not make a decision to which the question is relevant while the referral is pending or proceed in a way or make a decision that is inconsistent with the Supreme Court's decision of the question.

QUESTION OF LAW

8. Does the construction of the legislation contradict the Commonwealth, States and Territories' responsibilities and obligations with particular reference to Article 5(1), Article 14, Article 16 and limitations of Executive powers of the Constitution, when the caveats,
- 20 9. 'A person **may only seek relief or remedy** for this unlawfulness under clause 58(1) of the Bill **if** the person may seek relief or remedy in relation to an act or decision of the public entity on a ground of **unlawfulness other than under clause 58(1)**...
10. a claim of unlawfulness under the Bill can be added to that existing claim. This is what is colloquially known as a 'piggy-back' cause of action...
11. **Monetary damages will not be available for a contravention of the Bill** itself, but a person will be entitled to any other relief or remedy they could have obtained in relation to an independent cause of action... There is an entitlement to this remedy (except if it is damages) even if the person is not successful in their independent cause of action.'
12. 'The Bill is **specific to the State of Queensland** and is **not uniform with or complementary to legislation of the Commonwealth or another State.**' ,
- 30 13. The meaning of the term 'compatible with human rights' is set out in clause 8 of the Bill. This makes it clear that the proportionality analysis in clause 13 is relevant to the exercise of the court's power to make a declaration.
14. **This effectively narrows the scope of the court's power to issue a declaration** since the court may only issue a declaration after the court has first considered whether a limit on a human right is reasonable and demonstrably justifiable in accordance with clause 13, and concluded that it is not.
15. **A declaration does not affect the validity of the law, is not binding on the parties, nor does it create legal rights or a civil cause of action (clause 54)**, but it does trigger a procedure whereby the incompatibility is brought to the attention of the Attorney-General and parliament (see clauses 55 and 56).
- 40 16. The intention (clause 48) is that **Queensland courts and tribunals will be able to draw upon an existing body of human rights jurisprudence, including the decisions of United Nations treaty monitoring bodies such as the Human Rights Committee, supranational courts such as the European Court of Human Rights and the Inter-American Court of Human Rights, as well as the decisions in relation**

to human rights of domestic courts of other jurisdictions such as Canada, South Africa, the United Kingdom, New Zealand, the ACT and Victoria.

17. The purpose of subclause (3) is to recognise that international law and jurisprudence may be considered in interpreting a statutory provision, while also recognising that not all international law and jurisprudence will be relevant to human rights as they are recognised and protected in Queensland.
18. Clause 17 provides for **the right to protection from torture and cruel, inhuman or degrading treatment**. This clause is modelled on article 7 of the ICCPR.
19. Subclause (a) prohibits torture, **which is understood as acts that intentionally inflict severe physical or mental pain or suffering**.
20. Subclause (b) **prohibits cruel or inhuman treatment, which also involves severe pain or suffering, but not necessarily intentionally inflicted. Subclause (b) also prohibits degrading treatment, which is focused less on severity of suffering but on humiliation, which is a subjective test.**
21. **Whether an act or omission amounts to torture or one or more of the elements of prescribed treatment (cruel, inhuman or degrading) will be a question of degree and turn on the circumstances of the case.**

exist?

REASONS

22. Oxford English Dictionary, "torture, n." *Severe or excruciating pain or suffering (of body or mind); anguish, agony, torment; the infliction of such.* Oxford University Press (Online at January 14, 2023) Def 1a.
23. Dictionary, Oxford English, "torture, v." *To inflict severe pain or suffering upon; to torment; to distress or afflict grievously; also, to exercise the mind severely, to puzzle or perplex greatly. Also absol. to cause extreme pain.* Oxford University Press (Online at 2023 January 14) Def. 2
24. The pertinent example is that s 17 is modelled of the ICCPR article 7, which is rather vague in contrast to the convention against torture. It doesn't expressly state in the clause that remedy is available, only protection. Whereas, again, contrasting the convention against torture that does.
25. Both treaties are in force and are obligated to be complied with by the state. On one hand, the state acknowledges its obligations under treaty with the ICCPR, yet on the other, simultaneously rejects its obligations under the CAT. It appears to be a carefully constructed manner of avoiding the full extent of obligations in relation to the CAT, effectively 'cherry-picking' what it is prepared to honour and what it is not despite the Commonwealth committing itself to each decades before.
26. Australia is a party to seven core international human rights treaties. The prohibition on torture and cruel, inhuman or degrading treatment or punishment is contained in article 7 of the International Covenant on Civil and Political Rights (ICCPR) and articles 1, 2, 3, 13, 14, 15 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). See also articles 37 and 39 of the Convention on the Rights of the Child (CRC) and article 15 of the Convention on the Rights of Persons with Disabilities (CRPD)....

