



ROYAL COMMISSION

into the Protection & Detention
of Children in the Northern Territory

REPORT OVERVIEW



OVERVIEW

The Royal Commission into the Protection and Detention of Children in the Northern Territory delivered its report to the Commonwealth and Northern Territory Governments on 17 November 2017.

The full report is available on the Commission's website:

www.childdetentionnt.royalcommission.gov.au

It can also be downloaded from the **App store**: search for NTRC Report.

You can also listen to an overview of the report in **17 languages** on the website.

1. WHAT THE COMMISSION WAS ASKED TO DO

A Royal Commission is a special investigation into important matters of public concern.

The Royal Commission was created to use these special powers of investigation to look at how children were treated in detention centres in the Northern Territory and to also look into the welfare system in the Northern Territory.

The Commission was set up on 1 August 2016 and the Government chose the Hon Margaret White AO and Mr Mick Gooda as the Commissioners.

The main job of the Commission was to find out what was, and wasn't, working. This was done by:

1. Asking people to give submissions or ideas to the Commission
2. People providing written statements to the Commission about their experiences
3. People giving their evidence/telling their story in the court.

Then after hearing all evidence and submissions, the Commission makes findings and recommendations on how to improve laws, policies and practices in the Northern Territory.

Findings are the things/facts that the Commission believes have happened after hearing all the evidence and reading all the documents.

Recommendations are the ideas or plans that the Commission gives to Government. They are the ideas about how to make changes and make things better. Recommendations are not new rules or laws. They are strong ideas or suggestions that people and government can choose to implement or follow.

COMMISSION FACTS AND FIGURES



54
DAYS OF FORMAL
PUBLIC HEARINGS



214
WITNESSES



MORE THAN
1000
EXHIBITS, MANY OF
WHICH INCLUDE
MULTIPLE
DOCUMENTS



MORE THAN
6,000
PAGES OF
TRANSCRIPTS



18
RECORDED
PERSONAL STORIES



12
CASE STUDIES

THE TERMS OF REFERENCE

The Commission's 'Terms of Reference' were the rules or guidelines about what the Commission was allowed to look at, investigate, listen to and learn about. They limited the issues that the Commission could explore. This means that there were some things that the Commission could not look into or explore in detail, even though they might have been linked to or related to the detention and welfare issues.

The Terms of Reference asked the Commission to look at the Northern Territory's **youth detention and welfare** over the **10 years from 1 August 2006**.

Some of the things that the Commission had to look at were:

- the treatment of kids in youth detention centres in the Northern Territory
- whether anyone broke the law, or didn't follow rules, policies or procedures in their treatment of these kids
- whether there were the right systems in place to prevent kids being treated badly in the detention centres, and
- what could be done to make welfare better for kids and families.

GETTING VIEWS FROM THE COMMUNITY

The Commission wanted to make sure that it heard directly from people all across the Territory who had been involved with welfare or had some interaction with the youth justice system.

At the start of its investigations, the two Commissioners held 13 public community meetings in communities across the Territory. More than 1,000 people attended these community meetings.

The Commission employed two teams of Community Engagement Officers – one in Darwin and one in Alice Springs. They had the job of going out to Aboriginal Communities all over the Northern Territory as well as several communities in the cross-border region with Western Australia, to update people on the work of the Royal Commission.

They also provided support and assistance for people from community to give formal evidence in court at a public hearing, or to prepare written submissions or statements about their experiences and ideas.

The Commission recognised that it was important to reach out to all areas of the Northern Territory so that the voices of people in remote and regional areas were included in this report.

We also used Facebook and Twitter, videos, photos, notices and other publications to reach people in remote areas.





VOICES OF CHILDREN

It was really important for the Commission to hear from children and young people and we did this in a number of ways, including:

- talking to children in Don Dale Youth Detention Centre and Alice Springs Youth Detention Centre in groups and individually
- youth forums
- personal stories, and
- witness statements and evidence.

WITNESSES

The Commission was given more than **480 witness statements** including from former government ministers, Northern Territory government officials, current and former managers and staff members of youth detention centres, case workers, foster carers, principals and teachers, lawyers, healthcare workers, Australian and overseas experts, vulnerable witnesses and relatives and family of vulnerable witnesses.

This Commission faced special difficulties because we had to work with people who were still going to court or were in detention or prison, or they were involved with welfare. To make sure that these people were properly protected, the Commission had special rules for taking their evidence and protecting their identity and privacy.

SUBMISSIONS

The Commission was given more than **400 submissions** (which are views or ideas on the issues) from the public, service providers, non-government organisations, academics, health professionals, researchers, international experts and others.



2. WHAT THE COMMISSION FOUND

The findings and recommendations of the Commission are based on all the evidence we gathered, the stories we heard from people in communities, and also documents that were provided to us. Many of these were tested in court in the formal hearings.

This report contains many things that the Commissioners found wrong with the detention and welfare systems in the Northern Territory.

