Part of a statement by John B. Lawrence SC published in on-line newspaper, The NT Independent, 01 November 2020

John B. Lawrence SC is a Darwin barrister and past president of the Northern Bar Association and of the Criminal Lawyers Association of the Northern Territory. He was a Crown prosecutor in Darwin and later solicitor in charge of the Northern Australian Aboriginal Legal Aid Service. He represented one of the Don Dale youth detainees during the Royal Commission.

NT GOVERNMENT IGNORES KEY RECOMMENDATIONS FROM ROYAL COMMISSION, AS LEGAL GROUPS ‘SAY LITTLE AND DO LESS’

In November 2017 the White/Gooda commission made 147 findings and 227 recommendations. To date, few of these have been implemented, and some have even been contradicted. The interim report recommended the immediate closure of Don Dale and the construction of a purpose-built juvenile facility, not anywhere near the adult jail. The NT Government ignored this. The children are still in the old Berrimah jail, and the new facility is slated to be built beside the adult Superjail.

The commissioners even failed to establish a mechanism to monitor the implementation of their recommendations, even though such mechanisms have often been established in relation to other Royal Commissions.

Meanwhile, Aboriginal children have continued to be detained in the ‘new’ Don Dale, which is the old, condemned, adult Berrimah Prison. Aboriginal children have now been locked up there since 2014. Aboriginal children have been detained in a condemned adult men’s jail for six years, and no one in the system is saying that that’s wrong.

This includes NAAJA, CLANT and the NTBA, who are now embedded in this status quo and have become its functionaries. They say little and do less. The only people in the Territory who mount any opposition are the children themselves, who, confirming Martin Luther King’s words that ‘a riot is the language of the unheard’, regularly attempt protests and breakouts, and in one instance in November 2018 burned down the education section of the prison.

Little prospect for change as NT legal system deteriorates

US Civil Rights heroine Fannie Lou Hamer said back in 1964, ‘I’m sick and tired of being sick and tired’, and Pat Anderson echoed these sentiments in her evidence to the Royal Commission. The mistreatment of Aboriginal children that the Royal Commission exposed was bad enough. That no action was taken against those responsible and that the inquiry’s recommendations have been ignored gives you a real insight into the Northern Territory and Australia in 2020. Welcome to the Aboriginal Gulag. This status quo is maintained with little prospect of change. The national outrage and shock following the Four Corners exposé have given way to the cult of forgetfulness. The day after Four Corners screened, Aboriginal journalist Stan Grant, describing his reaction, wrote in The Guardian, ‘Things once seen cannot be unseen’. However, once again, Australians have unseen.

Pat Anderson, Aboriginal activist of 30 years’ experience, and not a journalist, was spot on. All of this deterioration has occurred within a period of general moral decline. This failure sits within a jarring epoch in which we are losing our basic humanity. We now live officially in the post-truth age. The only positive word in the proffered analysis is ‘unsustainable’: this broken, failed system is bound to fall over before any effective improvements are made to it. Simmering and about to occur are further deaths in custody, further police tragedies like the Yuendumu shooting and further attempts by children to break out of detention.

We are at a critical moment. Climate change, COVID-19, economic collapse and more mean that this period of history has become an interregnum between the old and whatever is to come next. There exists a common thread between the Belarus protest movement, Yuendumu, the Hong Kong protest movement, Extinction Rebellion, Don Dale and more.

It’s time the lawyers and others within the Territory’s criminal legal system broke out of their day-to-day sense of normal. As the Black Lives Matter slogan says, ‘Doing Nothing Time Is Over’.