27. The prohibition on torture **is an absolute right. This means it cannot be limited or qualified under any circumstance...** The CAT **explicitly provides that no exceptional circumstances whatsoever, including wars or other public emergencies, can justify torture.** It also provides that **an order from a superior officer or a public authority may not be invoked as a justification of torture....** The prohibition on torture and other ill treatment may also be relevant to:
- life in article 6 of the ICCPR
- privacy in article 17 of the ICCPR
- liberty and security in article 9 of the ICCPR
- 10 humane treatment in detention in article 10 of the ICCPR
- fair treatment in criminal proceedings in article 14 of the ICCPR. All these rights should be considered in conjunction with the prohibition on torture and other ill treatment.¹
28. The Respective Criminal Codes merely makes it an offence at every jurisdiction to engage or be complicit in actions or omissions tantamount to torture. However, this does provide avenue for remedy or rehabilitation as the CAT directs.
29. The state caveats contradict Habib v Commonwealth, where it was held that limits to Commonwealth powers are justiciable by the power of the constitution. Treaties fall under the provision of s 51 xxix, and there would be no reason why matters incidental to the execution of power in xxxix could not also reinforce the contradiction.
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30. My own experiences of the past seven years have consistently displayed the systemic rejection of any recognition or accountability within the articles of the CAT. Many communications have been ignored in this regard. I have and still do, form the view that Australia should denounce the treaty as the Australian Governments conduct displayed over the last few decades indicate it does not value the treaty. Citizens who have hope in relying on it as a last and desperate resort do not succumb to the absolute despair and the psychologically inhuman and cruel experience that phenomenon induces.
- 30 31. 'Australia is **also obliged to prevent conduct not meeting the threshold for torture but that may be regarded as other acts of cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction.**'²
32. The saving grace of the constitution lies in the provision that legislative powers of the Parliament are declared, in s 51. **The imperative qualifying part is the "subject to this Constitution".** The qualifier provides for the separation of powers doctrine and **the Judiciaries power to limit the encroachment of the Commonwealth eroding rights and freedoms.**³ By implied interpretation of **the Constitution the Judiciary may find a law to be invalid**⁴, see Australian

¹Office of the Attorney General Department, 'Prohibition on Torture and Cruel, Inhuman or Degrading Treatment or Punishment', Canberra, (2022/07/01) [Prohibition on torture and cruel, inhuman or degrading treatment or punishment | Attorney-General's Department \(ag.gov.au\)](https://www.ag.gov.au/Prohibition-on-torture-and-cruel,-inhuman-or-degrading-treatment-or-punishment)

² Ibid.

³ Australian Law Reform Commission, Traditional Rights and Freedoms - Encroachments by Commonwealth Laws, Final Report, No 129 (2015/12)

⁴ *A declaration does not affect the validity of the law, is not binding on the parties, nor does it create legal rights or a civil cause of action (clause 54), but it does trigger a procedure whereby the incompatibility is brought to the*

Capital Television Pty Ltd v Commonwealth (No 2), at ALR 664 per McHugh J; Nationwide News Pty Ltd v Wills, at ALR 740–1 per Gaudron J.

The task of the High Court, in interpreting a provision of the Constitution, is to expound its text and where necessary to ascertain what is implied in it: *Love v Commonwealth of Australia* (2020) 375 ALR 597; [2020] HCA 3; BC202000584 at [8] per Kiefel CJ.