It also contains recommendations or suggestions by the Commission to the Northern Territory Government and Commonwealth Government on how to fix things.

Set out below is a broader overview of what the Commission found. The full list of findings and recommendations are contained in the final report.

In **detention**, the Commission has found that:

- youth detention centres were not fit for accommodating, let alone rehabilitating, children and young people
- children were subject to verbal abuse, physical control and humiliation, including being denied access to basic human needs such as water, food and the use of toilets
- children were dared or bribed to carry out degrading and humiliating acts, or to commit acts of violence on each other
- youth justice officers restrained children using force to their head and neck areas, ground stabilised children by throwing them forcefully onto the ground, and applied pressure or body weight to their 'window of safety', being their torso area, and
- isolation has continued to be used inappropriately, punitively and inconsistently with the *Youth Justice Act* (NT) which has caused suffering to many children and young people and, very likely in some cases, lasting psychological damage.

In **welfare**, the Commission has found that:

- the Northern Territory Government has failed to comply with the statutory requirements that all children in out of home care have timely care plans
- there is a major shortage of available foster and kinship care placements
- Territory Families and its predecessors failed to provide the support needed to some children in care to assist them to avoid pathways likely to lead into the youth justice system, and
- the Office of the Children's Commissioner is under-resourced to perform its full range of statutory functions in relation to the care and protection of vulnerable children in the Northern Territory.

To address the failed child protection, youth justice and detention systems, the Commission recommended a large number of reforms including:

1. Closing the current Don Dale Youth Detention Centre and High Security Unit.
2. Raising the age of criminal responsibility to 12 and only allowing children under 14 years to be detained for serious crimes.
3. Developing a 10 year Generational Strategy for Families and Children to address child protection and prevention of harm to children.
4. Establishing a network of Family Support Centres to provide place-based services to families across the Northern Territory.
5. A paradigm shift in youth justice to increase diversion and therapeutic approaches.
6. Developing a new model of bail and secure detention accommodation.
7. Increasing engagement with and involvement of Aboriginal Organisations in child protection, youth justice and detention



WHAT IS DIFFERENT ABOUT THE WAY THE COMMISSIONERS THINK ABOUT DETENTION AND CHILD PROTECTION?

The Commissioners think that the way government has been dealing with children in welfare and detention has not worked and the Northern Territory needs to do things very differently.

There needs to be big change in the NT that improves the situation for everyone, including children, families, young people in trouble and the communities that have been affected by crime.

One of the big changes that needs to happen is called "early intervention"

Early intervention is the idea that children and young people and their families need help and support before there are problems with family or with the law.

Help needs to happen very early to stop children ending up in trouble with the law or being taken away from their family and put into the welfare.

CARE AND PROTECTION

The Commission heard evidence from individuals and organisations that the child protection system in the Northern Territory often could not protect vulnerable or at risk children and families. We listened to many stories which told us of a system which harmed children when it should have protected them, ignored children and families when it should have helped and supported them. We heard that the whole welfare system needed big changes.

The welfare system did not have enough staff or resources to deal with the problems. The services did not work together or talk to each other to give children and families the support they needed to stay together and grow healthy and strong.

As well focusing on **early intervention** the Commission recommends that Government establish a network of at least 20 Family Support Centres across the Northern Territory to provide services, information and support where they are most needed.

DETENTION

Over 10 years, some children in detention were mistreated, verbally abused, humiliated, isolated or left alone for long periods of time. In some cases they may have been assaulted by staff. Staff ignored the rules, or did not know the rules and the broke the law. Senior people in Government knew about this and did nothing. There are young people that have been damaged because of their time in detention.

Locking kids up does not stop them breaking the law and does not make the community safer. Many kids that end up in detention suffer from trauma and other social and emotional issues. The current system does not help kids with special needs or problems to change their behaviour.

Juvenile detention centres are not supposed to be like adult prisons.

All the youth detention facilities the Commission looked at in the Northern Territory were not fit for purpose and should be closed.

Detention should be the last option for children who are in trouble with the law. Before locking kids, we should be making sure they can do programs and activities that help fix the underlying reasons for their behaviour.

In some circumstances, young people will need to be placed in a secure facility, but only if they are older than 14. In the future, these places should be made especially for young people, with a focus on healing and rehabilitation.



COMMUNITY ENGAGEMENT AND LOOKING FORWARD

These problems mostly affect Aboriginal people. To improve youth justice and welfare, Aboriginal people need to be involved in making decisions.

Governments have not successfully done this in the past. But both the Commonwealth and Northern Territory.

Governments have said that they need to talk more to Aboriginal people when they make decisions that affect them.

The changes the Commission has suggested will only happen if governments listen to Aboriginal people's ideas and include Aboriginal people in the decisions at every step of the way..



3. WHAT HAPPENS NOW?

The Commission has given its report to the Northern Territory and Commonwealth governments. That is the end of the Commission's job. The Commission cannot force government to follow its recommendations.

It is up to governments to decide if they will accept and implement the Commission's suggestions.

