



In 2016, *Four Corners* aired 'Australia's Shame'. It exposed the horrific abuse of children in Don Dale Youth Detention Centre to a national audience. The next morning, Malcolm Turnbull announced the Royal Commission into the Detention and Protection of Children in the Northern Territory.

The Commissioners looked at ten years' worth of evidence. Over 54 days of formal public hearings and examining almost 500 witness statements and more than 400 submissions, in over 1000 exhibits and more than 6000 pages of transcripts, the Final Report was handed down **on this day in 2017**.

It laid bare the true extent of the systemic racism, abuse and neglect that form the basis of our youth justice and child protection systems. It made clear that the abuses we saw in the *Four Corners* footage were **not** aberrations. It was business as usual. It was not a case of a few bad apples. The system was rotten to its core.

Over the 10 years examined in the report, children in detention were **mistreated, abused, humiliated, neglected, isolated and assaulted**. Senior people in Government knew about this and did nothing. The commission of course found that Don Dale was **not fit for purpose** and should be **closed**.

However, the Royal Commission was not, by any means, the first to report these findings nor to make this recommendation. The Northern Territory Government first acknowledged that Don Dale was not fit for purpose in **2009**. But this was already old news, even then.

A Brief History

The period investigated by the Royal Commission commenced in **2006**. It found that, by that time, Don Dale was not providing a therapeutic environment, had 'appalling' isolation cells, was run down and did not comply with building standards. The report found that the inadequate infrastructure, combined with neglect, lack of planning and investment over a long period of time and other staff and management mistakes, would go on to contribute to '**predictable**' incidents.

Of the many incidents that followed, it said that “*Children and young people...were incarcerated, ignored and deprived of their basic needs. They were held in conditions some of which were unspeakably bad and treated in a way that meant rehabilitation was impossible. They were forgotten until it became convenient to demonise them for the fact of their incarceration. Unsurprisingly, their mistreatment bred more wrongdoing and more significant behavioural issues*”.

But that is still not the beginning of this story. To understand the context of this situation we really **should** go all the way back to colonisation, but we **have** to go back to at least **1991**—the year Don Dale was opened and another Royal Commission—into Aboriginal Deaths in Custody—made many of the observations and recommendations that would remain relevant (and unaddressed) **26 years later**.

The 1991 Royal Commission found that discriminatory policing put Aboriginal children at a disadvantage that was **compounded** in every stage of the system, from arrests, to charging, pre-trial filtering, and court. Aboriginal kids were given the more serious outcomes of the options available to decision makers every step along the way. Once detained, the **ripple effects** continued. Recidivism was greater and offenders committed more car thefts, break-and-enters, assaults and malicious damage than comparable offenders who had been placed on probation. Remand in custody also increased recidivism. In the words of the report: “**It is in everyone’s interest to ensure that juvenile offenders remain outside of the justice system**”.

The need for self-determination and community-led solutions was **fundamental** to the main recommendation from the Royal Commission to prevent the removal of Aboriginal children through youth justice or welfare intervention.

The report warned of “**disastrous repercussions for the future**” if the government did not **urgently** negotiate with Aboriginal organisations to reduce the rate at which Aboriginal children were separated from their communities and detained, saying “**that level of over-representation will be even greater than it is now, with all its attendant consequences**”.

Speaking of Consequences

When we discuss youth justice in the Territory, we love talking about “learning consequences”, but not so much that one. The 2017 Royal Commission cost **70 million** dollars. We could have just read the 1991 report. We could have read the 2011 Carney Review, which explained that being incarcerated was the **most significant** factor that increased recidivism.

We could have read the 2013 paper by a coalition of a staggering number of Northern Territory organisations, which highlighted the chronic shortage of programs and outlined evidence-based approaches to reducing youth offending. We could have heeded the warning in the 2013 memorandum that warned that Don Dale was “very close to having a major incident” and that a **complete overhaul** of youth detention was “**essential**”. We could have read the Dolphin Report, the same year. The commissioners looked at these

reports and found that they presented “an **unequivocal picture** of a system **in crisis**”. In 2013.

In 2014, prison officers tear-gassed six children—five of whom were locked in their cells. Detainees were suffering **brutal** and **inhumane** treatment for prolonged periods, in “**disgusting** and **cruel**” conditions that **clearly** violated the United Nations rules on the treatment of juvenile detainees, the Convention against Torture and the requirements of the Youth Justice Act. The government was absolutely aware of this.

Remember, these reports are about the **original** Don Dale Youth Detention Centre—a purpose-built facility for children. It gets so much worse. In 2014, after the events that would eventually be exposed by *Four Corners*, all detainees were moved out of Don Dale and into the old Berrimah Prison, a condemned adult jail. Approximately **half** of the facility could not be used because it contained asbestos, did not meet fire standards and contained numerous hanging points.