33. It was said in *Richardson v Forestry Commission* (1988) 164 CLR 261 at 347 and 295–6; 77 ALR 237, that a law must be,

10 34. “reasonably capable of being viewed as appropriate or adapted to” the terms of the treaty, so that “the legislative judgment could reasonably be made or that there is a reasonable basis for making it”:

35. Once again in *Commonwealth v Tasmania* (1983) 158 CLR 1 at 268; 46 ALR 625 (Deane J)

36. “Deficiency in implementation of a supporting Convention is not necessarily fatal to the validity of a law; but a law will be held invalid if the deficiency is so substantial as to deny the law the character of a measure implementing the Convention or it is a deficiency which, when coupled with other provisions of the law, make it substantially inconsistent with the Convention”

SPECIFIC ARTICLES OF THE CAT

20 37. Article 2(2)

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

38. Article 5(1) Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State

39. Article 13

30 Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

40. Article 14

(1) Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

(2) Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law

41. Article 16

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(1) Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

(2) The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

42. Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment opened for signature 2018, 22 June 2006 (entered into force 18 December 2002)

CONSTITUTIONAL JURISPRUDENCE

43. Over a decade ago in *R v Smithers* of 1912,

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44. Griffith CJ decided that every person has a right to free access to, among other things, the courts of justice independent of the will of any State over whose soil he must pass in the exercise of it.

45. Consolidating his words, *Ex parte Benson* (1912) 16 CLR 99 at 108 saw Barton J agreeing at 109-110.

46. Quoting Justice Toohey,

47. 'A cause does not "involve" a matter arising under the Constitution or involving its interpretation merely because someone asserts that it does. That is not to say that the strength or weakness of the proposition is critical"⁵

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48. In *Booth v Wyvill* (1989) 85 ALR 621 at 634 per Sheppard, Beaumont and Gummow JJ,

49. 'The constitutions of the former colonies were not the same after federation as before; they continued "subject to this Constitution" and thus subjected to territorial limitations on state legislative powers inter se which are expressed or implied in the Australian Constitution.'

50. 'Lord Diplock famously outlined a series of independent heads of judicial principle 'illegality, irrationality, and procedural impropriety—which, again, effectively require administrative bodies to meet standards of behaviour above those expressly specified by any sovereign-issued rule.

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51. The courts have even shown themselves to be prepared, in appropriate instances, to examine the actions of the elected institutions of the state. Even in advance of the

⁵ see *Green v Jones* [1979] 2 NSWLR 812 at [817–818]

enactment of the Human Rights Act 1998, the English courts had claimed, in cases such as Derbyshire County Council, **the capacity to enforce positive common law rights**.⁶

52. The Commonwealth is bound to the treaties mentioned as per, *Commonwealth v Tasmania* (1983) 158 CLR 1; 46 ALR 625
53. '[A] **treaty obligation stamps the subject of the obligation with the character of an external affair** unless there is some reason to think that the treaty had been entered into merely to give colour to an attempt to confer legislative power upon the Commonwealth Parliament.'⁷
- 10 54. In *Commonwealth of Australia v Mewett* (1997) 191 CLR 471; 146 ALR 299; 71 ALJR 1102; BC9703255, *Gummow and Kirby JJ* (at CLR 549), with whom Brennan CJ agreed (at CLR 491) held that,
55. the liability of the Commonwealth in tort is created by the common law, but **that s 75(iii) of the Constitution denies any operation to the doctrines of Crown or executive immunity that might otherwise have been pleaded in defence to a claim against the Commonwealth in tort.**
56. In agreement, Dawson J (at CLR 496–502), with whom Toohey J (at CLR 512–13) and McHugh J (at CLR 532) considered that **Commonwealth liability in tort depends upon ss 56 and 64 of the Judiciary Act.**'
- 20 57. In *State Bank of New South Wales v Commonwealth Savings Bank of Australia*, above, CLR at 648; ALR at 541, Gibbs CJ, Mason, Wilson, Brennan, Deane and Dawson JJ stated that the reference to,
58. a person suing or being sued on behalf of the Commonwealth" in s 75(iii) of the Constitution had the same meaning as it did in s 38 of the Judiciary Act. It follows that the references in s 38(c) and (d) of the Judiciary Act to persons suing or being sued on behalf of the relevant entity (Commonwealth or state) **should be read as covering the enforcement of actionable rights by and against officers and employees in their official and governmental capacity, when in substance they act as agents of the Commonwealth or the state** or form part of or represent the
- 30 Commonwealth or the state.
59. In deciding whether an entity falls within these provisions, the court had regard to a range of factors, although it said (CLR at 648; ALR at 540) that the issue of **executive control was "obviously an issue of central importance". Such control could, however, be demonstrated through the power to appoint directors, demonstrating that indirect control may suffice.** Other factors to which the court had regard **included the absence of corporators, the public character of the entities objectives, scrutiny by the auditor-general, and payment of profits into consolidated revenue.**
- 40 60. *Habib v Commonwealth* (2010) 183 FCR 62; 265 ALR 50; [2010] FCAFC 12; BC201000811 at [25]–[30], [128]–[132]; *Re Ditford*; *Ex parte DCT (NSW)* (1988) 19 FCR 347; 83 ALR 265 per Gummow J; cf *Aye v Minister for*

