

NT chief hails royal commission report as step to fixing 'broken justice system'

Michael Gunner says critical report shows right path being taken as rights groups call for federal youth justice overhaul

Interim report calls NT detention system a failure



Dylan Voller (centre) stands with supporters during a rally outside the Northern Territory juvenile detention royal commission in Alice Springs in March. Photograph: Lucy Hughes Jones/AAP

Helen Davidson in Darwin
31 March 2017

The federal and Northern Territory governments, as well as human rights and justice groups have welcomed a damning interim report from the royal commission into youth detention that called the system a continuing failure.

Released on Friday after eight months of investigation, the report – which has not made specific findings or recommendations – said the Territory’s juvenile detention system was “likely to leave many children and young people more damaged than when they entered”.

Three public hearings have heard damning and explosive testimony from current and former detainees, guards, managers, members of government and justice workers about the conditions and violence inside the notorious Don Dale detention centre and its sister facility in Alice Springs.

“They are harsh, bleak, and not in keeping with modern standards. They are punitive, not rehabilitative,” the report said.

The NT chief minister, Michael Gunner, said the report was reassuring. “While it doesn’t give specific recommendations it certainly gives confidence to government that we are going down the right policy path to fix a broken youth justice system and making sure that we keep Territorians safe.”

Gunner said the government had hoped for earlier recommendations about a new detention centre, but supported its call not to rush into construction plans before the final report in August.

In the meantime the government was trying to carry out much-needed safety and security improvements without spending “excessive amounts”, but he conceded it was not ideal that detainees and staff had to deal with the inadequate centre in the meantime.

If you treat youth offenders as adult offenders they become adult offenders and everything gets worse...Michael Gunner, NT chief minister

Gunner said he felt the NT had the capacity to lead national reform in juvenile justice systems. “We can see around the country people are taking different approaches, or going down the path of things we’ve seen haven’t worked in the Territory. Everyone acknowledges that the way it’s currently working is not only not working, but getting worse.”

“If you treat youth offenders as adult offenders they become adult offenders and everything gets worse. We’ve got to stop doing that.”

A spokesman for Indigenous affairs minister, Nigel Scullion, said the report validated the federal government’s decision to call a royal commission. “While the commission has not made any recommendations or findings as yet, the interim report makes it clear there are deeply concerning problems facing children – and in particular Indigenous children – in the Territory’s youth justice system,” he said.

Amnesty International called on the prime minister to learn from the report and commit to a national action plan on youth justice.

“This report paints a stark picture, but it is not unique to the NT; Victoria is currently going down this same dark path of punishment and demonisation, and we’ve recently heard of alleged abuse or self-harm in every state and territory in the country,” said Amnesty’s Indigenous rights campaigner, Julian Cleary.

Oxfam, which on Friday morning joined Amnesty and more than 100 other organisations in calling for federal commitment on youth justice overhaul, said a commitment to “break the cycle and change the record” was well overdue.

Chief executive Dr Helen Szoke said: “Setting meaningful justice targets and investing in community-led early intervention and diversion programs are among the first steps which could be taken immediately to address these failings.

“When the commission completes its task and hands down its findings, it is vital that governments do not let this report become yet another gathering dust on a shelf and commit to its recommendations.”

Save the Children’s chief executive, Paul Ronalds, said he welcomed the commission’s statement that “the wellbeing of the community is best achieved by a comprehensive approach to youth justice based on crime prevention, early intervention with children and young people at risk of offending, court diversion programs and community engagement.”

‘Unlawful practices’

The commission was initially slated to be finished by now, but in December it was granted a four-month extension and will produce a final report in August.

The interim report said evidence so far raised “serious concerns” about the operations inside youth detention centres, including “inappropriate and unlawful practices, unacceptable standards of conduct and inappropriate methods of dealing with detainees”.

Guards and detainees have testified – among other incidents – about extended and punitive periods of isolation, filming detainees on the toilet, straddling female detainees, guards grabbing detainees by the neck, and threats of rape.

Much of the evidence pointed to inadequate training, recruitment, and rostering, which roundly failed to equip staff to deal with a growing population of increasingly aggressive detainees.

“Children and young people who have committed serious crimes must accept responsibility for the harm done,” the report said. “However while in detention they must be given every chance to get their lives on track and not leave more likely to reoffend.”

Evidence so far pointed overwhelmingly to community safety and child wellbeing being best achieved by a “comprehensive, multifaceted approach” based on crime prevention, early intervention, diversionary measures, and community engagement.

The commission acknowledged the efforts being made by the current NT government as part of its \$18m youth justice reform package, including the hiring of new youth justice officers and extensive training programs.

However it noted that many children entered detention with cognitive disabilities, mental illness, and substance abuse issues, as well as physical and emotional deficits, and indicated health factors would form a “significant part” of final recommendation considerations.

The commission, on the first day of its first hearing, noted a burgeoning “inquiry mentality” in Australia which replaced action with investigation. Its report noted a community expectation that the findings would be shelved and forgotten.

The commission’s report also addressed criticism for accepting evidence from detainees while not allowing it to be tested in cross-examination. However the report said the commission did not accept the evidence uncritically, and would consider it in the context of its delivery and responsive material.

Despite indicating that it would now move on the issue of child protection, no findings were made on detention in the interim report.

Commissioner Mick Gooda had earlier said they were yet to hear testimony from key witnesses including former corrections commissioner Ken Middlebrook and former minister John Elferink.

A three week hearing – which heard of systemic failings in management over years, including complete breakdowns in internal and external communication – ended on Friday and did not form part of the report.