

Opening Statement

I thank the committee for the opportunity to make an opening statement and would like to use it to set the record straight on the events leading up to the ABC's report into the appalling treatment of young people in the Don Dale Youth Detention Centre and the subsequent announcement by the Prime Minister of the Royal Commission into Youth Detention in the Northern Territory.

Significant issues in the youth detention system in the Northern Territory have been raised by the Children's Commissioner with the NT Government as far back as 2010 when the Labor Party was in Government in both jurisdictions – NT and Commonwealth.

The ABC Four Corners programme reported that Dr Howard Bath, former Northern Territory Children's Commissioner, had written a confidential report documenting the treatment of Dylan Voller since 2010, following an incident at Don Dale Youth Detention Centre in 2012, and that this report was provided to the NT Government at that time.

I only became aware of the Bath Report when it was referenced in the Four Corners programme. This report has never been publicly released.

On 2 October 2014, the NT Government announced that it would undertake an independent review into the NT youth justice system (known as the Vita review). The findings were released on 18 February 2015.

The report made 16 recommendations about how to improve the youth justice system, but found no evidence of a systemic culture of unreasonable force or intimidation of youth detainees. The report also found that the actions of the NT Commissioner in authorising the use of chemical agents to be justified.

On 17 September 2015, the office of the NT Children's Commissioner released the findings of its own review on the use of CS gas (also known as the Gwynne Review).

The NT Government subsequently released a media statement accepting all of the 16 Vita Report recommendations and indicated that all but one of the recommendations had been implemented.

The NT Government also announced the establishment of a Youth Detention Reform Advisory Group that included the Children's Commissioner, NAAJA, the Central Australian Aboriginal Legal Aid Service and the NT Legal Aid Commission, to oversee implementation of the Vita Report recommendations.

I have already acknowledged what documents I have received but I am happy to repeat this for the benefit of the Committee.

I have acknowledged that my office received briefing information about the Don Dale Youth Detention Centre going back to 2015.

I have acknowledged – including in the Senate – that my office received a Question Time Brief about the Don Dale centre in 2015.

This advice noted the use of CS gas, the unlawful transfer of one of the detainees to the adult prison, and allegations relating to guards forcing young people to fight, making one inmate eat bird faeces and threatening detainees with retribution once released from detention.

These were serious allegations. However, public statements made by the NT Government at that time indicated that it was actively engaged in addressing the issues raised in the two reports.

Following an exhaustive search for briefs carried out in response to Freedom of Information applications, I was also made aware that there was a reference to the Don Dale centre in the background of a meeting brief from 2015 as well.

Importantly, none of these documents referenced the graphic footage broadcast by the ABC Four Corners programme.

The Youth Detention Reform Advisory Group set up to oversight the implementation of the Vita Report's recommendations did not raise any issues publicly or with my office to suggest that the NT Government was not fully implementing all recommendations.

In fact as late as 16 June 2016, the Children's Commissioner provided advice at an NT Government Estimates hearing on the implementation of recommendations of the Gwynne Report stating that she was satisfied with the way the Department of Correctional Services was working towards full implementation.

It is probably because of this understanding that no one ever asked me a question about this issue either here in Senate Estimates or in the Senate.

On 25 July 2016, the ABC Four Corners programme broadcast its allegations of mistreatment of children at the Don Dale Youth Detention Centre, including abuse by prison guards, and the use of tear gas, spit hoods and restraint chairs.

The footage shown during that programme was deeply disturbing in a way that no written report can fully convey. I was not the only one confronted by this footage, which I had not previously seen.

On 26 July 2016, the Prime Minister announced a Royal Commission into the Protection and Detention of Children in the Northern Territory.

The Four Corners report raised some serious questions about whether the previous reports had truly established what had or was happening in youth detention facilities in the NT and whether the response from the NT Government was enough to make significant improvements in the current conditions for the children detained there.

This is why I strongly supported the PM in his decision to swiftly establish the Royal Commission to investigate these matters.

