

Four Corners prompted inspector 'to toughen up report' into NT justice system

Keith Hamburger tells the royal commission that the TV documentary meant he had to increase the scope of his recommendations



A vigil outside Don Dale juvenile detention centre in Darwin in August. Photograph: Neda Vanovac/AAP

Helen Davidson in Darwin

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The author of a highly critical report on the Northern Territory justice system changed his recommendations after the broadcast of the Four Corners episode on Don Dale, because he knew “tinkering” with the system would not enough.

Keith Hamburger, the former head of Queensland corrections, was giving evidence to the royal commission into the protection and detention of children in the Northern Territory on Monday afternoon.

Hamburger had earlier told the commission that his “root-and-branch” review found that the new Don Dale youth detention centre in Darwin was run like a “human storage facility” that didn’t focus on rehabilitation.

Hamburger was required to report to the NT government by the end of July but on 25 July the ABC broadcast the Four Corners episode on alleged abuse inside juvenile detention, immediately sparking the royal commission.

He told the commission the episode had prompted him to partially but significantly change his recommendations. "Seeing the enormity of what happened on that show and the community reaction to it, really I felt we couldn't just do some tinkering with the organisation, we had to have some sort of circuit breaker," he said.

Hamburger geared his recommendations to push for comprehensive change which empowered Indigenous people to lead the future model of NT corrections.

"Recognising the fact that what we have in the NT is that the white correctional population is the minority, and the majority are Aboriginal people. And yet basically under the existing model, they are disempowered from providing leadership and solving those problems."

"I felt [my recommendations] had the potential to galvanise Aboriginal people and key stakeholders that something ... was about to occur."

Hamburger had earlier told the commission he and his team were so horrified by what they had discovered during their investigation that he felt compelled to alert the corrections commissioner, Mark Payne, before they had finished. He said they had found a host of problems including multiple hanging points inside the facilities and inappropriate staff practices.

Staff were using separation as punishment rather than de-escalation, and misinterpreting an isolation directive of "up to 24 hours" to mean a full 24 hours.

He also found a culture of complacency among management, namely around a lack of will to change things that were clearly unacceptable but said later inspections of Don Dale found some improvements.

Three days after the Four Corners broadcast Hamburger was called to a meeting with the then chief minister, Adam Giles, and several senior bureaucrats, including Payne.

When the meeting came about Giles had not yet read his draft report, although the head of the chief minister's department had, Hamburger said.

He said he felt a lot of senior people at the meeting who weren't involved in corrections were shocked at the "extent of disrepair" within the department and he was told the findings would cause a lot of concern for government.

In the weeks leading up to the August election Giles repeatedly and publicly said he would release the Hamburger report, but later reneged. The newly elected Labor government released the executive summary and recommendations but not the full report, citing security and privacy reasons.

But after the full report was leaked to media last month the government released it with some redactions.

On Monday the commissioners rejected an application by the government's lawyers to have parts of Hamburger's statement excluded from examination. The paragraphs they wished to exclude questioned the decision of the previous Labor government to build a 1,000-bed prison and suggested it had ignored issues with juvenile offenders.

The royal commission continues.