

MEDIA RELEASE

ROYAL COMMISSION COMPROMISED FROM THE START

28 JULY 2016

Three Northern Territory Aboriginal peak organisations say they are bitterly disappointed that the Prime Minister has ignored their request to be consulted about the terms of reference for the Royal Commission into child protection and youth detention in the Northern Territory, and utterly reject his choice of former NT Chief Justice Brian Martin as the Royal Commissioner.

The organisations are the Northern and Central Land Councils and the Aboriginal Medical Services Alliance NT (AMSANT).

On Tuesday, a wider group (APO NT - Aboriginal Peak Organisations Northern Territory) wrote to Prime Minister Turnbull, seeking an opportunity to comment on the terms of reference and urged him to ensure that the Royal Commission be led by an “independent” expert and include Aboriginal representation from the NT. That wider group included two Aboriginal legal aid agencies, Central Australian Aboriginal Legal Aid Service (CAALAS) and North Australian Aboriginal Justice Agency (NAAJA) which are both unable to comment on today’s announcement of the Royal Commission appointment, because they will likely be representing parties before the Commission.

"Prime Minister Turnbull has comprehensively failed us," said AMSANT Chief Executive John Paterson on behalf of the three organisations.

"Yet again the Commonwealth Government has refused to consult with Aboriginal people, in spite of Mr Turnbull’s commitment, now hollow, to 'do things with Aboriginal people, not to us'.

"We are hurt and furious because, yet again, we have been ignored - this time on the most important matter of the safety of our children.

“We are also deeply disturbed that NT Chief Minister Adam Giles was party to developing the terms of reference and selecting the Royal Commissioner,” Mr Paterson said.

The Aboriginal organisations have challenged the statement by the Prime Minister and his Attorney General that the Royal Commission is independent of government.

“The appointment of Brian Martin does not satisfy any threshold of independence. On the facts and on perception, the appointment is unacceptable,” said AMSANT Deputy Chair Olga Havnen.

“Only a few weeks ago Brian Martin delivered to the NT Government a report about the establishment of a regime to investigate corruption, at the instigation of the now disgraced and former NT Corrections Minister, John Elferink. Mr Martin accepted that commission and was paid for it, so how can Mr Turnbull boast his independence from government?

“There are many other eminent former judges around the country who would qualify as truly independent, but the Prime Minister clearly did not canvas that field.

"This appointment is wrong for all manner of reasons, and Aboriginal people in the Territory will not have confidence in the appointment of Brian Martin. As Chief Justice, he sat at the apex of the NT's justice system. He presided over all judicial officers who sentenced young Aboriginal offenders to detention, and he knew them all; he himself sentenced juveniles to detention.

"Worse, although Mr Martin retired as NT Chief Justice in 2010, he was later that same year appointed as an additional judge of the Supreme Court of the Northern Territory and he continues to hold that appointment.

"Finally, we are further upset that the terms of reference are not cast widely enough to include the wider NT youth justice system, rather than a narrow focus on youth detention, and that they do not specify an examination of the huge over-representation of Aboriginal youth in detention.

"Not only does the Northern Territory justice system lock up more juveniles than any other jurisdiction, more than 90 per cent of those detainees are Aboriginal.

"Mr Turnbull has let us down badly," Ms Havnen said.

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