A Royal Commission is the highest level of inquiry that can be established. It will leave no stone unturned in pursuit of the truth and reflects the Coalition Government's commitment to preventing the inappropriate treatment of children in detention.

It is important that we now allow the Royal Commission to proceed with its inquiry.

I would also like to highlight that I have had a longstanding commitment to improving the absolutely appalling rate of Indigenous incarceration and detention in this country. The facts are stark. As we know, Indigenous adults are 13 times more likely to be incarcerated and juveniles are 24 times more likely to be in detention.

We need to hold states and territories to account for the treatment in these facilities, as they are the ones who run these facilities. We do not have a formal role in overseeing these systems. I believe the Royal Commission and the separate inquiry in Queensland will greatly assist in this.

I have written to all relevant state and territory Ministers to seek their assurance on practices in their detention facilities, and offering to work with them on these issues. In addition, the Prime Minister has committed to raising this issue at a future Council of Australian Governments meeting to ensure all jurisdictions hear the message that the treatment displayed in the Four Corners report should never happen again.

One aspect that is clear from this is that I must do more to raise these type of issues formally with the states and territories, where needed. Since the Four Corners report, I have taken a much more direct approach with all states and territories to seek advice from responsible Ministers on every incident that has come to my attention, including, regrettably a number of recent deaths in custody and to offer the Commonwealth's assistance wherever this will be of help.

However, it is also vitally important that we focus on what is needed to reduce the number of people who come into contact with the juvenile and adult justice systems in the first place.

My government is working to bring together a package of actions that I believe will make a genuine improvement. This will be on top of our already considerable effort. There are three elements to this:

1. Working in partnership with states and territories to reduce the numbers of people who become incarcerated for minor offences related to non-payment of fines.

I have written to State and Territory Ministers seeking their support to better use the welfare system to assist with the collection of fines.

2. Ensuring people are protected where they do come in contact with the criminal justice system.

I have also written to all Ministers in states and territories that do not have a mandatory Custody Notification Scheme offering funding support to assist them to set this up so that we have a consistent national approach that ensures all Indigenous people get this vital support.

3. Reducing the likelihood of reoffending.

About four out of five Indigenous prisoners reoffend and we need to make sure we break this pattern. That is why the Prime Minister committed to national action to better transition Indigenous people from Prison to Work. This will be discussed at the COAG meeting later this year.

This is on top of our existing effort where we provide \$18.5m over three years to support 10 prisoner through care providers who work with offenders to reduce their likelihood of reoffending.

I am also focused on supporting practical measures that improve community safety in Indigenous communities and address the underlying issues of disadvantage that drive much of the contact young people have with the criminal justice system.

For example, under the IAS Safety and Wellbeing Programme, the Government is providing nearly \$105 million over three years (2015–18) for activities in the Northern Territory to reduce young people's contact with the criminal justice system, both as offenders and victims, and to improve their wellbeing.

This includes funding for:

- youth leadership and sport and recreation activities;
- youth healing and advocacy services;
- alcohol and other drug residential rehabilitation services;
- rehabilitation and reintegration support for young people exiting youth detention;
- night patrols; and
- social and emotional wellbeing activities.

Through the IAS Children and Schooling Programme, the Government is also providing nearly \$72 million over three years (2015–18) in the Northern Territory for activities that are geared towards getting children to school, improving education outcomes and supporting families to give young Aboriginal people a good start in life.

I welcome the scrutiny and the heightened focus on these issues in the public arena that has come about as a result of the Four Corners report. This attention rightly holds governments accountable for how they treat children and young people under their care.

I intend to work closely with State and Territory Governments to ensure that the incidents that happened at Don Dale Youth Detention Centre cannot ever be repeated anywhere throughout Australia. This will include working with jurisdictions on how the findings of the Royal Commission can be used to inform future reforms across youth detention facilities nationwide.

I thank the Committee for allowing me to make this opening statement and welcome any questions.