⁶ Eoin Carolan, *the NEW SEPARATION of POWERS a THEORY for MODERN STATE*. Oxford University Press (2009)

⁷ 158 CLR 1 at 218–19. See also *Richardson v Forestry Commission* (1988) 164 CLR 261; 77 ALR 237; *R v Tang* (2008) 249 ALR 200; 82 ALJR 1334; [2008] HCA 39; BC200807527

Immigration and Citizenship (2009) 111 ALD 546; [2009] FCA 978;
BC200907926 at [51]–[52]

61. the discharge of the executive power conferred by s 61 of the Constitution **in a manner that affects private rights and obligations can be made the subject of judicial review, and any question as to the limits of Commonwealth power will be justiciable notwithstanding the common law act of state doctrine**
62. Gleeson CJ, Gummow, Hayne and Heydon JJ explained in *D’Orta-Ekenaike v Victoria Legal Aid* (2005) 223 CLR 1 at 16 [32]; see too at 16-17 [31]–[33].
- 10 63. Judicial power is exercised as an element of the Government of society and its aims are wider than, and more important than, concerns of the particular parties to the controversy in question...
64. **But the community at large has a vital interest in the final quelling of that controversy. And, that is why reference to the "judicial branch of government" is more than a mere collocation of words designed to instil respect for the judiciary. It reflects a fundamental observation about the way in which this society is governed.** (Emphasis added)
65. *MELVILLE v CRAIG NOWLAN & ASSOCIATES PTY LTD and Another** (2001) 54 NSWLR 82
- 20 66. [87] In *Orr v Lusute Pty Ltd* (1987) 72 ALR 617 at 620, Sheppard J said:
- “... Section 56 of the Federal Court of Australia Act 1976 provides that the court or a judge may order a plaintiff in a proceeding in the court to give security for the payment of costs that may be awarded against him. But that broad grant of power has to be read in the light of the way the discretion to order security for costs has been exercised over the years.
- A commencing point for the consideration of the authorities is the decision of the Court of Appeal in England in *Cowell v Taylor* (1885) 31 Ch D 34, where Bowen LJ said (at 38):
- 30 ‘The **general rule is that poverty is no bar to a litigant, that, from time immemorial, has been the rule at common law, and also, I believe, in equity**’.

COMMONWEALTH ENGAGEMENT ON THE SUBJECT

67. [55] ...28 (**14 per cent**) **initially confirmed their participation** (Incl. Australia), but only 20 (**10 per cent**) **actually attended** (Australia attended). Unfortunately, of the 20 States in attendance, **only 2 States (equivalent to 1 per cent** of the invited States) **actually contributed to the discussion**, namely Denmark and Guatemala. (Australia did not contribute)
- 40 68. The **microphones and cameras of all other registered participants remained muted/off throughout the meeting**, even when the Special Rapporteur asked all State representatives whether they would welcome the creation of a database making the mandate’s thematic reports more easily accessible through search terms. **After none of the remaining States provided any input or an explanation for their silence, despite several calls to take the floor, the online consultation had to be brought to an early close without being able to achieve its declared objectives...** including States having recently received

urgent appeals or **allegation letters regarding migration-related torture or ill-treatment. Among others, such States include... and Australia (AUS 4/2019)...**⁸

69. '...Reportedly, in many cases, **even those who are sent to local hospitals are not provided with appropriate medication or treatment... Torture and trauma counselling services were discontinued** on Manus Island following the closure of the Regional Processing Centre in October 2017.

10 70. **A number of individuals have serious or chronic medical problems that have remained untreated** for months or even years... In addition, **the prolonged and indefinite confinement has had a serious impact on the mental health of these individuals. Many of them suffer** from, inter alia, **depression, anxiety and post-traumatic stress disorder.**

71. There are **multiple reports of self-harm and suicide attempts.** According to the information received, the **asylum seekers and refugees** remaining on Manus Island **do not trust the companies contracted by the Government of Australia to provide them with services as they have faced mistreatment and lack of understanding** of their situation and needs by these contractors...

