

Adam Giles tells royal commission he can't recall key details of NT juvenile justice crisis

Former NT chief minister says he didn't know about abuse claims in reports until after call for royal commission



'I don't have any recollection': The former Northern Territory chief minister Adam Giles outside the juvenile justice royal commission. Photograph: Lucy Hughes-Jones/AAP

Helen Davidson
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The former chief minister of the Northern Territory Adam Giles told the royal commission he could not recall details more than 60 times on Friday, while being questioned on his knowledge of the crisis in juvenile detention.

Giles, who was the chief minister when some of the most high-profile incidents occurred in juvenile detention, also provided no statement or documentation to the royal commission and had not followed any proceedings to date before his appearance on Friday.

Previous witnesses, including former ministers and department executives, have provided at least one written statement, if not dozens of annexures and addendums.

Asked why he hadn't prepared himself for the hearing or availed himself to documentation, Giles said "I come here, obviously summonsed, but come here very keen to help out the commission wherever possible, open and transparent".

Following the broadcast of a Four Corners episode on alleged abuses, Giles personally called for a royal commission to examine the issues, saying “as a dad and an Aboriginal man, watching those Aboriginal kids getting thrown down like that, I had a lump in my throat, chills up my spine.”

On Friday Giles was quizzed extensively on the briefings he had received before the broadcast and policy decisions and discussions.

He repeated more than 60 times that he was unable to recall details or answer a question, on some occasions because he did not have a document in front of him or could not see that it had been signed and therefore verified.

Giles said he remembered visiting the Don Dale detention centre with his minister, John Elferink, “but I don’t have any recollection about what I saw, where I saw it, or any other details”.

This included exactly when the visit occurred, whether he spoke to detainees, saw the behavioural management unit or the high security unit, or met the superintendent.

He had no recollection of receiving a flash brief on the teargassing incident in August 2014, despite emails shown to the commission from corrections executives requesting it be sent to Giles as a matter of urgency. Nor was he told of allegations including that fruit was thrown at detainees and that a guard made a detainee eat bird faeces.

Questioned about a briefing paper, Giles said he didn’t recall being made aware of concerns that NT detention facilities weren’t meeting “critical duty of care elements” or that the Berrimah facility - refurbished to become the new Don Dale - was “not up to scratch for young people” until he took over the corrections portfolio.

Asked about Aranda House – an Alice Springs facility used to house juvenile detainees subject to much of the commission’s concerns – Giles said he didn’t think Aranda House was a youth facility.

He later said Caalas never told him there were issues with any of the Alice Springs facilities.

“How can that be that you, as chief minister, were not aware of what appears to be a major shortfall in an important portfolio within your government?” asked counsel assisting the commission, Peter Morrissey SC.

Giles replied: “Not everything makes its way up to you.

“You have ministers responsible for individual portfolios who look after those portfolios and of course you have a CEO or commissioner of corrections and all the staff who have a responsibility in that care.”

Giles told the commission he first learned about the recommendations and content of reports on the conditions, failings and alleged abuses in detention – including the

Vita review, the Carney report, the children's commissioner's report and a report by the professional standards unit – after he called for the royal commission.

He was previously aware of training issues but only in a budgetary sense and couldn't recall being made aware of shortfalls otherwise by Elferink, the commission heard. He couldn't recall specific budgetary requests by corrections for a youth justice precinct and increased staff and operations.

Giles also denied he required a 20% reduction from Corrections, as was testified by previous witnesses.

He told the commission he had not seen any of the footage in the Four Corners episode before its broadcast. Giles had made the same claim in the initial aftermath of the show's airing but a few days later admitted to media he had seen the teargassing footage.

At the time of calling for the royal commission Giles said he was "appalled" by the broadcast and believed there was a "culture of cover-up" and that the government had been misled. On Friday he told the commission he said that because he'd thought the footage was from the previous six months and now believed he "got that wrong".

Under earlier questioning Giles denied he had pushed for harsher law and order measures and said his focus was on reducing incarceration and recidivism.

Giles was taken through a pre-2011 election opposition paper, named Tough Love beyond Wildman river, proposing diversionary programs such as boot camps.

Giles repeatedly said he focused more on adult crime than juveniles and said there was no "deliberate strategy" driving tough on youth crime policy.

He said most of his law and order commentary had been about adults more than children and he said that he did not recall speaking "a lot on youth matters" but said that any commentary would have been either by the corrections minister or from him as "the local member for Braitling".

Media reports from the time of his chief ministership record frequent calls by him or his ministers for specific measures against youth offenders, including taking them into child protection and imposing tougher bail conditions for "bad youths".

When in opposition Giles told parliament that, if he was corrections minister, he would "build a big concrete hole and put all the bad criminals in there".

The commission is also expected to look at a Facebook post by Giles in May 2016 titled "Enough is enough" and which proposed removing the presumption of bail for "bad" and "rogue" juvenile offenders.

Giles was the last of high-profile witnesses to be called before the commission to answer questions specifically on detention and followed appearances this week by Elferink and the former corrections commissioner Ken Middlebrook.

Thursday heard from Elferink, who also could not recall receiving briefings on several key reports into the state of detention but said he was aware of the general issues.

He said he was “disturbed” by the state of detention when he became minister and sought to make improvements to conditions but did not receive financial support from his cabinet.

He said he had taken Giles on the tour to Don Dale to demonstrate the need for resources but Giles was “reluctant to acquiesce to the notion that more money should be spent”.

Elferink said he knew there was no evidence that harsh sentencing and tough treatment impacted on youth crime or recidivism. Despite this, he contributed a list of “tough on crime” suggestions to Giles before the 2016 election that included removing a legislative notion that detention should be a last resort for youth.

Giles denied he ever asked Elferink to put his list together, could not recall ever seeing it before, and could not recall seeking to introduce legislation which removed the notion of custody being a last resort for children.

The commission was shown an October 2015 email from Elferink’s chief of staff at the time, Julian Swinstead, which declared “it is time the public knew what little cunts these kids are”.

Under questioning from Felicity Graham, representing the Central Australian Aboriginal Legal Services, Elferink denied the language reflected a culture within his office that “tolerated, moreover, promoted, a public demonisation of young people to whom the government owed a duty of care”.

He said his language had “no substantive impact” on detainees.

The next hearing is scheduled to begin on 8 May and will examine the pathways that lead to detention, with evidence on policing, charging, and arrest, diversion programs and youth conferencing. It will also look at the justice sector from the perspective of lawyers and prosecutors, before moving on to matters of child protection.