

17<sup>th</sup> November 2017

Media Release

**NTBA comment on the findings of the Royal Commission into the Protection and Detention of Children in the Northern Territory delivered 17 November 2017**

Whilst the NTBA has only had a short time to consider Commission's findings, we support the recommendations made by Commissioners White and Gooda.

The Commission has provided a series of recommendations which we trust the NT and Commonwealth governments will give effect.

We are told that there have been up to 50 earlier reports and inquiries on the issues covered by the Commission. While it was to be expected the findings and recommendations would be more of the same, clearly that is not the case.

The issues confronting our society in dealing with our youth – and particularly our indigenous youth – are well-known and complex, well beyond even the scope of this Commission. The problems of dispossession and intergenerational trauma contributing to a breakdown of family and community values is a tragic reality. As others have said before, we are dealing with the triage at the bottom of the cliff. The cliff remains, but the triage can, and must, be improved. That was message expected to be delivered by the Royal Commission.

The recommendations of the Commission go far beyond that. The overwhelming message is that safe families equals safe kids and safe communities. Community and cultural involvement in both addressing the problems and solutions is seen as a key. Raising the age of criminal responsibility, and detention for only serious, defined, offences, recognises we are not dealing with small adult offenders, but children and youths.

The initiative of the NT Government to transfer responsibility for youth offenders to Territory Families is to be applauded. It is a recognition of the need for a holistic approach to the problem.

As has often been said, a fundamental objective of detention is to make offenders less - not more - likely to reoffend upon their release. This requires appropriate facilities, personnel and programmes whilst in detention, with a seamless progression back into the community.

The old Don Dale is closed. Youths in detention are now housed in the former men's prison which is acknowledged as unsuitable and it is recommended that it, too, be closed. Whatever long-term plans there may be for the construction of a new facility, urgent and immediate upgrades to the existing facility are required. Suitable funding to make this happen is required immediately, as well as to fund the personnel needed to staff it appropriately. It cannot wait for the construction of a new facility. Current youth detainees will be adults by the time any such facility is complete.

The transition to a new system of community care and responsibility under Territory Families must be adequately resourced. This means more, and better trained, personnel.

Within the community, the government has created roles for community youth justice officers, who will assume sole responsibility for that task from 1 January 2018. Their selection and training are essential elements to an effective outcome.

The Chief Minister, Michael Gunner, has gone on record already as refusing to “hand over a blank cheque” and commit to accepting the findings. The Commonwealth government is yet to offer any financial commitment at all.

The Commonwealth and NT Governments were prepared to share the cost of the \$54m Commission. As the Royal Commission has said, investigation must not be allowed to be a substitute for action.

If \$54m was not too high a price to pay for investigation, now is the time for the governments to get serious about financial commitments for action. The recommendations of the Royal Commission are not a wish list, but a serious solution which conservatively estimates cost savings of \$335.5 million by 2027.

The NT Bar Association calls upon both the Territory and Commonwealth Governments collaboratively to make an immediate and substantial financial commitment. Otherwise this inquiry, like its many predecessors, will be condemned to become simply a very expensive addition to some obscure filing cabinet.