20 72. While we do not wish to prejudge the accuracy of the information made available to us, **we express our serious concern** about the continued indefinite confinement of asylum seekers and refugees in Australia's custody...

73. While awaiting a reply, **we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence** and in the event that the **investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.**⁹
(Emphasis added)

74. Australian Human Rights Commission, '*Road Map to OPCAT Compliance*' (2022/10/22)

75. Australian Human Rights Commission, '*Human Rights Commission calls for urgent action to address fallout from suspension of UN SPT visit*', (2022/10/24)

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⁸ Nils Melzer, Special Rapporteur, Utilization of thematic reports presented by the Special Rapporteur, HRC Res. 43/20, UN GAOR, 49th Session, Agenda Item 3, UN Document A/HRC/49/50 (2021/12/28)

⁹ Dainius Puras, Saeed Mokbil, Felipe González Morales and Nils Melzer. Official Communication from the United Nations Human Rights Council, Reference: AL AUS 4/2019 (2 April 2019)

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76. Manfred Nowak, Special Rapporteur, *The Distinction Between Torture and Cruel, Inhuman or Degrading Treatment or Punishment*, HRC Res. 2005/39, HRCOR, 62nd session, Agenda item 11 (a), UN Document E/CN.4/2006/6, (2005/12/23)
77. Juan Méndez, Special Rapporteur, *Solitary Confinement*, GA Res. 65/205, GAOR, 66th Session, Agenda Item 69 (b), UN Document A/66/268, (2011/08/05)
- 10 78. Manfred Nowak, Special Rapporteur, *Role of Forensic Expertise in Combating Impunity*, GA Res 61/153, GAOR, 62nd session, Agenda Item 72 (a), UN Document A/62/221, (2007/08/13)
79. Manfred Nowak, Special Rapporteur, *Obligation of States Parties to Establish Universal Jurisdiction*, GA Res. 60/251, GAOR, 4th Session, Agenda Item 2A, HRC/4/33, (2007/01/15)
80. Consideration of reports submitted by states parties under article 19 of the convention Concluding observations of the Committee against Torture, UN DOC No. CAT/C/AUS/CO/3 (2008/05/22)
81. Commonwealth of Australia, *Core Document Forming Part Of The Reports Of States Parties Australia*, UN DOC No. HRI/CORE/AUS/2007, (2008/07/22)
- 20 82. Nowak, Manfred, *Protecting Persons with Disabilities from Torture, and Solitary Confinement*, Res. 62/148, GAOR, 63rd session, Agenda Item 67 (a), UN Document A/63/175, (2008/07/28)
83. Manfred Nowak, Special Rapporteur, *Study on the Phenomena of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in the World, including an Assessment of Conditions of Detention*, GAOR, 13th session, Agenda Item 3, UN Document A/HRC/13/39/Add.5, (2010/02/05)
84. Manfred Nowak, Special Rapporteur, *Defining Torture, context and distinguishing cruel, inhuman or degrading treatment or punishment*, HRC Res. 8/8, GAOR, 13th session Agenda Item 3, UN Document A/HRC/13/39, (2010/02/09)
- 30 85. Asia Pacific Forum of National Human Rights Institutions, Association for the Prevention of Torture and National Institutions and Regional Mechanisms Section, *Preventing Torture - An Operational Guide for National Human Rights Institutions*, Session, UN DOC No. HR/PUB/10/1, (2010/05)
86. Manfred Nowak, Special Rapporteur, *Impunity as a Root Cause of the Prevalence of Torture*, GA Res. 64/153, GAOR, 65th Session, Agenda Item 69 (b), UN Document A/65/273, (2010/08/10)
87. Juan Méndez, Special Rapporteur, *Thematic Issues*, HRC Res. 8/8, HRCOR, 16th Session, Agenda Item 3, UN Document A/HRC/16/52, (2011/02/03)
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88. Committee against Torture, *List of issues prior to the submission of the fifth periodic report of Australia*, GAOR, 45th Session, UN DOC No. CAT/C/AUS/Q/5, (2011/02/15)
89. Juan Méndez, Special Rapporteur, *Torture and ill-treatment in health-care settings*, HRC Res. 16/23, HRCOR, 22nd Session, Agenda item 3, UN Document A/HRC/22/53, (2013/02/01)
90. Juan Méndez, Special Rapporteur, *Review of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*, GA Res. 67/161, GAOR, 68th Session, Agenda Item 69 (a), UN Document A/68/295, (2013/08/09).
91. Nils Melzer, Special Rapporteur, *Minimum Standards to all cases of Deprivation of Liberty*, G.A. Res. 67/161, GAOR, 68th session, Agenda Item 69(a), UN Document A/68/295, (2013/08/09)
92. Juan Méndez, Special Rapporteur, *Role of forensic and medical sciences in the investigation and prevention of torture and other ill-treatment*, G.A. Res. 68/156, GAOR, 69th Session, Agenda Item 68 (a), UN Document A/69/387, (2014/09/23)
93. Juan Mendez, *Use of information tainted by torture and the exclusionary rule*, HRC Res. 16/23, GAOR, 25th Session, Agenda Item 3, UN DOC No. A/HRC/25/60, (2014/04/10)
94. Juan Méndez, Special Rapporteur, *Torture and ill-treatment of children deprived of their liberty*, HRC Res. 25/13, HRCOR, 28th Session, Agenda item 3, UN Document A/HRC/28/68, (2015/03/05)
95. Nils Melzer, Special Rapporteur, *Primary Challenges Facing Universal Implementation*, GA Res 72/163, GAOR, 73rd session, Agenda Item 74 (a), UN Document A/73/207, (2018/07/20)
96. Nils Melzer, Special Rapporteur, *Corruption-related Torture and Ill-treatment*, HRC Res. 34/19, HRCOR, 40th Session, Agenda item 3, UN Document A/HRC/40/59, (2019/01/16)
97. Nils Melzer, *Migration-related torture and ill-treatment*, HRC Res. 34/19, HRCOR, 37th session, Agenda Item 3, UN Document A/HRC/37/50, (2018/11/23)
98. Nils Melzer, Special Rapporteur, *Psychological Torture*, HRC Res 34/19, GAOR, 43rd session, Agenda Item 3, UN Document A/HRC/43/49, (2020/03/20)
99. Nils Melzer, Special Rapporteur, *Biopsychosocial Factors Conducive to Torture and Ill-treatment*, GA Res 72/163, GAOR, 77th session, Agenda Item 72 (a), UN Document A/75/179, (2020/07/20) 16; 17
100. Nils Melzer, Special Rapporteur, *Root causes of the current worldwide complacency with regard to torture and ill-treatment*, GA Res 72/163, UN GAOR, 75th Session, Agenda Item 72 (a), UN DOC No. A/75/179, (2020/07/20)
101. Melzer, Prof. Nils, *Cooperation of States*, HRC Res. 43/20, 46th Session, Agenda item 3, UN Document A/HRC/46/26, (2021/01/21)

