

## Former NT corrections minister defends juvenile detention record

*Gerry McCarthy says he was only informed of three allegations of guards using excessive force, two of which involved Dylan Voller*



*Gerry McCarthy defended the transfer of Don Dale detainees to an adult prison following a riot in December 2011. Photograph: Jonny Weeks for the Guardian*

Helen Davidson  
17 March 2017

The former Northern Territory Labor corrections minister, Gerry McCarthy, has defended his government's commissioning of a new prison complex which ignored recommendations to include a juvenile detention centre.

Speaking to the royal commission into the protection and detention of children in the Northern Territory, McCarthy said he was only ever informed of three allegations of guards using excessive force, two of which involved Dylan Voller.

McCarthy's appearance followed a week of evidence about poor conditions and violent incidents at the time he was minister.

Now minister for housing in the new Labor government, McCarthy defended his former role and said he was on the way to fixing the issues in juvenile detention when Labor was voted out of office in 2012.

McCarthy was a school teacher for more than 30 years and told the commission it was a “steep learning curve” to become minister within a year of his 2008 election and oversee the government’s push for a “new era in corrections”.

McCarthy was asked why his government had ignored the recommendations of its expert panel in 2010 to build a 75-bed juvenile detention centre as part of a new Darwin jail precinct, despite widespread concerns about the safety and security of the Don Dale centre.

McCarthy pointed to budgetary challenges brought about by the global financial crisis, and said cabinet prioritised the plans for an adult facility, which eventually became a highly-criticised 1,000-bed jail.

He said Labor’s corrections reform was a “staged process” and the new juvenile centre was only deferred, but conceded any construction would have been years away, even if Labor had won the next election.

“With an overflowing, archaic, aged, inefficient facility ... the old Berrimah prison, with record prisoner numbers and extreme circumstances around management and wellbeing, cabinet had to prioritise the government’s limited investment,” McCarthy said.

In 2014, when the adults had transferred out of Berrimah, detainees from Don Dale were moved in.

Counsel assisting the commission, Tony McAvoy, took McCarthy through several reports by official visitors and legal groups, about violence and poor conditions. McAvoy suggested McCarthy’s response to recommendations from Central Australian Aboriginal Legal Aid Service about the use of isolation – often for minor infractions – was “dismissive”.

McCarthy said some of Caalas’s claims were unsubstantiated and the response “reflected the ministerial brief”, which was trying to do the best the government could.

McCarthy also defended the transfer of Don Dale detainees to the adult prison following a riot in December 2011, and said he was aware of only three incidents of excessive force by guards while he was minister, two of which involved Dylan Voller.

“I do not recall being briefed nor made aware of strip-searching, the inappropriate use of restraints or restraint tools,” he said in his statement.

He told the commission he was shocked to watch the Four Corners episode, Australia’s Shame, which included three incidents during his tenure as minister.

He said he knew more about the problems now than he did at the time, and admitted he was “at fault” in not asking for CCTV footage of an incident involving Voller, on which he received a report.

McAvoy had earlier suggested the prevalence of reports coming from juvenile detention should have prompted more concern with the minister about the safety and security of the centres.

“I had concerns and it was far greater than just the facilities,” said McCarthy.

“It was about programs, operations, the rising numbers of juvenile detainees and the high complexities of their needs. I was looking from a holistic perspective and as a minister with the opportunity for guiding a strategic direction of government I was totally focused on that.”

McCarthy said he pushed to improve training, recruitment and retention for staff, and had a particular focus on the educational programs inside juvenile detention.

He told the commission that as minister he accepted some responsibility for the failings of the juvenile detention system.

The commission had earlier heard from Prof John Rynne, director of youth forensic service at Griffith University, who said prisons were “structurally racist and continue the process of colonisation”.

Rynne called for juvenile detention centres – which have a 96% Indigenous population – to allow requirements of Aboriginal lore to ensure young people did not miss the cultural milestones of growing up.

He said the NT had the best visiting elders program in the country, and they could teach cultural awareness and knowledge to staff.

“It could be as simple as just having one of the respective elders spend a couple of hours going through the dreamings and stories of a particular clan group,” he said.

“That’s if we’re going to put in place a system which does no harm and a system which is actually going to benefit a person.”

Rynne was also asked about a detainee who had earlier given evidence about his involvement in the 2011 Christmas riot after he learned he would not be going back to the Alice Springs facility, closer to his family.

“Prison riots occur because of administrative issues. People will live in the worst possible circumstances, provided they know what’s going on.”

The commission, and McCarthy’s testimony, continues in Alice Springs.