The decrepit jail, once described by the corrections commissioner as **only fit for a bulldozer**, was renamed “Don Dale Youth Detention Centre”. **That** is where the detainees remain to this day.

The Subsequent String of Failures

The Labor Government will be quick to remind you that they were not in power during this time, but they **were** here. They saw all of this unfold—they saw all of the evidence and reports piling up over the years. In 2015, they saw the Vita Report and the Children’s Commissioner’s Report, in 2016, they saw the Hamburger Report, which found that Don Dale was “**totally unacceptable**” and recommended that the Department explore alternatives “as a matter of **urgency**”, so that the facility could be closed “**as soon as practicable**”.

Like the CLP, Labor learned **nothing**. In fact, since they came to power later that year, they have made a habit of repeating the CLPs worst mistakes and creating the exact same consequences. But they never anticipated the hell that we would give them for it. Members of our group have been rallying to close Don Dale **since 2016**. For much of that time, the NT public and wider Australia have been apathetic. But the momentum we have gained has seen Don Dale return to the spotlight throughout the country **over and over again**.

Since 2016, this government has passed legislation to lock up **more** children and spent millions of dollars **expanding** Don Dale, which is chronically understaffed. To this day, issues with the electrical and fire safety system have not been addressed. Tear gas has again been deployed on children under this government, which has legislated to **cap the compensation** it can be directed to pay to victims of **abuse** in detention centres. Much of the mistreatment still **routinely** occurring in Don Dale, such as the use of **excessive force** and **extended** periods of isolation is the subject of these limits on compensation.

Four Corners is not in the habit of repeating stories, but on Monday night, the country watched as Kate Worden was forced to admit that, five years on, her department has **not** heeded the Royal Commission’s recommendations. The example given in that episode is

only the tip of the iceberg.

Spit hoods continued to be used on children in police watchhouses, until the practice was exposed by the NT News. Josie Crawshaw has been a dedicated champion of this cause. When our group met with Kate Worden to discuss the self-harm crisis in Don Dale, she **denied that it was happening**. This was also brilliantly laid out by the NT News. Thank you, Zizi and Amanda.

No Justice, Just Us

It would simply take too long to list all of the examples of government hypocrisy and deceit over the past five years. Now, in 2022, we're spending **another** 70 million dollars on a **mega-prison for children** that defies the recommendations of **both** Royal Commissions and the growing body of evidence that has been produced in the Territory only to collect dust.

This government has been urged to close Don Dale as **a matter of urgency** by **countless** NT organisations, the Human Rights Commission and the Law Council of Australia. Their regressive legislation has been opposed by the Indigenous Labor Network, **all** of the Children's Commissioners and Guardians from across Australia **and** New Zealand, grassroots organisations, community leaders, and **even their own committees** and forums that were set up specifically to advise them on youth justice. They have **breached their own independent monitoring policy** and voted down every attempt by Independent MLA Yingiya Guyula to affect positive, practical change.

They have steadfastly **refused** to debate with us or engage with the wider community about youth justice—saying that the new facility is the end of the conversation. Even if it was, the construction date has been pushed back every year from its original planned completion date of mid-2020. The most recent advice is that it will not be completed by at least **2024**. It should not be built at all.

Five years ago, the Royal Commission made 227 recommendations. But perhaps the most important is one that is not listed at the end of the report. Throughout the report, the commissioners call for a **fundamental paradigm shift**. They say that "Bold, brave decision-making is required" and that "Implementing significant reform involves a **major cultural shift** in how juvenile crime is **perceived and treated**". We **must** change the narrow parameters of public debate that frame **everything** as "tough on crime" or "soft on crime". We must change the focus from **punishment** to **prevention**.

We **must** recognise what **all** of the evidence is showing us. What it has been showing us for **decades**. That Aboriginal people **must** be **empowered** to **lead** youth justice in the NT. We must stop directing funding **away** from Aboriginal organisations to mainstream service providers. We must engage Aboriginal communities at **every level** of decision making and in the development and implementation of policy **throughout** the Territory. **This does not mean consultation**. It means **self-determination**. It means **local, Aboriginal, community-led solutions**.

There is **no excuse** for continuing to detain children in Don Dale. The government has

access to millions in misallocated youth justice funds. It has had **five years** and **countless opportunities** to get children out of Don Dale, where they remain at significant risk of lasting harm. Experts have been calling for **urgent action** for years. Aboriginal organisations and peak bodies are **ready and willing to help**. For anyone in the NT to continue to pretend that we don't have the answers is **blatant, wilful ignorance**. We have had the answers for a long time. All we need now is the right attitude.