102. Nils Melzer, *Significance of Accountability to the Absolute and Non-derogable Prohibition of Torture and Ill-treatment*, G.A. Res 72/163, GAOR, 76th session, Agenda Item 75(a), UN Document A/76/168, (2021/07/16)
103. Nils Melzer, Special Rapporteur, *Utilization of thematic reports presented by the Special Rapporteur*, HRC Res. 43/20, GAOR, 49th session, Agenda Item 3, UN Document A/HRC/49/50, (2021/12/28)
104. Manfred Nowak, Moritz Birk and Giuliana Monina (eds) 'United Nations Convention Against Torture and Its Optional Protocol: A Commentary' 2nd Edn, Oxford University Press (2020)
- 10 105. *Istanbul Protocol - Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, G.A. Res 55/89, Office of the High Commissioner Human Rights Council Session, UN DOC No. HR/P/PT/8/Rev. 2, (2022/07/30)
106. Grossman, Dean Claudio and Octavio Amezcua, 'Panel II: The Role of the Committee against Torture in Providing Adequate Reparations to Victims' Human Rights Brief, (2022/07/30)

AUTHORITATIVE EXPERTS ON CONVENTION AGAINST TORTURE

107. Pau Pérez-Sales, *Psychological Torture - Definition, Evaluation and Measurement* (Routledge Taylor and Francis, 2016)
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